

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 17 October 2017	
<b>Application ID:</b> LA04/2016/2205/F	
<b>Proposal:</b> LA04/2016/2205/F	<b>Location:</b> To the west and rear of 2 Knockdarragh Park Belfast BT4 2LE.
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation.	
<b>Recommendation:</b>	<b>Approve - Subject to Conditions</b>
<b>Applicant Name and Address:</b> Walker Investments Ltd 17 Craigboy Road Donaghadee BT21 0LP	<b>Agent Name and Address:</b> Architects Knox & Markwell 14 Donaghadee Road Bangor BT20 5RU
<b><u>ADDENDUM REPORT</u></b>	
<p>This full application was previously listed for Planning Committee on 19 September 2017. The application was presented and subsequently deferred to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand.</p> <p>A site visit for elected members took place on 10 October 2017.</p> <p>A further letter of objection has been received from a neighbouring property raising the following issues:</p> <ul style="list-style-type: none"> <li>• Weight to be given to the planning history;</li> <li>• Inaccuracies throughout the report;</li> <li>• PAC decisions on applications with DOE planning history given limited weight;</li> <li>• No assessment in the report regarding impact on No 2 Knockdarragh Park;</li> <li>• Road Safety Other Traffic Concerns raised by objectors not considered by Transport NI;</li> <li>• Contrary to DCAN 8;</li> <li>• No assessment of established residential character of the area;</li> <li>• Contrary to Creating Places;</li> <li>• Incorrect separation distances;</li> <li>• No consideration has been given to the variation in floor levels;</li> <li>• Proposed condition regarding obscure glazing identifies problem;</li> <li>• Removal of permitted development rights;</li> <li>• Recommendation of further roads conditions;</li> </ul> <p>In terms of comments regarding weight to be given to a planning history and other PAC decisions, the nature and extent of previous planning approvals, whether extant or expired, on or in close proximity to a site is an important material consideration. The existence of an extant approval on the site is a material consideration that must be taken into account. While it is accepted that a planning authority is not bound by an expired permission, if a site has been subject to a previous approval unless there has been a material change in circumstances appropriate weight must be given to the planning history.</p>	

All relevant material considerations must be fully considered and the appropriate weight given to each and weight is a matter for the decision maker.

DCAN 8 states that a fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides quality residential environment for new and existing residents. Plots of less than 80m depth is unlikely to be acceptable, except where the existing urban grain is very urban in character and where careful design can overcome concerns of overlooking and day lighting. The plot depth of the application site is 28m at its deepest point. However, it is acknowledged that the existing two backland dwellings opposite the site are both on plots with a depth that is significantly less than 80m and their relationship with surrounding properties is harmonious. The urban grain of the surrounding area, when the new development at 348 Belmont factored in, is urban in character with dwellings in close proximity to each other on narrow plots.

The overall plot size is average when compared to the adjoining development of 7 dwellings at 348 Belmont Road and 2 Knockdarragh Park; however, the overall average plot size in the area beyond this is significantly larger. Due to the proximity of the new development at 348 Belmont Road the proposed density is not considered to be significantly larger than that found in the established residential area.

The officer advised at the Committee meeting on 19 September 2017 that the proposed condition regarding obscure glazing on the north west elevation to the proposed dwelling was not considered necessary or reasonable.

Comments regarding additional conditions and inaccuracies are noted. The original planning report assesses the impact of the proposed on neighbouring properties throughout the report.

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.

### **Summary**

- The site visit by members has taken place.

In conclusion the recommendation remains as set out in the case officer's report and this addendum.

### **Recommendation**

The proposal is recommended for Approval subject to conditions.

Additional conditions are also recommended regarding landscaping on the boundary with No 2 Knockdarragh Park, obscure glazing on the velux windows and materials to be agreed for the proposed hardstanding car parking area.

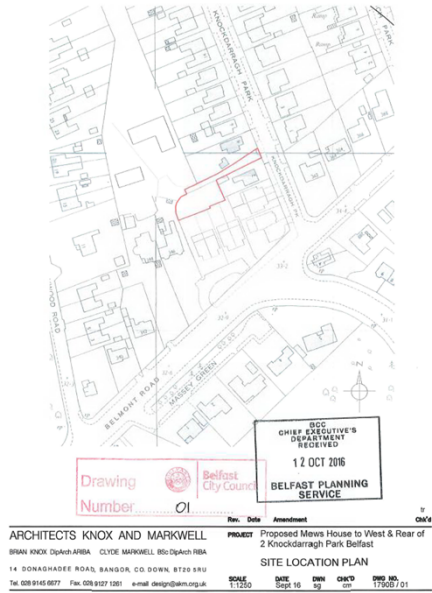
Final wording of these conditions to be delegated to the Director of Planning and Place.

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2016/2205/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of dwelling.	<b>Location:</b> To the west and rear of 2 Knockdarragh Park Belfast BT4 2LE.
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation.	
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b> Walker Investments Ltd 17 Craigboy Road Donaghadee BT21 0LP	<b>Agent Name and Address:</b> Architects Knox & Markwell 14 Donaghadee Road Bangor BT20 5RU
<p><b>Executive Summary:</b></p> <p>Full planning permission is sought for the erection of one dwelling house. This will be a chalet bungalow.</p> <p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of residential development at this site</li> <li>- Impact on neighbouring land use</li> <li>- Design, Character, Appearance of Area and Amenity</li> <li>- Traffic and parking issues</li> </ul> <p>The application site is within the development limits for Belfast and is unzoned whiteland in the draft Belfast Metropolitan Plan.</p> <p>The application site is a backland plot that had a planning approval for a two-storey dwelling on the date of submission of this application but which has now expired. This approval was part of an overall scheme for 8 dwellings (ref. Z/2010/0187/F). However, this permission was never implemented and part of the lands that had formed part of this application have since been redeveloped under a separate approval for 7 dwellings (ref. Z/2014/0699/F) which would have prevented the full implementation of the 2010 permission.</p> <p>Consultees Environmental Health, Transport NI, and the Tree Officer have no objections in principle to the proposal.</p> <p>18 letters of objection have been received in respect of the proposal from 9 separate members of the public. The concerns raised by third parties are summarised in the main body of this report.</p> <p>Having had regard to the development plan, relevant planning policies and other material considerations including previous planning history on the site, it is recommended that this proposal is granted planning permission subject to conditions.</p>	

## Case Officer Report

### Site Location Plan



Representations:	
Letters of Support	None Received
Letters of Objection	18
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	Full planning permission is sought for the construction of a chalet bungalow.
<b>2.0</b>	<b>Description of Site</b>
2.1	The application site is a vacant backland plot that was originally part of 348 Belmont Road prior to the latter's redevelopment for 7 dwellings. The site is enclosed on three sides by the gardens of existing dwellings and an access lane that serves the rear of dwellings at 344 and 348 Belmont Road as well as two backland properties to the rear of Knockdarragh Park. Access to the site is via this lane from Knockdarragh Park. The boundaries of the site are defined by close-boarded timber fences on its east and south sides and mature hedges and trees to its west and north sides. Levels on the site are relatively flat.
2.2	The immediate vicinity is an established residential area, characterised by large detached and semi-detached dwellings on mature and generous plots. There is an eclectic mix of architectural designs in the area and no single prevailing style.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
	LA04/2016/1590/F - Demolition of existing detached garage. New single storey side extension, new rear first floor extension above existing return and new single storey rear extension. 2 Knockdarragh Park -Approval.
	Z/2014/0699/F - Demolition of existing dwelling and erection of 6 semi-detached dwellings and 1 detached dwelling. 348 Belmont Road. Approval.
	Z/2010/0187/F - Residential development comprising 6 semi-detached and 2 detached houses. 348 Belmont Road. Approval – 18 October 2011 (expired).
<b>4.0</b>	<b>Policy Framework</b>
4.1	Draft Belfast Metropolitan Area Plan 2015  Belfast Urban Area Plan 2001
4.1.1	The site is within the development limits for Belfast and on unzoned whiteland in the draft Belfast Metropolitan Plan 2015
4.2	Strategic Planning Policy Statement for NI (SPPS) Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 7 - Quality Residential Environments Planning Policy Statement 12 – Housing in Settlements Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas.
<b>4.3</b>	<b>Statutory Consultee</b>

	<ul style="list-style-type: none"> <li>• Transport NI –No objections subject to conditions.</li> </ul>
<b>4.4</b>	<p><b>Non Statutory Consultee Responses:</b></p> <ul style="list-style-type: none"> <li>• Belfast City Council Environmental Health – No objection.</li> <li>• Belfast City Council Tree Officer – advised the proximity of only tree on the site to the proposed dwelling is too close and will likely need to be felled.</li> </ul>
<b>4.5</b>	<p><b>Planning Guidance:</b></p> <ul style="list-style-type: none"> <li>• Supplementary Planning Guidance – Creating Places</li> <li>• Supplementary Planning Guidance – Parking Standards</li> <li>• DCAN 8 – Housing in Existing Urban Areas</li> <li>• DCAN 15 – Vehicular Access Standards</li> </ul>
<b>5.0</b>	<p><b>Representations:</b></p>
5.1	<p>Adjoining properties were consulted as part of the neighbour notification scheme and 9 third party representations have been made. These are summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Previous planning approval ref. Z/2010/0187/F has lapsed and as such carries no weight in the determination of this application;</li> <li>2. The above planning permission was decided by a different planning authority and is an example of an extremely poor planning decision which should not set a precedent for another equally poor decision;</li> <li>3. PAC state in their determination of appeal refs. 2016/A0023 and 2016/A0081 that the council as a new authority is entitled to distance itself from the decisions of central government and as such is not bound by the decisions of the department;</li> <li>4. The granting and implementation of an extension at number 2 Knockdarragh Park (LA04/2016/1590/F) in the interim has materially altered the situation on the ground;</li> <li>5. The developer owned number 2 Knockdarragh Park at the time of the 2010 application which should be accorded significant planning weight in determining this application;</li> <li>6. Plot size to footprint ratio is less than the average for the area and therefore overdevelopment;</li> <li>7. Proposed plot size for backland development fails to comply with DCAN 8 in respect of depth;</li> <li>8. Form is out of character for this area;</li> <li>9. Position of dwelling fails to adhere to published guidance in Creating Places in that it fronts onto the rear of an existing dwelling;</li> <li>10. Overlooking;</li> <li>11. Blank gable wall directly to the rear of new development at number 2 Knockdarragh (AKA 350 Belmont Road). This will result in over-dominance and impact outlook of the existing dwellings;</li> <li>12. Proximity of proposed car parking, which is immediately to the rear of number 2 Knockdarragh Park will impact residential amenity by way of nuisance.</li> <li>13. Q12 of the P1 Form is incorrect – the existing access is considered to be contrary to the plans which show widening of the laneway and relocation of access gates;</li> <li>14. Minimum width of 3.75m as outlined in DCAN 15 cannot be achieved and access gates will not be able to be erected as per the plans;</li> <li>15. Plans show an access width of 4.1m; however, on site this is 3.9m;</li> <li>16. No legal right of way over proposed use of access lane;</li> <li>17. Applicant has no control over shared access lane and cannot achieve the width</li> </ol>

	<p>required for the access without gaining control of third party lands while Notice has not been served on any of the relevant third parties with an interest in the said lands;</p> <p>18. The hedges along the access lane are in ‘third party control’. How will the applicant maintain these to prevent the width of the lane becoming substandard?</p> <p>19. Ambiguity over the submission of Certificate D with the P1 Form on this application whilst Certificate A was signed on the 2010 application, raising doubt over the validity of the 2010 permission;</p> <p>20. Impact on light on adjoining properties;</p> <p>21. The proposed site will be overlooked on three sides by existing properties;</p> <p>22. Impact on access lane of additional traffic, especially during construction works and that this will prevent emergency services, etc.; and</p> <p>23. Distance between the front of the proposal and the rear of 2 Knockdarragh Park is 20m approx. and not 25m as stated by the agent acting on behalf of the applicant;</p> <p>24. Noise during the construction phase;</p> <p>25. The proposal will be 12m distance from the back wall of No.2 Knockdarragh Park;</p> <p>26. Insufficient private amenity space;</p> <p>27. Existing tree will overshadow proposed dwelling;</p> <p>28. Tree is on lands that is not in the ownership of the applicant;</p> <p>29. Bedroom windows are low level and will result in poor outlook for the proposal; and</p> <p>30. Proposed 2m fence along south boundary contrary to conditions for 1.8m fence along same boundary as per planning approval ref. Z/2014/0699/F.</p>
5.2	Rebuttal to Third Party Comments
5.2.1	In respect of the point No. 1, the planning history is a material consideration regardless if it is extant or expired. A detailed assessment of the history of the site will be considered in the main body of this report.
5.2.2	Regarding points No.2 and No. 3, it is acknowledged that the PAC has outlined that the council, as a separate planning authority, is entitled to distance itself from the decisions of central government and is not bound by the decisions of the department. However, it is also duly acknowledged that the PAC has made this comment in a single commissioner decision and should not to be construed as generic policy.
5.2.3	In rebuttal to Point No.5, the case officer contends that regardless of the ownership of Number 2 Knockdarragh Park, the planning authority at the time had a duty to protect the amenity of present and future occupiers of all existing neighbouring properties. The fact that this the said dwelling is no longer in the ownership of the applicant is non-material.
5.2.4	In respect of No.13, the case officer is satisfied that Q12 of the Form P1 has been answered correctly; the existing access to the road will not be altered as part of this proposal. Any works to the lane itself is not tantamount to altering the existing access.
5.2.5	Point No. 14, which refers to width standards in DCAN 15. TransportNI has assessed the scheme and is content with the proposed access arrangements.
5.2.6	Points numbered 15 – 19 are all concerned with ownership of the shared lane. The applicant’s agent was asked to comment on this and confirmed that they have carried

	<p>out 'extensive investigation in attempting to trace the landowner of the laneway, to determine ownership, which to date has not been possible.' None of the owners of the other properties that share the lane have come forward to claim ownership. In addition to this an advertisement was placed in the Belfast Telegraph on 8 October 2016 prior to lodging the planning application. No third party has come forward with proof to the contrary that the lane has no legal owner. There are no other reasons or information to dispute that the correct the Certificate of ownership on the planning application form (Form P1) has not been signed. Section 42 of the Planning (NI) Act 2011 is therefore considered to have been complied with and the application is deemed to be valid. The agent has measured the width of the lane and is adamant that it is as per the drawings. Any remaining debate regarding the legal boundaries of the access lane are a civil matter.</p> <p>5.2.7 The debate regarding the ownership of the land to where the tree is located is also a civil matter. The tree is located on the common boundary and is depicted within the redline boundary of the application site. This tree is not protected and therefore it is not a planning issue unless its retention is required for amenity purposes.</p> <p>5.2.8 In respect of point No.30, the proposed fence is within the curtilage of the application site and as such will not be affected by conditions of planning permissions of adjoining land.</p> <p>5.2.9 The remaining points are material planning considerations and will be addressed in the main assessment, below.</p>
6.0	<b>Assessment</b>
6.1	<p><b>Layout:</b> The proposed dwelling will be orientated on the site to face east, directly towards the rear of number 2 Knockdarragh Park. The entire south boundary of the site abuts the rear garden spaces of dwellings at 348-354 Belmont Road; the result is potential for the application site to be overlooked by 4 dwellings. It is acknowledged that paragraph 7.12 of Creating Places states that layouts that include dwellings that face onto the rear garden spaces of other dwellings should be avoided.</p> <p>6.2 <b>Outlook:</b> The outlook from the front will be towards the rear of dwellings No.2 and 2c Knockdarragh Park. Paragraph 7.11 of Creating Places states that dwellings should be designed to present an attractive outlook onto existing and proposed roads. However, given that policy also allows for backland development it would be unrealistic to expect it to front onto a public road.</p> <p>6.3 <b>Density:</b> The overall plot size is average when compared to the adjoining development of 7 dwellings at 348 Belmont Road and 2 Knockdarragh Park; however, the overall average plot size in the area beyond this is significantly larger. Due to the proximity of the new development at 348 Belmont Road the proposed density is not considered to be significantly larger than that found in the established residential area. Policy LC 1(a) of aPPS 7 is considered to be adhered to.</p> <p>6.4 The proposal also conforms to criterion (c) of Policy LC 1 in respect of internal size standards.</p> <p>6.5 <b>Amenity Space:</b> The private open space provision exceeds the standards contained within relevant</p>



	<p>guidance such as Creating Places. This recommends around 70sqm or greater behind the building line. Sufficient amenity space to the front of the dwelling will also be provided including space for incurtilage car parking. This is also compliant with relevant parts of criteria (c), (e) and (f) of Policy QD 1 of PPS 7.</p>
6.6	<p><b>Pattern of Development:</b></p> <p>There are two existing dwellings to the rear of Belmont Road / Knockdarragh Park. The proposal is therefore not totally out of character by being the only backland development in the area. However, these existing dwellings are lower density being bungalows on significantly larger plots than the proposal.</p>
6.7	<p>DCAN 8 states that a fundamental requirement for successful backland development is for the backland plot to be of sufficient depth to accommodate new housing in a way which provides quality residential environment for new and existing residents. Plots of less than 80m depth is unlikely to be acceptable, except where the existing urban grain is very urban in character and where careful design can overcome concerns of overlooking and day lighting. The plot depth of the application site is 28m at its deepest point. However, it should be acknowledged that the existing two backland dwellings opposite the site are both on plots with a depth that is significantly less than 80m and their relationship with surrounding properties is harmonious. The urban grain of the surrounding area, when the new development at 348 Belmont factored in, is urban in character with dwellings in close proximity to each other on narrow plots.</p>
6.8	<p>The proposal will face directly onto the rear of No.2 Knockdarragh Park. However, this is at a distance of 20m approx. Creating Places states at paragraph 7.16 that, in cases where the development abuts the private garden areas of existing properties, a separation distance of 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between new houses and the common boundary. The distance between the dwelling and the common boundary with No. 2 Knockdarragh Park exceeds 10m, again adhering to guidance in Creating Places. This distance has been measured with consideration of a recently constructed extension to the rear of No. 2 Knockdarragh Park.</p>
6.9	<p>The relationship between the proposal and the existing dwellings at numbers 348-354 Belmont Road is less harmonious: No. 350 will be exposed to a 6.8m tall blank elevation at a distance of 1m approx. from the common boundary and a distance of 12m to the closest point on their rear elevation. However, this pattern of development is not completely at odds with the urban grain established in the area; the corner site of the Belmont Road development faces directly on to the side gable of No.354 Belmont Road at a distance of under 4m from building-to-building. Criterion (b) of Policy LC 1 is considered to be met in this case.</p>
6.10	<p>The proximity of this gable to No. 350 Belmont Road will not create conflict with this adjacent property by way of over-dominance due to the height to distance ratio (6.8 :12m). Criterion (h) of Policy QD 1 of PPS 7 is considered to be met.</p>
6.11	<p>The proposal is considered to adhere with Planning Control Principle 1 of PPS12 in that the layout respects the amenity of adjacent housing.</p>
6.12	<p><b>Access and Car Parking Provision:</b></p> <p>Off street car parking is proposed and access is via an existing lane. TNI is content that this is of an acceptable standard. The proposal meets criterion (c) of Policy QD 1 of PPS 7 and also Policy AMP 7 of PPS 3 and adheres to advice in DCAN 15.</p>
	<p><b>Design of Dwelling:</b></p>

6.13	The proposal's form, scale and massing conforms to the prevalent style in this area. The proposal meets criteria (a) and (g) of Policy QD 1 of PPS 7; and also adheres to supplementary guidance outlined in DCAN 8, paragraph 5.7.
6.14	<p><b>Outlook:</b></p> <p>The outlook from the ground floor is acceptable. A neighbour has queried the acceptability of the outlook from the attic rooms due to the low level of the roof light windows. The windows are deliberately low level to comply with building control regulations. There is no policy provision that dictates as to the level of windows provided the outlook is attractive.</p>
6.15	<p><b>Overlooking:</b></p> <p>Due to a separation distance of 20m to the rear elevation of the closest neighbour directly opposite the front elevation; and a 10m gap to the common boundary, potential for overlooking to an unacceptable degree will be sufficiently reduced. The orientation of the proposal will prevent direct overlooking into any other neighbouring property.</p>
6.16	<p><b>Overshadowing:</b></p> <p>Despite the proximity of the proposal to the rear of dwellings at No's 348-354 Belmont Road, the orientation of the development will ensure that no neighbouring property's amenity will be harmed by overshadowing from the development. The dwellings along the east boundary are at a sufficient distance to ensure they will not be impacted by overshadowing.</p>
6.17	The proposal is compliant with criterion (h) of Policy QD 1 insofar that it will not result in any unacceptable overlooking and overshadowing.
6.18	<p><b>Landscaping:</b></p> <p>A mix of soft and hard landscaping is proposed. This consists of grass lawns and percolating paving. Existing hedges and a mature fir tree and to the west of the site are to be retained.</p>
6.19	However, the council's internal tree officer has stated that should the proposed building be erected in the location specified, it may result in a detrimental impact upon the existing tree due to the proximity. The distance from the trunk to the sunroom is 5m.
6.20	The tree officer concluded that the existing tree has partial dieback within the crown, which may be an indicator that the tree is beginning to decline in health. It also has a one sided crown, thus heavier weight on the side closest to the proposed development. It would not meet the criteria to apply a future TPO.
6.21	The tree officer recommends that the tree is felled and the boundary is replanted, if required, with an appropriate tree species such as Silver Birch / Rowan, extra heavy standard. This can be achieved via a condition if planning permission is granted.
6.22	The loss of the tree will not result in any further overlooking issues as the attic windows to the rear of the proposal are roof lights from which overlooking will be limited. The existing hedge will be retained which will also help to mitigate the impact of the proposal on number 346 Belmont Road.
6.23	<p><b>PPS 12:</b></p> <p>The proposal is considered to adhere with Planning Control Principle 1 of PPS12 in that the layout respects the amenity of adjacent housing.</p>
<b>Other Material Considerations:</b>	

<p>6.24</p> <p>6.25</p> <p>6.26</p>	<p>The planning history on this site is significant. Planning permission ref. Z/2010/0187/F was for 8 number dwellings, one of which was in the same location as the proposal. This expired on 18 October 2016 and was therefore live on 12 October 2016 when this application was submitted as valid. However, this had already been succeeded by an amended permission (Z/2014/0699/F) that has been fully implemented. This permission omitted the dwelling on the current application site in addition to several other design and layout changes. As such, the 2010 permission could not have been implemented, however, the 2010 permission is still significant as the policy context has not changed in the intervening period since that application was approved.</p> <p>In addition to the above, the proposal does not sit on all fours with the planning history in respect of its relationship with the rest of the development of 7 dwellings at 348 Belmont Road. When measured via the actual approved plans under ref. Z/2014/0699/F, the rear elevation of the dwelling at 350 Belmont Road is 15.4m approx. from the side gable wall of the proposed dwelling. This distance is 13.75m approx. when measured on the planning approval ref. Z/2010/0187/F. This is excluding a single storey extension to the rear of both. Also, another mitigating factor is that the development as built on site is 3 storey at the rear compared to a 2 storey 2010 approval. Both of these differences will serve to lessen the impact of the proposal compared to the 2010 approval.</p> <p>In addition to the above, the landscaping of the approved development has not been fully implemented as per the plans. If this is implemented then it will soften the impact of the proposal.</p>
<p><b>7.0</b></p>	<p><b>Recommendation</b></p>
<p>7.1</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and the Planning Committee is asked to give the Director of Planning and Place delegated authority to approve the application subject to the following conditions:</p>
<p><b>8.0</b></p>	<p><b>Conditions</b></p>
<p>8.1</p>	<p>No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and the character and appearance of the area.</p>
<p>8.2</p>	<p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order with or without modification), no extensions, garages, sheds, outbuildings, or other built structures of any kind (other than those forming part of the development hereby permitted) shall be erected without express planning permission.</p> <p>Reason: Any further extension or alteration requires further consideration to safeguard the amenities of the site.</p>
<p>8.3</p>	<p>The development hereby permitted shall not be occupied until the vehicular access has been constructed in accordance with Drawing No.05B bearing the date received stamp Belfast Planning Service 01 August 2017. This access shall be permanently retained thereafter.</p>

<p>8.4</p>	<p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>The dwelling shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No. 05B bearing the date received stamp Belfast Planning Service 01 August 2017, to provide adequate facilities for parking within the site. These hard surfaces shall be permanently retained thereafter. 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.</p>
<p>8.5</p>	<p>Reason: To ensure that adequate provision has been made for parking.</p> <p>All soft landscape works shall be completed in accordance with the approved plan No. 04B, date received stamp Belfast Planning Service 01 August 2017 and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season after occupation of the dwelling hereby approved and be permanently retained thereafter.</p>
<p>8.6</p>	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>The existing tree and hedges on the site as shown on stamped approved drawing Number 04B, date stamped received 01 August, shall be permanently retained. No works shall be carried out to the retained tree unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.</p>
<p>8.7</p>	<p>Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.</p> <p>No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees and hedges to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).</p>
<p>8.8</p>	<p>Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
<p>8.8</p>	<p>If any retained tree or hedge is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified by the Council.</p> <p>Reason: To ensure the continuity of amenity afforded by existing trees.</p> <p>Prior to the occupation of the development hereby approved, the two windows at</p>

8.9	<p>ground floor level on the north west elevation as depicted on stamped approved drawing number 07B, date received stamp Belfast Planning Service 01 August 2017, shall be fitted with obscure glass. This glass shall be permanently retained thereafter and in the event of breakage or replacement, they shall be refitted with obscure glass.</p> <p>Reason: In the interests of residential amenity of neighbouring properties.</p>
<b>9.0</b>	<b>Informatives</b>
	<ol style="list-style-type: none"> <li>1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</li>   <li>2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.</li>   <li>3. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.</li>   <li>4. Developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.</li>   <li>5. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc.</li>   <li>6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</li>   <li>7. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site.</li> </ol>

The consent is available on personal application to the TransportNI Section Engineer whose address is 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be required to cover works on the public road.

8. All construction plant and materials shall be stored within the curtilage of the site.

9. The Clean Neighbourhoods and Environment (NI) Act 2011

In the event that any ground contamination is encountered during the proposed development, then all works on site should cease. Belfast City Council Health and Environmental Services Department should be informed and a full written risk assessment in line with current Government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and necessary mitigation measures should be submitted for appraisal.

10. Building Regs (NI) 2012

It is noted that the proposed development is located in a radon affected area. You should contact Belfast City Councils Building Control department in order to determine what remedial measures are required.

<b>ANNEX</b>	
<b>Date Valid</b>	19th October 2016
<b>Date First Advertised</b>	4th November 2016
<b>Date Last Advertised</b>	2nd June 2017
<b>Date of Last Neighbour Notification</b>	1 <sup>st</sup> August 2017
<b>Drawing Numbers and Title</b>	
Drawing No. 01: Site Location Plan Drawing No. 02: Existing Block Plan Drawing No. 03: Existing Site Survey Drawing No. 04B: Proposed Site Layout Drawing No. 05B: Proposed Block Plan Drawing No. 06B: Proposed Plans and Sections Drawing No. 07B: Proposed Elevations Drawing No. 08A: Illustration of height comparison with previous approval ref. Z/2010/187/F	
<b>Representatives from Elected Representatives:</b> Correspondence received from Councillor Milne	