

**Derry City and Strabane District Council Planning Committee Report**

**COMMITTEE DATE:** 25<sup>th</sup> March 2019

**APPLICATION NO:** LA11/2018/0828/F

**DATE OF APPLICATION:** 29.08.2018

**APPLICATION TYPE:** Full

**PROPOSAL:** Change of use from a house of multiple occupation to five self contained one bedroom apartments

**LOCATION:** 88 Beechwood Avenue, Derry, BT48 9LS

**APPLICANT:** Derek Mc Glinchey

**AGENT:** John Bradley

**ADVERTISEMENT:** 18.09.2018

**STATUTORY EXPIRY:** 03.10.2018

**RECOMMENDATION:** Approve

**REASON FOR PRESENTATION TO COMMITTEE:** This application is for five residential units.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

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## **1. Description of Proposed Development**

This application is for the change of use from a house of multiple occupation to five self contained one bedroom apartments.

## **2. EIA Determination**

This application has been screened by Council and as the development does not meet any thresholds, as set down in The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, an EIA determination is not required.

### **3. HRA**

Assessment under the Habitats Regulations is not required as there is no watercourse directly abutting this site. This application does not propose any additions to the existing building. Therefore, it is unlikely that there will any adverse effects on integrity of any National or European site. There are no trees or landscape features on this site which will be impacted by this proposal. This proposal is for a change of use. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

### **4. Site and Surrounding Area**

The site is an end-terrace building located at the corner of Beechwood Avenue and Marlborough Road. It is currently derelict and finished in a mix of dash and painted render. Windows and doors appear to be timber, mahogany colour. There is a small front garden area to the footpath and a small rear yard.

The site is located within Derry City and therefore within the development limit as defined by the Derry Area Plan 2011 (DAP 2011). This is a mixed use area. There are some local convenience stores and retail premises alongside residential dwellings. There are no other HMO dwellings or apartments approved along this section of this street. The site is outside the Central Area.

Figure 1 – Site Location Plan & Photos of the Site



Front View of Application Site from Beechwood Avenue



*Front Side and Rear Views of Application Site from Marlborough Road*



**5. Site Constraints**

- Loughs Agency Consultation Zone
- Reservoir Flood Zone

## 6. Neighbour Notification

Neighbour Address	Date Neighbour Notified
105 Marlborough Road Londonderry Londonderry BT48 9BH	07/09/2018
25 Beechwood Avenue Londonderry Londonderry BT48 9LS	07/09/2018
86 Beechwood Avenue Londonderry Londonderry BT48 9LR	07/09/2018
90 Beechwood Avenue Londonderry Londonderry BT48 9LS	07/09/2018

## 7. Relevant Site History

LA11/2015/0157/F - Conversion of existing large family dwelling to 9 person, 6 Bed HMO for student accommodation (change of use). Permission Granted: 14.12.2015

## 8. Policy Framework

- Regional Development Strategy (RDS) 2035
- Derry Area Plan (DAP) 2011
  - Policy BE1 Urban Design
  - Policy ENV 7 Retention of Trees and Hedges and Landscape Features
  - Policy ENV 8 The Water Environment
  - Policy TR 5 Car Parking Provision in New Developments
- Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

- Planning Policy Statement (PPS) 7 Quality Residential Environments: Policy QD 1 Quality in New Residential Development
- Planning Policy Statement 7 Addendum (aPPS) Safeguarding the Character of Established Residential Areas: Policy LC 2 The Conversion or Change of Use of Existing Buildings to Flats or Apartments
- Planning Policy Statement (PPS) 3: Policy AMP 7 Car Parking and Servicing Arrangements
- Planning Policy Statement (PPS) 15: Policy FLD 5 Development in Proximity to Reservoirs

## 9. Consultee Responses

- *NI Water*: This consultee has no objection subject to standard conditions and informatives regarding water supply, sewage disposal and drainage.
- *DFI Roads*: DFI Roads advise that the proposal would require 6 car park spaces and that there is no in-curtilage parking available. They have also considered a parking survey submitted by the applicant and stated that they have no further comments to add. They have provided conditions and informatives should planning be satisfied that car parking provision is not required.
- *Environmental Health Department (EHD)*: EHD have been consulted due to the potential impacts on residential amenity. They have no concerns and have provided standard advice in terms of dwelling layout and noise insulating materials.

## 10. Representations

There has been one letter of objection received in respect of this proposal. The issues raised are summarised below:

- Noise levels.
- Fire precautions.
- Car parking - it is limited in this area and could have an adverse traffic impact/cause road safety problems.
- The impact of the proposal on the established character of the neighbourhood as there are other houses of multiple occupancy on this street.

### **11. Consideration of Letter of Objection**

As detailed previously EHD have provided advice in terms of building materials which the applicant/developer will be advised to use in construction works. Given the nature of the development which is for a residential end use, it is envisaged that there will be no additional impact in terms of noise and disturbance that what would exist if this property were to be used as a single dwelling or HMO. The applicant/developer will also be regulated by Building Control in terms of fire precautions. The objector was advised of this on 28<sup>th</sup> February 2019 and advised of the amended plans which detail the dormer window. As detailed in the report below, it is considered that this proposal will not result in an unacceptable impact on current parking arrangements and will not adversely affect the character of this area. There are only two approved Planning Applications for flats/apartment development along Beechwood Avenue. In terms of HMO's there are no applications existing or proposed at this section of Beechwood Avenue. No. 12 Beechwood Avenue has approval for a HMO.

### **12. Planning Assessment of Policy & Other Material Considerations**

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

This proposal falls within Class C1: Dwelling houses of the Planning Use Classes Order 2015. This site is outside the Central Area and Designated Flat Zone, therefore in consideration of the proposed apartments, **Policy H6 of the DAP and Policy LC 2 of aPPS 7** provides the primary policy consideration.

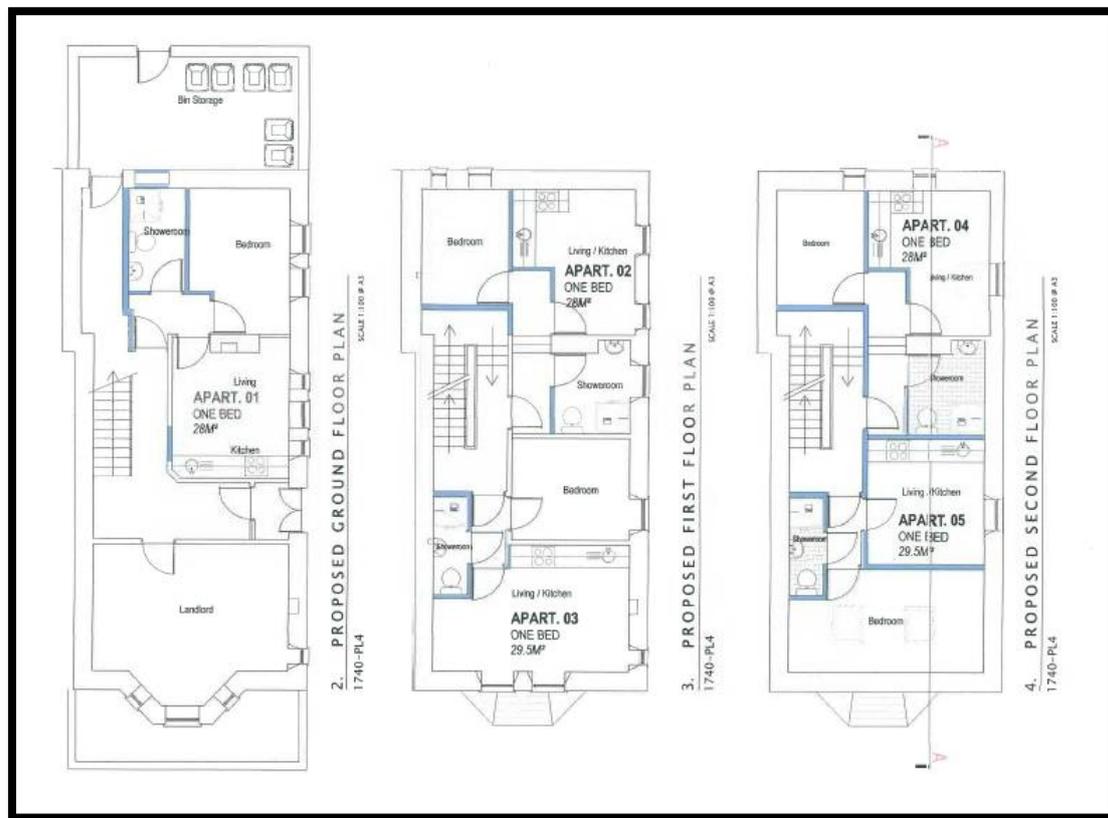
Policy H6 Conversions Outside the Designated Flats Zones, states that flat conversions will not normally be permitted outside the defined flat zones except where it meets the specified exceptions. In terms of the exceptions tests which are outlined in Policy H6, an exemption is permitted where it is considered that there is an exceptional local need for flat accommodation. The agent has provided supporting information in which states that there is a need for flat accommodation in this area. He has provided a section of the NIHE Commissioning Prospectus which shows projected need for housing stock between 2017-2022. This is included in the attached Appendix. He states that it shows a general need for 2160 units in the Westbank of Derry and 1016 units in the Derry1 area where this site falls

within (page63) and that Page 62 also states that demand for accommodation continues to outstrip demand across this district. While the last 4 pages shows a series of graphical representations informing the housing need, he states that you can clearly see applicants on waiting lists for accommodation far out-number allocations and that one bed NIHE stock is very low compared to other unit type which indicates there is still a lack of affordable small units for social / rental market which our proposed units will be aimed. Officers have reviewed this report and agree with the agent's summary. Therefore, it has been demonstrated that there is an exceptional need for housing in this area. The report also points out that there is a need for smaller households.

Primarily part (c) of Policy LC 2 of PPS 7 states that in terms of floor space the original property must be greater than 150 square metres gross internal floor-space to ensure that it is suitable for conversion. However an exception is permitted where the site is within the city/town centre, along key and link transport corridors/adjacent to main public transportation nodes. This building has a floor space of approximately 185 square meters measured internally and therefore meets the required threshold and is therefore the property is considered suitable for conversion.

In consideration of parts (d) and (e) of Policy LC 2 the occupants of the proposed flats are self-contained and will have their own bathrooms and a kitchen\living area. This can be seen in Figure 2 below.

Figure 2 – Proposed Floor Plans



They are therefore self-contained for use only by the occupiers. Whilst some of the apartments are located to what is the rear of the property, given that this building has a dual frontage and through the addition of a new window on the Marlborough Road elevation, it is considered that these apartments are spread across the front and rear of the property and have a shared rear access to the communal outdoor area/rear yard where the bins are stored also. Therefore, the proposal is compliant in this respect.

Parts (a) and (b) of LC1 are considered below as these intersect with Policy QD1.

Though PPS 7 Addendum is not strictly applicable in terms of space standards to this proposal, it is considered that the standards are relevant in assessing whether the future occupants are provided with a suitable living environment. The floor space provided by these apartments ranges from approximately 28 square metres to approximately 30 square metres. Whilst slightly below the applicable space standard (30-35 square metres) as outlined in Annex A of PPS 7 Addendum, this is considered a suitable living environment.

Having established the principle of this development, **Policy QD 1 of PPS 7** is applied. Under Policy QD 1, all proposals for residential development are expected to conform to all of the criteria outlined, i.e. (a) to (i).

- (a) In terms of character, the application site is located along a street with a mix of residential and commercial properties. The majority of dwellings remain in single family occupation. Therefore it is considered that whilst this building will be re-used the remainder will remain as is. This loss of one single family occupancy dwelling is therefore minimal in relation to this street. There are no external changes proposed other than an additional window on the elevation to Marlborough Road. This is a dormer style window and is to provide a more suitable living environment with an outward aspect onto the public street. It is considered that the addition of this window would not adversely affect this area in terms of character. Access to the apartments is provided to the apartments from a shared front door and to the rear from a laneway into the rear yard. Therefore, it can be concluded that the proposal will be appropriate to the character of this area both in terms of its residential end use and appearance. Therefore, the proposal will comply with part (a) of Policy QD1 and part (a) of Policy LC 2 of PPS 7.

Figure 3 – Proposed Elevations



- (b) There are no archaeological sites/monuments nearby which would be adversely affected by this proposal.
- (c) This proposal is to provide five apartments, and given the minor nature of this proposal there is no requirement to provide public or private open space.
- (d) Local neighbourhood facilities are not required due to the scale of this scheme, however the site is located along a street which has local shops and services. It is also within close proximity of the Central Area and less than 1km from the City Centre. There is the provision of a pedestrian footpath.
- (e) A movement pattern has been established along these streets for both pedestrian and vehicular access.
- (f) Given the nature of the proposal no in-curtilage parking is provided. DFI Roads have considered the impact of this proposal on the safety and convenience of pedestrians, road users and parking provision and have stated that under current parking guidelines the proposal would require 6 parking spaces. As such the applicant was requested to complete a parking survey. The car parking survey provided demonstrates that there is approximately 48% of parking spaces free during the survey times.

Previously, the HMO approved allowed for 6 bedrooms. This was also considered by DFI Roads and no objections were raised. Under the parking guidelines, if parking was allocated to this HMO should it of been a new build development, the number of rooms would indicate that 6.5 parking spaces. This proposal, assessed under the same guidelines would require 6.25 spaces based on the number of apartments. This proposal will see a reduction in the number of future residents as there are five one bed apartments provided as opposed to 6 rooms as previously approved. Nevertheless, this dwelling was previously a seven bedroom property. Therefore there is no increase in the number of rooms proposed as what currently exists should the building be retained as a residential dwelling.

Therefore, it was felt that approval of the HMO would not result in any additional parking requirement which would exist if the property were to remain in use as a single dwelling. Therefore, whilst DFI Roads have re-iterated their previous response following consideration of the Parking Survey provided by the agent, given the above site history and consideration of the situation where this house could be improved and seven adults reside in it, Council have not requested that this parking is provided for this proposal.

DCAN 8 also sets out tests (paragraph 3.37) to assess the acceptability of a reduced level of car parking. It is considered that this site meets these tests given that it enjoys a high level of pedestrian accessibility to local facilities and the public transport network and it is within 1km

of the City Centre and it is considered that in proposals of this nature car ownership among future residents is likely to be below average. As such this would intimate that there is less need for the occupants of these flats to own a car and therefore there would be a reduced need for parking at this property. However, if parking is required on-street parking is available on this street, the adjacent streets nearby and in public car parks.

Policy TR 5 of the DAP states that this site is located within Zone C. Whilst this would normally promote the use of off street parking as part of the development scheme, given the history of the site and the DCAN 8 consideration reduced parking at this location would be a satisfactory consideration.

Therefore having considered the above, it is concluded that the proposal complies with Policy AMP 7 of PPS 3 and Policy QD 1 of PPS 7 and Policy LC 2 of PPS 7 Addendum.

- (g) As detailed previously, the application site is located at the end of a terraced row. There is a mix of building designs and types in this area. There are no major external alterations proposed other than to create a new window opening and the building will be appropriately repaired and finished.
- (h) It is considered that the design and layout will not conflict with adjacent land uses. The first floor windows will overlook the public street and private yard to the rear. There will be no loss of light and overshadowing other than what exists at present given that no extensions are proposed. Therefore, there will be no adverse impact on the adjoining properties in terms of their amenity. The amenity of the future residents is also considered. EHD have provided advice in terms of building materials to control any potential noise issues. The applicant/developer will be advised of this. They have also included standard advice regarding best practice methods during construction to ensure the amenity of the nearby properties is protected. Therefore, it is considered that subject to mitigating measures there will be no unacceptable adverse impact on the existing nearby residents or future residents of this property to an unacceptable level. Therefore, the proposal complies also with the SPPS and part (a) of Policy LC 2 in this respect.
- (i) The proposed units overlook the public streets below and therefore provide supervision of this area.

This site lies within the Reservoir Flood Inundation Zone. This proposal is for a change of use where only alterations are proposed internally. Therefore, a Flood Risk Assessment is not required as this is considered to be minor development as per PPS 15. The proposal therefore complies with **Policy FLD 5** in this respect.

The site is not located adjacent to or nearby any watercourses and no ground works are proposed. This application is for a retention of change of use. Therefore, there will be no adverse impact the water environment. There are no significant trees/hedgerows or landscape features on this site there which could be impacted by this proposal. Therefore the proposal complies with **Policies ENV 7 and ENV 8 of the DAP** in this respect.

It can be concluded that in terms of design, character of the area, amenity and the living environment provided, the proposal complies with Policy BE 1 of the DAP, and Policy QD 1 of PPS 7, Policy LC 1 of PPS 7 and the SPPS. The proposal also complies with Policy QD 1 of PPS 7 and Policy Amp 7 of PPS 3 in terms of car parking provision. The proposal will not adversely affect the water environment or any trees or landscape features and therefore complies with Policies ENV 7 and ENV 8 of the DAP.

### **13. Conclusion**

Overall, having considered the above it can be concluded that on balance this proposal meets the applicable policy requirements. This proposal will see the re-use of a vacant building and provide necessary residential accommodation thus improving the vitality and appearance of this area. Approval is therefore recommended subject to the conditions set out in Section 14 below.

### **14. Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

2. Subject to the above conditions, the development shall be carried out in accordance with the stamped approved drawings No. 01, 02, 03, 04 Rev01, 05 Rev01 and 07 which were received on 27<sup>th</sup> April 2018, 29<sup>th</sup> August 2018 and 28<sup>th</sup> February 2019.

Reason: To ensure the development is carried out in accordance with the approved plans.