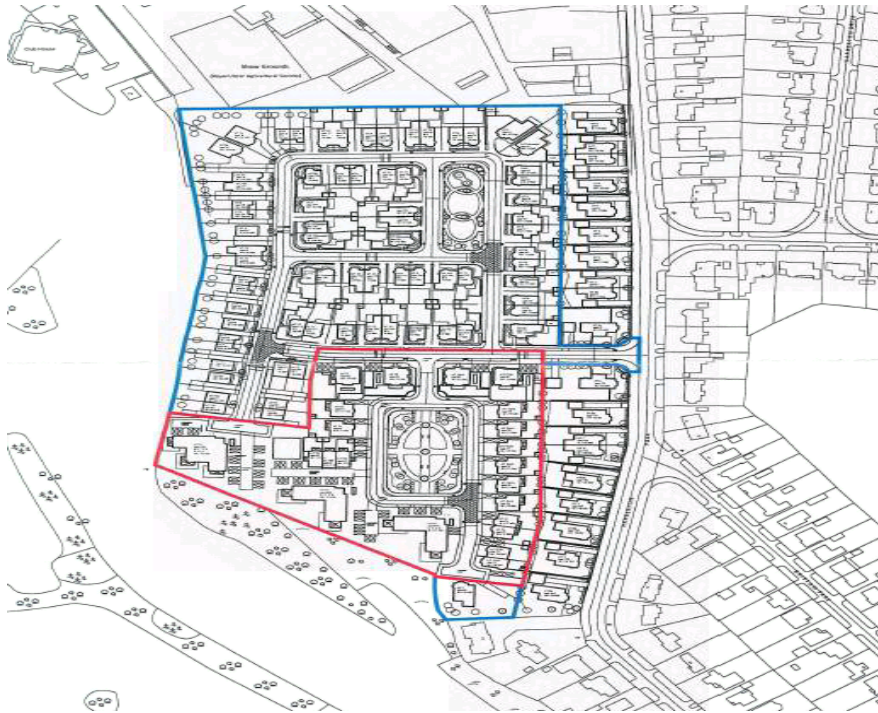


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th August 2017	
Application ID: LA04/2017/0157/F	
Proposal: Revision of previous approved application (Z/2012/0645/RM) and erection of 12 no. detached dwellings, 4 no. semi-detached dwellings, 3 no. townhouses and 18 no. apartments (in total 37 units) and associated works.	Location: Plots 53-64 and 69-89 and 91-103 (total 46 units) of residential development to lands south of 25 Harberton Park, Belfast.
Referral Route: Application is for more than 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: HBH Developments C/O Blue Horizon 551-555 Lisburn Road Belfast BT9 7GQ	Agent Name and Address: Dimensions Chartered Architects 1 Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<p>Executive Summary: The application seeks amendments to a previous planning approval (Z/2012/0645/RM) to include changes to site layout, house types and modifications to plot arrangements including ancillary buildings and landscaping for phase 3 of development comprising 37 dwellings in total at lands south of 25 Harberton Park.</p> <p>The application site is located within the settlement development limits of Belfast but not within any BUAP or Draft BMAP designation.</p> <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. • Proposed landscaping and trees along the southern boundary. <p>There was one representation received from Balmoral Golf Club relating to one block being located significantly closer to the boundary with the golf club and the possibility of ingress of golf balls to the application site.</p> <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



1.0 Description of Proposal

	<p>The proposal seeks amendments to a previous planning approval (Z/2012/0645/RM) for the erection of 12 no. detached dwellings, 4 no. semi-detached dwellings, 3 no. townhouses and 18 no. apartments (in total 37 units) and associated works. The current proposal seeks a reduction in number of units from 46 no. dwellings in total to 37 no. dwellings.</p>
2.0	<p>Characteristics of the Site and Area</p> <p>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. The southern boundary and part of the western boundary benefit from mature vegetation, however this is on land outside the control of the applicant. The remaining boundaries are defined by walls, fences or roads located within the wider 'Harberton Park' Residential development. The site is not located within any BMAP designation, but it is adjacent to the Malone Conservation Area Sub Area H – Balmoral, Harberton, Shrewsbury.</p>
Planning Assessment of Policy and Other Material Considerations	
3.0	<p>Site History</p> <p>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.</p> <p>The following conditions have been discharged for Z/2012/0645/RM:</p> <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 <p>There have also been two planning approvals granted for amendments to Z/2012/0645/RM:</p> <ul style="list-style-type: none"> • LA04/2015/0358/F - Amendments to previous planning approval (Z/2012/0645/RM) to include changes to house types and modification to plot arrangements including garages, landscaping and related site and access works for the first phase of development comprising 19 dwellings. • LA04/2016/0200/F - Erection of 48 No. Dwellings including garages and landscaping (amendments to Z/2012/0645/RM)
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan (BUAP) Draft Belfast Metropolitan Plan 2015 (Draft BMAP)</p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>

4.2	<p>Strategic Planning Policy Statement (SPPS) PPS 3 – Access, Movement and Parking PPS 7 – Quality Residential Environments PPS 7 Addendum – Safeguarding the Character of Established Residential Areas PPS 15 – Planning and Flood Risk</p>
5.0	<p>Statutory Consultee</p> <ul style="list-style-type: none"> • NI Water Multi Units East – No objection subject to informatives. • Transport NI – Still awaiting comments for the revised PSD layout. • Rivers Agency - No objection subject to informatives. • NIEA - No objection subject to conditions and informatives.
6.0	<p>Non Statutory Consultee Responses:</p> <ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objection subject to conditions and informatives. • Belfast City Council Tree Officer – Requested additional information relating to Tree protection zones. Following submission of this additional information, the Tree Officer was content in principle subject to conditions.
7.0	<p>Representations: There was one representation received from Balmoral Golf Club raising the following concerns:</p> <ul style="list-style-type: none"> • Proposed apartment block (HT 21, Plot 53 A-H) is located significantly closer to the party boundary with the golf club than the previously approved apartment block (HT 15/16, Plots 53-64). • Limited consideration has been given regarding protection against possible ingress of golf balls to the application site.
8.0	<p>Other Material Considerations:</p> <ul style="list-style-type: none"> • Supplementary Planning Guidance – Creating Places • Supplementary Planning Guidance – Parking Standards • DCAN 8 – Housing in Existing Urban Areas • DCAN 15 – Vehicular Access Standards
9.0 9.1 9.2 9.3	<p>Assessment:</p> <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. • Trees along the southern boundary. <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p> <p>The application site is located within the settlement development limits of Belfast but not</p>

	<p>within any BUAP or Draft BMAP designation. 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.</p> <p>9.4 The following changes are proposed:</p> <ul style="list-style-type: none"> • Reduction of dwelling numbers from 46 to 37 no. and amendments to the site layout. Z/2012/0645/RM proposed 24 Apartments, 14 Semi-detached dwellings and 8 Detached dwellings. The current application proposes 18 Apartments, 3 Townhouses, 12 Detached dwellings and 4 Semi-detached dwellings. • Amended design and style of properties incorporating windows and doors. • Increases in ridge height of certain buildings. • Inclusion of single storey extensions to rear or side of 15 no. dwellings. • Modifications to size of properties and plot boundaries. • Alterations in separation distances. • Minor landscaping changes. • Changes to garages and stores. <p>9.5 SPPS The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The role of planning is to prevent proposals which would unacceptably affect amenity and the existing use of the 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> <p>9.6 Environmental Impact The proposed development falls within Category 10 (b) (Urban Development Project) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The area of the development exceeds 0.5 Ha therefore an EIA determination should be undertaken. It was determined that an ES is not required as a residential development has been previously approved and there are unlikely to be any significant environmental impacts. Any issues can be dealt with through the development management process.</p> <p>9.7 Drainage Policy FLD 3 of PPS 15 directs that a drainage assessment will be required for all development proposal which exceed certain thresholds, which includes a residential development comprising 10 units or more. Rivers Agency have acknowledged that the application is for amendments to an extant approved scheme. Having previously received a drainage layout along with a Schedule 6 consent letter with application LA04/2016/0200/F, Rivers Agency have confirmed they have no objections to the development.</p> <p>9.8 Contaminated Land A report 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. NIEA note that there are no records of previously potentially contaminating land uses on the site or adjacent area, and have no objection to the proposed development.</p>
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9.9	<p>Sewage NI Water confirmed there is adequate capacity within existing Waste Water Treatment Works and have no objection to the proposed development.</p>
9.10	<p>Access and Parking Amended Private streets and car parking information was received by the Council on 17th July 2017. Transport NI have been consulted and the Council are awaiting comments. For this reason, no conditions in relation to roads, access and parking are available yet.</p>
9.11	<p>Site Layout The current planning application proposes a total of 37 no. dwelling units, a reduction of nine from the 46 no. units previously approved under reference Z/2012/0645/RM. The overall layout is not significantly altered from the previous approval, however the change in house types and reduction in dwelling units has necessitated some minor changes, the most significant relating to the 3 proposed apartment blocks along the southern boundary of the site. The objection letter from Balmoral Golf Club raised the issue of the Apartment block (HT21, Plot 53 A-H) moving significantly closer to the party boundary than the previous approval. The concerns centre on the possibility of ingress of golf balls to the application site and the objection states the relocation of the apartment block (HT21, Plot 53 A-H) closer to the party boundary will increase the risk. There is a mature vegetation buffer between the southern boundary of the site and the golf course which should mitigate against any golf balls. In any event, this situation appears to be a private matter between the Developer and Golf Club. Submitted tree protection zonings appear to show the proposed apartment blocks will not impact on the roots of the mature trees located along the southern boundary. On balance the proposed site layout is satisfactory.</p>
9.12	<p>Overlooking & Dominance PPS 7 Policy QD1 (h) states that the layout will not create conflict by overlooking, loss of light or overshadowing between proposed and/or existing properties. There are no issues with overlooking, loss of light, overshadowing or dominance pertaining to the change of house types in this proposed development. The addition of side and rear extensions to some of the properties does not conflict with Policy EXT 1 of PPS 7 Addendum.</p>
9.13	<p>Building Line 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>
9.14	<p>Amenity Space 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>
9.15	<p>Design PPS 7 Policy QD1 (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. The proposed design changes maintain the brick and render finishes and decorative detailing of the overall development. The apartments and townhouses (HT 19 A-C, HT 20 & HT21) contrast slightly with the other dwellings in terms of design, however still respect the surrounding context and character of the development and local area. The ridge heights of the apartment blocks are 11.9 metres</p>

<p>9.16</p> <p>9.17</p> <p>9.18</p> <p>9.19</p>	<p>from FFL, an increase of 2.7 metres from the previous apartments. The ridge heights of the larger detached dwellings are slightly higher than dwellings previously approved (approximately 0.5 m). I am content that the increased ridge heights are acceptable as these buildings are located within the overall development and the apartments benefit from the backdrop created by the vegetation along the southern boundary, admittedly on land outside the applicant's control. Corner sites, such as Plot Nos 59 and 81, have dual frontages to provide a continuation of development. The streetscape drawings provide a contextual appreciation of the proposed development. The design of the dwellings and proposed materials are considered acceptable.</p> <p>Boundaries 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 and side 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>Ancillary Buildings The design and location of the garden rooms, stores and bin stores are acceptable within this development. These buildings will not cause conflict by way of dominance on neighbouring properties.</p> <p>Landscaping Belfast City Council's Tree Officer initially had concerns about the impact of the proposed development on the mature trees along the southern boundary. Following the submission of a tree survey and tree protection zonings, the Tree Officer was content with the development proposal subject to conditions.</p> <p>Conclusion: Planning permission was previously granted at this location for a residential development. The proposed amendments to layout and house types 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 proposed development accords with the development plan and relevant planning policy.</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>Conditions:</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. Prior to the occupation of the proposed development, the applicant shall provide 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: <ul style="list-style-type: none"> • 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 'Plots 53-64 and 69-89 and 91-103 (total 46 units) of residential development to lands south of no 25 Harberton Park, Belfast; Revision of previous approved application (Z/2012/0645/RM) and erection of 12 no detached dwellings, 4 no semi-detached dwellings. 3 no townhouses and 18 no apartments (in total 37 units) and associated works' Reference 601161, dated 27th February 2017.

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) Suitable gas protection measures in accordance with Amber 1, CIRIA C665 have been installed in the designated areas as outlined in RSK letter report dated 27th February 2017, Report reference number 601161, Figure 2, RSK Drawing showing gas protection measures extent, dated 21/02/17.

b) 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 27th February 2017, Report reference number 601161, Figure 1, RSK Drawing showing capping layer extent, dated 21/02/17.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

3. In the event that contamination not previously considered is encountered during the approved development of this site the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of health and environmental receptors to ensure the site is suitable for use.

4. Prior to occupation of the dwellings, hereby permitted, all boundary treatments shall be completed in accordance with the approved Drawing No. 16 date stamped 5th January 2017 and Drawing No. 22 date stamped 14th March 2017.

Reason: To safeguard the privacy and amenity for prospective residents.

5. The materials to be used in the construction of the external surfaces of the dwellings hereby permitted, shall be as stipulated on the approved Drawing No's 05, 06, 07, 08, 10, 11, 12, 13, 14 and 15 date stamped 5th January 2017 and approved Drawing No. 09 date stamped 6th February 2017.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.

6. The materials to be used in the construction of the external surfaces of the stores and garden rooms hereby permitted, shall be as stipulated on approved Drawing No. 16 date

stamped 5th January 2017.

Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.

7. 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.

8. All proposed planting indicated within Revised Drawing No. 17A date stamped 17th July 2017 and Drawing No. 18, 19, 20 and 21 date stamped 20th February 2017, to be planted prior to completion of the proposed development.

Reason: To ensure the provision and establishment a high standard of landscape within the site.

9. Prior to any work commencing protective (herras) or similar fencing 2.5 metres in height will need to be installed based on the root protection area (RPA) on existing trees to be retained adjacent to the proposed site works within the site. Fencing must be in place prior to any works taking place. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

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

10. If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over.

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

11. No storage of materials, parking of vehicles or plant, temporary buildings, sheds or offices within the RPA of trees within the site and adjacent lands.

Reason: To avoid compaction within the RPA.

12. Where necessary careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.

Reason: To avoid root severance

13. The windows marked with an X on Drawings No. 05, 06, 07, 08, 10, 11 and 13 date stamped 5th January 2017 and Drawing No. 09 date stamped 6th February 2017 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.
Neighbour Notification Checked	Yes

ANNEX	
Date Valid	6th February 2017
Date First Advertised	17th February 2017
Date Last Advertised	As above.
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Harberton Park Gardens, BT9 6WJ The Owner/Occupier, 25 – 25 Q Harberton Park, BT9 6TW 518 Balmoral Golf Club, Lisburn Road, Belfast, Malone Lower, Antrim, Northern	
Date of Last Neighbour Notification	14th February 2017
Date of EIA Determination	21 st February 2017
ES Requested	No

Drawing Numbers and Title

01 Site Location Plan A3

02B Proposed General Arrangement Site Plan

03A Site Plan

04 Proposed Site Elevations

05 Type 11 - Torrington and Type 12 - Mornington Floor Plans and Elevations

06 Type 14-The Sandridge Floor Plans and Elevations

07 Type 15-The Larmour Floor Plans and Elevations A1

08 Type 16-The Anderson Floor Plans and Elevations A1

09 Type 17-The Gloucester Floor Plans and Elevations

10 Type 18-The Crawford Floor Plans and Elevations

11 Type 19-The Trueman Townhouses Floor Plans and Elevations

12 Type 20-Nugent Hall and Downshire Hall Floor Plans and Elevations

13 Type 20-Nugent Hall and Downshire Hall Floor Plans and Elevations

14 Type 21-Robson Hall Floor Plans and Elevations Sheet 1

15-Robson Hall Floor Plans and Elevations Sheet 2

16 Stores Garden Rooms and Boundary Floor Plans and Elevations

17A_Landscape Site Plan A1

18_Ornamental Planting

19_Plot 53A Landscape Proposal

20_Plot 66A Landscape Proposal

21_Plot 67A Landscape Proposal A3 Revised

22_Proposed Site Plan Boundary Treatments

23_Tree Constraints Plan A2

Notification to Department (if relevant): N/a

Elected Member Involvement: None.