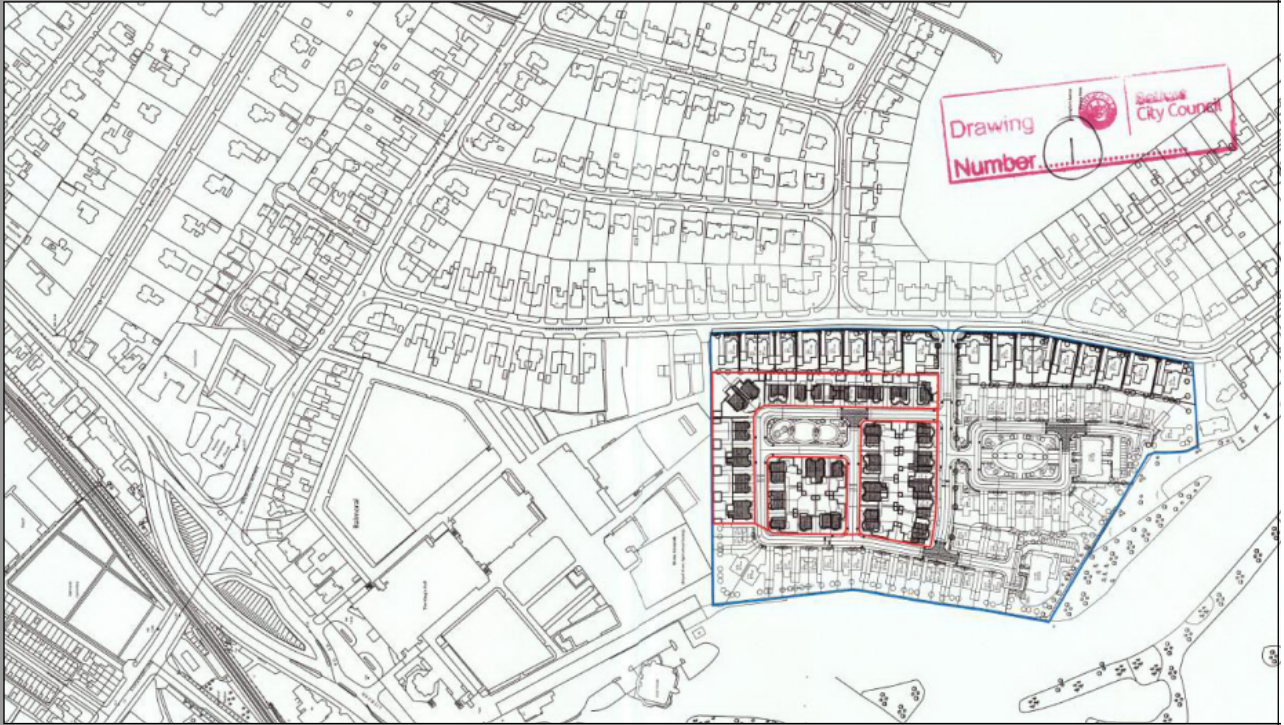


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 18 October 2016	
Application ID: LA04/2016/0200/F	
Proposal: Erection of forty eight dwellings including garages and landscaping (amendments to Z/2012/0645/RM)	Location: Lands South of 25 Harberton Park Belfast BT9 6TW
Referral Route: Application is for more than four residential units.	
Recommendation:	Approval
Applicant Name and Address: HBH Developments 551 - 555 Lisburn Road Belfast BT9 7GQ	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
<p>Executive Summary:</p> <p>The application seeks amendments to a previous planning approval (Z/2012/0645/RM) to include changes to house types and modifications to plot arrangements including garages and landscaping for the second phase of development comprising forty eight dwellings at lands south of 25 Harberton Park.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • principle of development at this location • acceptability of the revised layout • appropriateness of the design • impact on amenity <p>The site at the former King's Hall land is not located within any BMAP designation. It is adjacent to the Malone Conservation Area Sub Area H – Balmoral, Harberton, Shrewsbury. The proposal has been assessed against the SPPS, Planning Policy Statements 3, 7, and the Addendum to PPS 7, 15 and supplementary guidance set out in Creating Places, DCAN 8 and Parking Standards.</p> <p>The planning history at this location relates to a reserved matters approval in 2014 (Z/2012/0645/RM) for the demolition of the existing buildings and the erection of a residential development comprising 140 units.</p> <p>There was one objection to this planning application raising the following concerns:</p> <ul style="list-style-type: none"> • overdevelopment • traffic intensification • lack of sewerage <p>Having regard to the policy context and other material considerations above, the proposal is deemed to be acceptable and is recommended for approval.</p>	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	NI Transport	No objection
Statutory	NI Water - Multi Units East	No objection
Non Statutory	Environmental Health Belfast City Council	No objection
Statutory	NIEA Water Management	No objection
Statutory	Rivers Agency	No objection
Non Statutory	Belfast City Council Tree Officer	No objection
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Representations from Elected representatives	None	
Characteristics of the Site and Area		
1.0	Description of Proposed Development	
	The proposal seeks amendments to a previous planning approval (Z/2012/0645/RM) to include changes to house types and modifications to plot arrangements including garages and landscaping for the second phase of development comprising forty eight dwellings at lands south of 25 Harberton Park.	
2.0	Description of Site and Area	
2.1	The site of this housing development (currently under construction) is on lands previously owned by the Royal Agricultural Society at the King's Hall complex. It is a flat site located between Harberton Park (residential) and Balmoral Golf Club.	
2.2	The site is not located within any BMAP designation, but it is adjacent to the Malone Conservation Area Sub Area H – Balmoral, Harberton, Shrewsbury.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
3.1	An outline planning application (Z/2003/1697/O) for the demolition of the existing buildings and erection of a residential development comprising 140 units was approved in 2009. A reserved matters application (Z/2012/0645/RM) for the same proposal was then granted planning permission in 2014.	
3.2	The following conditions have been discharged for Z/2012/0645/RM:	
	<ul style="list-style-type: none"> • Condition 3 – Landscape Management Plan – LA04/2016/0154/DC • Condition 7 – Additional site soil investigations and risk assessment to determine the extent of capping layers in gardens and landscaped areas. A revised remediation strategy to demonstrate how any identified pollutant linkages no longer pose a significant risk to human health – LA04/2015/0501/DC • Condition 10 – Planting Plans – LA04/2015/0102/DC 	

4.0	Policy Framework
4.1	<p>Belfast Metropolitan Area Plan 2015</p> <ul style="list-style-type: none"> • Belfast Metropolitan Area Plan 2015, 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 • Planning Policy Statement 15 Revised – Planning and Flood Risk
5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Transport NI – No objection subject to conditions and informatives • NI Water Multi-Units East – No objection subject to informatives • NIEA Water Management – No objection subject to informatives • Rivers Agency – No objection subject to informatives
6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objections subject to conditions and informatives • Belfast City Council City Tree Officer – No objection subject to conditions
7.0	Representations
7.1	<p>There was one objection to this planning application raising the following concerns:</p> <ul style="list-style-type: none"> • overdevelopment • traffic intensification • lack of sewerage
8.0	Other Material Considerations
	<ul style="list-style-type: none"> • 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
9.0	Assessment
9.1	<p>The application site is located within the settlement development limits of Belfast but not within any BMAP designation. It is adjacent to the Malone Conservation Area Sub Area H – Balmoral, Harberton, Shrewsbury.</p>
9.2	<p>The key issues in this planning application are:</p> <ul style="list-style-type: none"> • principle of development at this location • acceptability of the revised layout • appropriateness of the design • impact on amenity
9.3	<p>Proposed Changes</p> <p>The following changes are proposed:</p> <ul style="list-style-type: none"> • Loss of one unit and positional reorganisation (detached/semi-detached) • Amended design and style of properties incorporating windows and doors • Inclusion of single storey extensions to the rear of properties

	<ul style="list-style-type: none"> • Alteration to size of properties • Alteration to plot boundaries • Alteration in separation distances • Minor landscaping changes • Garages and Stores
9.4	<p>Strategic Planning Policy Statement for Northern Ireland</p> <p>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.</p>
9.5	<p>Planning History</p> <p>Planning permission has been granted at this location for a residential development. Paragraph 3.1 and 3.2 details the approval and the subsequent conditions that have been discharged.</p>
9.6	<p>EIA</p> <p>The proposed development falls within Category 10 (b) (Urban Development Project) – the area of development exceeds 0.5ha) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (Northern Ireland) 2015. It was determined that an EIA is not required as the scheme has been previously approved and is unlikely to have any significant environmental impacts. Any issues will be dealt with through the development management process.</p>
9.7	<p>Drainage</p> <p>In accordance with Policy FLD 3 of PPS 15 a drainage assessment would be required for the following reasons:</p> <ul style="list-style-type: none"> • additional hard-surfacing greater than 1000m² • residential development comprising ten or more dwellings • site greater than 1 hectare <p>However Rivers Agency acknowledges that this application is for amendments to existing approved plans. Having received a drainage layout along with a Schedule 6 consent letter, Rivers Agency from a drainage and flood risk aspect would have no objections to this proposed development.</p>
9.8	<p>Contaminated Land</p> <p>A letter was submitted on behalf of the applicant stating that previous reports for the Z/2012/0645/RM approval – Additional Environmental Site Assessment, dated June 2015 and revised remedial strategy remain valid for this planning application. Belfast City Council Environmental Health has requested that a condition should be included requesting the submission and approval of a Verification Report prior to occupation of the proposed development. The report must demonstrate that the contaminated land remediation measures have been successfully implemented and the site is fit for end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken.</p>
9.9	<p>Sewerage</p>

	<p>An objection was received stating that there could be a lack of adequate sewerage with this site. NI Water was consulted and offered no objection to the proposed development. They were also consulted as part of previous planning applications on this site and raised no issue.</p>
<p>9.10</p>	<p>Parking and Access</p>
	<p>An objection letter raised concerns regarding traffic intensification. Transport NI offers no objection to this development proposal that is an amendment to Z/2012/0645/RM. As such the scheme is compliant with PPS 3, Parking Standards and DCAN 15.</p>
<p>9.11</p>	<p>Site Layout</p>
	<p>The current proposal reduces by one the number of units granted planning permission at this location in Z/2012/0645/RM to forty-eight. The loss of a unit occurs at plot 106 in the new site layout. As such the objection raised regarding overdevelopment is not sustainable.</p>
<p>9.12</p>	<p>Overlooking</p>
	<p>PPS 7 Policy QD1 (h) states that the layout will not create conflict by overlooking between proposed and/or existing properties. There are no issues with overlooking pertaining to the change of house types in this proposed development.</p>
<p>9.13</p>	<p>Dominance</p>
	<p>PPS 7 Policy QD1 (h) states that the layout will not create conflict by dominance/loss of light between proposed and/or existing properties. The change of house types do not create any issues pertaining to dominance with this proposed development. That additional of single storey extensions to the rear of some of the properties have been assessed against Policy EXT 1 of PPS 7 Addendum and are deemed to be in compliance.</p>
<p>9.14</p>	<p>Building Line</p>
	<p>DCAN 8 states that retaining the building line is an important way of maintaining the character of the area. The proposal maintains a definitive building line along each of the streetscapes.</p>
<p>9.15</p>	<p>Amenity Space</p>
	<p>The private amenity space provided in this development is commensurate with Creating Places. The change of house types has not caused a detrimental loss to the amount of amenity space and is comparable to the rest of the proposed development outside this planning application. As such the proposed amenity space is compliant with PPS 7 Policy QD1 (c).</p>
<p>9.16</p>	<p>Design</p>
	<p>PPS 7 (g) states that the design of the development should draw upon the best local traditions of form, materials and detailing. The site is not located within an Area of Townscape Character or a Conservation Area. As such the proposed design changes to the approved properties are acceptable by maintaining brick and render finishes, decorative detailing and ridge lines of similar heights. Corner sites have dual frontages to</p>

<p>9.17</p> <p>9.18</p> <p>9.19</p>	<p>provide a continuation of development. Plots 17 and 18 (house type 8) introduce a small side extension (set back from the front elevation) to the pair of semi-detached properties. The streetscape drawings provide a contextual appreciation of the proposed development and highlights the variation in the proposed design of Plots 17 and 18. The design of the dwellings and proposed materials are considered acceptable.</p> <p>Boundaries</p> <p>DCAN 8 states that well designed walls or railings, and planting, can be used to mitigate the detrimental visual impact of cars and dustbins. The proposed boundary treatments include timber fencing to the rear of the properties and brick walls, low brick walls with railings or post and wire fencing combined with hedgerow to the front which are considered appropriate.</p> <p>Landscaping</p> <p>As a requirement of the previously approved planning application Z/2012/0645/RM the following two conditions were discharged prior to development taking place:</p> <ul style="list-style-type: none"> • Condition 3 – Landscape Management Plan • Condition 10 – Planting Plans <p>The Belfast City Council Tree Officer has been consulted on this planning application and states that any changes appear to be relatively minor. Numbers of the larger trees do not appear to have changed, and an increase in shrub numbers is proposed. The planting specification and the maintenance specification are unchanged. As such there are no objections to the landscaping element of this planning application and it is considered compliant with PPS 7 Policy QD 1(c).</p> <p>Garages and Stores</p> <p>The design and location of the stores and garages are acceptable within this development. The stores and the garages will not cause conflict by way of dominance on neighbouring properties.</p>
<p>9.20</p>	<p>Conclusion</p> <p>Planning permission was previously granted at this location for a residential development. The proposed house type changes will not cause any detrimental impact for prospective residents. The issues raised in the objection have been fully considered and it is concluded that the previous planning history has determining weight and the issues raised in the objection cannot be sustained.</p>
<p>10.0</p>	<p>Summary of Recommendation</p> <p>Having regard to the policy context and other material considerations above, the proposal complies with relevant planning policy and is considered to be acceptable. It is recommended that planning permission be granted.</p>
<p>11.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit

	<p>2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated drawing P239/R20a bearing the Transport NI determination date stamp 12th May 2016. Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>3. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development. Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling</p> <p>4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with the approved drawing P239/R20a bearing the Transport NI determination date stamp 12th May 2016 to provide adequate facilities for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking.</p> <p>5. No dwelling hereby permitted shall be occupied until all redundant accesses from the site to the public road shall be permanently closed off and the footpath along the whole frontage of Harberton Park to be reconstructed to the satisfaction of Transport NI. Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.</p> <p>6. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>7. No dwelling hereby approved shall be occupied until the Developers have entered into a Corporate Commuter Initiative Agreement with Translink and the details verified to the satisfaction of Belfast City Council. Reason: To encourage the provision and use of public transport.</p> <p>8. No part of the development hereby approved shall be occupied until the Developer has contributed, to the satisfaction of Transport NI, towards the provision of a traffic camera on the Bus Lane on Upper Malone Road. Reason: In the interests of road safety.</p> <p>9. No part of the development hereby permitted shall be occupied until parking at the King's Hall site indicated generally on drawing 0409-CP001-C date stamped 23 September 2014 of Z/2012/0645/RM has been fully completed to the satisfaction of Belfast City Council. Reason: To ensure the provision of adequate parking facilities and in the interests of road safety and convenience of road users.</p> <p>10. Prior to the occupation of the proposed development, the applicant shall provide</p>
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to Belfast City Council, for approval, a Verification Report. This report must demonstrate that the contaminated land remediation measures, as outlined in the following reports, have been implemented:

- RSK report '*Additional Environmental Site Assessment - Lands South of 25 Harberton Park, Belfast*', Report reference number 601161-1(00), dated June 2015
- RSK letter report '*Lands south of Harberton Park, Belfast*' Report reference number 610238, dated 11th September 2014
- RSK letter report '*Lands south of Harberton Park, Belfast*' , Report reference number 601161, dated 23rd March 2016

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- a. All affected soils in gardens and landscaped areas are capped with appropriate material demonstrably suitable for end use (Residential) to a minimum depth of 600mm and a minimum of 200mm top soil in the designated areas as outlined in RSK letter report dated 23rd March 2016, Report reference number 601161, Figure 1, RSK *Drawing showing capping layer extent*, dated 26/02/16.
11. Prior to occupation of the dwellings, hereby permitted, all boundary treatments shall be completed in accordance with the approved drawing 23 date stamped 23 August 2016, and drawing 28 date stamped 02 September 2016.
Reason: To safeguard the privacy and amenity for prospective residents.
 12. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted, shall be as stipulated on drawings 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A and 21A, date stamped 23 August 2016.
Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.
 13. The materials to be used in the construction of the external surfaces of the garages and stores hereby permitted, shall be as stipulated on drawing 14A date stamped 23 August 2016.
Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.
 14. All hard and soft landscape works shall be completed in accordance with drawings 16 and 17 date stamped 15 January 2016, drawing 29 date stamped 28 September 2016, Landscape Soft Works Specification date stamped 15 January 2016, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
 15. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting

	<p>and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>16. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless Belfast City Council gives its written consent to any request for variation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>17. The Landscape Management Plan contained within the Landscape Soft Works Specification date stamped 15 January 2016 shall be carried out as approved and reviewed at years 5, 10 and 15 by the landowner and no changes shall be implemented without the prior consent on Belfast City Council in writing. Reason: To ensure the sustainability of the tree cover on the site through long term proactive maintenance.</p> <p>18. Notwithstanding the provisions of Article 3 and Schedule - Part 1 Classes A, B, C, D, E, I, Part 2 Classes C, D, F, and Part 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions) no extensions, alterations, hardstanding, decking, minor alterations to or construction of any means of enclosure or the provision of renewable energy including stand alone solar panels, ground or water source heat pumps and containers for the storage of biomass fuel shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of Belfast City Council. Reason: To preserve the integrity of the design and layout of the development and in the interests of residential amenity.</p> <p>19. Any windows on the dwellings hereby permitted indicated as opaque glazing on drawings 04A, 05A, 06A, 07A, 08A, 09A, 10A, 11A, 12A, 13A and 21A, date stamped 23 August 2016 shall be finished in opaque glass, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass within four weeks to the satisfaction of Belfast City Council. Reason: In the interests of residential amenity.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representation from elected member</p> <p>None</p>

ANNEX	
Date Valid	15 January 2016
Date First Advertised	19 February 2016
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses)	
The Owner/Occupier, King's Hall Stand, Harberton Park, Malone Upper, Belfast, Antrim,	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	31 March 2016
ES Requested	No
Notification to Department (if relevant)	
N/A	