

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th October 2017	
Application ID: LA04/2015/0061/F	
Proposal: Erection of a fifty-five bed nursing home with associated parking and landscaping (amended scheme)	Location: Lands to rear of 21 Finaghy Park Central, Finaghy, Belfast BT10 0HP
Referral Route: Local development in excess of 12 residential unit threshold – Objections received	
Recommendation:	Approval subject to Conditions
Applicant Name and Address: South Belfast Development Ltd 23 Upper Lisburn Road Belfast BT10 0GW	Agent Name and Address: Kevin Cartin Architects Ltd Unit 5 Belmont Office Park 232-240 Belmont Road Belfast BT4 2AW
<p>Executive Summary: This application seeks full planning permission for the construction of a fifty-five bed nursing home with associated car parking and landscaping.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of development • Design, impact on character and appearance of the ATC • Impact on existing roads infrastructure/ acceptability of access arrangements/ parking • Impact on amenity • Ecology • Contamination • Infrastructure Capacity • Flooding <p>The site is located within the development limits of the Belfast Metropolitan Area. The principle of residential development on the site has already been established under application Z/2008/1752/O and renewed under Z/2012/0814/O for a residential development. As such there is no objection to the principle of developing the site for a residential nursing home.</p> <p>The site lies within Finaghy Area of Townscape Character. The proposed building is of a greater footprint, scale and massing than other buildings in the surrounding area, however, given the distinguishable nature of the proposal, in that it is not for individual dwelling houses and the amenity</p>	

space is communal, it is considered that it would not cause demonstrable harm to the ATC.

Transport NI, NI Water, Rivers, DAERA, NI Transport Holding Company, the Council's Environmental Health Unit, Conservation Officer and Tree Officer were consulted and have offered no objection in principle and it is considered that any technical matters can be appropriately addressed by conditions.

66 letters of objection including representations from elected members and a petition with 29 signatures have been received, raising the main points below:

- Loss of amenity to neighbours
- Overdevelopment / out of character
- Spread of Japanese knotweed
- Drainage / flooding
- Security
- Harm to protected species and local habitat
- Loss of open space
- Devaluation of properties
- Pressure on utilities
- Inadequate paring / overspill
- Traffic intensification
- Dangerous access
- No evidence of need
- Subsidence

These issues have been addressed in the main body of the report below.

Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.

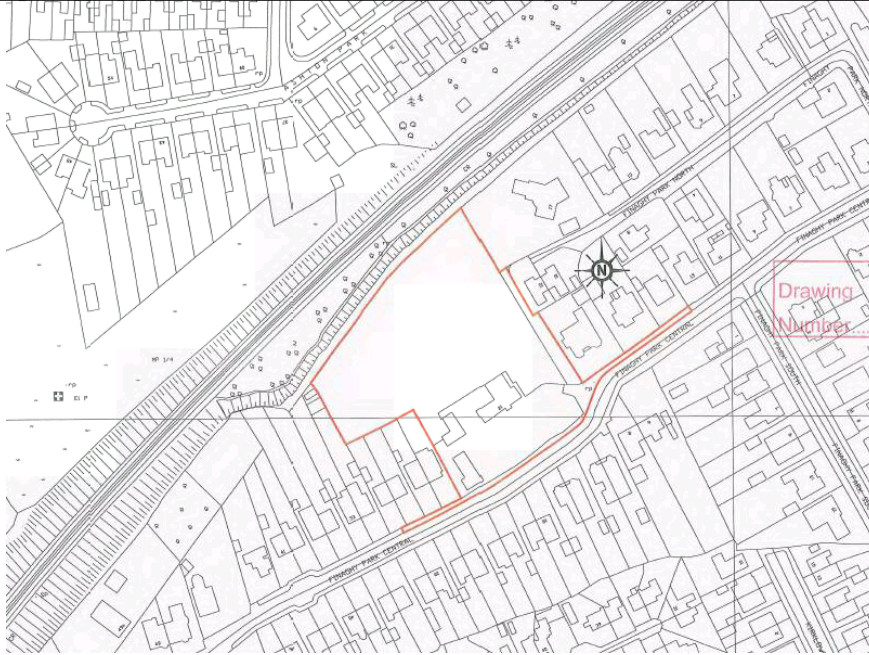
Recommendation

It is requested that committee delegate authority to the Director of Planning and Place to grant planning permission subject to the conditions listed in Section 11 of the report with the final wording of conditions to be agreed

Signature(s):

Case Officer Report

Site Location Plan



1.0 Description of Proposed Development

This application seeks full planning permission for the construction of a 55 bed nursing home with associated car parking and landscaping. The proposed nursing home comprises a three storey part, two storey part and a single storey rear return. Vehicular access would be obtained from Finaghy Park Central via that approved under application Z/2014/061/F.

Amendments were secured during the processing of the application including the following:

- Removal of the six residential units;
- Rearrangement of site layout with the central location of nursing home and car parking in front and greater screening to boundaries;
- Reconfiguration of the design of built form with a central block and subsidiary wings.

2.0 Description of Site

The application site comprises of a small housing development approved under Z/2014/0061/F which is currently under construction including 21 Finaghy Park Central, a barn conversion to residential and 2 new dwellings which occupy the front portion of the site. The site frontage is bounded by a mature hedgerow. The land to the rear consists of a field which was previously used as a paddock. The north western boundary of the site is defined by a row of mature conifers which adjoins the railway embankment. The north

	<p>eastern boundary runs alongside the gardens of Nos 12 and 17 Finaghy Park North and the side of No 19 Finaghy Park Central. The south western boundary adjoins Nos 23 – 31 Finaghy Park Central.</p> <p>The surrounding area primarily consists of detached and semi-detached dwellings. It is all located within the development limits of the Belfast Metropolitan Area and Finaghy Area of Townscape Character and adjoins Ardmore Local Landscape Policy Area (LLPA).</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History <u>Application Site</u> Z/2008/1752/O - Site for residential development including retention of existing dwelling, 2 storey red brick outbuilding and creation new access – Granted 13th October 2009</p> <p>Z/2012/0814/O - Site for residential development including retention of existing dwelling, 2 storey red brick outbuilding and creation of new access; renewal of extant outline approval ref: Z/2008/1752/O – Granted 29th May 2013</p> <p>Z/2014/0061/F - Alterations to no.21 Finaghy Park Central, conversion of existing 2 storey brick barn and erection of 2 no 2 storey dwellings including formation of new access as approved under plan ref Z/2012/0814/O – Granted 16th December 2014</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 (BUAP) (Draft) Belfast Metropolitan Area Plan</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>Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 Addendum – Areas of Townscape Character Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p>Statutory Consultees Transport NI – The proposed layout is acceptable in principle, some minor amendments required for visibility splay and detailing on Private Streets Determination drawing. DAERA (Natural Heritage and Conservation Areas) – No objection NI Water – No objection Rivers Agency – No objection</p>
6.0	<p>Non-Statutory Consultees Northern Ireland Transport Holding Company – No objection Environmental Health BCC – No objection subject to informatives Conservation Officer BCC – No objection, recommended materials and samples to be provided Tree Officer BCC – No objection in principle, conditions for retention of trees along rear boundary, tree protection measures during construction. Requested a detailed landscaping plan.</p>
7.0	<p>Representations 66 letters of objection including a petition with 29 signatures received, summarised as:</p> <ul style="list-style-type: none"> Concern over spread of Japanese Knotweed, extensive site works have been carried out across the site, dumping of waste and soil from other sites onto the

	<p>land. Outline approval required the submission of management plan, Officer Response: This was investigated by Enforcement and no breach of planning was found. A condition has been recommended for the removal of Japanese knotweed.</p> <ul style="list-style-type: none"> • Failure to resolve the Japanese Knotweed issue would breach human right over inability to sell property: Officer Response: A condition has been recommended for the removal of Japanese knotweed. • Clarification over requirement for Pre-Application Community Consultation – Officer Response: The proposed development is not for a major development therefore the pre-application community consultation is not applicable • Removal of housing does not address objections raised • Proposed three storey building is out of character with the area, over dominant, will cause harm to ATC • Gross overdevelopment, field will be covered in built form and hardstanding • Existing access is on a blind bend in a narrow street and opposite housing – inappropriate and dangerous access for nursing home • Quiet street, development will lead to an influx of vehicles causing noise and disturbance • Inadequate car parking provision, overspill of car parking • This cul-de-sac cannot cope with the additional traffic, will lead to congestion • Increase risk of accidents in the street • Water / Sewage system already overloaded, flooding is an issue in the area • Overshadowing, loss of light and privacy • Impact on protected species and habitats • Dangerous precedent Officer Response: Each planning application is assessed on its own merit, this site is unique and is not considered to set a precedent • Subsidence Officer Response: From the site visit, the site appears relatively flat. Any issues can be dealt with via building regulations. • Devaluation of properties Officer Response: This is not a material planning consideration. • Field was used to train horses and graze sheep, is farmland protected? • Impact on amenity of residents from railway line • Plans show bin store within the tree line • At odds with PPS7 and Addendum (Safeguarding Character of Established Residential Areas) Officer Response: This is not applicable to a nursing home • No evidence to support the demand for a nursing home in this locality Officer Response: There is no requirement in planning policy to demonstrate a demand for a nursing home. • Contrary to DCAN 9. • Footpath widening, causing loss of hedges, erosion of character • No estimate of staff numbers • There are no safe cycle routes on the Lisburn Road • Requested that the development proposals for the RUAS Kings Hall site are taken into consideration when determining this planning application Officer Response: There is no current planning application for this. • Little care has been taken during construction of current development • Statements in Transport Assessment are based on TRICS data surveys and not actual surveys, surely a traffic survey is required? Dispute accuracy of report • Public transport is greatly reduced at the weekends; it is unlikely that public
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	<p>transport would make a big difference to the need for parking</p> <ul style="list-style-type: none"> Request a full Environmental Impact Assessment Officer Response: The proposal has been screened and it has been determined that an EIA is not required. Site Site straddles Ardmore Local Landscape Policy Area Loss of open space Officer Response: The land does not fall within the definition of open space as set out in PPS8. Alternative access could be provided via No 21.
8.0	<p>Representations from Elected Representatives Meeting held with Councillor McAteer and residents 12th May 2017</p> <p>Letter of objections from Paula Bradshaw MLA (summarised under representations list)</p> <p>Letter of objection from Máirtín O Muilleoir MLA (summarised under representations list)</p>
9.0	<p>Other Material Considerations Development Control Advice Note: Residential and Nursing Homes Development Control Advice Note: Access for People with Disabilities Parking Standards 4</p>
10.0	<p>Assessment</p>
10.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Design, impact on character and appearance of the ATC, LLPA - Impact on existing roads infrastructure/ acceptability of access arrangements/ parking - Impact on amenity - Ecology - Contamination - Infrastructure Capacity - Flooding
10.2	<p><u>Principle of development</u> The application site is unzoned land within the development limits as designated in the BUAP and Draft BMAP. Previous permissions including Z/2008/1752/O & Z/2012/0814/O established the basis for residential development on the site. In light of the above, there is no objection in principle to a nursing home on this site, subject to the material considerations as set out below.</p> <p><u>Design, impact on character and appearance of the ATC, Ardmore Landscape Policy Area</u></p>
10.3	<p>The site is located within Finaghy ATC as designated in Draft BMAP. The designation of this ATC was generally accepted by the Planning Appeals Commission at examination in light of objections received and as such it is considered that this designation can still be afforded significant weight in the determination of this application.</p>
10.4	<p>Finaghy ATC is generally characterised by late Victorian and Edwardian two storey detached and semi-detached dwellings and bungalows. Elevational treatments do vary, however there is a consistency in terms of scale, massing and materials.</p>
10.5	<p>The application site is wholly distinguishable from the rest of the ATC due to its backland location. It is acknowledged that the proposed nursing home building at a maximum height, for the highest element of 13 metres would be of a much greater scale, massing and footprint than the surrounding housing. However, the building is well set back from the road at a distance of 60 metres and would not be read directly in the context of the</p>

	street. It would appear more as a visual backdrop to the housing which fronts onto Finaghy Park Central and would provide a visual stop to vehicular access approved under application Z/2014/061/F. It would continue on the line of built form from Finaghy Park North.
10.6	The proposed building would have a mostly traditional appearance, with a central gable projection and symmetrical hipped roof and subsidiary wings either side with a mixture of render, red brick and glazing which helps to break up the bulk of the building. A condition has been recommended to ensure the use of high quality materials in keeping with the character of area.
10.7	A good level of spacing would remain around the proposed building, with the amount of hardstanding minimised to the front of the building. The application is supported by a Tree Survey and Report which demonstrates that all trees are to be retained with the exception of one tree in poor condition. The Council's Tree Officer was consulted and has no objection in principle to the proposal. Additional planting is proposed throughout the site and along the boundaries which will assist in integrating the nursing home into the landscape.
10.8	The Council's Conservation Officer was consulted and offered no objection. In light of the above, it is considered that the proposal would be of an acceptable design that would maintain the overall character and appearance of the ATC in accordance with the PPS 6 (Addendum) and the SPPS.
10.9	The rear of the site adjoins the Ardmore Landscape Policy Area. The reason for designation is the mature deciduous woodland area bisecting the railway line. The proposed development would not cause significant adverse harm to this and as such would accord with Policy ENV1 of Draft BMAP.
10.10	<u>Impact on existing roads infrastructure/ acceptability of access arrangements/ parking</u> The planning application is supported by a Transport Assessment. This demonstrates that the proposed development is unlikely to have any significant impact on the local highway network in terms of capacity and safety. The site connects into the existing pedestrian network with access to local amenities along the Upper Lisburn Road and public transport links.
10.11	A total of 24 on site car parking spaces would be provided as part of the development which would accord with the required standards. Transport NI consider this level of car parking to be sufficient to serve the proposed development without causing adverse impact to on street car parking in the local area.
10.12	The vehicular/pedestrian access to the proposed development would be identical to that approved as part of application Z/2014/0061/F which included footpath widening to the north east of the site and removal of the frontage hedgerow and replacement with a wall. Transport NI were consulted on the application and are content in principle with the proposed layout of the scheme subject to some minor amendments. Upon receipt of these plans, the final wording of conditions will be confirmed.
10.13	The proposal is therefore considered to be acceptable in terms of highway safety, capacity and car parking and would comply with Draft BMAP, PPS3, Development Control Advice Note: Residential and Nursing Homes and the SPPS.
10.14	<u>Impact on amenity</u> The future occupiers of the care home would have access to an adequate level of communal amenity space around the building. All habitable rooms would have outlook

	over the surrounding grounds. The railway line runs alongside the north western boundary of the site, however there is a separation distance in excess of 20 metres and a tree lined buffer which would ensure that the building can be constructed to provide an acceptable residential environment that would not be adversely impacted by noise and vibration from the railway line.
10.15	Nos 12 and 17 Finaghy Park North adjoin the north eastern boundary of the site. However, the only first floor side facing window that would overlook these properties would serve a bathroom which can be conditioned to be obscurely glazed ensuring that no loss of privacy occurs.
10.16	There would be separation distances of between 15 metres – 20 metres from the proposed building to the rear boundaries of Nos 23 – 25 Finaghy Park Central and the new residential development currently being built in the southern portion of the site. Separation distances of between 21 - 38 metres would also exist elevation to elevation. This would be sufficient to prevent direct overlooking between properties. In order to address any issues regarding perceived overlooking, a condition has been recommended for a glazing strategy for the windows at first floor level and above on the front elevation to be submitted to the Council for approval prior to the commencement of development. In addition, landscape screening is proposed along the boundaries which would also help to alleviate any overlooking concerns and potential disturbance from the car parking area. A condition has been recommended for a detailed landscaping scheme to be submitted to secure substantial screening along the boundaries.
10.17	Given the separation distances cited above, the proposed nursing home would not cause a harmful loss of light or level of overshadowing or have an overbearing impact on the outlook to neighbouring properties.
10.18	In light of the above, it is considered that an adequate level of residential amenity would be maintained in accordance with the SPPS.
	<u>Ecology</u>
10.19	The application is supported by a Phase 1 and Protected Species Report and Bat Activity Survey. It is acknowledged that these reports are outdated as the surveys were carried out between 2011 – 2014. However previously no evidence was found of badgers. The buildings in the southern portion of the site were previously assessed with regards to their potential to support bats and are now being redeveloped as part of application Z/2014/0061/F. Within the proposed plans, there are no built structures and the surrounding boundary trees are to be retained, as such any existing bat roosts would remain unaffected in addition to any birds. HED were consulted and have advised that no further information is required.
10.20	A letter confirming the presence of Japanese Knotweed on the site has been submitted. The development should seek to control and eradicate these invasive species. A condition has been requested requiring a method statement for this.
10.21	In light of the above, it is considered that the proposed development is not likely to result in harm to protected species and habitats in accordance with the SPPS and the PPS2.
	<u>Contamination</u>
10.22	An environmental assessment was submitted in support of the outline approval Z/2008/1752/O which concluded that the overall risk of ground contamination was considered to be low. Environmental Health were consulted and offer no objection. They have advised that they hold no information regarding any new potential contamination sources in the vicinity of the site. In light of this, it is considered that any unexpected

<p>10.23</p> <p>10.24</p>	<p>contamination can be addressed by condition.</p> <p><u>Infrastructure Capacity</u> NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised. Connections to the water and foul sewer system would be covered by separate legislation.</p> <p><u>Flooding</u> The site is not located within the fluvial or coastal flood plain. In line with the requirements of the SPPS and PPS15 the application is supported by a Drainage Assessment. This has been reviewed by Rivers Agency who have cited no objection. It has been demonstrated that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere. As such the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
<p>11.0</p> <p>12.0</p>	<p>Recommendation</p> <p>Approve subject to Conditions in line with those set out below</p> <p>Conditions:</p> <hr/> <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. 2. Notwithstanding the approved plans, the development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations, have been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details. Reason: To protect the visual amenities of the area. 3. The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority. Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality. 4. No trees which are shown as being retained on the approved plans shall be cut

down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Local Planning Authority.

Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area.

5. 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 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). 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.

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.

6. Any excavation within tree protection areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

7. Prior to the commencement of development hereby permitted, details of any required obscure glazing to first floor windows and above including the roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details prior to the first occupation of development and shall thereafter be maintained as approved.

Reason: In the interest of the amenities and privacy of the occupiers of adjoining residential properties.

8. Travel Plan to be submitted

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

9. The development hereby permitted shall not occupied until space has been laid out within the site in accordance with the approved plans for vehicles to park and turn. The parking and turning area shall be used and retained exclusively for its designated purpose.

Reason: To ensure sufficient on-site turning and parking.

	<p>10. The development hereby approved shall not commence until details of secure cycle parking and any associated facilities for staff and visitors to the development have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.</p> <p>Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.</p> <p>11. Vehicular Access / footpath widening conditions</p> <p>Reason: In the interests of highway safety.</p> <p>12. 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 the Local Planning Authority for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.</p> <p>Reason: Protection of human health.</p> <p>13. Prior to the commencement of development, a management plan for the eradication of Japanese knotweed where it occurs on the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved management plan prior to the commencement of development.</p> <p>Reason: To ensure that the development does not lead to the further spread of non-native evasive species.</p>
<p>Neighbour Notification Checked</p>	<p>Yes</p>

ANNEX	
Date Valid	1st April 2015
Date First Advertised	8th May 2015
Date Last Advertised	21st October 2016
<p>Details of Neighbour Notification (all addresses)</p> <p>1 Finaghy Park South, Ballyfinaghy, Belfast, Antrim, BT10 0HR, 10 Finaghy Park North Ballyfinaghy Belfast 11 Finaghy Park Central Ballyfinaghy Belfast 12 Finaghy Park Central Ballyfinaghy Belfast 12 Finaghy Park North, Ballyfinaghy, Belfast, Antrim, BT10 0HQ, 13 Finaghy Park North Ballyfinaghy Belfast 13, Finaghy Park Central, Belfast, Antrim, Northern Ireland, BT10 0HP 14 Finaghy Park Central Ballyfinaghy Belfast 15 Finaghy Park Central Ballyfinaghy Belfast 15 Finaghy Park North Ballyfinaghy Belfast 16 Finaghy Park Central Ballyfinaghy Belfast 17 Finaghy Park Central Ballyfinaghy Belfast 17 Finaghy Park North Ballyfinaghy Belfast 18 Finaghy Park Central Ballyfinaghy Belfast 19 Finaghy Park Central Ballyfinaghy Belfast 2, Finaghy Park North, Belfast, Antrim, Northern Ireland, BT10 0HQ 20 Finaghy Park Central Ballyfinaghy Belfast 22 Finaghy Park Central Ballyfinaghy Belfast 23 - 52 Finaghy Park Central Ballyfinaghy Belfast 4 – 9 Finaghy Park North Ballyfinaghy Belfast 6 Finaghy Park Central Ballyfinaghy Belfast Paula Bradshaw City Hall, Donegall Square North, Belfast, Antrim, Northern Ireland, BT1 5GS Mairtin O'Muilleoir Parliament Buildings, Stormont The Beeches, 21 Finaghy Park Central, Ballyfinaghy, Belfast, Antrim, BT10 0HP,</p>	
Date of Last Neighbour Notification	13 th October 2016
Date of EIA Determination	22nd July 2015
ES Requested	No

Drawing Numbers and Title

- 01 – Site location plan
- 02D – Site Layout Plan E
- 03B – Proposed ground floor plan
- 05B – Proposed first floor plan
- 06B – Proposed second floor plan
- 08B – Elevations
- 09B – Elevations
- 10 – Proposed Roads layout
- 11A – Roads Sections
- 12 – Roads Details
- 13A – Proposed sewer layout
- 15 – PSD Layout
- 16 – Site sections
- 17 – Site sections
- 18 – Site sections
- 19 – Site sections

Notification to Department (if relevant)

N/A