Development Management Officer Report Committee Application

Summary		
Committee Meeting Date: 19 April 2016		
Application ID: LA04/2015/1164/F		
Proposal: Proposed residential development comprising eight detached dwellings with associated car parking and landscaping	Location: 172-174 Finaghy Road South Belfast	

Referral Route:

The planning application is for more than four residential units.

Recommendation:	Refusal
Applicant Name and Address:	Agent Name and Address:
O B C Developments	Coogan and Co Architects Ltd
115 Dromore Road	144 Upper Lisburn Road
Hillsborough	Finaghy
BT26 6JA	Belfast
	BT10 0BG

Executive Summary:

The application seeks a residential development comprising eight detached dwellings with associated car parking and landscaping.

The main issues to be considered in this case are:

- planning history on the site and the immediate vicinity
- demolition of the existing properties
- site density
- design
- access/parking
- amenity
- landscaping
- overlooking
- dominance
- · building line
- boundary treatment
- topography

The site at Finaghy Road South is not located within any BMAP designation. The proposal has been assessed against the SPPS, Planning Policy Statement 3, 7, Addendum to 7, 15, and guidance - Creating Places, DCAN 8 and 15, and Parking Standards.

In 2006 planning permission (Z/2004/2736/F) was granted for the demolition of the

existing residence and garage at 172 Finaghy Road South and the construction of seven private self contained apartments. Another planning approval (Z/2005/0816/F) for the development of five townhouses with associated car parking was granted in 2006. In 2015 a planning application for a residential development of ten units comprising eight detached and two semi-detached dwellings with associated car parking and landscaping was withdrawn as it was to be presented to the Belfast City Council Town Planning Committee as a refusal. The application was to be refused for the following reasons:

- over development and a lack of amenity space
- significantly higher density than the established residential area
- unacceptable living environment caused by dominance and overlooking
- failure to provide a satisfactory means of access and facilities for car parking

The current proposal reduces the number of properties by two units, but does not address all of the concerns of planning application Z/2014/1470/F. The current proposal will result in:

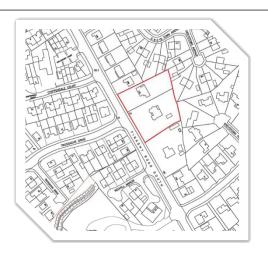
- over development
- · a significantly higher density than the established residential area
- the unacceptable living environment caused by dominance and overlooking
- the safety and convenience of road users being compromised since the applicant
 has failed to demonstrate that adequate provision can be made clear of the
 highway for the turning of service vehicles that would be attracted to the site.

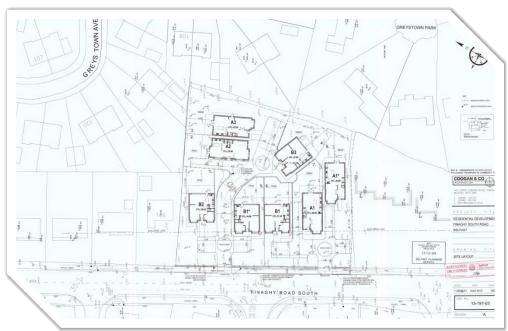
There were no objections to this planning application.

Having regard to the policy context and other material considerations above, the proposal is deemed to be unacceptable and contrary to Policy QD1 of PPS 7 and Policy LC1 of PPS 7 Addendum.

Case Officer Report

Site Location Plan





Consultations:			
Consultation Type	Consultee		Response
Statutory	NI Transport		Contrary to PPS 3 Policy AMP
			7
Statutory	NI Water - Multi Units East		No objection
Statutory	Rivers Agency		No objection
Non Statutory	Environmental Health Belfast		No objection
	City Co	uncil	
Statutory	NIEA Water Management		No objection
Representations:			
Letters of Support		None Received	
Letters of Objection		None Received	
Number of Support Petitions an	d	No Petitions Received	
signatures			
Number of Petitions of Objectio	n and	No Petitions Received	
signatures			

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	sentations from Elected None		
	entatives octeristics of the Site and Area		
1.0			
1.0	Description of Proposed Development		
	The proposal is for a residential development of eight detached dwellings with associated car parking and landscaping.		
2.0	Description of Site and Area		
2.1	The site on the Finaghy Road South contains two derelict properties (172 and 174) and is in an overgrown state. The land rises in a south-easterly direction, and is elevated above the level of houses to the rear in Greystown Avenue.		
2.2	Finaghy Road South is a busy thoroughfare linking Upper Malone Road and Lisburn Road. It is predominantly residential in nature, with front and rear gardens prevalent. There are no BMAP designations at this location.		
Plann	ing Assessment of Policy and other Material Considerations		
3.0	Site History		
3.1	In 2006 planning permission (Z/2004/2736/F) was granted for the demolition of the existing residence and garage at 172 Finaghy Road South and the construction of seven private self contained apartments. Another planning approval (Z/2005/0816/F) for the development of five townhouses with associated car parking was granted in 2006. In 2015 a planning application (Z/2014/1470/F) for a residential development of ten units comprising eight detached and two semi-detached dwellings with associated car parking and landscaping was recommended for refusal but was withdrawn before being presented to Belfast City Council Town Planning Committee.		
3.2	In the immediate vicinity of 172-174 Finaghy Road South the majority of planning permissions have been for domestic extensions to residential properties. However there has been several higher density housing schemes granted approval. In 2004 planning permission (Z/2003/2857/F) was granted at 176 Finaghy Road South (adjacent site) for a residential development of six townhouses. In 2007 planning approval was granted for the demolition of 167 Finaghy Road South and the construction of one detached property and three townhouses with garages and associated parking. Planning permission was granted approval in 2009 for the demolition of 129-131 Finaghy Road South and the erection of a two storey building plus with roof space accommodation comprising of seven apartments and associated car parking.		
4.0	Policy Framework		
4.1	Belfast Metropolitan Area Plan 2015		
	Belfast Metropolitan Area Plan 2015. The site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits		

Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 7 Addendum – Safeguarding the Character of Established Residential Areas Supplementary Planning Guidance – Creating Places Supplementary Planning Guidance – Parking Standards Development Control Advice Note 8 - Housing in Existing Urban Areas Development Control Advice Note 15 – Vehicular Access Standards **Statutory Consultee Responses** 5.0 Rivers Agency - No objection subject to informatives **Transport NI** – Proposal is contrary to PPS 3 Policy AMP 7 and PPS 7, in that it would, if permitted, prejudice the safety and convenience of road users since the applicant has failed to demonstrate that adequate provision can be made clear of the highway for the turning of service vehicles that would be attracted to the site. NI Water – No objection subject to informatives **NIEA Water Management** – The proposal has the potential to adversely affect the surface water environment 6.0 **Non Statutory Consultee Responses** Belfast City Council Environmental Health – No objection subject to informative 7.0 Representations 7.1 There were no representations to this planning application. 8.0 **Other Material Considerations** None 9.0 **Assessment** 9.1 The application site is located within the settlement development limits of Belfast. It is not located within any designated BMAP sites. 9.2 The key issues in this planning application are: planning history on the site and the immediate vicinity, demolition of the existing properties, site density, design, access/parking, amenity, landscaping, overlooking, dominance, building line, boundary treatment, and topography. 9.3 Strategic Planning Policy Statement for Northern Ireland The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged

importance.

Planning History

The previous planning history on this site has established the principle of demolition of the existing properties, and the replacement with a higher density development. Planning application Z/2004/2736/F granted a three storey single apartment block of seven units on the site of 172 Finaghy Road South, with parking to the front and rear. Planning application Z/2005/0816/F granted five, three storey dwellings in a stepped terrace formation on the site of 174 Finaghy Road South, with parking to the front. However in 2015 a planning application (Z/2014/1470/F) for the construction of ten dwellings was withdrawn by the applicant as it was to be presented to the Belfast Town Planning Committee as a refusal for the following reasons:

- 1. Contrary to policy QD1 of the Department's Planning Policy Statement 7 in that the proposal would, if permitted, result in overdevelopment of the site due to its inappropriate siting, layout, scale, form, massing and design causing unacceptable damage to the character and appearance of the area and fails to provide adequate private amenity space. The proposal would fail to provide a quality and sustainable residential environment.
- Contrary to the Department's Planning Policy Statement 1 General Principles, Planning Policy Statement 7 (Addendum) Safeguarding the Character of Established Residential Areas Policy LC1, and DCAN8, in that the proposal would, if permitted, result in a significantly higher density and a development pattern which is not in keeping with this established residential area.
- 3. Contrary to policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments" in that it would, if permitted, result in overdevelopment of the site in that it would, if permitted, be harmful to the living conditions of existing and prospective residents through dominance and overlooking resulting in a loss of residential amenity, and would be harmful to the living conditions of prospective residents due to poor outlook. The proposed development would therefore fail to create a quality residential environment.
- 4. Contrary to policy QD1 of the Department's Planning Policy Statement 7: "Quality Residential Environments", Creating Places, and related guidance in that it has not been demonstrated that the proposal would provide a satisfactory means of access and adequate facilities for parking and service vehicles as part of the development.

Demolition of the Existing Dwellings

The two properties that exist on the site (172 and 174 Finaghy Road South) are in a derelict state. As they are not located within an Area of Townscape Character or Conservation Area and are not of any architectural merit demolition is acceptable.

Topography

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The topography of the site will be assessed as part of paragraphs 9.11 and 9.12 discussing overlooking and dominance.

Site Density

Policy QD1 of PPS 7 (a) stipulates that proposed developments should by way of their layout respect the surrounding context. This part of the Finaghy Road South is residential in nature with two-storey/two and a half storey detached/semidetached properties set within medium sized plots with front and rear gardens. Dwellings front onto the principle roads in the area creating a uniformity of development. There has been redevelopment of properties along Finaghy Road South as discussed in section 3 (Planning History) into higher density developments. As such the principle of a housing density higher than the established residential area has been accepted. However it must be an acceptable layout that does not cause conflict with adjacent properties. The proposal is two units less than the previous planning application – Z/2014/1470/F - that was withdrawn. There remains concerns that the proposed layout of the three houses to the rear and house type A1* (discussed in the following paragraphs) would lead to overdevelopment of this site. The development does not comply with Policy LC1 (a and b) of PPS 7 Addendum in that the proposed density is significantly higher than the established residential area; and the pattern of development is not in keeping with the established residential area.

Design

Policy QD1 of PPS 7 (g) stipulates that the design of the dwellings must draw upon the best traditions of form, materials and detailing. The proposed development is a mixture of two and two and a half storey dwellings constructed from rustic brick and/or smooth painted render, hardwood painted doors, white uPVC windows and a tile slate look-a-like roof. The proposed design of the development is acceptable in this location (not within a Conservation Area or Area of Townscape Character), and is in keeping the surrounding context.

Access/Parking

PPS 3 Policy AMP 7 (Car Parking and Service Arrangements) stipulates that adequate provision for car parking should be facilitated that does not prejudice road safety or significantly inconvenience the flow of traffic. Creating Places stipulates for detached (four bed) houses (with two in-curtilage spaces illustrated) a parking requirement of three in-curtilage spaces is necessary. As such the proposed development should provide three in-curtilage parking spaces per dwelling (8) giving a total of 24. The applicant has shown a total of 16 in-curtilage car parking spaces and a further six visitor spaces (total of 22). As requested in Transport NI consultation reply to Belfast Planning Service dated 5th February 2016, a turning facility should be provided at the extent of the north-western private drive to permit the largest vehicle expected to visit the site to enter and exit the development in a forward gear. Transport NI considers the proposed turning facility indicated on Drawing 03A bearing date stamp 26th February 2016 to be impractical. A practical turning facility should be provided to serve the north-western private drive. Auto-tracking should be provided to demonstrate that the largest vehicle expected to visit

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the site can enter, manoeuvre and exit the development in a forward gear. As such The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking; Policy AMP 7, Car Parking and Servicing Arrangements, and Planning Policy Statement 7: Quality Residential Environments, in that it would, if permitted, prejudice the safety and convenience of road users since the applicant has failed to demonstrate that adequate provision can be made clear of the highway for the turning of service vehicles that would be attracted to the site.

Amenity

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Creating Places stipulates that in lower density developments should have an area of private open space behind the building line. Back garden provision is calculated as an average space standard for the development as a whole and should be around 70sqm per house or greater. For any individual house an area less than 40sqm will be considered as unacceptable. The proposed development exceeds these standards and as such is considered acceptable. DCAN 8 states that housing layouts need to maintain a clear definition between the public or civic realm of the street and private space associated with the dwelling. Front gardens, or other forms of defensible space, of even a modest size, can provide an effective buffer to the street. The proposed development has provided this and as such is compliant with PPS 7 QD1 (c) in that a sufficient amount of private open space has been provided.

Overlooking

PPS 7 Policy QD1 (h) states that the layout will not create conflict by overlooking between proposed and/or existing dwellings. The orientation of house A1* (8) and B3 (4) would result in overlooking into the rear of both properties from the respective upper floor bedroom windows. The closest windows of each are approximately three metres (B3 - 4) from the common boundary, and five metres (A1* - 8). The front elevation of B3 (4) faces into the rear of properties B1* (5) and B1 (6). The separation distance from the upper floor windows of B3 (4) and the two properties are approximately two metres from the rear boundary of B1 (6) and eight metres from B* (5). The front elevation of property A3 (3) is ten metres from the private rear amenity space of B3 (4). Dwelling A2 (2) fronts onto the rear of both B2 (1) and B1* (5) with separation distances to the rear boundaries of three metres and eight metres respectively. As such there is likely to be a significant level of overlooking involved in this proposed development due to the layout especially from the dwellings positioned to the rear of the site. The separation distances between the proposed dwellings and the existing properties in Greystown Avenue and Greystown Park are generally in keeping with the stipulated standards in Creating Places. It is recommended that there is ten metres between the rear elevation of proposed properties and the common boundary with existing dwellings. The proposed dwellings A1* (8), B3 (4), A2 (2) and A3 (3) have a minimum distance to the common boundaries with the existing dwellings of nine metres. A separation distance of twenty metres is recommended between rear elevations of existing neighbouring properties. The stated dwellings all exceed the twenty metres separation distance, with the exception of A3 (3). Its relationship with 104 and 106 Greystown Avenue will not give rise to overlooking due to only one opaque bathroom window being proposed on the facing elevation.

Dominance

PPS 7 Policy QD1 (h) states that the layout will not create conflict by dominance causing overshadowing between proposed and/or existing dwellings. The position of house A1* (8) in relation to the rear of A1 (7) is highly likely given the east-west course of the sun to lead to overshadowing. The rear of A1 (7) will be dominated by ten metres of the side elevation and a ridge height of ten metres - A1* (8). There is a significant change in levels between proposed house A3 (3) and 104/106 Grevstown Avenue. The difference between the site boundary and the finished floor level at 104 Greystown Avenue is 0.44m and finished floor level at 106 Greystown Avenue is 1.23m. The separation distance between A3 (3) and the rear of 104 Greystown Avenue is 14.8 metres, and with 106 Greystown Avenue is 19 metres. It is proposed to supplement the boundary with landscape buffering – a mixture of extra heavy standard trees, heavy standard trees, light standard trees and multi stem trees. The proposed ridge height of A3 (3) is eight metres, and with the difference in levels it will be 2.27m higher than 106/108 Greystown Avenue, and 1.14m higher than 104 Greystown Avenue. As such given the proximity of the existing houses to the rear of the site, the change in levels, and the length of time the landscape buffering will take to mature the relationship between property A3 (3) is likely to lead to dominance over the existing properties to the rear in Greystown Avenue.

Building Line

DCAN 8 states that retaining the building line is an important way of maintaining the character of the area. This part of Finaghy Road South is characterised by dwellings set back from the main road with front gardens. Most urban housing benefits from a set-back which provides an adequate buffer zone to the street and is capable of accommodating suitable frontage planting, or providing defensible space. There was a strong building line present however in recent years this has become disrupted by higher density redevelopment schemes. DCAN 8 stresses that the set-back from the road will not, normally be sufficient to accommodate incurtilage parking. The new housing development that has replaced the former 176 Finaghy Road South has a stepped appearance with predominantly hard surfaced space adjacent to the road. The proposed development presented in this planning application maintains a building line with the properties to the north-west, with the exception of unit 8 (A1*) that is set back in line with the new houses at the site of the former 176 Finaghy Road South. The proposal at 172-174 Finaghy Road affords a mixture of garden space and car parking between the road and the building line. As the development adjacent has been approved precedence has been set. A suitable landscaping scheme is required to soften the view of the development from Finaghy Road South.

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Landscaping

PPS 7 Policy QD1 (c) states that planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area. Concern was raised in the assessment of planning application Z/2014/1470/F about the lack of

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significant landscaping to supplement the existing vegetation. It was also raised that the future viability of the proposed landscaping was uncertain given the proximity to the rear boundary of the properties. The current application has significantly increased the amount of landscaping around the boundaries and within the development to order to integrate to soften the visual impact. The properties proposed closest to the rear boundary have been moved to approximately a minimum of six metres from the landscaping and in so doing allow for root development. This should provide an opportunity for the future viability and maturity of the vegetation to occur.

Boundary Treatment

DCAN 8 states that boundary treatments can have an important influence on local character, and should be retained where possible, in order to protect the surrounding street character. Well-designed walls or railings, and planting, can be used to mitigate the detrimental visual impact of cars and dustbins. The existing brick and stone boundary fronting Finaghy Road South is proposed to be replaced by a 1.5m high rendered wall with mild steel railings interspersed with rendered pillars with concrete caps. Two entrance points are proposed, and the boundary is to be softened by heavy standard/extra heavy standard trees and shrub borders. The existing hedge boundary adjacent to 166 Finaghy Road South and Greystone Avenue is to be retained and strengthened. To the rear of the site the boundary is proposed to incorporate a 1.8m timber close boarded fence, extra heavy standard/heavy standard trees and multi stem/whip trees. Adjacent to the stepped terrace of properties at the former 176 Finaghy Road South is to be a boundary incorporating native hedgerow and timber fencing. Within the proposed site there are a variety of boundaries proposed including: 1.8m timber close boarded fencing, black metal railing estate fencing (1.2m and 1.5m), rendered wall (2m).

9.16 Conclusion

The principle of redevelopment of the site has been established through the previous planning approvals – Z/2004/2736/F and Z/2005/0816/F. Although these were higher density schemes consideration must be given to the standard of development proposed and the most recent planning application on this site – Z/2014/1470/F – that was withdrawn as a consequence of its recommendation for refusal. This current planning application has addressed the shortfall in amenity space by reducing the scheme to eight units from ten and provided enhanced landscaping. However the development will still result in:

- over development
- a significantly higher density than the established residential area, and an
- unacceptable living environment caused by dominance and overlooking
- the safety and convenience of road users being compromised since the applicant has failed to demonstrate that adequate provision can be made clear of the highway for the turning of service vehicles that would be attracted to the site.

Having regard to the policy context and other material considerations above, the proposal is deemed to be unacceptable and contrary to Policy QD1 of PPS 7, Policy LC1 of PPS 7 Addendum and PPS 3 Policy AMP 7.

10.0	Summary of Recommendation				
	Refusal				
	i Kerasa.				
11.0	Reasons for Refusal				
	1. The proposal is contrary to Policy QD1 of Planning Policy Statement 7 in that it would, if permitted, result in overdevelopment of the site due to its inappropriate siting, layout, scale, form, massing and design causing unacceptable damage to the character and appearance of the area. The proposal would fail to provide a quality and sustainable residential environment.				
	2. The proposal is contrary to Policy LC1 of Planning Policy Statement 7 (Addendum) Safeguarding the Character of Established Residential Areas in that it would, if permitted, result in a significantly higher density and a development pattern which is not in keeping with this established residential area.				
	3. The proposal is contrary to Policy QD1 of Planning Policy Statement 7: "Quality Residential Environments" in that it would, if permitted, result in overdevelopment of the site causing harm to the living conditions of existing and prospective residents through dominance and overlooking resulting in a loss of residential amenity, and would be harmful to the living conditions of prospective residents due to poor outlook. The proposed development would therefore fail to create a quality residential environment.				
	4. The proposal is contrary to Planning Policy Statement 3: Access, Movement and Parking; Policy AMP 7, Car Parking and Servicing Arrangements, and Planning Policy Statement 7: Quality Residential Environments, in that it would, if permitted, prejudice the safety and convenience of road users since the applicant has failed to demonstrate that adequate provision can be made clear of the highway for the turning of service vehicles that would be attracted to the site.				
12.0	Notification to Department (if relevant)				
	N/A				
13.0	Representation from elected member: None				
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ANNEX	
Date Valid	06 October 2015
Date First Advertised	23 October 2015
Date Last Advertised	N/A
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Date of Last Neighbour Notificatio	
Date of EIA Determination	N/A
ES Requested	No
ES Requested Notification to Department (if relev	