

## Development Management Officer Report Committee Application

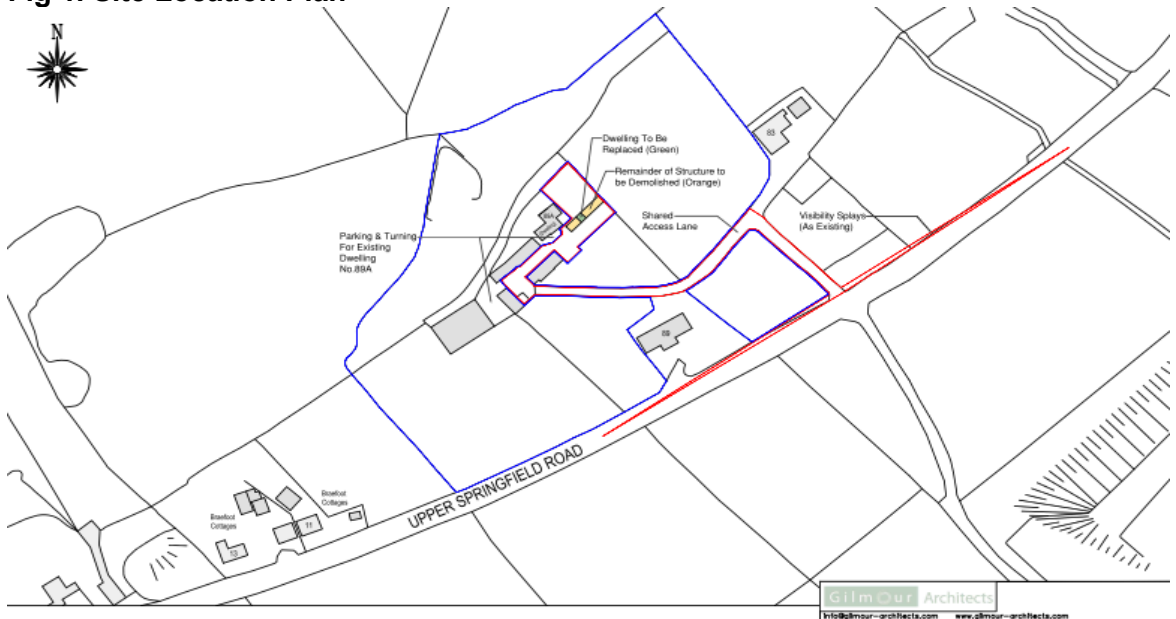
<b>Summary</b>	
<b>Application ID:</b> LA04/2023/3936/O	<b>Committee Meeting Date:</b> 14 <sup>th</sup> May 2024
<b>Proposal:</b> Proposed replacement dwelling and all associated site works	<b>Location:</b> 89a Upper Springfield Road, Hannahstown, Belfast, BT17 0LU
<b>Referral Route:</b> Member call-in, in accordance with Section 3.8.1 of the Scheme of Delegation	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> Michael McCormick 89A Upper Springfield Road Belfast BT17 0LU	<b>Agent Name and Address:</b> Robbie Gilmour Suite 9 Avonmore House 15 Church Square Banbridge BT63 6LY
<p><b>Executive Summary:</b></p> <p>This application seeks Outline planning permission for a proposed replacement dwelling and all associated site works.</p> <p>The application has been called in to Committee following a request from Cllr McLaughlin, after consideration and agreement by the Director of Planning and Building Control.</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of Development - Does the proposal meet policy requirements for new / replacement dwellings within the countryside.</li> </ul> <p>Having regard to the development plan the Plan Strategy 2035 and other material considerations, the proposal is unacceptable. It is recommended that planning permission is refused.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>	

# Officer Report

1.0

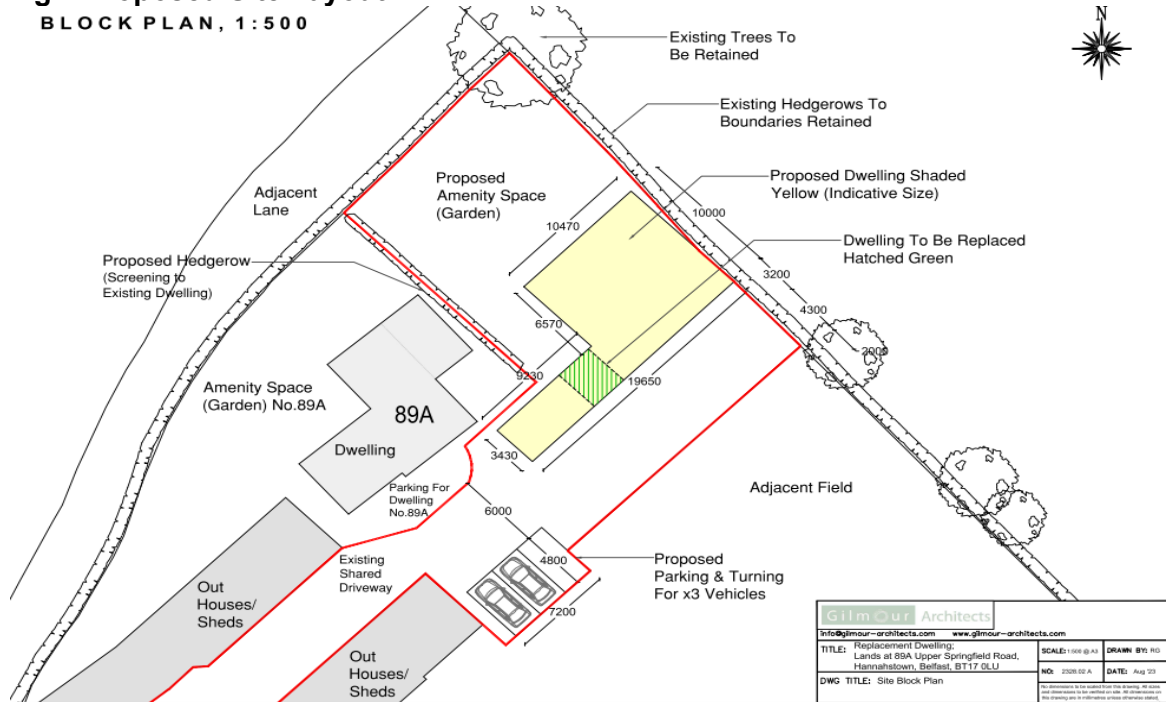
## Drawings

**Fig 1. Site Location Plan**



**Fig.2 Proposed Site Layout**

BLOCK PLAN, 1:500



2.0

## Characteristics of the Site and Area

2.1

The site is located circa 30m back from the Upper Springfield Road, within a rural setting on Black Mountain. The proposed building to be replaced is located within part of an existing farm holding with outbuildings and a dwelling. The setting of the buildings has a linear appearance running from entrance laneway to site boundary (orientated from SW to NE). The building to be replaced was designed to service different farm requirements and is therefore divided into several different parts, a garage, accessed from the yard, a small room that it is claimed to have been living space for a farm labour and the

	remainder currently being used for storage. The site offers extensive views over the city from its elevated position.
<b>3.0</b>	<b>Description of Proposal</b>
3.1	This application seeks outline planning permission for a proposed replacement dwelling and all associated site works.
<b>4.0</b>	<b>Planning Policy and Other Material Considerations</b>
4.1	<b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035
4.2	<b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	<b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	<b>Relevant Planning History</b> Z/1977/0983 - 89 Upper Springfield Road - Erection of replacement farm dwelling - Permission Granted, No decision date  Z/1980/0634 - 89 Upper Springfield Road - Extension to dwelling - no decision recorded.  Z/1995/2317 - 89A Upper Springfield Road - Two storey extension to dwelling - Permission Granted 27th June 1995
<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<b>Statutory Consultations</b> <ul style="list-style-type: none"> <li>• DfI Roads – Content subject to conditions</li> <li>• NI Water – Content</li> </ul>
5.2	<b>Non-Statutory Consultations</b> <ul style="list-style-type: none"> <li>• BCC Environmental Health – Content subject to informatives</li> </ul>
5.3	<b>Representations</b> The application has been advertised and neighbours notified. The Council has received no third-party representations.
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
6.1	<b>Development Plan Context</b> Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will

	comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<p><b>Relevant Planning Policies</b></p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Countryside Development Policies</i></p> <p>Policy DC1 – General policy principles</p> <p>Policy DC2 – housing in the countryside</p> <p>Policy DC3 – replacement dwellings</p> <p>Policy LC1B – Areas of High Scenic Value</p> <p>Policy LC3 – Belfast Hills</p> <p><i>Transport</i></p> <p>Policy TRAN6 – Access to public roads</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i></p> <p>Policy ENV1 – Environmental Quality</p> <p>Policy ENV2 – Mitigating Environmental Change</p> <p>Policy ENV3 – Adapting to Environmental Change</p> <p>Policy ENV5 – Sustainable Drainage Systems (SuDS)</p> <p><b>Key Issues</b></p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>Principle of development – Given the proposal is for outline approval, all matters relating to design, siting and climate change are reserved. The main issue to be resolved at outline stage is the principle of the development regarding acceptability of proposed development within the rural area.</li> </ul>
6.7	The site is located outside of the existing settlement limit (BUAP and dBMAP). It is located within an area of High Scenic Value (dBMAP). There are no other zonings or designations affecting the site. Adjacent lands are designated as a site of Local Nature Conservation Importance.
6.8	<p><b><u>Housing in the Countryside</u></b></p> <p>Policy DC2 states that the Council will assess development proposals for houses within the countryside in accordance with the general principles set out in policy DC1. There will be a general presumption against new housing within the countryside unless the proposal accords with the exceptions set out in other countryside related policies. It is considered</p>

	that the proposal fails to satisfy Policy DC3 in relation to replacement dwellings.
6.9	<p><b><u>Replacement Dwellings</u></b></p> <p>Policy DC3, relating to replacement dwellings, states that planning permission will only be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling house. A justification of locational need for the applicant shall be provided where the house to be replaced is no longer in residential use. The policy also states that buildings designed and used for agricultural purposes such as sheds or stores will not be eligible for replacement.</p>
6.10	It is considered that the existing building was designed and erected for agricultural purposes notwithstanding the small element that is stated to have been used for domestic purposes. The fact that someone, for whatever reason, lived within a section of an agricultural building does not itself makes the building, in its entirety, a domestic dwelling house.
6.11	The policy clearly states that the building to be replaced should exhibit the essential characteristics of a dwelling. It is clear from the evidence, supplied by the applicant, that the building operated, in the main, as an agricultural outbuilding, comprising garage, hen house and slaughter/preparation house. The total floor area for the building is approximately 68sq/m, with the 'living space' amounting to approximately 6.8sq/m, which equates to 10% of the total floor space. Officers are of the opinion that 10% of the building being used as a form of accommodation does not result in the building exhibiting the essential characteristics of a dwelling.
6.12	The applicant has claimed that the construction materials of the building, which includes natural slate roofing, a render finished, fireplace and chimney and electricity demonstrate that the building was at least partly used for residential purposes. Officers in response would state that the building in question exhibits the same / similar construction style as other outbuildings on site, rendered walls and natural slate roofing. This indicates that these materials were considered appropriate for outbuildings without any consideration of domestic use.
6.13	It is considered that the electricity supply, in all probability, was installed for the convenient use of the outbuilding and not solely relating to domestic use of a small element of the outbuilding.
6.14	The chimney and domestic fireplace together with the signed affidavit would appear to confirm that a small section of the building was occupied as a living space. The building lacks any basic amenities / facilities that would generally have been the norm for the stated period from the 1950s to 1980s. The Plan Strategy Statement indicates that the occupant used a separate outhouse for toilet facilities, however there is no further corroborating evidence. It is noted that two versions of the Plan Strategy Statement were submitted, a superseded version indicating that the occupant relied on the main farmhouse for meals, whilst the amended version stated the occupant cooked his own meals in the 'dwelling'. Furthermore, it is considered that traditionally, older dwellings would have had at least two rooms separated into sleeping and living quarters. Whilst the evidence appears to indicate that an individual may have used the room for sleeping, this does not make the outbuilding a dwelling house.
6.15	Officers would contend that a 10% occupation of the building does not represent a dwelling as set out in the policy which requires the building to be replaced to exhibit the essential characteristics of a dwelling, the building in question exhibits the characteristics of an agricultural building, similar to others within the agricultural holding. It is concluded that the building was originally designed and used for agricultural purposes and it does not exhibit

	the essential characteristics of a dwelling.
6.16	As the building is no longer in residential use, a justification of locational need (JLN) was submitted in accordance with Policy DC3. The JLN indicates that the applicant is likely to take on the management of the farm holding in the long term, as his uncle moves towards retirement age. The JLN also states that the applicant and his wider family will benefit in terms of providing care / assistance for elderly relatives and childcare.
6.17	<p><b><u>All Countryside Development – General policy principles</u></b></p> <p>Policy DC1 relating to general principles for countryside development states for development within the countryside, proposals should be supported by a justification of rural locational need and site-specific need and demonstrate that there is no significant detrimental impact on rural amenity and environmental quality. Furthermore, all development must ensure there is no loss or erosion of the rural character of the area. Matters relating to design will be reserved in the event of approval, however it is considered that a dwelling could potentially be sensitively sited so as not to impact detrimentally on rural amenity, character or environmental quality.</p>
6.18	<p><b><u>Belfast Hills / Area of High Scenic Value (AHSV)</u></b></p> <p>In the event of approval, it is considered that a dwelling could potentially be designed to ensure protection of the Belfast Hills and associated AHSV.</p>
6.19	<p><b><u>Climate change</u></b></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development should seek to avoid demolition and consider how the existing building could be reused. New development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation. Similarly, ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development.</p>
6.20	<p>The applicant has submitted a Climate Change Statement indicating that the building has a low thermal efficiency it is therefore proposed that the proposed dwelling is design to comply with both ENV2 and ENV3:</p> <ul style="list-style-type: none"> <li>• The building is designed to be orientated to optimise solar gain and energy efficiency,</li> <li>• Improved fabric standards and reuse existing materials saved from the demolition of the existing building.</li> </ul>
6.21	<p>Regarding ENV5 sustainable drainage it is proposed that:</p> <ul style="list-style-type: none"> <li>• A soakaway will be installed and</li> <li>• Permeable paving will be used.</li> </ul>
6.23	The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. Measures to achieve the required standards to meet policy can be conditioned for any future reserve matters application.

6.24	<p><b>Access, movement, and parking</b></p> <p>With regard to the proposed access, DfI Roads were consulted and advised they are satisfied that the existing means of access to the development would be safe. It is also considered that adequate parking is obtainable within the site. The proposal is considered in accordance with Policies TRAN 6 and 8.</p>
<b>7.0</b>	<b>Recommendation</b>
7.1	<p>Having regard to the local development plan and other material considerations, the proposal is considered to be unacceptable as it is contrary to policies DC2 (Housing in the Countryside) and DC3 (Replacement Dwellings). It is therefore recommended that planning permission is refused.</p>
7.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of refusal reasons.</p>
<p><b>Refusal Reasons:</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy DC2 of the Belfast Local Development Plan: Plan Strategy 2035 in that there is a presumption against new housing in the countryside and the proposal does not constitute an exception.</li> <li>2. The proposal is contrary to Policy DC3 of the Belfast Local Development Plan: Plan Strategy 2035 in that the building to be replaced does not exhibit the essential characteristics of a dwelling and the building was designed and used for agricultural purposes rather than domestic purposes.</li> </ol>	

<b>ANNEX</b>	
<b>Date Valid</b>	07/09/2023
<b>Date First Advertised</b>	29/09/2023
<b>Date Last Advertised</b>	
<p><b>Neighbours</b>  <b>Notifications issued 21/09/2023</b>  89 Upper Springfield Road, Ballymoney, Belfast BT17 0LU  83 Upper Springfield Road, Ballymoney, Belfast BT17 0LU</p>	