

Committee Application

Development Management Report

Application ID: LA04/2021/1317/F
& LA04/2021/1318/DCA

Date of Committee: 29 June 2023

Proposal:
Demolition of existing dwellings and erection of two new dwellings and associated site works

Location:
450 and 448 Lisburn Road
Belfast
BT9 7GX

Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area

Recommendation: Refusal

Applicant Name and Address:
Kevin McGarrity
1D Malone Park
Belfast
BT9 6NH

Agent Name and Address:
RPP Architects Ltd
155-157 Donegall Pass
Belfast
BT1 1DT

Executive Summary:

These applications seek full planning permission and Conservation Area Consent for the demolition of the existing dwellings and erection of two new replacement dwellings and associated site works

The main issues to be considered in this case are:

- Principle of development
- Affordable housing and housing mix
- Adaptable and accessible housing
- Climate change including SuDS
- Demolition
- Impact on the character and appearance of the Malone Park Conservation Area
- Design
- Impact on Listed Buildings
- Impact on neighbouring amenity
- Transport
- Waste water infrastructure
- Other environmental considerations

The application site is within the Malone Park Conservation Area.

The proposal would result in the unacceptable demolition of two semi-detached dwellings that make a material contribution to the character and appearance of the area. It is considered that the proposed replacement dwellings would have a harmful impact on the Conservation Area by reason of their excessive plot coverage, scale, height and alignment. The proposed dwellings would harm the setting of the adjacent Listed Building, No. 1a Malone Park.

DfC Historic Environment Division, NI Water and the Conservation Officer object to the proposal.

The Council has received three letters of objection and 18 letters of support. These are set out in more detail in the main report.

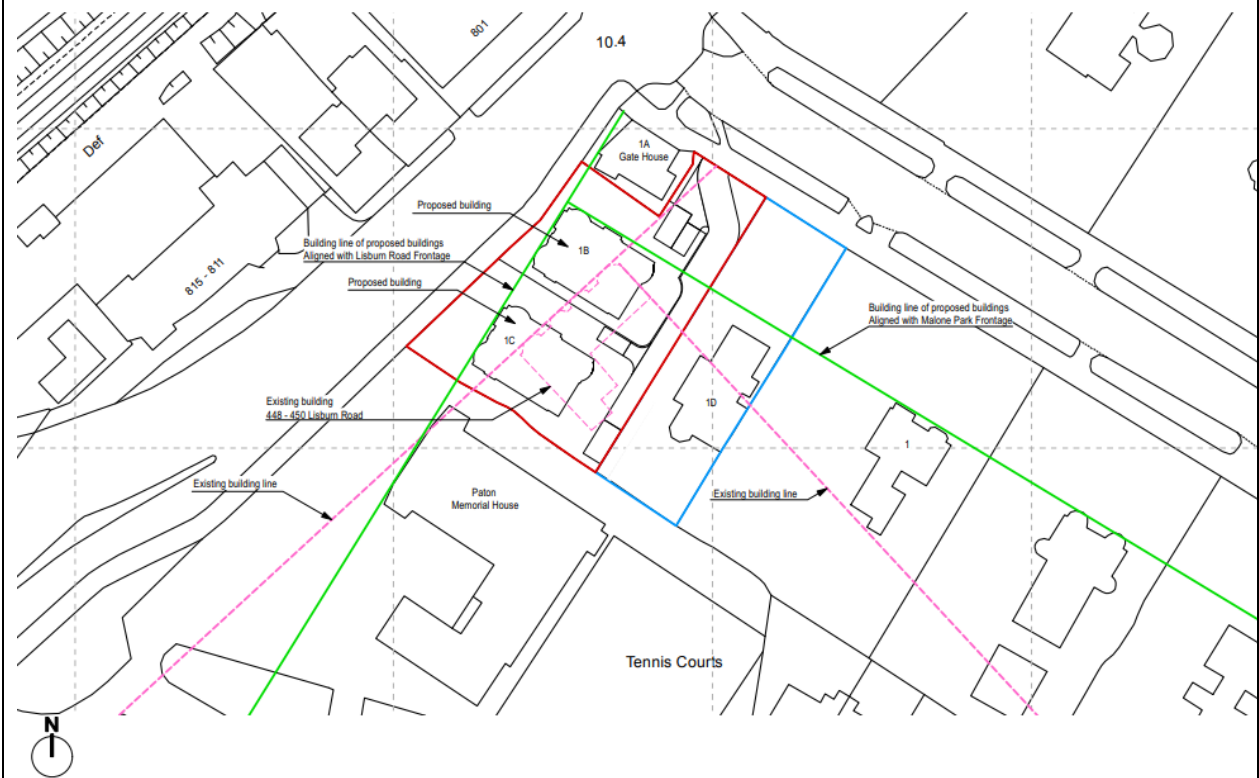
Recommendation

It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal.

Case Officer Report

Site Location and other Plans





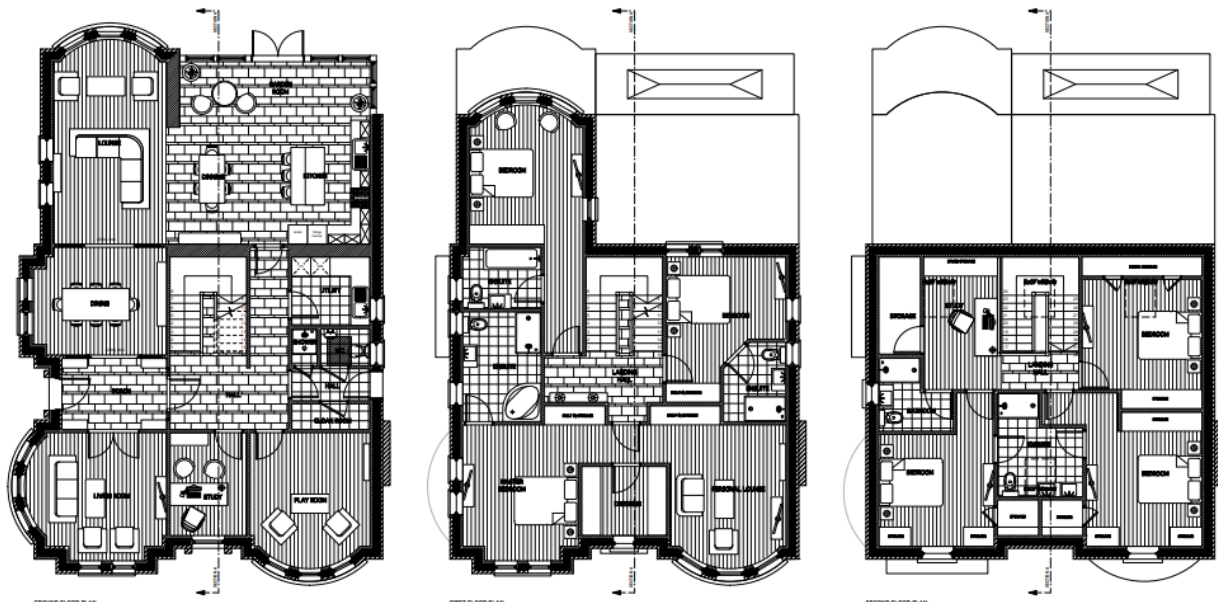
RPP
ARCHITECTS

PROJECT NUMBER: 2654_1B + 1C Malone Park

CLIENT NAME: Building Line Plan

PROJECT NUMBER: 2654-XXXX-A-DR-0005 1:500 (A3)

135-137 DONEGALL PASS BELFAST BT7 1DT T 028 924 5777 F 028 924 5824
171 CLARENDON ST LISBURN BT14 7ER T 028150 2744 F 028150 2823
E: INFO@RPPARCHITECTS.CO.UK W: RPPARCHITECTS.CO.UK



GROUND FLOOR PLAN
FIRST FLOOR PLAN
SECOND FLOOR PLAN

FLOOR AREAS
GF - 157sq'
F1 - 158sq'
F2 - 158sq'
Total: 473sq'

A 24/08/2021 Dormers replaced with roof window



PROJECT NAME/TITLE
2654_1B + 1C Malone Park

DRAWING NAME
Floor Plans

DRAWING NUMBER
2654-XX-ZZ-A-DR-1000 1:100 (A3)
DATE DRAWN
APR 2021
DRAWN BY
BB
CHECKED BY
HMCC

105-157 DONEGALL PASS BELFAST BT7 1DT T 028 9024 5777 F 028 9024 689
71 CLARENDON ST L DERRY BT48 7ER T 0287136 2794 F 028 7136 9829
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SIDE ELEVATION - FACING LISBURN ROAD



SIDE ELEVATION

FINISH SCHEDULE

- WALL FINISHES
- DOUBLE GLAZED TIMBER SHIP WINDOWS
- DOUBLE GLAZED TIMBER SHIP WINDOWS AND NEW DOORS
- DOUBLE GLAZED TIMBER SHIP WINDOWS - ORIGINAL
- SPANAL STONE CLAD
- NATURAL SLATE ROOF TILES
- ORIGINAL HARDED WOODEN DOOR
- ROOF WINDOWS
- CAST ALUMINIUM GUTTERS & DOWNPIPS
- BRICK PAVING TO GARDEN FRONT



FRONT ELEVATION - FACING MALONE PARK



BACK ELEVATION

A 24/08/2021 Dormers replaced with roof window



PROJECT NAME/TITLE
2654_1B + 1C Malone Park

DRAWING NAME
Elevations

DRAWING NUMBER
2654-XX-ZZ-A-DR-1000 1:100 (A3)
DATE DRAWN
APR 2021
DRAWN BY
BB
CHECKED BY
HMCC

105-157 DONEGALL PASS BELFAST BT7 1DT T 028 9024 5777 F 028 9024 689
71 CLARENDON ST L DERRY BT48 7ER T 0287136 2794 F 028 7136 9829
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PROPOSED REPLACEMENT HOMES - ARTIST'S IMPRESSIONS- CONTEXTURAL AERIAL VIEW - CONTEXT CONSISTENT SCALE, BULK & MASSING

Description of the Proposal and Area

<p>1.0 1.1 1.2</p>	<p>Description of Proposed Development Full planning permission is sought for the demolition of two existing dwellings and erection of two new dwellings with associated site works (LA04/2021/1317/F). Associated Conservation Area Consent is sought for the demolition (LA04/2021/1318/DCA).</p>
<p>2.0 2.1 2.2 2.3</p>	<p>Description of Site The application relates to Nos. 448 and 450 Lisburn Road. It comprises a pair of vacant semi-detached dwellings; currently the properties are boarded up and showing signs of deterioration. The existing dwellings are traditionally designed and two storeys in height, finished in red brick with sandstone lintels and sills. Each of the properties have a centralised doorway with a two-storey canted bay to either side. One property has retained the rear return (No.450) whereas the other dwelling's return has been removed. Fronting the dwellings is an area of hard standing that utilises much of the ground, there is an area of soft landscaping to the side of the dwellings which extends to the rear of 1a Malone Park. Boundary treatment consists of a mix of mature vegetation and brick wall. The brick wall to the front of the site is circa 1/8m high with entrance gates to either end for access. Although the site fronts onto the Lisburn Road, it falls within the Malone Park Conservation Area. The site backs onto another dwelling that is owned by the applicant which is currently subject to an application for a replacement dwelling (LA04/2021/0691/F, listed on the same 29 June Planning Committee agenda). The character of the surrounding area is mix of residential and commercial. Malone Park and the southern side of the Lisburn Road is mainly residential with neighbouring church buildings. To the northern side of the Lisburn Road there is a marked contrast with a more commercial feel to the buildings which are associated with a private hospital. The Lisburn Road is a main arterial route into and out of the city and therefore has a significant number of traffic movements.</p>

Planning Policy and other Material Considerations	
3.0	Site History
3.1	<p>Z/1982/1674 conversion to 3 no flats PP granted.</p> <p>Z/1987/1354 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 PP granted.</p> <p>Z/1988/0884 Conversion of ground floor to medical consulting rooms and office with dwelling accommodation above PP granted.</p> <p>Z/1989/0505 Conversion of dwellings into guest house PP granted</p> <p>Z/2000/0955/F Demolition of existing 18 bedroom guesthouse with 20 parking spaces and adjacent private dwelling. Construction of 18 apartments and associated parking. Withdrawn</p> <p>Z/2000/1966/F Demolition of existing guesthouse with 20 parking spaces and adjacent private dwelling. Construction of 17 apartments and associated parking. PP refused.</p> <p>Z/2000/2024/D Complete demolition of buildings, Private dwelling at 1b Malone Park and Guesthouse at 448-450 Lisburn Road Belfast. PP refused</p>
4.0	Policy Framework
4.1	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.
4.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
4.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
4.4	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).
4.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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.

4.3	<p>Belfast Local Development Plan: Plan Strategy</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p>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</p> <p>Policy HOU1 – Accommodating new homes Policy HOU2 – Windfall housing Policy HOU4 – Density of residential development Policy HOU5 – Affordable housing Policy HOU6 – Housing Mix Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of Urban Design Policy RD1 – New Residential Design</p> <p>Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas</p> <p>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)</p> <p>Policy TRAN 2 – Creating an accessible environment Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy TRE1, Trees</p> <p><u>Supplementary Planning Guidance (SPG)</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development Malone Park Conservation Area Design Guide</p>
4.4	<p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 Strategic Planning Policy Statement (2012) Creating Places (guidance)</p>
5.0	<p>Statutory Consultees Responses</p>
5.1	<p>DfC Historic Environment Division (HED) – objection</p>
5.2	<p>DfI Roads Service (DfI) – no objection</p>

5.3	NI Water (NIW) – objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health (EHO) – no objection subject to conditions
6.2	BCC Conservation Officer (CO) – objection
6.3	BCC Trees Officer (TO) – no objection
7.0	Representations
7.1	<p>The application was advertised in the local press and fifteen neighbouring properties notified. To date, the Council has received three letters of objection: 2 letters from a planning consulting representing neighbours and residents' association; and an objection from the owner of No. 4 Malone Park. A total of 18 letters of support was received from 10 individuals, the occupants of 1A, 2, 5, 16, 21, 38, 41, 43 and 49 Malone Park. 7 letters were submitted on behalf of Kings Bridge Hospital and one letter from 1A Malone Park Central. Seven of the supporting letters come from the one person, representing the private hospital fronting the site, each of the letters give a different address of the buildings fronting the site.</p> <p><u>Objections</u></p>
7.2	<p>The objections raise the following concerns.</p> <ul style="list-style-type: none"> • Impact of on listed building and conservation area • Scale, height and massing • Dominance • Lack of amenity • Consideration of refurbishment <p><u>Support</u></p>
7.3	<p>The representations in support raise the following issues.</p> <ul style="list-style-type: none"> • Proposal is complimentary to Malone Park • Current buildings an “eyesore” proposal adds to appearance of surroundings • Betterment and beneficial to area
7.4	The issues raised are addressed in the report.
8.0	ASSESSMENT
8.1	<p>The key issues are set out below.</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and housing mix • Adaptable and accessible housing • Climate change including SuDS • Demolition • Impact on the character and appearance of the Conservation Area • Impact on Listed Building • Impact on neighbouring amenity • Transport • Waste water infrastructure • Other environmental considerations

Background

8.2 The application as submitted in May 2021 under the previous planning policy framework. The Belfast Local Development Plan: Plan Strategy was adopted in May 2023. 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.

8.3 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.

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

8.5 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.

8.6 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 proposed site is accessible and convenient to public transport, walking and cycling infrastructure.

8.7 Policy HOU4 seeks to achieve appropriate housing densities. For Outer Belfast, a density of 25 to 125 units per hectare is targeted. The site is 0.13 ha in size and the proposed density is 15 dwellings per ha. Whilst this is lower than the recommended band, regard is had to the proposal being for replacement dwellings and the importance of maintaining the character and appearance of the Conservation Area.

Affordable housing and Housing Mix

8.8 Policy HOU5 of the Plan Strategy applies as the site is 0.13ha, exceeding the policy threshold 0.1ha. Moreover, the site is in the same ownership as the adjacent site at No. 1D Malone Park for a replacement dwelling (LA04/2021/0691/F). The adjacent site is 0.07ha, which means that the combined sites have a total area of 0.2ha.

8.9 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.

8.10 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 with even the minimum density of 25 units/ha only delivering 5 units on

	<p>the site and net increase of 3 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.</p>
8.11	<p>Taking these considerations into account, it is not considered appropriate nor reasonable to increase the density of the schemes and require affordable housing.</p>
8.12	<p>Policy HOU6 relates to housing mix and also applies. The policy requires a suitable mix of house types and sizes to promote choice and assist in meeting community needs. The proposed dwellings are large six-bedroom units. However, the proposal is to replace two already large existing dwellings. The desirability of increased variety in the housing mix has to be balanced with appropriately designed dwellings in the Conservation Area. Taking these factors into account, and in the planning balance, the proposed housing mix is considered acceptable.</p> <p><u>Adaptable and accessible housing</u></p>
8.13	<p>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.</p>
8.14	<p>The 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 assessable 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.</p> <p><u>Climate change including SuDS</u></p>
8.15	<p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development 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.</p>
8.16	<p>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.</p>
8.17	<p>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.</p>

8.18	<p>The applicant states that the dwelling will exceed Building Regulations standards in terms of thermal insulation and air tightness although does not indicate how. Consideration is being given to an air source 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. Additional soft landscaping features such as lawn, trees and hedging are proposed that will offer a betterment to the local environment Having regard to the length of the time that the Council has been considering the application, which was submitted in 2021, specific proposals to mitigate environmental change and resilience can be secured by condition.</p> <p><u>Demolition (climate change)</u></p>
8.19	<p>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.</p>
8.20	<p>The applicant has submitted a structural visual inspection report by way of letter. However, this does not demonstrate that the dwellings are structural unsound and beyond repair. Although it does make reference to the commercial feasibility of maintaining the dwellings. The applicant had initially submitted costings for retention and refurbishment of the dwellings (with comparisons to the costings and viability of the proposed replacement scheme) but this was later withdrawn.</p>
8.21	<p>The application has not demonstrated that retention and re-use of the existing dwellings is inappropriate or unfeasible. Therefore, the proposal fails to accord with Policy ENV2. However, regard is had to the longevity of the application, which was submitted in 2021. In the planning balance, it is not considered appropriate to refuse the application on this new policy requirement.</p> <p><u>Impact on the character and appearance of the Malone Park Conservation Area</u></p> <p><i>Legislation</i></p>
8.22	<p>Section 104 of the Planning Act (Northern Ireland) 2011 states that 'Special regard must be had to the desirability of:</p> <ul style="list-style-type: none"> (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. <p><i>Demolition</i></p>
8.23	<p>Paragraph 6.18 of the SPPS 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.</p>
8.24	<p>Policy BH 2 states there is a presumption of retaining non-listed buildings within a Conservation Area. Total or partial demolition will only be permitted where key criteria are met. These are that the building makes either a negative or no material</p>

	<p>contribution to the character and appearance of the Conservation Area; and that the design quality of the replacement buildings enhances its character.</p>
8.25	<p>HED advises that the existing dwellings are a pair of villas set back from the main road with large garden spaces to the front, reflective of larger plots intrinsic to the identity of this part of Lisburn Road and an early suburban development of Belfast. The existing dwellings are of a few remaining along this historic route which retain this theme. The Conservation Officer advice echoes that of HED and states that the existing dwellings make a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, ascribing its historical architectural evolution as a late Victorian / Edwardian / interwar period residential suburb. The existing dwellings are a historic asset which make a positive contribution to the character and appearance of the Conservation Area by way of age, features and legibility within the wider streetscape.</p>
8.26	<p>Having regard to the advice from HED and the Conservation Officer, it is considered that the existing dwellings make a material contribution to the character and appearance of the Conservation Area.</p>
8.27	<p>The applicant has submitted a structural visual inspection report by way of letter, which highlights a number of issues with the current buildings. However, this does not demonstrate that the dwellings are structural unsound and beyond repair. Although it does make reference to the commercial feasibility of maintaining the dwellings. The applicant had initially submitted costings for retention and refurbishment of the dwellings (with comparisons to the costings and viability of the proposed replacement scheme) but this was later withdrawn.</p>
8.28	<p>The existing dwellings make a material contribution to the character and appearance of the Conservation Area. The applicant has not provided a persuasive case for demolition of the existing dwellings. Furthermore, for the reasons set out in the next section of the report, the design of the proposed replacement dwellings is considered inappropriate and detrimental to the character and appearance of the Conservation Area.</p>
8.29	<p>In conclusion, the proposal is contrary to the SPPS and Policy BH2 of the Plan Strategy insofar as demolition.</p> <p><i>Suitability of the replacement dwellings</i></p>
8.30	<p>The proposed dwellings are of a traditional design, similar to those proposed on the adjacent site at No. 1D Malone Park and in character with existing properties in Malone Park. However, the Conservation Officer has a number of concerns about the proposal. These include that the proposal would have greater site coverage compared to the existing semi-detached properties. The height of the new dwellings would also be greater than the existing dwellings, contrary to the Malone Park Conservation Design Guide. There are also concerns about the proposal breaking the existing building line, with the proposed dwellings much closer Lisburn Road. The Design Guide requires the building line to reflect that of the original dwelling.</p>
8.31	<p>Having regard to these concerns, it is considered that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to criteria a. of Policy BH2 of the Plan Strategy. The proposal also conflicts with criterion b. in that the proposal does not respect the built form of the area by way of height, scale, form and legibility. Key views of the Conservation Area (including the Listed 1a Malone Park) would be negatively impacted, contrary to criterion c. The proposal is also contrary to the Design Guide, in contravention with criterion e.</p>

Malone Park Conservation Design Guide

8.32 The Malone Park / Adelaide Park Conservation Guide was published in 2003 after the area being designated as a Conservation Area by the former Department of Environment. The Conservation Guide is an important material consideration.

8.32 The Conservation Guide states 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.*'

8.33 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. The proposal involves the demolition of the existing dwellings and is in conflict with the Design Guide. 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. Again, the proposal is in conflict with this guidance.

8.32 The Design Guide 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

8.33 The existing footprint of the dwellings (without the return to No. 248) is 205 sqm giving a plot coverage of 15%. The proposed dwellings would have a total footprint of 314sqm and plot coverage of 23%.

8.34 As stated, the Design Guide states that new build plot coverage should not be more than one and a half times the original. In this case, the coverage would be 1.53 times greater, just in excess of the maximum. This supports the case that the plot coverage of the proposed development is too great and detrimental to the character and appearance of the Malone Park Conservation Area.

Design

8.35 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. Officers consider that the proposed dwellings fails to satisfy the policy in that they will not respond positively to the local context and character for the reasons previously given.

8.36 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. The proposal is compatible with adjacent uses. The proposed dwellings would not unduly affect neighbouring properties in terms of overlooking, shadowing and dominance. The site is accessible public transport. The dwellings would have appropriate open space, each would have external private amenity space, set behind the front building line, of circa 250sqm. The guidance set out within *Creating Places* indicates that new buildings require on average 70sqm of private amenity space per dwelling. The proposal would provide sufficient space to meet the needs of any future occupier.

Impact on the setting of Listed Buildings

Legislation

8.37 Section 91 of the Planning Act (NI) 2011 requires when 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.

8.38 No. 1a Malone Park is adjacent the site. It is a Grade B2 Listed Building and former gate lodge. Policy BH1 requires new development not to impact on the setting of listed buildings. HED *'considers the loss of the historic buildings (albeit in a state of disrepair) of most concern. The existing buildings contribute significantly to the setting of the Listed Buildings and are also important to the character and appearance of the Conservation Area. The existing dwellings proposed for demolition consist of a pair of villas which are set back from the main road with large garden spaces to the front. This is reflective of larger plots intrinsic to the identity of this part of Lisburn Road and an early suburban development of Belfast. The existing dwellings are one of a few remaining along this historic route which retain this theme'*.

8.39 HED further advises that the proposal would *'compete with the visual relationship between the gate lodge and the church as the established building line, the current proposal does not 'respect the listed building(s) in terms of alignment'*. Policy BH1 requires that there will be no significant loss to key views of the listed building to this regarded HED considers that any proposal should be aligned with the established building line therefore retaining the existing views of the listed building. The proposal would have a detrimental impact on the setting of the Listed Building by way of the proposed dwellings dominating the listed building by removing the current open view currently enjoyed.

8.40 The proposal would have an adverse impact on the setting of the Listed Building and is considered to fail to comply with Policy BH1 of the Plan Strategy.

Impact on neighbour amenity

8.41 Policy DES1 and RD1 requires that proposals do not unduly affect the amenity of neighbouring land uses. The location of the of the proposed dwellings provides an outlook to the front over the Lisburn Road creating no issues of overlooking. The south elevation has two secondary bedroom windows that will look towards the neighbouring Church and there is no issue of overlooking from these windows. The north elevation has a total of six windows, four of which serves bathrooms/en-suites and two serving as secondary windows to a master bedroom. These windows look towards the listed gate lodge, however, overlooking can be prevented through imposition of planning conditions regarding obscured glazing.

8.42 The two dwelling will have windows looking towards each other on the north and south elevation, given that the windows serve bathrooms/en-suites and secondary windows to bedrooms obscured glazing can control any potential to overlook. The east elevations would look towards 1D Malone Park with the properties separated by garden area fencing and laneway. Whilst the proposed dwellings are closer to the rear boundary with 1D Malone Park than would normally be acceptable, they are actually further away than the existing dwellings and in this regard this is acceptable.

	<p><u>Transport</u></p>
8.43	<p>The proposal is considered to comply with Policy TRAN2 given the accessibility of the site. The proposal would result in a new access onto Malone Park with the abandonment of the accesses onto the Lisburn Road. This alteration is considered an improvement, reducing the likelihood of vehicular and pedestrian conflict when accessing onto a main arterial route and directing access via a residential road. The proposed new access onto Malone Park complies with Policy TRAN6 in that it will not prejudice road safety or inconvenience road users. The means of access is considered safe and suitable. Policy TRAN8 requires adequate parking within the site for car parking. The proposal includes two in-curtilage space and satisfied the relevant Parking Standards for domestic dwellings.</p>
8.44	<p>DFI Roads offers no objection and in terms of transport the proposal is acceptable.</p>
	<p><u>Drainage infrastructure</u></p>
8.45	<p>NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plant. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, it is known that additional capacity will be achieved by August 2023.</p>
8.46	<p>NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.</p>
8.47	<p>Crucially, the proposal is for two replacement dwellings and would not significant increase the pressure on waste water infrastructure over and above the existing situation.</p>
8.48	<p>For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p>
	<p><u>Other environmental considerations</u></p>
8.49	<p>The proposal is considered acceptable in terms of impact on trees, landscaping proposals, drainage, flooding, ecology and noise impacts.</p>
9.0	<p>Summary of Recommendation:</p>
9.1	<p>It is recommended that planning permission and Conservation Area Consent are refused for the reasons set out in this report and below.</p>
9.2	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal.</p>
10.0	<p>DRAFT REFUSAL REASONS</p> <p><u>Refusal of full planning permission (LA04/2021/1317/F)</u></p> <ol style="list-style-type: none"> 1. The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale, height and alignment. The proposal would fail to preserve the

character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.

2. The proposal, by reason of its footprint, scale and alignment would harm to the setting of No. 1a Malone Park, a Grade B2 Listed Building. The proposal is contrary to Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035, Strategic Planning Policy Statement and Malone Park Conservation Design Guide.

Conservation Area Consent (LA04/2021/1318/DCA)

1. The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale, height and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.

Representations from Elected members:

None