

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/1819/F	<b>Date of Committee:</b> 27 <sup>th</sup> June 2022
<b>Proposal:</b> Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear. (AMENDED PLANS AND ADDITIONAL INFORMATION)	<b>Location:</b> 28 Malone Park Belfast BT9 6NJ
<b>Referral Route:</b> Demolition of dwelling in the Conservation Area	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Lewis Creighton 20 Malone Park Belfast BT9 6NL	<b>Agent Name and Address:</b> Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
<b>Executive Summary:</b> This application seeks full planning permission for the demolition of the existing dwelling and the erection of a 3 storey with basement detached dwelling with garage and landscaping to the front and rear. An accompanying application for Conservation Area Consent (LA04/2019/1820/DCA) is also being considered.  The main issues to be considered are: <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the character and appearance of the Malone Park Conservation Area</li> <li>• Setting of Listed Building</li> <li>• Trees and Landscaping</li> <li>• Impact on residential amenity</li> <li>• Access, Movement and Parking</li> <li>• Impact on Protected Species</li> </ul> <p>In the BUAP, Draft BMAP v2004 and v2014, the site is un-zoned “white land” within the development limits of Belfast. The site is located within Malone Park Conservation Area. There is a previous appeal decision for a replacement dwelling under references 2016/A0016 &amp; 2016/A0017 which is material consideration. A copy of this appeal decision is provided at <b>Appendix 1</b>.</p> <p>9 letters of objection have been received to date including 3 representations on behalf of Malone Park Residents Association. The objections are summarised as follows:</p> <ul style="list-style-type: none"> <li>• Clear policy presumption in favour of retention, no evidence provided as to why this is an exception and that the existing dwelling should be demolished;</li> <li>• Historical significance of existing dwelling;</li> <li>• Objection to intensification, design, scale, height, massing and plot coverage of the proposed dwelling;</li> <li>• Proposal contrary to PPS6, PPS7, SPPS and Malone Park Design Guide;</li> <li>• Proposal does not preserve or enhance the Conservation Area;</li> <li>• Adverse impact upon setting of listed building;</li> <li>• Destabilisation / damage to adjoining properties from excavation and construction;</li> </ul>	

- Significant damage to important trees and landscape features;
- Loss of privacy, light, overshadowing, dominating impact on neighbouring properties;
- Impact on active badger sett;
- Geology / flooding.

These matters are addressed in detail in the main body of the report below.

DFI Roads, DFC HED, NI Water, DAERA, BCC Environmental Health, BCC Trees and BCC Landscaping Section were all consulted and offer no objection to the proposal. The Council's Conservation Officer has objected on the basis that the existing building makes a material contribution to the Conservation Area and its demolition is therefore unacceptable and the proposed replacement scheme is inappropriate by way of its form, design, massing and building coverage. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area and the quality of the replacement scheme given its status as an independent appeals tribunal.

The principal consideration in the assessment of this application is the effect of the proposed replacement dwelling on the character and appearance of the Malone Park Conservation Area. The appeal against the earlier application was dismissed on the basis that the previous proposal would harm the character and appearance of the Conservation Area.

In the case of the new application, the footprint of the proposed replacement dwelling has been reduced, there is greater distance to the boundaries and a new landscaping plan has been provided which shows retention of existing tree coverage, particularly the trees along the boundary with No. 30 Malone Park next door. It is considered that landscaping would remain dominant having regard to the Malone Park and Adelaide Park Conservation Guide.

The existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. The character and appearance of the Malone Park Conservation Area would be enhanced. Officers consider that the grounds for dismissal of the previous appeal have been addressed and that the proposal complies with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act. The proposal is considered acceptable in all other respects.

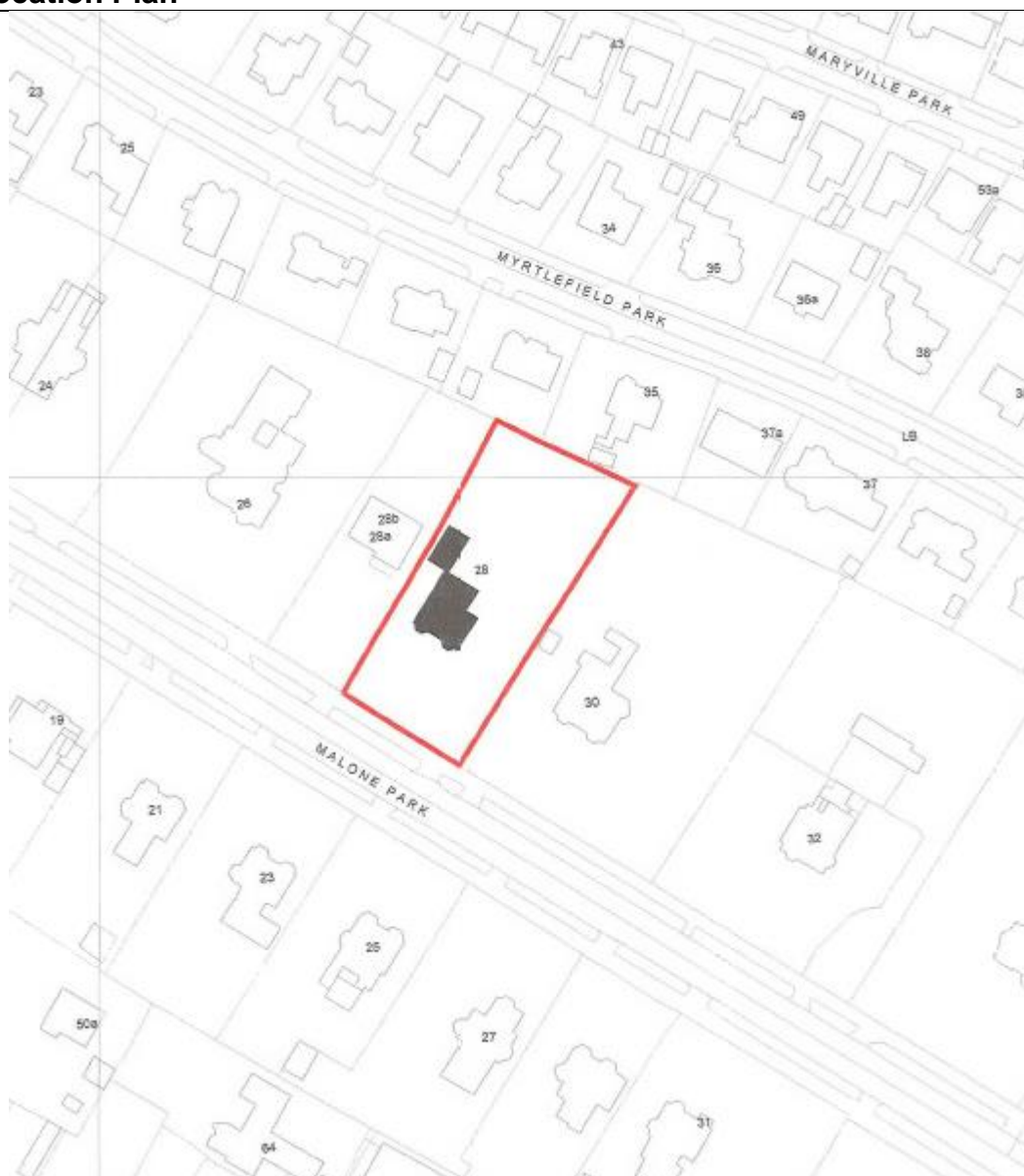
Having regard to the Development Plan and other material considerations, including third party representations and the previous appeal decision, the proposal is considered acceptable. Approval is recommended for the reasons set out in detail in the main report.

### **Recommendation**

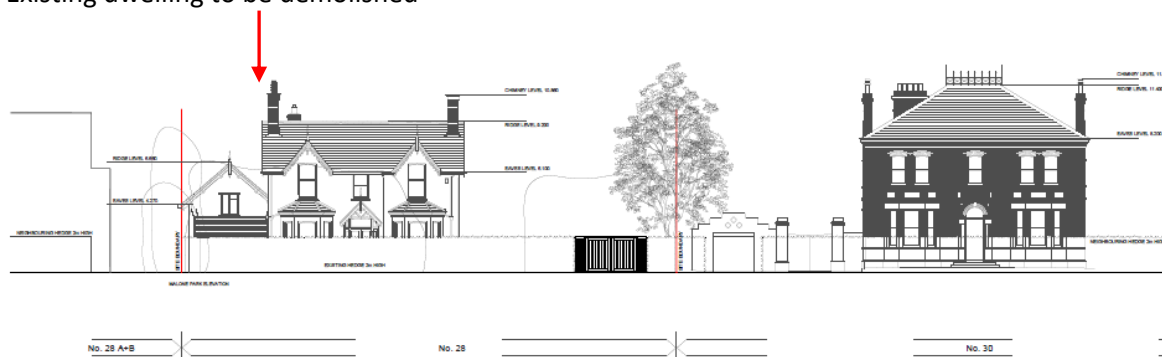
Subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

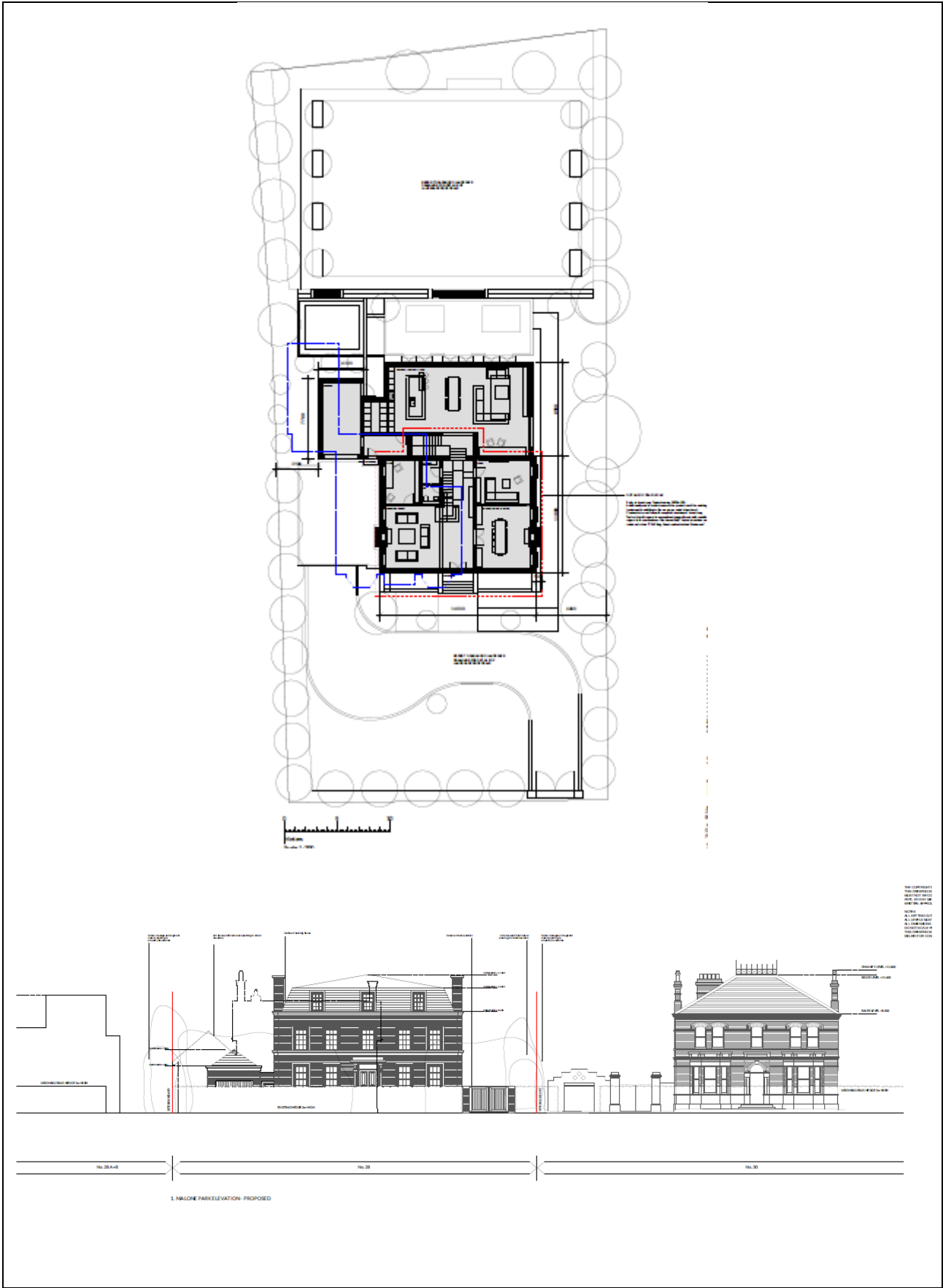
## Case Officer Report

## Site Location Plan



Existing dwelling to be demolished







<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This application seeks full permission for the demolition of the existing dwelling and the erection of a 3 storey (with basement) detached dwelling with garage and landscaping to the front and rear. There is a related application for demolition consent application under reference LA04/2019/1820/DCA.</p> <p>The proposal has been amended over the course of the application, which includes the following main changes:</p> <ul style="list-style-type: none"> <li>• Reduced building footprint from 356sq m to 334.5 sqm;</li> <li>• Increased separation distances to side boundaries.</li> </ul> <p>These amendments have been subject to re-neighbour notification</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The site is located within the Malone Park Conservation Area and is currently in a dilapidated and overgrown state, with the front boundary boarded up and locked. The existing dwelling (originally faced in brick) is a three-bay, one and a half storey dwelling faced in roughcast render (on smooth render plinth) with pitched slated roof. Two canted bay windows to the ground floor, with hipped roofs sit symmetrically around a gabled porch. The porch gable features decorative barges and finials, complementing those to the attic gables over first floor windows. Vertical emphasis, window openings retain timber sliding sashes. Decorative barges also occur to side gables. Moulded chimneys are expressed to the ridge. To the west, at the rear, is a gabled summerhouse whose interwar era may be reflected by the veranda. Picture windows have been inserted into the western gable, and the northern elevation to which has been added a two storey, flat roofed extension. To the rear of the property are the remains of a former tennis court.</p> <p>Malone Park is a significant tree lined avenue located between the Lisburn Road and Malone Road. It contains large individually designed residential properties, set well back from the road, within mature gardens, of significant proportions. The site is surrounded by other dwellings on all sides to the north, east, west and across the road to the south.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p><u>Application Site</u></p> <p>LA04/2019/1820/DCA - Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear – to be considered by the Planning Committee alongside this application.</p> <p>LA04/2018/0282/F - Hoarding at 2.5m height to front and side of site – REFUSED 3rd May 2018.</p> <p>Z/2015/0063/F (Appeal ref: 2016/A0016) - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage with landscaping to the rear– DISMISSED AT APPEAL 6<sup>th</sup> February 2017. A copy of the appeal decision is provided at <b>Appendix 1</b>.</p>

	<p>Z/2015/0101/DCA (Appeal ref: 2016/A0017) - Associated application for demolition of existing detached dwelling, adjacent garage – DISMISSED AT APPEAL. A copy of the joint appeal decision is provided at <b>Appendix 1</b>.</p> <p>Z/2009/0616/F - Two storey rear extension with glazed link to new two storey block and single storey attached garage/utility to dwelling – GRANTED 23<sup>rd</sup> February 2010.</p> <p>Z/2009/0663/DCA - Demolition of existing rear extension to dwelling and garage – GRANTED 23<sup>rd</sup> February 2010.</p>	
<b>4.0</b>	<b>Policy Framework</b>	
4.1	Belfast Urban Area Plan 2001 (BUAP)	
4.2	<p>(Draft) Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015)</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP 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. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>	
	Draft BMAP 2015 (v2004)	
	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)	
	4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	<p>Belfast Local Development Plan Draft Plan Strategy 2035</p> <p>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.</p>	
4.4	Regional Development Strategy 2035	
4.5	Strategic Planning Policy Statement 2015	
4.6	<p>Planning Policy Statement 2: Natural Heritage</p> <p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7: Quality Residential Environments</p>	

	Planning Policy Statement 7: Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements
4.7	Section 91 of the Planning Act (Northern Ireland) 2011:  'In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
4.8	Section 104(11) of the Planning Act (Northern Ireland) 2011:  'Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'
<b>5.0</b>	<b>Other Material Considerations</b>
	Belfast Agenda Malone Park / Adelaide Park Design Guide Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards Development Management Practice Note Historic Environment
<b>6.0</b>	<b>Statutory Consultees Responses</b>
6.1	DFI Roads – No objection
6.2	DAERA (Land and Groundwater Team) – No objection subject to conditions
6.3	DAERA (Natural Environment Division) – No objection subject to conditions
6.4	NI Water – No objection
6.5	DFC Historic Environment Division (HED) – No objection subject to conditions
<b>7.0</b>	<b>Non-Statutory Consultees Responses</b>
7.1	BCC Environmental Health – No objection
7.2	BCC Tree Officer – No objection subject to conditions
7.3	BCC Landscaping Section – No objection
7.4	BCC Conservation Officer – Objection



8.0	<b>Representations</b>
8.1	<p>The application was neighbour notified on the 15<sup>th</sup> August 2019. It was advertised in the local press on the 16<sup>th</sup> August 2019.</p> <p>Following receipt of additional information and amended plans, the application was re-neighbour notified on the 8<sup>th</sup> July 2021, the period for which expired on the 22<sup>nd</sup> July 2021.</p> <p>9 letters of objection received on the original application including 2 representations on behalf of Malone Park Residents Association. These representations are summarised below.</p> <ul style="list-style-type: none"> <li>• Judgements in judicial reviews <b>Ulster Architectural Heritage Society's Application [2014] NIQB 21 (7 February 2014) Ref TRE9161 &amp; Gillian &amp; Ors, Re An Application for Judicial Review [2003] NICA 10 (14 March 2003) Ref CARC3874</b> are clear where there is a policy presumption (BH14) the full weight of that presumption must be brought to bear and cannot be diluted and where any question of priority arises in relation to PPS6 and the Guide, it is the Guide that must take priority;</li> <li>• No 28 Malone Park has been assessed as making a positive material contribution to the Conservation Area by both the Council and the PAC in previous decisions, no evidence has been submitted as to why or how the existing dwelling constitutes an exception to the policy presumption in favour of retention and should be demolished;</li> <li>• Historical significance of existing dwelling;</li> <li>• No. 28 Malone Park is a listed building; <ul style="list-style-type: none"> <li>▪ <b><u>Officer Response:</u></b> <i>The property is not listed.</i></li> </ul> </li> <li>• Not in agreement with the submitted Conservation Appraisal and Conservation Impact Statement / Rebuttal Statement – no weight should be attached to economic viability argument, reject assertion it is not fit for purpose;</li> <li>• Objection to intensification, design, the scale, height, massing and plot coverage of the proposed dwelling as its falls to accord with Malone Park Conservation Area Design Guide and Policy BH12 of PPS 6;</li> <li>• Proposal is more than 1.5 times the building coverage ratio of the original dwelling;</li> <li>• No contextual elevations submitted and lack of information on views into and out of the Conservation Area, therefore the proposal cannot be properly assessed;</li> <li>• Proposal does not preserve or enhance the character or appearance of the Conservation Area. As there is a clear opportunity to enhance, the current proposal must be refused as it is contrary to policy and published guidance;</li> <li>• The new dwelling in terms of close proximity, height, massing and style would adversely affect the setting of No 30 Malone Park, contrary to Policy BH11 of PPS 6;</li> <li>• Dominance;</li> <li>• Proposal is contrary to PPS 7;</li> <li>• Only minor amendments have been made to the scheme, this does not address the concerns at the previous appeal;</li> <li>• Sheet piling is indicted which will have a greater impact on existing vegetation than the foundations;</li> <li>• Secant Pile Wall construction will create ground instability, cause noise and disturbance to adjoining residents; basement / Sheet piling will require substantial excavation and poses a grave danger to nearby buildings; <ul style="list-style-type: none"> <li>▪ <b><u>Officer Response:</u></b> <i>There is no evidence that the construction process would give rise to harmful ground instability. In any event this issue would be regulated outside the planning process. Other matters are considered in the sections below.</i></li> </ul> </li> <li>• Damage to Malone Park roadway during construction;</li> </ul>

	<ul style="list-style-type: none"> <li>• Proposal will significantly damage important trees and landscape features which form a critical part of Malone Park Conservation Area;</li> <li>• Landscaping plan shows a new holly hedge along the boundary with No 30 – there is an existing hedge which is within the ownership of No 30 and cannot be removed;</li> <li>• Loss of privacy, whilst the first floor and second floor windows are to be obscurely glazed, there will still be overlooking from the large ground floor window into No 30 Malone Park;</li> <li>• Loss of privacy to adjoining properties, application site sits higher than Nos 33 and 35 Myrtlefield Park;</li> <li>• PPS7 Addendum advises that the use of obscure glazing is not an acceptable solution for main rooms; <ul style="list-style-type: none"> <li>▪ <b><u>Officer Response:</u></b> <i>The windows which are shown to be obscurely glazed are all secondary windows, with the main windows to the front and rear, therefore this does not present an issue. The Commissioner in the previous appeal decision also found this to be an acceptable solution.</i></li> </ul> </li> <li>• Loss of light and overshadowing;</li> <li>• Loss of light from planting of trees along the rear boundary; <ul style="list-style-type: none"> <li>▪ <b><u>Officer Response:</u></b> <i>Planning permission is not required for the planting of trees;</i></li> </ul> </li> <li>• Impact on active badger sett;</li> <li>• Geology/ flooding; <ul style="list-style-type: none"> <li>• <b><u>Officer Response:</u></b> <i>The site does not fall within the surface water flood maps or historical flood maps provided by Rivers Agency.</i></li> </ul> </li> <li>• Full weight of the design Guide must be applied including one and a half times rule as directed by the High Court and Court of Appeal in Gilligan &amp; Ors [2003] NICA 10;</li> <li>• Important to note that it is ‘building coverage’ and ‘original dwelling’ and not original buildings and dwelling coverage.</li> </ul> <p>These matters are addressed directly above or in the main body of the report below.</p>
<b>9.0</b>	<b>Assessment</b>
	<u>Application Background</u>
9.1	<p>This application follows the previous appeal decision 2016/A0016 &amp; 2016/A0017 with the main differences between the appeal scheme and current scheme being:</p> <ul style="list-style-type: none"> <li>• Reduced building footprint from 388 sq. m to 334.5 sq. m.</li> <li>• Decreased width of building from 25m to 21m;</li> <li>• Decreased length of building from 20.5m to 19.9m;</li> <li>• Increased separation distances to side boundary with No 30 Malone Park from 4.6 m to 6.6 m;</li> <li>• Detailed tree survey and arboricultural assessment;</li> <li>• Construction Management Plan;</li> <li>• Landscape Design and Access Statement / Visual Assessment;</li> <li>• Detailed landscaping scheme and landscape management and maintenance plan.</li> </ul> <p>The conclusions reached by the Planning Appeals Commission (PAC) in the appeal decision are material to the consideration of this application. A copy of the appeal decision is provided at <b>Appendix 1</b>.</p>

9.2	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on the character and appearance of the Malone Park Conservation Area</li> <li>• Setting of Listed Building</li> <li>• Trees and Landscaping</li> <li>• Impact on residential amenity</li> <li>• Access, Movement and Parking</li> <li>• Impact on Protected Species</li> </ul>
9.3	<p><u>Principle of development</u></p> <p>In the BUAP 2001, Draft BMAP 2015 (both v2004 and v2014), the site is un-zoned “white land” within the development limits. The site is a sustainable location for residential development with good access to shops, services, public transport and employment. The principle of a proposed replacement dwelling is considered acceptable, subject to consideration of the issues below.</p>
9.4	<p><u>Impact on the character and appearance of the Malone Park Conservation Area</u></p> <p>There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;</p> <ol style="list-style-type: none"> <li>a. preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or</li> <li>b. enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</li> </ol>
9.5	<p>Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken under Policies BH12 and BH14 of PPS6.</p>
9.6	<p><u>Demolition</u></p> <p>Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing proposals for demolition of an unlisted building that makes a positive contribution, regard will be had to the same broad criteria outlined for the demolition of listed buildings set out in Policy BH 10 and paragraph 6.25 of PPS 6. These include the merits of the existing building, the building’s condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals. The contribution of the existing building to Malone Park Conservation Area and its resultant demolition were discussed in detail in the previous appeal decision. This is considered in detail below.</p>
9.7	<p><u>Merits of the existing building</u></p> <p>The Council’s Conservation Officer is of the opinion that the existing building makes a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, its historical architectural evolution as a late Victorian/ Edwardian / interwar period residential suburb. This is a view shared in the community representations.</p>

9.8	<p>However, the Commissioner found at paragraph 21 of the appeal decision that <i>‘Whilst the existing building presents an understated Victorian building it is of modest quality and it has been degraded by the application of roughcast rendering to the existing fabric of the main house and the insensitive extensions to the rear. Given this and the current condition of the building, I consider that is not of a standard of the general architectural quality of the dwellings in the Park. However, it still presents a frontage to the park and continues the existing building line filling a gap in the urban context. The existing landscaping within the site continues to contribute positively to the conservation area. In this respect, I consider that the existing building makes a slight positive contribution to the character and appearance of the Conservation Area. In my opinion, the Council have over exaggerated the contribution that the existing building makes to the conservation area.’</i></p>
9.9	<p>Both the PAC (slight positive contribution) and Conservation Officer (significant positive contribution) consider that the existing building makes a material contribution to the Conservation Area. Therefore, Policy BH10, BH14 and paragraph 6.25 of PPS 6 are engaged. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area given its status as an independent appeals tribunal.</p>
9.10	<p>Policy BH 14 of PPS 6 states:</p> <p><i>‘The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition’.</i></p>
9.11	<p>The supporting text to Policy BH14 of PPS6 advises that in determining proposals for the demolition of unlisted buildings, account should be taken of the part it plays in the architectural or historic interest of the area by the building and in particular the wider effects of demolition on the Conservation Area as a whole. In this case, the Commissioner presiding over the previous appeal advised that the existing dwelling makes only a slight positive contribution to the character and appearance of the Conservation Area. The Commissioner concluded that demolition of the existing dwelling was acceptable in principle, but only rejected because the replacement dwelling was not acceptable. The reasons for dismissal of the previous appeal are considered to have been addressed for the reasons set out later in the report.</p>
9.12	<p>A condition is recommended in respect of the associated application for Conservation Area Consent for demolition of the existing building that prevents its demolition until a valid contract has been entered into for redevelopment of the site in accordance with the planning permission for the replacement dwelling. A condition is also recommended that requires appropriate arrangements for recording the existing dwelling before its demolition. Having regard to these considerations, the proposal is therefore considered acceptable having regard to Policy BH14 of PPS 6 and paragraph 6.19 of the SPPS.</p>
9.13	<p>Paragraph 7.17 of PPS6 states that in assessing proposals for demolition of an un-listed building that makes a material contribution to the Conservation Area, regard should be had to the same broad criteria outlined for the demolition of listed buildings. Policy BH10 of PPS 6 relates to proposals to demolition of a listed building and reads:</p> <p><i>‘There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where,</i></p>

	<i>exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.'</i>
9.14	The tests at paragraph 6.25 of PPS 6 are considered as follows.
9.15	<p><u><i>Building's condition and adequacy of efforts to retain the building</i></u></p> <p>The Commissioner previously accepted that the existing building was beyond habitable use and that renovation and refurbishment was not economically viable and that such extensive rebuilding would be required that there would be little historic value left. The Commissioner also accepted that the existing rough cast render could not be removed back to the original brickwork. On this basis, it was considered that this addresses the broad criteria set out in PPS 6.</p>
9.16	<p><u><i>Merits of alternative proposals for the site</i></u></p> <p>The previous planning permission for the extensions to the existing dwelling have since lapsed. The Council's Conservation Officer considers that the proposed replacement dwelling is inappropriate by way of its form, design, massing and building coverage. It is considered that greater weight should be given to the conclusions of the PAC on the proposed replacement dwelling given its status as an independent appeals tribunal. The merits of the proposed replacement dwelling are considered in detail below.</p>
9.17	<p>Having regard to these considerations and the conclusions of the Commissioner in the previous appeal decision on the issue of demolition, it is considered that there are exceptional reasons that justify demolition of the existing building in this case. But this is subject to there being an appropriately designed replacement dwelling, discussed below.</p>
9.18	<p><u><i>Design and impact of the replacement scheme on the character and appearance of the Malone Park Conservation Area</i></u></p> <p>Policy BH12 of PPS 6 sets out criteria that new development is to meet in the interests of preserving or enhancing the character and appearance of the Conservation Area. Criteria is also set out in paragraph 6.19 of the SPPS which states that development proposals should be sympathetic to the characteristic built form of the area, respect the characteristics of adjoining buildings, not result in environmental problems, protect trees and other landscape features, conform with the guidance set out in the published Conservation Area design guides and only consider demolition of an unlisted building where the council deems that the building makes no material contribution to the character or appearance of the area.</p>
9.19	Policy BH12 states that development proposals will not normally be permitted for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a Conservation Area unless all of the listed criteria are met. These are addressed in turn below.
9.20	<p><b>Criterion (a)</b> is that the development must preserve or enhance the character and appearance of the area to an equal or higher level than the building to be demolished. The Commissioner dismissed the previous appeal on the basis that criteria (f) and (g) of Policy BH 12, and in turn criterion a), were not met. However, in relation to the new proposal, it is considered that criteria (f) and (g) are satisfied for the reasons explained later. For the reasons set out in this report, it is considered that the proposed replacement dwelling would be more appropriate than the existing dwelling in design and visual terms and the character and appearance of the Conservation Area would be enhanced. It is concluded that the proposal satisfies criterion (a) of this policy, paragraph 6.18 of the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.</p>

9.21	<b>Criterion (b)</b> is that the development is in sympathy with the characteristic built form of the area. In the previous appeal decision, the Commissioner concluded that the proposed replacement on its own was a well designed and detailed building which is sympathetic to the Conservation Area. The Commissioner observed that the replacement dwelling ' <i>...would have a strong and assertive presentation to Malone Park.</i> ' and concluded that the appeal proposal was not contrary to criterion (b) and that objections on this point could not be sustained. The current proposal is similar to that of the appeal in respect of its design and built form. It is considered that this criterion is considered to be met.
9.22	<b>Criterion (c)</b> requires the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area. The form and design of the proposed replacement dwelling is similar to that considered at the appeal where the Commissioner found that ' <i>...the contemporary villa in a neo Georgian style is well balanced, detailed and well proportioned. It's set back, scale and massing and external materials are all in keeping with the overall character of the conservation area.</i> ' The proposed detailing and materials remain similar to the previous scheme. The footprint of the proposed dwelling has been reduced in scale compared to the previous appeal proposal which is considered beneficial. The Commissioner concluded that objections in relation to criterion (c) could not be sustained. The proposal is considered to remain acceptable with regard to this criterion.
9.23	<b>Criterion (d)</b> states that the development should not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. It is considered that the proposed replacement dwelling would not be in conflict with this criterion.
9.24	<b>Criterion (e)</b> requires important views within the Conservation Area to be protected. The Commissioner previously found that views within, into and out of the area would not be unacceptably affected and that objections to the previous appeal in relation to this criterion could not be sustained. The current proposal would be the same height as that considered at the appeal with increased separation distances to the side boundaries over the appeal proposal, resulting in the retention of views through the site. Views up and down Malone Park would be protected. The proposal is considered to comply with criterion (e).
9.25	<b>Criterion (f)</b> requires trees and other landscape features which contribute to the character and appearance of the area to be protected. In relation to the previous appeal, the Commissioner observed that: ' <i>Malone Park is a significant tree lined avenue with large maturely landscaped gardens. The trees and landscaping are an integral part of and contribute positively to the character and appearance of the conservation area.</i> ' The Commissioner went onto dismiss the appeal partly on grounds that inaccurate landscaping information had been submitted by the appellant and it was not possible to ascertain the impact of the proposal on existing trees, especially the band of trees on the boundary with No. 30 Malone Park. The Commissioner concluded that the appeal proposal failed to accord with criterion (f).
9.26	However, the new proposal demonstrates safe retention of the existing trees cover including the trees along the boundary with No. 30 Malone Park. No objection is offered by the Council's Tree Officer or Landscape team. It is considered that criterion (f) is satisfied.
9.27	<b>Criterion (g)</b> requires the development to conform with the guidance set out in the conservation documents. The relevant conservation Guide in this case is the Malone Park/ Adelaide Park Conservation Guide published in 2003. It was produced subsequent to the area being designated as a Conservation Area by the Department. Consideration of the Guide and criterion (f) of PPS 6 is considered below.

**Malone Park/ Adelaide Park Conservation Guide**

- 9.28 The Guide observes that: *‘Malone and Adelaide represent the best of what remains of the leafy middle class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character.’*  
The Guide requires the Council to be satisfied that conversion and refurbishment of a building is not viable before redevelopment is considered. This requirement is addressed in the demolition section of the report above. It also requires heights, building line and coverage to reflect those of the original dwelling on site and the design of new development to complement the existing architecture and townscape character. Specifically, it states that:
- 9.29 *‘In order to allow landscape to remain dominant the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and half times that of the original dwelling’.*
- 9.30 For the purposes of this 1.5 times limit, the Guide does not provide a definition of ‘original dwelling’. Officers consider that the ‘original dwelling’ is that present or existing from the beginning when first constructed.
- 9.31 In order to calculate the building coverage of the original dwelling, it is necessary to establish its footprint as first constructed. The original plans for the dwelling are not held by the Council. The earliest historical mapping records are held by OSNI.
- 9.32 It is understood that the existing building was built late 19<sup>th</sup> Century. The existing dwelling first appears on the OSNI third edition (1900-1907) with a similar building outline appearing in (1919-1963). This building outline generally accords with the building footprint shown in a building control application submitted in 1944. The Building Control records include detailed floor plans. Given these generally match the OSNI records, the 1944 Building Control plans have been used to inform the extent of the original building footprint which in turn allows an assessment of building coverage against the position set out in the Guide.

OSNI third edition (1900-1907) – site highlighted in red

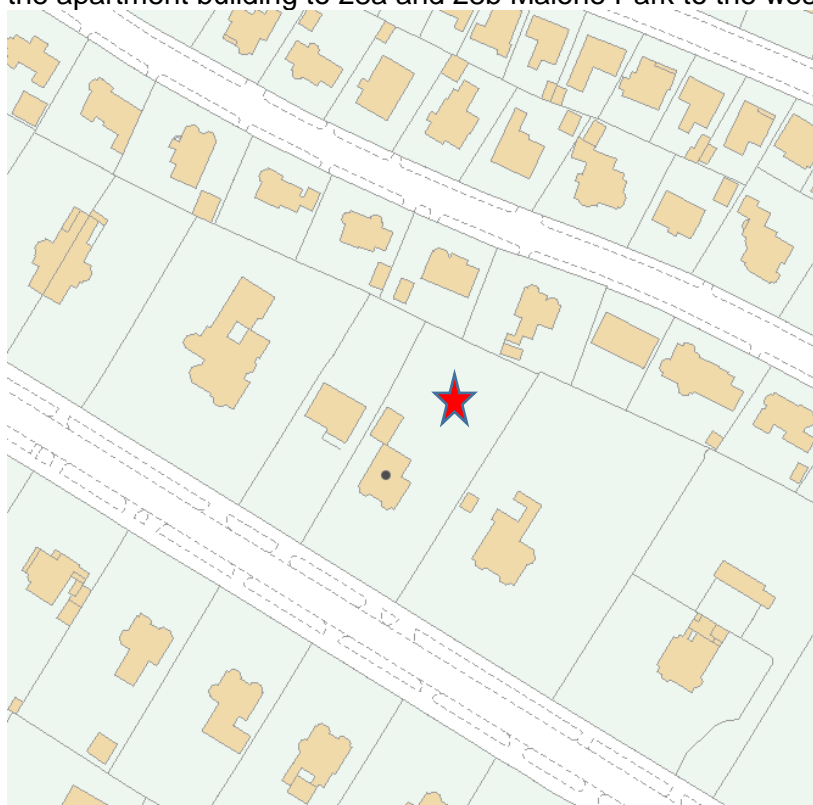




OSNI third edition (1919-1963) – site highlighted in red

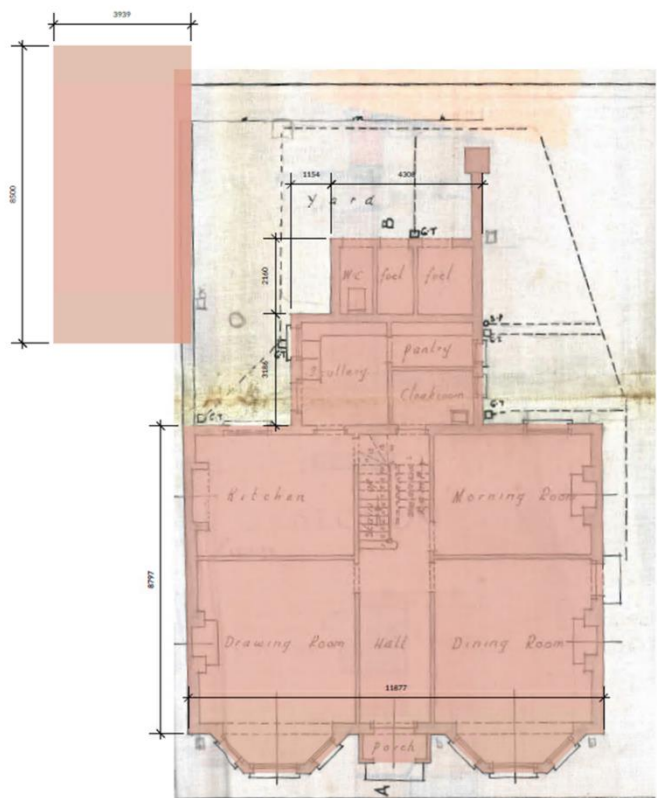


OSNI Map 2020 – It is noted that site was subdivided in the 1970s to form what is known as the apartment building to 28a and 28b Malone Park to the western side of 28 Malone Park.



1944 Building Control Plans





9.33 The original dwelling included an attached outbuilding to the side of dwelling which is shown in the oldest historic map dating back to c1900 and the 1944 building control maps. Officers are of the opinion that the attached outbuilding should be considered as part of the original dwelling. However, calculations have been carried out both including and excluding the attached outbuilding as part of the original dwelling, as follows.

Table 1: Outbuilding included as part of the original dwelling

	Floorspace
Original dwelling	175m2
Proposed dwelling	334.5m2
Footprint Increase	1.9 times the original dwelling

Table 2: Outbuilding excluded from original dwelling

	Floorspace
Original dwelling	141.5m2
Proposed dwelling	334.5m2
Footprint Increase	2.3 times the original dwelling

9.34	As it can be seen, in both cases the proposal exceeds the 1.5 times limit. It is unlawful to take into account later additions to a building when calculating the building coverage, which is not how the calculation is being applied here. The Court did not find that it was unlawful to include an original outbuilding. To exclude the outbuilding would be to ignore the original historic fabric which made up the site and would distort the relationship.
9.35	Furthermore, as previously stated, there is no definition within the Guide of the term “original dwelling”. Within the Guide itself, the terms “dwelling”, “building” and “property” are used interchangeably to refer to historic built form. In addition, within the previous appeal decision, the Commissioner included the outbuilding as part of the original dwelling. For these reasons, officers consider it appropriate and reasonable to include the original attached outbuilding in its calculations. Nevertheless, the calculations have been provided under both scenarios of including the outbuilding as part of the original dwelling and excluding it.
9.36	As illustrated in the table above, the proposed replacement dwelling would fail to comply with the Malone Park Conservation Guide as the proposed building coverage would be 1.9 times that of the original dwelling if including the outbuilding or 2.3 times if excluding the attached outbuilding. The applicant was asked to reduce the scale of the proposed dwelling by officers and did so to an extent but not to below 1.5 times the original dwelling. They have sought to justify the proposal instead. Clearly, the Council must assess the application before it. In both cases, this is a breach of extremely strongly worded guidance, the status of which has been emphasised by the Court of Appeal as being of great weight and where there is conflict it should take precedence over other Planning Policy Statements. The Court of Appeal also stated that the more categorical in expression a requirement in a policy statement may be the more carefully a planning authority must weigh the factors which cause it to depart from the statement before it does so.
9.37	Whilst the Guide is worded strongly stating that “under no circumstances” should permission be granted for building coverage of more than one and a half times that of the original dwelling, it remains the case that planning policy is not a straitjacket for the planning authority (Carswell LCJ, Re Stewart’s Application (2003) NICA 4). The Council is therefore entitled to depart from the Guide where material considerations indicate otherwise provided that the appropriate weight is attached to the Guide.
9.38	As mentioned, the rationale for this particular provision in the guidance is to allow landscape to remain dominant within the Malone Park Conservation Area. In relation to this part of the Guide, the Commissioner concluded that, <i>‘the footprint of the proposal does fail the numerical figures set out in the design guidance and more importantly it has not been demonstrated and I have not been persuaded that the existing landscaping and trees will remain dominant’</i> .
9.39	This was on the basis that the landscaping information submitted with the appeal was inaccurate and the Commissioner could not be assured that existing tree coverage, and notably trees on the boundary with No. 30 Malone Park, would be retained. With such landscaping retained, it is considered that the landscaping would remain dominant.
9.40	The proposed landscaping plan includes the retention of the existing landscape features along with the planting of 34 new trees and a holly hedge boundary. In addition to the proposed planting, an extensive front and rear lawn has been incorporated within the design – with a depth of 21m to the front boundary and 29 m to the rear. The proposed building is also located 6.6 metres from the south eastern boundary. At its closest point, the proposed garage is located 3.9m from the north western boundary and the main dwelling 9.4m from the boundary, however given its minor single storey scale of the garage, this still allows for a good degree of spacing and visual separation from the boundary and the main dwelling. This

	is of a betterment over the existing relationship where the existing dwelling sits much closer to the north western boundary with the existing garage 1m from the boundary and the existing dwelling 5.2m from the boundary. The new replacement sited in a more central position allowing it to sit more comfortably within the plot with visual spacing to the vegetated side boundaries. The proposed building coverage makes up around 15% of the site. Overall, it is considered that the expanse of garden is in scale with the proposed dwelling and it would read as a dwelling set within a mature landscaped garden with well defined boundaries.
9.41	The Council's Conservation Officer assessment is based on numerical calculation of 1.5 times in respect of building coverage and its conflict with the Guide. The Conservation Officer has deferred to the Tree Officer for consideration of the impact on existing trees. Both the Council's Tree Officer and Landscaping team have reviewed the proposal and are content with the impact on existing trees and the quality of the landscaping plan. It is considered that the landscaping scheme presented will ensure that landscaping will remain a dominant feature.
9.42	The applicant has provided a comparative plot coverage ratio analysis comparing the proposed application to the existing sites within Malone Park. This demonstrates that the site coverage of built form when compared to the size of the plot (15%) is similar to those which presently exist along Malone Park. This figure of 15% also demonstrates that the built form accounts for a small proportion of the site. This information provides further context to the proposal and its impact.
9.43	The submitted Conservation Appraisal and Design Statement state that the building coverage at second storey level is 80% of the original dwelling (0.8 times the original) and it is that which forms the main impression of built form on the site and its relationship with the surrounding landscaping from the street. The applicant states that this reinforces the view that the landscaping will remain dominant within the development proposal.
9.44	Whilst the proposed replacement dwelling would fail to comply with the Malone Park Conservation Area Guide in terms of 1.5 times limit, this breach of policy is considered to be outweighed by the proposed landscape design which will ensure that landscaping still remains dominant along with a well designed and detailed replacement dwelling which is considered sympathetic to Malone Park Conservation Area taking into the account the conclusions reached in the previous appeal by the Commissioner. It is considered that criteria (f) and (g) of Policy BH 12 of PPS 6 are satisfied.
9.45	Overall, the existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. The character and appearance of the Malone Park Conservation Area would be enhanced. The proposal is considered to comply with Policy BH10 and BH12 of PPS 6, paragraph 6.18 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
9.46	<u>Impact on setting of listed buildings</u> No. 30 Malone Park next to the site is a Grade B2 listed building and was listed after the appeal decision. The application site falls within the setting of No 30.
9.47	Paragraph 6.12 of the SPPS states:  <i>'Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed,</i>

	<i>paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.'</i>
9.48	<p>Policy BH 11 of PPS 6 relates to development affecting the setting of a Listed Building. It states:</p> <p><i>The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</i></p> <ul style="list-style-type: none"> <li><i>a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</i></li> <li><i>b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i></li> <li><i>c) the nature of the use proposed respects the character of the setting of the building.</i></li> </ul>
9.49	<p>DfC Historic Environment Division has considered the effects of the proposal on this listed building and have advised that it satisfies the policy tests of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6 subject to conditions to ensure the use of high quality materials, retention of existing landscaping and the implementation of the planting scheme. Having regard to HED's advice, it is considered that the proposal would not adversely affect the setting of the listed building. Paragraph 6.12 of the SPPS, Policy BH 11 of PPS 6 and Section 91 of the Planning Act (NI) 2011 are satisfied.</p>
9.50	<p><u>Impact on existing trees and landscaping</u></p> <p>The previous appeal was dismissed partly on the basis that the previous proposal lacked an accurate tree survey. Therefore, the baseline extent of trees and the impact that the proposal would have during and post construction could not be properly assessed. The proposal therefore failed criteria (a) of Policy QD1 of PPS7 and criteria (f) and (g) of Policy BH12 of PPS 6. The existing tree cover was highlighted an important and integral part of the Conservation Area in the appeal decision and which positively contributed to the Malone Park Conservation Area.</p>
9.51	<p>As mentioned, an accurate tree survey has now been received and the scheme has been amended to increase the separation distance between the proposed dwelling and the existing trees along the south eastern boundary. Furthermore, a detailed construction management plan and tree protection plan have been submitted which demonstrates how the existing mature trees can be safely retained during and post construction.</p>
9.52	<p>The proposed landscaping scheme also indicates the planting of 34 trees and the Landscape Management Plan and tree works plan will help secure the effective management of retained trees and the new planting.</p>
9.53	<p>The Council's Tree Officer and the Landscaping and Development team have reviewed the information and offer no objection to the proposal. They have advised that proposed landscaping scheme would assist in the enhancement of the amenity value of the site and the character and appearance of Malone Park Conservation Area.</p>
9.54	<p>Overall, it is considered that the previous reasons for dismissal at appeal in this regard have been adequately addressed and the proposal complies with the relevant criteria set out in Policy BH12 of PPS 6, Policy QD1 of PPS7 and paragraph 6.19 of the SPPS.</p>

	<u>Impact on residential amenity</u>
9.55	No. 30 Malone Park adjoins the application site along its south eastern boundary. The proposed dwelling would be along similar building lines to No 30 and of a similar scale. There would be a separation distance of 6.6 m to the side boundary and a further 11m to the existing dwelling at No. 30. Given this relationship and the orientation of the site, it is not considered that proposal would result in an unacceptable loss of light, overshadowing or have overbearing impact on No 30. There would be 7 side windows facing No 30, the windows at first floor level and second floor level on the proposed dwelling are shown to be obscurely glazed and as such would not result unacceptable overlooking of No 30. In terms of the ground floor windows, given their location at ground floor within the intervening boundary treatment, it is not considered that they give rise to any unacceptable impacts in this urban context.
9.56	Nos. 28A and 28B border the north western boundary of the site. The main body of the replacement dwelling would be located a minimum of 9.5m away from the shared boundary which would increase the separation distances over that of the existing relationship. Similarly, the new garage would be set further off the boundary and be of much lesser bulk and scale than existing. In this respect, the proposed replacement dwelling will offer an improved relationship with Nos. 28A and 28B. The occupiers of Nos 28A and 28B have objected to the proposal on the basis that the proposed side facing windows will invade their privacy. It is noted that there is a first floor terrace at the front of No 28A which is already overlooked by the two existing first floor windows on 28 Malone Park with little intervening boundary treatment. Whilst the replacement dwelling contains more window openings than those which presently exist, coupled with the increased separation distance and high quality planting scheme, it is not considered that the ground or first windows would result in a material loss of privacy above the existing relationship. A condition has been recommended to obscurely glaze the second floor window as this introduces potential overlooking at a higher level.
9.57	Nos. 33 and 35 Myrtlefield Park back onto the rear of the application site. There would be a minimum separation distance of 37m (at first floor level) from the proposed replacement dwelling to the rear boundary of these properties. It is considered that this distance is sufficient to ensure that there is no unacceptable loss of light or privacy in these properties.
9.58	It is important to note that in the previous appeal decision, the impact on residential amenity of adjoining properties was found to be acceptable. BCC Environmental Health have also been consulted and have no objection to the proposal. To conclude, the proposal is not considered to result in an unacceptable adverse effect on the residential amenity of adjoining properties in accordance with Policy BH12 of PPS6 and QD1 of PPS7 and the SPPS.
	<u>Access, Movement and Parking</u>
9.59	The proposed replacement dwelling is to utilise the existing vehicular access. Adequate space is shown within the site to provide for 3 on-site parking spaces in accordance with the Parking Standards. DFI Roads have no objection. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.
	<u>Protected Species</u>
9.60	A Preliminary Ecological Appraisal, Bat Roost Emergence/ Re-entry Survey Report, Badger Survey and Extended Badger Survey Report have been submitted in support of the application. The results of the bat survey found no bats roosting within the existing buildings. It is acknowledged that the proposed development is likely to impact an existing subsidiary/ outlier badger sett within the site, however, further survey work undertaken has identified the main sett thus a wildlife licence for closure of the sett on the application site is likely to be granted. The Natural Environment Division have been consulted and have no objection to

	the proposal subject to the conditions specified. The proposal is considered to accord with Policies NH2 and NH5 of PPS2 and the SPPS.
<b>10.0</b>	<p><b>Summary of Recommendation:</b>          Having regard to the development plan, relevant policy context and other material considerations including third party representations and the previous appeal decision, the proposal is considered acceptable.</p> <p>It is recommended that the application is approved subject to conditions and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. No development shall commence until samples of the materials and detailed schedule of materials to be used in the construction of the external surfaces (including roof, walls, windows/ doors, rainwater goods) of the development hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building.</li> <li>3. All hard and soft landscaping works shall be carried out in accordance with the approved plan XXX. All landscaping shall be carried in the first planting season (November – March) following completion of the development and maintained thereafter. Any proposed trees, 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.  Reason: In the interests of biodiversity, amenity and to preserve and enhance the character and appearance of Malone Park Conservation Area.</li> <li>4. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (dated XXX) prepared by XX, published to the planning portal XX.  Reason: In the interests of biodiversity, amenity and character and appearance of Malone Park Conservation Area.</li> <li>5. No trees which are shown as being retained on approved drawing no XXX published to the planning portal XXX and shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Council.</li> </ol>

Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area including Malone Conservation Area

6. Prior to any work commencing on the site, all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the submitted XX and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees / hedging shown to be retained, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of and to ensure the continuity of amenity afforded by any existing trees to be retained.

7. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved within the Development Impact drawing shall be submitted for approval in writing by the Belfast City Council Planning within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted.

8. No removal of hedgerows, trees or shrubs shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present / birds will be harm and /or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of the works commencing.

Reason: To protect breeding birds.

9. The dwelling hereby permitted shall not be occupied until hard surfaced area have been constructed in accordance with the approved layout Drawing No. XXX, published to the planning portal XXX to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and servicing.

10. Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by Belfast City Council. The CEMP shall include proposed hours of construction activities as well as mitigation measures for controlling dust, noise and vibration. The CEMP shall have due regard to current good practice as outlined in BS5288:2009 parts 1 and 2 and shall include a strategy for communication/liaison with nearby existing residents throughout the construction phase. The CEMP shall be made available to the Environmental Protection Unit of Belfast City Council at any time upon request.

	<p>The CEMP shall be implemented in accordance with the approved details.</p> <p>Reason: Protection of Residential Amenity.</p> <p>11. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Piling Risk Assessment and a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>12. After completing the remediation works under Condition 12 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
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<b>Notification to Department (if relevant):</b> Yes – referral of DCA application
<b>Representations from Elected members:</b> None
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 21 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 23 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 25 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 28a ,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 28b ,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 30 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 33 Myrtlefield Park,Belfast,Antrim,BT9 6NF</p> <p>35 Myrtlefield Park,Belfast,Antrim,BT9 6NF</p> <p>The Owner/Occupier,</p>



37a ,Myrtlefield Park,Belfast,Antrim,BT9 6NF

Pragma,

7 Scottish Provident Building, Donegall Square West, Belfast, Antrim, Northern Ireland,  
BT1 6JH