

ADDENDUM REPORT

Application ID: LA04/2021/0691/F & LA04/2021/0915/DCA	Date of Committee: 29 June 2023
Proposal: Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks	Location: 1d Malone Park Belfast BT9 6NH
Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Andrea McGarrity 1d Malone Park Belfast BT9 6NH	Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT

Background

This application was previously listed for Planning Committee on 18 April 2023. The application was deferred for a Committee Site Visit.

The Site Visit is scheduled to take place on 28 June 2023.

Since the previous Committee meeting, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making.

The Council is concurrently considering an application for two replacement dwellings on the adjacent site at Nos. 448 and 450 Lisburn Road (LA04/2021/1317/F). It is the same applicant for both applications. That application is on the same Committee agenda.

This report should be read in conjunction with the report to the April Committee, appended.

Updated Policy Context

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.

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.

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.

Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

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 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.

Relevant Planning Policies

Plan Strategy

The following policies in the Plan Strategy are relevant to consideration of the application.

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD2 – Settlement Areas

Policy HOU1 – Accommodating new homes

Policy HOU2 – Windfall housing

Policy HOU4 – Density of residential development

Policy HOU7 – Adaptable and accessible accommodation

Policy DES1 – Principles of Urban Design

Policy RD1 – New Residential Design

Policy BH1 – Listed Buildings

Policy BH2 – Conservation Areas

Policy ENV1 – Environmental quality

Policy ENV2 – Mitigating environmental change

Policy ENV3 – Adapting to environmental change

Policy ENV4 – Flood Risk

Policy ENV5 - Sustainable drainage systems (SuDS)

Policy TRAN 2 – Creating an accessible environment

Policy TRAN6 – Access to public roads

Policy TRAN8 – Car parking and servicing arrangements

Policy TRE1, Trees

Supplementary Planning Guidance

Residential Design

Placemaking and Urban Design

Sustainable Urban Drainage Systems

Transportation
Trees and Development

Updated Assessment

Plan Strategy

The adoption of the Plan Strategy requires the following updated assessment.

Additional Information

Officers requested that the applicant provides a "Plan Strategy Statement" that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal.

The applicant has subsequently provided a Plan Strategy Statement, which sets out the policies in the Plan Strategy which they believe apply to this proposal. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations.

Consultation responses

No further letters of objection or representations been received.

No additional consultations have been considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.

Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

Principle of development

Policy HOU2 of the Plan Strategy requires all new housing development to be delivered on previously developed land. The site is previously developed land within an urban setting offering associated conveniences. The proposal, a replacement dwelling, is situated primarily on the footprint of the existing dwelling and is suitable for housing development. The proposed site is accessible and convenient to public transport, walking and cycling infrastructure.

Policy HOU4 seeks to achieve appropriate housing densities. For Outer Belfast, a density of 25 to 125 units per hectare is recommended. The site is 0.07ha in size and the proposed density is 14 dwellings per ha. Whilst this is lower than the recommended band, regard is had to the scheme being a replacement dwelling and the importance of maintaining the character and appearance of the Conservation Area, which means that increasing the density would be inappropriate.

Affordable housing

Whilst the application site is 0.07 ha and in isolation is below the threshold for consideration of affordable housing (which is required for sites of greater than 0.1ha), the site is in the same ownership as the adjacent site at 448 and 450 Lisburn Road for two replacement dwellings (LA04/2021/1317/F). The adjacent site is 0.13 ha, which means that the combined sites have a total area of 0.2ha.

The Affordable Housing and Housing Mix Supplementary Planning Guidance requires the Council to consider adjacent sites in the same ownership for the purposes of Policy HOU5. Policy HOU5 requires schemes of 5 units or more or sites of 0.1ha or greater to provide a minimum of 20% of the units as affordable housing.

In accordance with the SPG, schemes of less than 5 units are not required to deliver affordable housing. The SPG seeks to ensure that appropriate densities are achieved on smaller sites and that proposals are not artificially kept below 5 units. In this case, the combined proposals seek permission for three replacement dwellings with a zero net increase in units. The overall density of both schemes would be 15 units/ha, which is below the target band of 25 to 125 units/ha for Outer Belfast. However, the sites are subject to various constraints which it is considered make it inappropriate to increase the densities to even the minimum level of 25 units/ha (which would deliver 5 units on the site, but only a net gain of two units). These constraints include the sensitive location of the sites within the Malone Park Conservation Area and setting of a Listed Building. Also, the difficulties achieving suitable access and parking for a higher number of units, whilst maintaining appropriate levels of amenity and garden space. Regard is also had to the longevity of the applications which were submitted in 2021 and the reasonableness of requiring significant changes to both applications now.

Taking these considerations into account, it is not considered appropriate nor reasonable to increase the density of the schemes and require affordable housing.

Adaptable and accessible housing

Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible.

The proposed dwelling is of a large scale, 179sq m of floor space. The quantity of internal space will allow, if never needed, sufficient space for the dwelling to be altered/adapted to meet the needs of occupants with a disability. Parking would have a firm and flat surface. Whilst the main entrance does not have a shelter, nor do many of the historic properties in Malone Park and this is a characteristic of the area. There is dining and living room space on the same ground floor level. There is a ground floor W/C and bathroom facilities on all levels. An accessible bathroom can be accommodated. There would be outlook from the windows when seated in the main living area. The proposal is considered acceptable having regard to Policy HOU7 of the Plan Strategy.

Residential Design

Policy DES1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. For the reasons set out in the original Committee report, it is considered that the design is appropriate and would respond positively to the local context and character. The scale, massing, materials, roofscape and building line compliment the surrounding Conservation Area. The design reflects the period neighbouring buildings of distinctive character that contributes to the overall conservation area character.

Policy RD1 of the Plan Strategy states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets defined criteria. Officers consider that the proposal is acceptable having regard to Policy RD1 for the reasons set out in these reports. This includes provision of acceptable external amenity space, the dwelling occupying around 23% of the site. The design allows each internal living space to benefit from a natural light source.

Climate Change

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 proposals (including changes of use) 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.

Policy ENV3 of the Plan Strategy 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. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates.

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. As mentioned previously, a range of options are being considered by the applicant but there are no detailed proposals. Again, it is considered appropriate that suitable SuDS measures can be required by condition.

The applicant states that the dwelling will exceed Building Regulations standards in terms of thermal insulation and air tightness but does not indicate how. Consideration is being given to an air source heat pump. Photovoltaic panels are also being considered, but this will be subject to further discussion with the Planning Service due to the sensitivity of the site within the Conservation Area. In terms of SuDS, the applicant states that they are considering rain garden planter boxes. New paving will be permeable with porous sub-base. Having regard to the length of the time that the Council has been considering the application, submitted in 2021, specific proposals to mitigate environmental change and resilience can be secured by condition.

Demolition

Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible. In this case, it is considered that demolition of the existing building is desirable because it is an anomaly out of character with the Conservation Area. A scheme for recycling and re-using existing materials can be secured by condition.

Impact on the character and appearance of the Conservation Area

Policy BH2 of the Plan Strategy sets out five criteria for new or replacement buildings within a Conservation Area. For the reasons set out in the original Committee report, it is considered that proposal is appropriate to the Conservation Area and that its character and appearance would be enhanced. The proposal would respect the build form of the area. Key views would not be negatively impacted. Trees, archaeological and landscape features would be protected and integrated. Regard has been had to the Malone Park Conservation Design Guide.

The existing building does not make a material contribution to the character and appearance of the Conservation Area and the replacement dwelling would enhance it.

Impact on the setting of Listed Buildings

Policy BH1 sets out five criteria for considering the impact of new development on the setting of Listed Buildings. The impact of the proposal on the setting of the Listed No. 1a Malone Park is set out in the original Committee report.

It is considered that the proposal is sympathetic to the Listed Building. It would not result in the loss of key views of the Listed Building. The character of the setting of the Listed Building would be respected and the setting would be maintained. DfC HED offers no objection to the proposal.

Transport

The proposal is considered to comply with Policy TRAN2 given the accessibility of the site. The means of access is considered safe and suitable, having regard to the advice of DfI Roads. Policy TRAN8 requires adequate parking within the site for car parking. The proposal includes two in-curtilage space and satisfied the relevant Parking Standards.

Other considerations

Other aspects of the proposal are considered acceptable, having regard to the policies in the Plan Strategy.

Regard is also had to the length of time that the Council has been considering the application, which was submitted in March 2021.

Recommendation

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. Additional conditions will be required in relation to environmental mitigation and resilience (including SuDS) and the recycling and re-use of existing materials.

The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.

Committee Application

Development Management Report	
Application ID: LA04/2021/0691/F and LA04/2021/0915/DCA	Date of Committee: 18 April 2023
Proposal: Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks	Location: 1d Malone Park Belfast BT9 6NH
Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Andrea McGarrity 1d Malone Park Belfast BT9 6NH	Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT
<p>Executive Summary: This application relates to No. 1D Malone Park. The application seeks full planning permission for the demolition of the existing dwelling and the erection of a new detached dwelling with associated siteworks. An associated application for Conservation Area Consent for the demolition has been submitted and is also being considered by the Committee (LA04/2021/0915/DCA).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Impact on the setting of Listed Buildings • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Other environmental considerations <p>In the Belfast Urban Area Plan 2001, Draft Belfast Metropolitan Area Plan 2015 (v2004 and V2014), the site is un-zoned white-land within the development limits. The site is located within Malone Park Conservation Area.</p> <p>4 letters of objection have been received including a representation on behalf of Malone Park Residents Association. 3 letters of support have also been received. The objections are summarised below.</p> <ul style="list-style-type: none"> • Impact on Listed gate lodge 1a Malone Park • Overbearing on plot 1 Malone Park • Overlooking from first floor balconies • Loss of light to 1b & 1c Malone Park 	

- No landscaping plan
- Inappropriate scale
- Cramming – inappropriate footprint for site
- Car parking to front of dwelling

These matters are addressed in detail in the main report.

The supporting comments are summarised below.

- Proposal makes a positive contribution to Conservation Area
- Proposal improves the surrounding character

DFI Roads, DfC HED, NI Water, BCC Environmental Health, BCC Tree Officer and BCC Conservation Team were all consulted and have offered no objection to the proposal. Having regard to the policy context and other material considerations including third party representations and previous appeal decision, the proposal is considered to be acceptable and approval is recommended for the reasons set out.

Recommendation

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.

The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.

Proposed Drawings

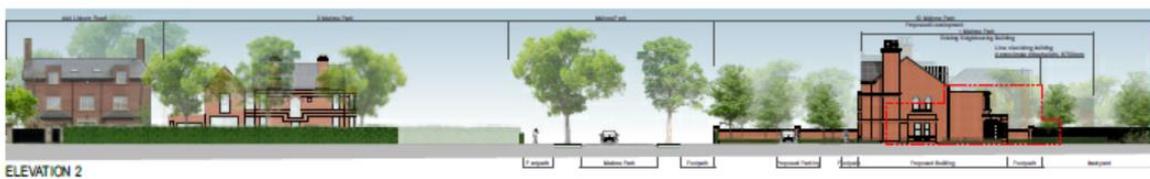
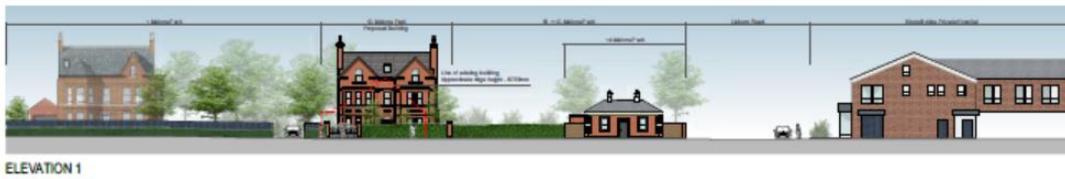
Site location plan



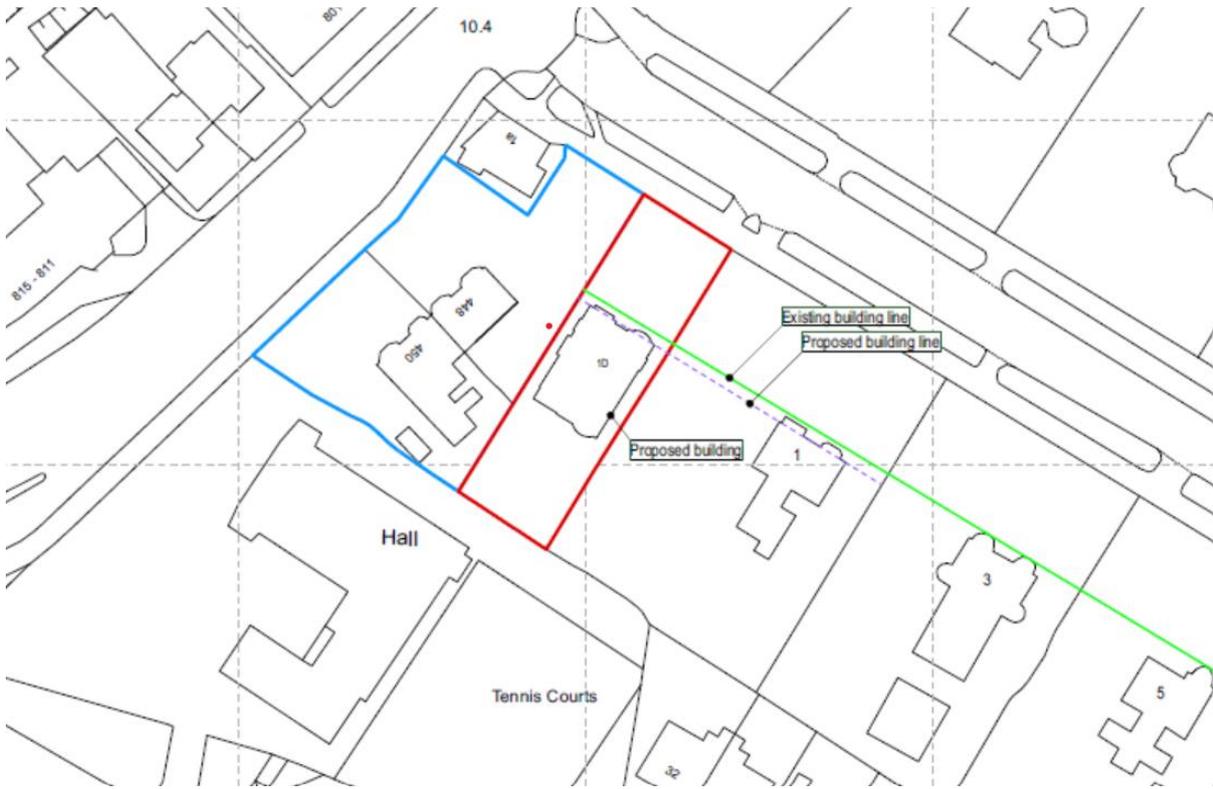
Layout and landscaping plan



Contextual Plan Malone Park and Lisburn Road



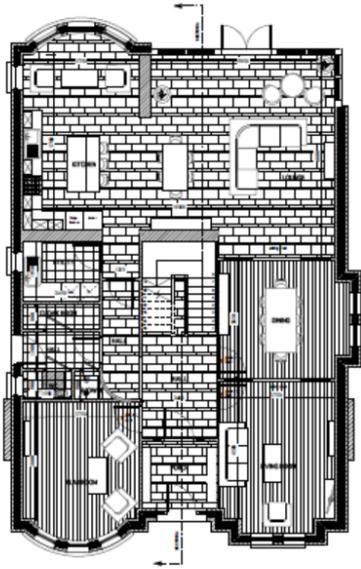
Building line plan



Elevations

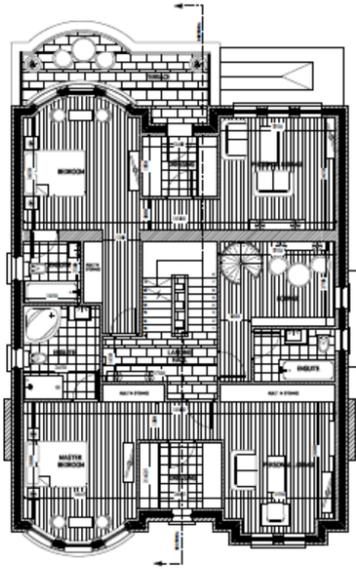


Floor Plans

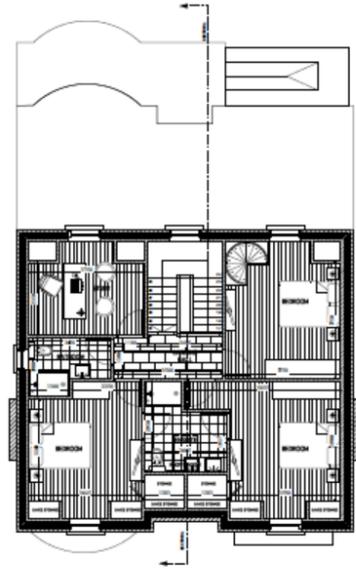


FIRST FLOOR PLAN

FLOOR AREAS
1st Floor (198m²)
2nd Floor (198m²)
3rd Floor (198m²)
Total: 594m²



2ND FLOOR PLAN



3RD FLOOR PLAN

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	This application seeks full permission for the demolition of the existing dwelling and the erection of a new detached dwelling and associated siteworks. There is a related application for Conservation Area Consent application (LA04/2021/0915/DCA) that the Committee is also considering.
1.2	The proposal has been amended over the course of the application to include removal of the rear balconies, additional landscaping plan, building line and contextual plans.
2.0	Description of Site and Area
2.1	The application site is a common rectangular plot containing a single dwelling which is designed with a single storey element to the front and a two-storey element behind and detached garage. The dwelling has the appearance of dating from the 1960s being finished in a red/brown brick at ground floor level and slate cladding above. It is not follow the traditional vernacular design of the vast majority of houses in Malone Park Conservation Area. The plot is uncommon when compared to neighbouring sites being significantly narrower and the styling of the dwelling is significantly different from the neighbouring properties, these being large detached villas situated within substantial plots and mostly finished in red facing brick although there are several finished in painted render. The dwelling on site is a rather plain and modest construction when compared to the neighbouring dwellings which employ many architectural features that gives them a significant presence. The boundary to the site is a mix of brick walls and vegetation, the wall appears to date from before the house and the vegetation is mature.
2.2	The site is situation on Malone Park, which is a private road, and near a small detached bungalow. Its location at the gateway to the park would indicate that it was probably built for a gatekeeper. Adjacent to the site is two large vacant dwellings, fronting the Lisburn Road, which are in a rundown state of repair, these properties are within the ownership if the applicant. The site is situated within the Malone Park Conservation Area.
2.3	The character of the surrounding area is dominated by residential use. Malone Park is characterised by large detached houses set within large plots. The adjacent Lisburn Road is a mix of commercial and residential uses.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Application Site: LA04/2021/0915/DCA - Demolition of existing dwelling – to be considered by the Planning Committee at the same meeting. Z/1987/1354 - 448 Lisburn Road/1B Malone Park - Alterations and extension with change of use of existing coach house to dwelling unit and conversion of existing dwelling to 2 dwelling units and provision of domestic garage. Planning permission granted.

4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) – Housing Strategy, Policy H3, Conservation Strategy, Policies C2 and C4
4.2	Draft Belfast Metropolitan Area Plan (dBMAP) 2015 (v2004 and v2014) Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. BMAP reverted to a draft plan and both versions of dBMAP (v2004 and v2014) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given the advanced stage in the Development Plan process, dBMAP (v2014) is considered to carry significant weight, save for retail policies relating to Sprucefield, which remain contentious.
	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	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS7) Quality Residential Environments Planning Policy Statement 7 (PPS7) Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12 (PPS12) Housing in Settlements
4.6	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”.
4.7	Section 104 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.
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection
5.2	NI Water – No objection
5.3	DFC Historic Environment Division (HED) – No objection subject to conditions
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	BCC Tree and landscape Officer – No objection subject to recommended conditions
6.3	BCC Conservation Officer – No objection

7.0	Representations
7.1	The application was neighbour notified on the 22 nd April 2021. It was advertised in the local press on the 2 nd April 2021.
7.2	Following receipt of additional information and amended plans, the application was re-neighbour notified on the 13 th September 2021, and re-advertised 17 th September 2021
7.3	<p>4 letters of objection have been including a representation on behalf of Malone Park Residents Association. Issues raised include:</p> <ul style="list-style-type: none"> • Impact on listed gate lodge 1a Malone Park • Overbearing on plot 1 Malone Park • Overlooking from first floor balconies – case officer: balconies removed • Loss of light to 1b & 1c Malone Park • No landscaping plans – case officer: additional plans and information received • Inappropriate scale • Cramming – inappropriate footprint for site • Car parking to front of dwelling – case officer: the existing house has parking to the front/side. The proposed dwelling would have parking at the front. The Conservation Guide states that ‘Where proposed, car parking must be accompanied by a detailed landscaping scheme which provides for adequate screening from the road and adjacent properties.’ The proposed landscaping scheme includes a hedgerow at the front which would screen the parking. Overall, it is considered that the proposal would be an enhancement of the character and appearance of the Conservation Area.
7.4	These matters are addressed in the main report.
8.0	Other Material Considerations
8.1	<p>Belfast Agenda Malone Park / Adelaide Park Design Guide Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards</p>
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Impact on the setting of Listed Buildings • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking

	<ul style="list-style-type: none"> • Other environmental considerations
9.2	<p><u>Principle of development</u></p> <p>In the BUAP and dBMAP (v2004 and v2014), the site is unzoned whiteland within the settlement limits where the principle of a proposed replacement dwelling is considered acceptable. The principle of use is already established through the existing dwelling on the site. This is a sustainable location for a replacement dwelling with good access to shops, services, jobs and public transport. The principle of development is acceptable.</p>
9.3	<p><u>Impact on the Malone Park Conservation Area</u></p> <p>There is a statutory requirement under Section 104 of the Planning (NI) Act 2011 with respect to development within a conservation area, to have special regard 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; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</p>
9.4	<p>Demolition</p> <p>The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) in paragraph 6.18 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 outweighed by other material considerations grounded in the public interest. A similar approach is taken in Policies BH12 and BH14 of PPS6.</p>
9.5	<p>Policy BH14 of PPS6 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 such proposals for demolition, regard will be had to the same broad criteria outlined for the demolition of listed buildings including 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.</p>
9.6	<p><i>Merits of the existing building:</i></p> <p>The Council's Conservation Officer has advised that the existing building makes no material contribution to the architectural and historic interest/character and appearance of the conservation area which mainly comprises dwellings 2 to 2.5 storeys with examples of prestigious Victorian and Edwardian architecture; it is those properties that form the primary character of the area. The existing dwelling on site is a of modern construction and employs materials contrary to the surroundings, it is also of an incohesive form that is not in keeping with the prevailing surrounding character. For these reasons it is considered that the existing dwelling makes no positive contribution to the conservation area and demolition therefore is acceptable in principle, provided that the proposed replacement dwelling is appropriate to the Conservation Area in terms of scale, design and materials.</p>

	Suitability of the replacement dwelling
9.7	Policy BH12 of PPS6 sets out several criteria that new development is required to meet in the interests of preserving or enhancing the character and appearance of the conservation area. This is also cross referenced in paragraph 6.19 of the SPPS.
9.8	Criterion (a) requires the proposal to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report.
9.9	Criterion (b) requires the proposal to be sympathetic with the characteristic built form of the area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report.
9.1	Criterion (c) 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 like many of the Victorian/Edwardian dwelling of the Park in terms of scale and massing, being 2.5 storeys in height, and follows the more traditional vernacular. The materials to be employed in the construction are common to buildings of this period and is sympathetic to the surroundings: the walls will be constructed in red facing brick, natural slate to be used to the roof and the windows will be timber sliding sash. Officers are content that the scale, form, materials, detailing and design of the proposed replacement dwelling would be in keeping with the overall character of the conservation area. The proposed replacement dwelling is designed to maintain the building line for this section of the Park, although it will be forward of the existing location.
9.11	Criterion (d) requires that the proposal does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. The proposal, by reason of its use and design would not give rise to such impacts.
9.12	Criterion (e) requires important views within the conservation area to be protected. The proposed dwelling, although taller than the existing, will be comparable with neighbouring dwellings and would not detrimentally impact on the existing views into the conservation area. An increased separation distance to the side boundaries over the existing would allow views through the site and an appreciation of the gable depth. Views up and down Malone Park would be unaffected. The proposal is considered to comply with criterion (e).
9.13	Criterion (f) requires trees and other landscape features which contribute to the character and appearance of the area to be protected. The Tree Officer was consulted on the proposal. The submitted landscaping plan shows retention of existing trees and other vegetation on site which will be complimented with the planting of an additional 13 trees and shrubbery. The Tree Officer has stated that the proposed planting scheme is acceptable, with the inclusion of conditions to protect the existing trees on site. It is considered that this criterion is satisfied.
9.14	Criterion (g) requires the development to conform with the guidance set out in the conservation documents. The conservation guide 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 former Department of Environment in accordance with the statutory procedure set out in Article 50 of the Planning (Northern Ireland) Order 1991. The conservation guide is an important material consideration.										
9.15	The Conservation Guide states that: <i>'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.'</i>										
9.16	The guide contains several development guidelines. The guide encourages the retention of existing buildings and emphasis will be placed on the protection and restoration of the individual architectural character of each building. In this case, it is considered that the form and design of the existing dwelling is inappropriate as explained in the demolition section of the report, above. It is not considered to display strong architectural characteristics and is generally out of keeping with the more traditional design of dwellings on Malone Park. Therefore, its retention and adaption would not be desirable. The guide 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. It also states that 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 a half times that of the original dwelling.										
9.17	As discussed above, the proposed building height, building lines and design are considered respectful of the general form in the Conservation Area and are acceptable. In terms of building coverage and landscape relationship this is addressed in detail below.										
9.18	The guide states that in no circumstances should building coverage be more than one and a half times that of the original dwelling. The rationale is to allow landscaping to remain a dominant feature. Officers advise that the 'original' dwelling is that present or existing from the beginning, when first constructed.										
9.19	To establish the original and proposed site coverage calculation, officers have referred to historic OSNI mapping. The table below shows the calculations.										
	<table border="1"> <thead> <tr> <th></th> <th>Floorspace</th> </tr> </thead> <tbody> <tr> <td>Original dwelling</td> <td>163m²</td> </tr> <tr> <td>Existing site coverage</td> <td>21%</td> </tr> <tr> <td>Proposed dwelling</td> <td>179m²</td> </tr> <tr> <td>Footprint Increase</td> <td>1.09 times the original dwelling</td> </tr> </tbody> </table>		Floorspace	Original dwelling	163m ²	Existing site coverage	21%	Proposed dwelling	179m ²	Footprint Increase	1.09 times the original dwelling
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<p>Proposed Site coverage</p>	<p>23%</p>
<p>9.20</p>	<p>As indicated in the table above, the proposed replacement dwelling complies with the Malone Park Conservation Guide as the proposed building coverage would be 1.09 times that of the original dwelling and is within the 1.5 limit. Whilst the proposed dwelling would take up much of the plot and landscaping would not be dominant, this is similarly true of the existing dwelling on the site. Overall, it is considered that the proposal would enhance the character and appearance of the Conservation Area.</p>
<p>9.21</p>	<p>It is considered that an appropriate quality landscaping scheme has been submitted which includes retention of the existing landscape features. The Council’s Tree and Landscaping Officer has reviewed the proposal and is content. It is considered that the landscaping scheme presented will ensure that landscaping will remain a dominant feature and will enhance the character and appearance of Malone Park Conservation Area.</p>
<p>9.22</p>	<p>Conclusion The existing dwelling is considered to make no material contribution to the conservation area; its the scale and design is out of character with the surrounding properties that gives the Malone Park its distinct character. Its retention would not be desirable. The proposed dwelling is of a scale, form, design and materials that are more appropriate to the Conservation Area. The conservation officer is content that the proposal is an enhancement over the existing building.</p>
<p>9.23</p>	<p>Having regard to these considerations, it is considered that the demolition of the existing dwelling and its replacement are acceptable. The character and appearance of the Conservation Area would be enhanced. A condition will be required that prevents demolition of the existing dwelling until a contract has been let to redevelop the site in accordance with this planning permission. The proposal accords with the relevant provisions of the BUAP, dBMAP, SPPS and PPS 6.</p>
<p>9.24</p>	<p><u>Impact on the setting of Listed Buildings</u> Within proximity to the site is a listed building and structure No.1a Malone Park (Grade B2), the original Gate-lodge and gateway pillars. The proposed application site falls within the setting of these listed structures. DfC HED has considered the effects of the proposal on this listed building and pillars and has advised that the proposal satisfies the policy tests of para 6.12 of the SPPS, Policy BH11 of PPS6 subject to conditions to ensure the use of high quality materials, landscaping and the implementation of the planting scheme. The proposal is considered not to adversely affect the setting of the listed building/structures and is in accordance with Section 91 of the Planning Act. It also complies with the relevant provisions of the BUAP, SPPS and PPS 6.</p>
<p>9.25</p>	<p><u>Impact on existing trees and landscaping</u> A mix of soft and hard landscaping is proposed, all existing trees on site will be retained and protected where necessary. It is also proposed that additional planting of 13 trees of various species as well as additional screen and shrub planting will help integrate the proposal and contribute to the existing character.</p>

9.26	<p>The hard landscaping to the site includes the driveway and parking space to the front of dwelling. Concerns were expressed in objections regarding this parking arrangement, however, the Council's conservation officer considered this point in their response and concluded that many dwellings within the Malone Park have parking to the front of the building line as does the existing dwelling. The response went on to state that it would therefore be difficult to conclude that the parking would be contrary to the existing site layout or character of neighbouring plots.</p>
9.27	<p>It is noted that the Malone Park guidance does not preclude parking within the original front garden area but requires adequate screening from the road and adjacent properties. Adequate screening will be achieved with the retention of the existing boundary treatment and the supplemental planting of trees and shrubbery between the parking area and front boundary.</p>
9.28	<p>The Council's Tree and Landscaping Officer has reviewed the information and offers no objection to the proposal. They advise that the 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>
	<p><u>Impact on residential amenity</u></p>
	<p><i>Dominance / Overshadowing:</i></p>
9.29	<p>The separation distance between proposal and No. 1 Malone Park is around 20m, which would ensure no significant harmful overshadowing of this dwelling. The additional scale and massing of the proposal and closeness to boundary (2.0m) will have an increase dominance on side garden area of No.1, however, the 20m separation distance between properties prevents domination of the dwelling or amenity.</p>
9.30	<p>However, the proposal will be in close proximity to two neighbouring dwellings at 448 and 450 Lisburn Road, (aka 1b & 1c Malone Park) each of these properties are in the ownership of the applicant, a planning application has been received to demolished and replace these dwellings with two new dwellings. It appears from historic maps that the application site was at one point the rear garden area to these two properties accounting for the closeness of the properties to the site and explains the narrowness of the site in comparison with neighbouring properties.</p>
9.31	<p>The properties of 448 and 450 are located generally to the north west of the site meaning that the proposal will have a potential to affect sunlight. It is noted that the proposed dwelling will not extend to the boundary with No. 450 therefore will have less impact in terms loss of sunlight to this property. The property at No. 448 has lost the rear return creating a new open space area between this property and the site. This new space creates an increase separation in distance between both properties. It is likely that the proposed dwelling will impact on this new open space area at early morning, but this will reduce due to sun travel direction and will have little impact from mid-morning onwards. On balance, the relationship is considered acceptable.</p>

<p>9.32</p> <p>9.33</p> <p>9.34</p> <p>9.35</p> <p>9.36</p>	<p><i>Overlooking/ Privacy:</i></p> <p>The proposal will not result in any unacceptable overlooking issues from windows, the main rooms will look onto the street frontage and over the rear garden, a normal domestic configuration. The proposal also contains windows to the side gables, these windows are to serve non-habitable rooms such as bathroom, en-suites, and landing; an appropriate condition can be imposed to ensure that these upper floor windows on both side gables are obscured. The proposal was originally designed with a first-floor terrace, which was an issue of concern raised in objections, with potential views to properties to either side. Following discussions, the balcony was removed from the proposal. The proposal conforms to Policy QD 1 criterion (h) in that it will not result in conflict on any neighbouring land uses.</p> <p><i>Internal living space:</i></p> <p>The proposal will provide circa 379sqm of floor space for the five bedrooms and associated lounges and bathrooms as well as the main reception rooms. The space standards are silent on five-bedroom accommodation but indicates that for a four-bedroom dwelling over three floors 115/120sqm is required. The proposal will therefore provide significant living space for the future occupants.</p> <p><i>External amenity provision:</i></p> <p>The level of private open amenity space is exceeding the 70sqm as recommended by Creating Places. The proposal will have an amenity space, set behind the dwelling, of circa 260sqm. Criterion (c) of QD1 is satisfied given the level of amenity space provided.</p> <p><u>Access, Movement and Parking</u></p> <p>The proposed replacement dwelling is to utilise the existing vehicular access. Adequate space is shown within the site to provide for on-site parking in accordance with the Parking Standards. The proposal would not generate significant additional traffic over the existing situation. DFI Roads have no objection. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.</p> <p><u>Other Environmental Considerations</u></p> <p>There is no evidence that the proposal would give rise to significant or unacceptable harm to the other environmental considerations including ecology, land contamination, noise, drainage or pollution of the groundwater environment.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>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.</p> <p>The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.</p>
<p>11.0</p>	<p>DRAFT CONDITIONS:</p> <p>Planning permission (LA04/2021/0691/F)</p>

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. The proposal, including materials and finishes shall be carried out in accordance with drawing numbers 6A, 9B, 10A, 12B and 14B published to the Planning Portal NI 10th Sept 2021 and 24th Sept. 2021. The materials shall be:

Roof – Natural Slate

Walls – Red brick (to be agreed in writing with Council)

Windows/ Doors – Painted timber traditional sash

Rainwater goods – cast aluminium.

Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the first and second floor windows on both side gables (north west and south east) shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties.

4. The dwelling shall not be occupied unless parking has been provided in accordance with the approved plans. The parking areas shall be retained as such at all times.

Reason: To ensure appropriate parking provision for the replacement dwelling.

5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawing 09b published to the Planning Portal NI 24th September 2021 which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

6. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 09b, published to the Planning Portal 24th September 2021. The works shall be carried out within six months of occupation. Any trees or plants indicated on the

approved scheme 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 the character and appearance of the area.

7. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, 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 within the site and on adjacent lands.

8. If roots are accidentally damaged the tree council must be notified immediately in writing and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.

9. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires shall take place within the Root Protection Area of trees within the site during the construction period.

Reason: To avoid compaction within the RPA.

Conservation Area Consent (LA04/2021/0915/DCA)

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

2. No demolition shall commence on site unless a contract has been let for the redevelopment of the site in accordance with planning permission LA04/2021/0691/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2021/0691/F.

Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area. Approval is required upfront because if redevelopment of the site does not take place it could leave the vacant site unsightly and harmful to the Conservation Area.

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Notification to Department (if relevant): Yes – referral of DCA application

Representations from Elected members: None

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
1a Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
2 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
3,Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
6 ,Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
6 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
452 Lisburn Road,Belfast,Antrim,BT9 6GT
Donaldson Planning
50a High Street,Holywood,BT18 9AE
Pragma,
7 Scottish Provident Building, Donegall Square West, Belfast, Antrim, BT1 6JH