

**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 15 <sup>th</sup> November 2016	
<b>Application ID:</b> LA04/2016/0050/O	
<b>Proposal:</b> Outline planning application for proposed residential development.	<b>Location:</b> 42 Cavehill Road and 76 Old Westland Road Belfast BT14 6TE
<b>Referral Route:</b> Proposal is more than 5 dwellings	
<b>Recommendation:</b> Approval subject to conditions	
<b>Applicant Name and Address:</b> MMG Developments 74 Old Westland Road Belfast BT14 6TE	<b>Agent Name and Address:</b> Tony McCoey 3 Thirlmere Gardens Belfast BT15 5EF
<p><b>Executive Summary:</b></p> <p>The application seeks outline planning permission for a proposed residential development.</p> <p>The Development Plan identified the site as being within the Development Limits of Belfast as per Belfast Metropolitan Area Plan 2015. The site is located at 42 Cavehill Road and 76 Old Westland Road, Belfast. The site is situated on white land opposite Lower Cavehill Road Area of Townscape Character (BT 040). There are a number of trees on the site and a Tree Preservation Order (TPO/2007/0027).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>(a) Principle of residential use on the site</li> <li>(b) Road safety</li> <li>(c) Protection of natural heritage including trees protected by TPO</li> <li>(d) Design and layout</li> </ul> <p>Additional issues raised through seven written representations were as follows which are considered through the report:</p> <ul style="list-style-type: none"> <li>(a) not in keeping with the area</li> <li>(b) road safety, parking and traffic issues</li> <li>(c) there has been Japanese knotweed on the site</li> <li>(d) concerns that this is for social housing or houses of multiple occupancy</li> <li>(e) where will the refuse bins be stored? Bicycle storage also</li> <li>(f) is it proposed for the existing mobile home to remain on the site</li> <li>(g) protected trees were removed without permission the previous year</li> <li>(h) the site should be redeveloped for the benefit of the community</li> <li>(i) loss of privacy due to overlooking</li> <li>(j) proposed style of the houses and landscaping is not in keeping with the surrounding area</li> <li>(k) density is higher than that of the existing dwellings found in the area</li> <li>(l) the layout is not in line with other dwellings in the area, particularly No 8</li> <li>(m) existing right of way not shown on the laneway from 7 Glenburn Park</li> <li>(n) dominance</li> <li>(o) noise and pollution from the use of the laneway</li> </ul>	

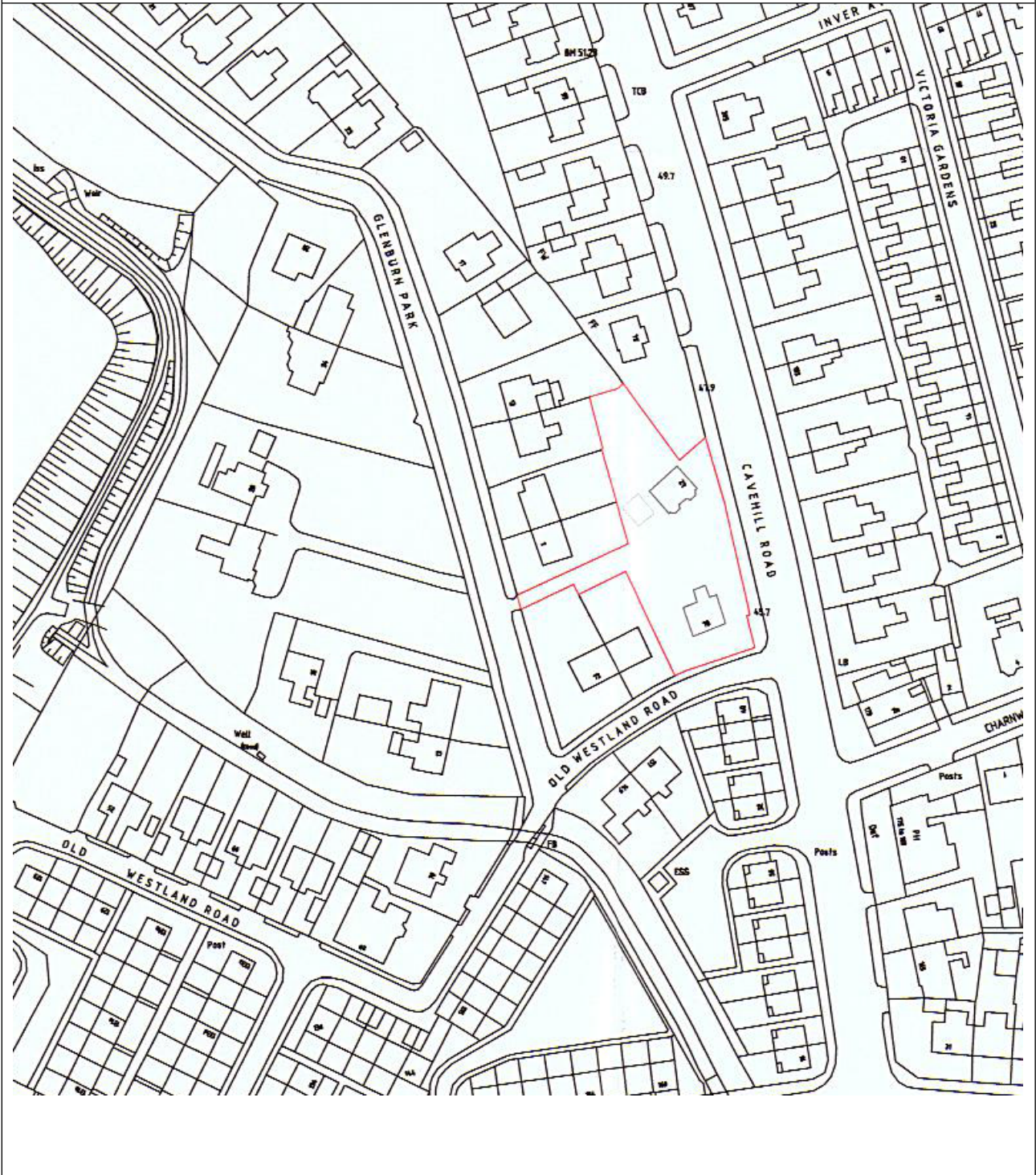
- (p) concern that the rear gardens will be used for parking
- (q) risk of subsidence
- (r) risk of flooding
- (s) times which the traffic survey was conducted are misleading to reality

The principal of residential development on the site was established under previous planning permission Z/2008/0657/F and the site is within an established residential area. All other issues raised have been assessed and the proposal is considered acceptable. It complies with the Area Plan and relevant policy and guidance. Consultees have no objections subject to conditions.

An approval with conditions is recommended.

Case Officer Report

Site Location Plan





**Representations:**

Letters of Support	None Received
Letters of Objection	7
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

<b>1.0</b>	<b>Description of Proposed Development</b> Outline planning application for proposed residential development.
<b>2.0</b>	<b>Description of Site</b> The site is located at 42 Cavehill Road and 76 Old Westland Road, Belfast. The site is identified as within the development limits of Belfast and is situated on white land opposite Lower Cavehill Road Area of Townscape Character (BT 040). The site is a vacant plot of land which is covered in vegetation and in parts overgrown. There are a number of trees on the site and a Tree Preservation Order (TPO/2007/0027). The site can be accessed via a gravel laneway leading from Glenburn Park. This was originally the site of 2 detached dwellings. The site is bounded by a mixture of metal fencing, wooden fencing and a concrete wall with wooden fencing on top. Terrace dwellings are adjacent to the site as well as semi-detached and detached opposite and rear.

**Planning Assessment of Policy and other Material Considerations**

<b>3.0</b>	<b>Site History</b> The most recent history on the site approved under Z/2008/0657/F - Demolition of existing dwellings to be replaced with 3 No. blocks of 6 No. 2 bedroom apartments (total of 18 No. apartments) with on-site parking for 18 No. vehicles. This was granted permission on 01/07/09. The approved site also included 74 Old Westland Road however.  Following the approval there were two enforcement cases on the site relating to the unauthorised removal of TPO trees under Z/2014/0412/CA and Z/2014/0411/CA. Consent to fell trees was obtained and the enforcement cases were closed.
<b>4.0</b>	<b>Policy Framework</b> 4.1 Belfast Metropolitan Area Plan 2015 4.1.1 TPO/2007/0027 4.2 Strategic Planning Policy Statement (SPPS) 4.2.1 Good design paras 4.23 – 4.30 4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking 4.3.1 Policy AMP 1: Creating an Accessible Environment 4.4 Planning Policy Statement (PPS) 7: Quality Residential Environments 4.4.1 Policy QD 1: Quality in New Residential Development 4.5 Planning Policy Statement (PPS) 7 Addendum: Safeguarding the Character of



	<p>Established Residential Areas</p> <p>4.5.1 Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity</p> <p>4.6 Planning Policy Statement (PPS) 12: Housing in Settlements</p> <p>4.6.1 Planning Control Principle 2: Good Design</p>
<b>5.0</b>	<p><b>Statutory Consultees</b></p> <p>5.1 Transport NI – No objection subject to conditions</p> <p>5.2 Northern Ireland Water Ltd - No objection</p> <p>5.3 NIEA Water Management Unit - No objection</p> <p>5.4 NIEA Natural Heritage – No objection</p>
<b>6.0</b>	<p><b>Non Statutory Consultees</b></p> <p>6.1 BCC Environmental Health – No objection</p> <p>6.2 BCC Tree Officer – No objection subject to conditions</p>
<b>7.0</b>	<p><b>Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. Seven representations have been received.</p>
<b>8.0</b>	<p><b>Other Material Considerations</b></p> <p>8.1 DCAN 8: Housing in Existing Urban Areas</p> <p>8.2 DCAN 15: Vehicular Access Standards</p> <p>8.3 Creating Places</p>
<b>9.0</b>	<p><b>Assessment</b></p> <p>9.1 The site is located at 42 Cavehill Road and 76 Old Westland Road, Belfast. The site is identified as within the development limits of Belfast and is situated on white land opposite Lower Cavehill Road Area of Townscape Character (BT 040). There are a number of trees on the site and a Tree Preservation Order (TPO/2007/0027). The proposal is for outline planning application for proposed residential development. There are 7 dwellings indicated on the drawings which has been amended from 8 on the original submission.</p> <p>9.2 The key issues are</p> <ul style="list-style-type: none"> <li>(a) Principle of residential accommodation on the site</li> <li>(b) Road safety</li> <li>(c) Design and layout</li> <li>(d) Impact on trees</li> </ul> <p>9.3 Seven objections were received from nearby residents on Cavehill Road and Glenburn Park which raised the following points</p> <ul style="list-style-type: none"> <li>(a) not in keeping with the area</li> <li>(b) road safety, parking and traffic issues</li> <li>(c) there has been Japanese knotweed on the site</li> <li>(d) concerns that this is for social housing or houses of multiple occupancy</li> <li>(e) where will the refuse bins be stored? Bicycle storage also</li> <li>(f) is it proposed for the existing mobile home to remain on the site</li> <li>(g) protected trees were removed without permission the previous year</li> <li>(h) the site should be redeveloped for the benefit of the community</li> <li>(i) loss of privacy due to overlooking</li> <li>(j) proposed style of the houses and landscaping is not in keeping with the surrounding area</li> <li>(k) density is higher than that of the existing dwellings found in the area</li> <li>(l) the layout is not in line with other dwellings in the area, particularly No 8</li> </ul>

- (m) existing right of way not shown on the laneway from 7 Glenburn Park
- (n) dominance
- (o) noise and pollution from the use of the laneway
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- (s) times which the traffic survey was conducted are misleading to reality.

These matters will be considered throughout the assessment in accordance with current legislation and planning policy, however a number are outside of the remit of the planning authority. Houses of multiple occupancy are not part of this proposal and therefore the issue is not considered as part of this assessment. Likewise the proposed rear amenity space is noted as indicated as landscaped on the plans and therefore should be assessed as such. There is no current permission for the mobile home (which has been reported to BCC Planning Enforcement team) on the site and this is not part of the current proposal under assessment.

#### **Principle of Residential Development**

9.4 The proposal makes use of the full site and proposes 7 two storey dwellings, 4 semi-detached and 3 terraced dwellings. The site is unzoned, 'whiteland' in BMAP 2015 in an established residential area and the site was previously approved for residential development (apartments). The principle of residential use is therefore considered acceptable. Each dwelling displays its own individual pedestrian gateway access with small front gardens and rear gardens also.

#### **Traffic and Parking**

9.5 AMP 1 of PPS3

There is no proposed off street parking however this is not uncharacteristic of the area as is evident at adjacent dwellings on the Cavehill Road. DRD Transport NI are the authoritative body on road safety and transport issues. Transport NI were consulted and have no objections to the proposal following the submission and assessment of a Parking Survey which demonstrated that adequate reserve parking capacity exists in the vicinity of the proposed development. The proposed development is not considered to prejudice road safety nor inconvenience the flow of traffic. The proposal therefore complies with AMP 1 of PPS 3 and DCAN 15.

#### **Design and Layout**

9.6 QD 1 of PPS 7:

(a) The proposed dwellings are over two and a half floors, each with individual pedestrian gateways to the front. They all front onto the Cavehill Road. Site 8 (which has been removed) was to the North of the site and displayed a poor outlook and would have impacted on the rear amenity of Sites 7 and 6. They display individual gardens to the rear and overall are of a traditional design. The proposal is in keeping with the context/character of the area. The proposed dwellings are 8.5m from finished floor level to ridge height which is acceptable for the area with pitched roofs. Bin storage is not indicated however this will be considered at Reserved Matters stage should Outline approval be granted. The rear gardens are approximately 70 – 94.5 sqm each approximately. The amenity space is acceptable. The bulk, scale and massing of the proposed dwellings is in keeping with that of the surrounding area.

(b) There are no features of archaeological and built heritage importance to be protected. As mentioned previously there is a TPO on the site and a number of trees were removed with consent and others were removed without permission. This was raised in a number of objection letters. The matter was investigated by the Planning Enforcement Team and consent was sought retrospectively to fell trees 61, 62, 63, 64

and 65 of TPO/2007/04. These included a small yew, two yews, a two beech trees. The consent was approved on 17/06/15 subject to the condition and agreement with the applicant that 2 trees will be planted for each tree felled. It is recommended that this is conditioned as part of the Outline permission should approval be granted.

(c) This is an outline application and full details have not been provided. There is no landscaping plan, however, proposed plan 01A shows amenity areas finished in a planted area and partly hard surfaced which is acceptable and characteristic of the area. The submission of a landscaping plan at Reserved Matters stage shall be conditioned should approval be granted.

(d) The proposed development is not such that would warrant local neighbourhood facilities to be provided within the development itself.

(e) Criteria (e) stipulates that a movement pattern is provided that supports walking and cycling. The site is road side and given its small nature, paths for walking and cycling are not required. The application site is also close to Metro bus routes.

(f) Adequate parking provision has been indicated on street through evidence provided by the agent and Transport NI have responded to consultation with no objection.

(g) The design of the development must draw upon the best local traditions of form, materials and detailing. The proposed external materials to external walls are indicated to be selected red multi clay bricks. Blue/black slates are proposed for the roof. These are acceptable for the area. Boundary treatments are not indicated however this will be assessed at Reserved Matters stage.

(h) The proposal backs onto residential dwellings at Glenburn Park and side elevation of No 74 Old Westland Road. There is approximately 28 metres separation from the rear of No 9 Glenburn Park to the rear of the proposed dwelling at site 7. There is also approximately 27 metres separation from the rear of No 7 Glenburn Park to the rear of the proposed dwellings at sites 5 and 6. Creating Places advises in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable. It is therefore considered that the separation distance is acceptable. There is approximately 14 metres separation from the rear of proposed site 1 to the side elevation of No 74 Old Westland Road. This elevation displays no fenestration whatsoever. There are no issues of overshadowing, loss of light or noise.

(i) There appear to be no particular issues for concern for crime or personal safety.

#### 9.7 LC1 of Addendum to PPS7

The pattern of development is in keeping with the overall character of the existing area and the proposed density is not significantly higher than that found in the area. All units are built to approximately 103 sqm. This size complies with the space standards listed within Annex A of Addendum to PPS7 for units of this type. Therefore the proposal complies with LC 1 of Addendum to PPS7.

9.8 Since the proposal is not for 10 or more units and not within a coastal or fluvial flood plain PPS 15, Planning and Flood Risk, does not apply and therefore a Drainage Assessment is not required as part of this assessment. NIEA Natural Heritage were consulted regarding the issue raised about Japanese Knotweed on the site. They responded on 01/03/16 with no objection to the proposal. They stated that under Article 15 of The Wildlife (NI) Order 1985 (as amended) it is considered an offence to plant or otherwise cause to grow in the wild any plant included in Part II of Schedule 9 of the

	<p>Order which includes Japanese knotweed.</p> <p>9.9 The proposal is considered to comply with Planning Control Principle 2 of PPS 12 in that it demonstrates a high quality of design and layout as previously considered in the report through assessment of QD 1 of PPS 7, LC1 of Addendum to PPS 7 and Creating Places.</p> <p>9.10 The proposal is considered to be in compliance with the development plan.</p> <p>9.11 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions and that Committee agrees the Director of Planning and Place is authorised to draft any necessary amendments and /or additional conditions.</p>
10.0	Summary of Recommendation: Approval with conditions
11.0	Notification to Department (if relevant) N/A
12.0	Representation from elected member N/A

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval subject to conditions

#### Conditions

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
  - i. the expiration of 5 years from the date of this permission; or
  - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

4. The proposed dwellings shall be sited as indicated on the approved plan 01A, date stamped received 14th October 2016.

Reason: To ensure the proposal is in keeping with the character of the area.

5. The proposed external materials, layout and design of the proposed dwellings shall be in



accordance with those of the indicative plan shown on approved plan 01A, date stamped received 14th October 2016.

Reason: To ensure the proposal is in keeping with the character of the area.

6. A tree landscaping plan shall be submitted which will include details and proposed type of hard landscaping surfacing, all existing trees and hedges to be retained, ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting within the site boundary. The proposed planting shall show at least 10 trees.

Reason: To ensure the continuity of amenity afforded by trees and landscaping under the tree preservation order TPO/2007/0027.

<b>ANNEX</b>	
<b>Date Valid</b>	17th December 2015
<b>Date First Advertised</b>	29th January 2016
<b>Date Last Advertised</b>	26th February 2016
<b>Details of Neighbour Notification</b> (all addresses) 9, 11 - 14 Glenburn Park, Belfast, Antrim, Northern Ireland, BT14 6TF 183 - 195 Cavehill Road, Skegoneill, Belfast, Antrim, BT15 5BP, 20 Glenburn Park, Old Park, Belfast, Antrim, BT14 6TF, 40 Cavehill Road, Old Park, Belfast, Antrim, BT15 5BE, 54 Cavehill Road, Skegoneill, BELFAST, Co. Antrim, BT15 5BT 7 Glenburn Park, Old Park, Belfast, Antrim, BT14 6TF, 72 – 74 Old Westland Road, Old Park, Belfast, Antrim, BT14 6TE,	
<b>Date of Last Neighbour Notification</b>	26/10/16
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>	
<p>Ref ID: LA04/2016/0050/O            Proposal: Outline planning application for proposed residential development.            Address: 42 Cavehill Road and 76 Westland Road, Belfast, BT14 6TE,            Decision:            Decision Date:</p> <p>Ref ID: LA04/2015/0777/LDP            Proposal: Single storey side extension.            Address: 54 Cavehill Road, Belfast, BT15 5BT,            Decision: PG            Decision Date:</p> <p>Ref ID: Z/2005/2181/F            Proposal: Demolition of existing two storey dwelling and detached garage to be replaced by 6 No. new build two bedroom apartments with onsite parking for 4 No. vehicles.            Address: 42 Cavehill Road, Old Park, Belfast, BT15 5BT            Decision:            Decision Date: 25.10.2007</p> <p>Ref ID: Z/1980/0985            Proposal: ERECTION OF GARAGE            Address: 42 CAVEHILL ROAD            Decision:            Decision Date:</p>	

Ref ID: Z/2000/0924/O

Proposal: Erection of 3 town houses and 5 apartments

Address: Site at corner of Cavehill Road and Old Westland Road, Between No 42 Cavehill Road and 72 Old Westland Road, Belfast

Decision:

Decision Date: 20.06.2000

Ref ID: Z/2008/0657/F

Proposal: Demolition of existing dwellings to be replaced with 3 No. blocks of 6 No. 2 bedroom apartments (total of 18 No. apartments) with on-site parking for 18 No. vehicles (amended plans).

Address: 74-76 Old Westland Road, Old Park & 42 Cavehill Road, Belfast, BT14

Decision:

Decision Date: 03.07.2009

Ref ID: Z/2006/1259/O

Proposal: Variation on time condition of approval Z/2000/2854

Address: 74-76 Old Westland Road,2 Belfast

Decision:

Decision Date: 15.08.2006

Ref ID: Z/2000/2854/O

Proposal: Single building containing 9 apartments (on three floor levels) with car parking within boundary of site.

Address: 74 & 76 Old Westland Road Belfast

Decision:

Decision Date: 04.06.2001

Ref ID: Z/1988/2678

Proposal: Erection of domestic garage

Address: 72 OLD WESTLAND ROAD,BELFAST BT14

Decision:

Decision Date:

Ref ID: Z/1991/6016

Proposal: PRESENT HISTORY 9 SINTONVILLE AVENUE

Address: 9 SINTONVILLE AVENUE

Decision:

Decision Date:

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department: N/A

