

Committee Application

Development Management Report	
Application ID: LA04/2018/0005/F	Date of Committee: 11 December 2018
Proposal: 6 detached and 8 semi-detached dwellings and associated parking, relocation of public open space previously approved under planning permission S/2010/0834/F with associated play park, landscaping, and site works	Location: Lands south & east of 148-163 Lagmore View Lane & 20-26 Lagmore View Road and north & west of 37, 81, 82, 105-114 Lagmore Glen, Lagmore, Belfast
Referral Route: Proposal is for a housing scheme of over 12 units, with representations have been received that conflict with Case Officer recommendation.	
Recommendation:	REFUSAL
Applicant Name and Address: Antrim Construction Company Ltd 130-140 High Street Holywood BT18 9HW	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
<p>Executive Summary:</p> <p>The proposal is for '6 detached and 8 semi-detached dwellings and associated parking, relocation of public open space previously approved under planning permission S/2010/0834/F with associated play park, landscaping, and site works'.</p> <p>20 representations have been received in respect of the proposal, 14 objecting to the proposal and 6 supporting the proposal.</p> <p>The site is not zoned or designated within the BUAP, however the site is zoned for housing in dBMAP (Ref. ML 02/16).</p> <p>The key issues to consider are:</p> <ul style="list-style-type: none"> • Loss of open space and principle of development. • Impact on character and the topography of the site. • Impact on residential amenity. • Impact on parking. • Adequacy of proposed private amenity space. <p>The proposal would result in the loss of existing open space and is therefore unacceptable in principle. Notwithstanding the issue of principle, the proposed development is inappropriate to the character and topography of the site, will have unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominance, will provide inadequate private open space and will provide inadequate and inappropriate provision for parking. It is considered that the cumulative impact of these issues will impact detrimentally on the overall character and environmental quality of the area.</p> <p>It is recommended that this proposal is refused.</p>	

Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The proposal is for 'Erection of 6 detached and 8 semi-detached dwellings and associated parking, relocation of public open space previously approved under planning permission S/2010/0834/F with associated play park, landscaping, and site works'.</p>
2.0	<p>Description of Site</p> <p>The site is located within the development limits and has an area of approximately 1.84 Ha. It is irregularly shaped and slopes severely from north to south with a difference in ground level of approximately 15 metres over the site. Currently, the site is partly used as a storage compound for the housing contractor. The surrounding area is characterised by a residential land use with several dwellings still under construction or recently finished. There is a watercourse located along the southern boundary of the site. This boundary is also defined by existing vegetation. A rural landscape wedge has been designated on land immediately south of the site. The existing dwellings within the wider development define the eastern and western boundaries of the site, with an area of grass located to the north. Electric power lines dissect the site.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>3.1 S/2010/0834/F - Residential development of 41 dwellings comprising apartments, semi-detached and detached housing including provision of equipped children's play area and other associated public open spaces & landscaping - Lands adjoining and directly to the north west of 105 Lagmore Glen, Belfast (Granted 17/10/13).</p> <p>LA04/2017/0671/PAD - Proposed erection of 14 dwellings with landscaping and associated site works. The scheme on previously undeveloped land. The land is not vegetated and the development will not give rise to the removal of trees or significant matters of biodiversity - Lands approximately 100 meters south, of 28 Lagmore View Road and, immediately northwest of 37, 81 and 82 Lagmore Glen, Dunmurry</p> <p>3.2 <u>Planning History of surrounding area:</u></p> <p>S/2008/1152/F - Amendment to previous approval S/2003/0675F comprising an alteration to the approved curtilages (no change to previously approved floor plans or elevations) - Sites 78-94 Lagmore Phase 3, off the Stewartstown Road, Belfast (Granted 4/2/09).</p> <p>S/2009/0204/F - Demolition of the existing farm complex and the erection of 61 no. dwellings comprising detached, semi-detached and town houses with garages, landscaping and associated site works - Phase 3 lands at Lagmore Stewartstown Road Belfast (Granted 14/1/10).</p> <p>S/2010/0642/F - Proposed development comprising 5 No linked detached dwellings, 2 No detached dwellings, 2 No semi-detached and 6 No townhouses with car parking, landscaping & associated site works. (Change of house type to previous approval S/2001/1153/F including the addition of 5 No dwellings) (sites 113-122) - Lands directly north/opposite of 100 Lagmore Glen, Belfast, BT17 0WB (Granted 5/8/11).</p>

	<p>S/2007/0564/F - Proposed change of house types to 14 no. dwellings & associated site works (Sites 16-29) - Housing Development at Lagmore Phase 3, Belfast, Sites 16-29 (Granted 27/12/07).</p> <p>S/2004/0844/F - River walkway - Housing development at Stewartstown Road, Lagmore, Belfast (Granted 9/2/05).</p> <p>S/2003/0675/F - Housing development comprising 163 dwellings with garages and associated site works - Housing development at Lagmore (Phase 3) Stewartstown Road, Belfast (Granted 13/1/05).</p> <p>S/2001/1156/F - Proposed residential development (131 dwellings detached/semi-detached and townhouses) - Lands beyond Lagmore Dale, Stewartstown Road, Dunmurry (Granted 30/5/02).</p>						
4.0	Policy Framework						
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Lisburn Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2015 (dBMAP)</p>						
	<table border="1"> <tr> <td>4.1.1</td> <td>Outside the development limit - BUAP</td> </tr> <tr> <td>4.1.2</td> <td>Within development limit – LAP</td> </tr> <tr> <td>4.1.3</td> <td>Housing zoning ML 02/16 - dBMAP</td> </tr> </table>	4.1.1	Outside the development limit - BUAP	4.1.2	Within development limit – LAP	4.1.3	Housing zoning ML 02/16 - dBMAP
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4.2	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 3 - Movement, Access and Parking</p> <p>PPS 7 - Quality Residential environments</p> <p>PPS 7 Addendum - Safeguarding the Character of Established Residential Areas</p> <p>PPS 8 - Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 - Housing in settlements</p> <p>PPS 15 – Planning and Flood Risk</p>						
4.3	<p>Other Material Considerations:</p> <p>Creating Places</p> <p>Parking Standards</p> <p>DCAN 8 Housing in Existing Urban Areas</p>						
5.0	Statutory Consultees Responses						
5.1	DFI Roads – Further information requested.						
5.2	<p>NIEA Natural Environment - No objections</p> <p>NIEA Water Management – No objections</p> <p>NIEA Land, Soil & Air – No objection, subject to conditions</p>						
5.3	NI Water – No objection						
6.0	Non Statutory Consultees Responses						
6.1	BCC Environmental Health – No objection						
6.2	Rivers Agency – No objection						

6.3	Shared Environmental Services – No objection
6.4	BCC Parks and Recreation – Further information requested
6.5	Northern Ireland Electricity – No response
6.6	BCC Tree Officer – No objection, subject to conditions
7.0	Representations
7.1	20 representations have been received in respect of the proposal, 14 objecting to the proposal and 6 supporting the proposal.
7.2	<p>One objection was received from ‘Lagmore View and Glen Residents Association’ and 13 individuals. It is noted some of the objectors did not leave any comment stating the reason for objection. The objections raised the following issues:</p> <ul style="list-style-type: none"> • Impact on traffic, parking and safety of children. • Development will create a shortcut for pedestrians • Detrimental impact on safety • Loss of amenity space • Residents were previously told that this area would not be developed. • Development is lacking in areas of open space. • Lagmore Glen is already overdeveloped. • Potential removal of power lines will leave residents with no power source. • Playground built under power lines is dangerous. • Detrimental impact on drainage • Proposal will increase noise and litter in the area. • Proposal does not comply with planning policy in relation to access, residential environments and open space.
7.3	<p>6 letters of support were received. It is noted some of the objectors did not leave any comment stating the reason for support. Furthermore, 2 letters of support appear to have been received by the same person at separate addresses. The letters of support raised the following issues:</p> <ul style="list-style-type: none"> • Proposal includes the retention of green space and a play park. • Lack of 4 bedroom properties in the area.
8.0	Assessment
8.1	<p><u>Development Plan</u> 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 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>

8.2	<p>Designations / Zonings are stated below:</p> <p>BUAP – unzoned land. Large area to the north and east zoned for housing. Site was outside limits at that stage.</p> <p>LAP – Within the urban area – Note to state ‘planning policy for development in this area will continue to be determined by the Belfast Urban Area Plan 2001’ Area – Lagmore / Twinbrook / Poleglass area.</p> <p>dBMAP – Site is located within Housing Zoning ML 02/16 – Lands at Lagmore Village, Lagmore Road (81.72 Ha). The explanatory text states that Committed Housing sites include sites with planning permission for housing which has been built in full or in part since 1st January 1999 and have a potential yield of 10 or more dwellings.</p>
8.3	<p><u>SPPS</u></p> <p>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 SPPS introduces core planning principles, including ‘improving health and well-being’ and ‘supporting good design and positive place making’. The SPPS also aims to increase housing density without town cramming and encourages sustainable forms of development, good design and balanced communities. The SPPS states that within established residential areas such as this, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents. With regard to open space, the SPPS advises that existing open space should be safeguarded and areas of open space should be provided as an integral part of new residential development. The SPPS does not conflict with prevailing planning policy in relation to residential development and open space.</p> <p><u>Open Space and Principle of Development</u></p>
8.4	<p>Policy OS 1 of PPS 8 states that ‘the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space’. An exception to the policy will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. Furthermore, in the case of open space of 2 Hectares or less (such as this site), an exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of the area, where alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.</p>
8.5	<p>Policy OS 2 of PPS 8 relates to ‘Public open space in new residential development’. The Department will only permit proposals for new residential development of 25 units or more, or on sites of one hectare or more, where public open space is provided as an integral part of the development.</p>
8.6	<p>The proposed site is 1.84 Hectares in area there this proposal should comply with the policy tests of OS1 and OS2.</p>
8.7	<p>S/2010/0834/F relates to a previous planning approval on the site for ‘Residential development of 41 dwellings comprising apartments, semi-detached and detached housing including provision of equipped children’s play area and other associated public open spaces & landscaping’.</p>

8.8	<p>Condition No. 16 of this planning approval states:</p> <p><i>The proposed landscaping should be carried out in accordance with the Landscape Management plan submitted to the Department and bearing Planning Service date stamp 15th January 2013.</i></p> <p><i>Reason: To ensure the sustainability of the tree cover on the site through the successful long term proactive maintenance.</i></p>
8.9	<p>This previous proposal included much of the current site as a grassed area, constituting an area of open space. The north western corner of the current site has approval for an apartment building and associated car parking. This area of the site currently has 5 dwellings proposed (Site No. 165 – 169).</p>
8.10	<p>The proposal aims to relocate the public open space previously approved under planning permission S/2010/0834/F. The area of open space approved under this previous planning application measures approximately 14,800 square metres (1.48 Hectares). The current proposal does not include land to the north east of the site (on the opposite side of the road). This area of open space measures approximately 4350 square metres (0.435 Hectares), leaving approximately 10,450 square metres (1.045 Hectares) of open space within the application site.</p>
8.11	<p>This current proposal includes approximately 6,160 square metres (0.616 Hectares) of open space provision. Consequently, this proposal will result in the loss of approximately 0.429 Hectares of open space.</p>
8.12	<p>As previously discussed, Policy OS 1 states that exceptions can be made in two instances.</p>
8.13	<p>No case has been made that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. In spite of this, several objections have been received from the local community, many of which argue that this open space should not be lost.</p>
8.14	<p>Furthermore, no case has been made that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of the area. In any case, alternative provision would have to be made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality. The calculations above show that the proposal involves a net loss of approximately 0.429 Hectares of open space therefore this fails the policy test that the alternative open space provision should be <u>at least</u> equivalent in size.</p>
8.15	<p>It is therefore considered that this proposal is contrary to the tests of Policy OS 1.</p>
8.16	<p>With regard to Policy OS 2, the current proposal includes over 10% of the total site area as open space, therefore complying with this test.</p>
8.17	<p>It is noted that the majority of the proposed site (excluding the area where an apartment was previously approved) and the area of open space to the north east (on the opposite side of the road) are the main areas of open space for the larger Lagmore development. This provision would appear to correspond with a previous planning approval on the wider site under ref. S/2003/0675/F for a 'Housing development comprising 163 dwellings with garages and associated site works'.</p>
8.18	<p>The proposal makes reference to an 'Area for future development in keeping with the concept master plan'. It is proposed that this area will be used as public open space in the event of</p>

	approval of the current planning application. It is noted that no extant planning permission appears to have been granted on this area for residential development.
8.19	<p><u>Character of Area</u></p> <p>The proposal is assessed against the policy tests of PPS 7 relating to Quality Residential Environments. The application site is located in an existing residential area, characterised primarily by detached and semi-detached dwellings in medium sized plots. The proposed detached and semi-detached dwellings therefore conform to this characteristic. The proposed density of the development generally corresponds with that found within the surrounding area, if not slightly lower.</p>
8.20	<p>The site slopes significantly from north east to south west, with a difference in level of approximately 14 metres across the site. It is acknowledged that the surrounding Lagmore development is also sloping in nature, with the use of retaining walls and planted embankments prevalent. The current proposal also utilises retaining walls and planted embankments to combat the challenging topography of the site. The maximum height of retaining walls is 1 metre and they are located at the rear of garden areas.</p>
8.21	<p>Two sets of powerlines dissect the proposed site, with the power lines located above proposed dwellings. NIE have been consulted on the proposal, however no response has been received, despite 3 reminders being issued.</p>
8.22	<p><u>Amenity Space & Landscaping</u></p> <p>Private Amenity space is proposed for each individual dwelling at an acceptable area, in accordance with the provisions of 'Creating Places'. However, due to the topography of the site, many of the gardens have a slope. This is particularly prevalent in House No's 178 (0.8 m over 8 m), No. 177 (1.1 m over 6 m), No. 175 (1.6 m over 7 m), No. 173 (1 m over 7.5 m), No. 170 (1.48 m over 12 m) and No. 170 (0.83 m over 8 m). It is considered that the sloping nature of the amenity space will have a detrimental impact on the usability of same. It is also noted that the garden areas of House No's 165, 174 and 175 appear to be 1 metre below the finished floor level of the dwelling and accessed via steps to the garden. It is considered that the proposed landscaping assists in softening the visual impact of the development and integration with the surrounding area.</p>
8.23	<p><u>Design, Materials and Space Standards</u></p> <p>The proposal includes 5 no. 1.5 storey dwellings (G10) with integral garages, dormers to the front and roof windows to the rear. It is considered that the proposed dwellings are top heavy with respect to the roof to front wall ratio. Consequently, the roof is pitched very steeply with a pitch angle of 49 deg. It is also noted from Drawing No. 18 that the side elevation of No. 166 has a 3 storey bay, however this detailing is not evident on any other drawing. Despite these concerns with design, there are examples of similar dwellings within the local area, therefore on balance, it is considered that proposed design, form and materials are acceptable. The proposed dwellings include acceptable internal floorspace, in accordance with the published space standards.</p>
8.24	<p><u>Residential Amenity</u></p> <p>It is considered that the proposal could have a detrimental impact on the residential amenity of existing and proposed residents.</p>
8.25	<p>The proposed dwelling at No. 165 is located approximately 15 metres from the rear wall of No's 168 and 169. The finished floor level of No. 165 is 81.6 m, whilst the level of the rear gardens at No. 168 and 169 is 78.67 m and 77.77 m. No. 165 is 8.2 metres in height. Given the relatively small separation distance of 15 m, it is considered that the proposed dwelling at No. 165 will appear very dominant when viewed from No. 168 and 169. Furthermore, although the rear elevation of No. 165 contains only one utility room window, the potential for</p>

	<p>overlooking exists due to the differences in levels, with views into the rear gardens and living areas of both No. 168 and 169. It is noted in 'Creating Places' that enhanced separation distances may be necessary on sloping sites.</p>
8.26	<p>The relationship of the proposed development with the existing dwellings at No. 81, 82 and 112 Lagmore Glen is also of concern. The 3 dwellings in Lagmore Glen each have 6 windows facing the proposed development, including living areas on the ground floors and bedroom windows on the upper floors. There are bedroom windows on the facing gable walls of No. 174, 177 and 178. It is noted that no levels of adjacent development are included.</p>
8.27	<p>The gable wall of No. 174 is located approximately 7.5 metres away from the facing wall of No. 81 Lagmore Glen, whilst the gable wall of No. 177 is located approximately 7 metres away from the facing wall of No. 82 Lagmore Glen. Consequently, bedroom windows will be in close proximity, with potential for overlooking. Due to the close proximity of the dwellings, there is also the potential of overlooking from the existing dwellings into the rear gardens of the proposed dwellings.</p>
8.28	<p>No. 112 Lagmore Glen has the potential to overlook the rear garden of No. 178. One objection states that there is potential for overlooking between No. 178 and No's 176 & 177, however it is considered that the design of the houses negate this, with the rear of the houses facing each other and the facing windows are roof windows.</p>
8.29	<p>It is not considered that the proposal will cause a significant adverse impact in respect of noise, litter or other nuisance.</p>
8.30	<p><u>Local Services / Facilities and Safety</u> The site includes a playground facility, as previously approved under reference S/2010/0834/F. The location of the playground has not been changed, however there is concern regarding the existence of overhead power lines above, and the suitability of the playground being located beneath these. As discussed previously, NIE have been consulted on the proposal, however no response has been received.</p>
8.31	<p>The site is located in close proximity to other services and facilities and there is no requirement to provide further neighbourhood facilities. It is considered that the proposal is designed to deter crime and promote personal safety.</p>
8.32	<p><u>Movement, Access & Parking</u> The proposal links into the existing road and pedestrian network. Furthermore, a pedestrian linkage is proposed between Lagmore Glen and Lagmore View Road, with the route slightly amended from that previously approved under ref. S/2010/0834/F. It is noted that some of the dwellings would not be suitable for people whose mobility is impaired due to the topographical constraints of the site.</p>
8.33	<p>Following consultation with DFI Roads, it is considered that the proposed car parking provision is unacceptable, when considered in accordance with 'Creating Places'. DFI Roads have stated that a car parking schedule, fully engineered drawings showing vehicular accesses and a transport assessment are required. Furthermore, the proposed alterations to the existing turning head are unacceptable.</p>
8.34	<p><u>Archaeological and Built Heritage</u> There are no concerns regarding archaeological or built heritage.</p>

8.35	<p><u>Drainage / Flooding</u></p> <p>In accordance with Policy FLD 3 of PPS 15, a Drainage Assessment was submitted for the proposal. DFI Rivers Agency accept the logic of the drainage assessment and have no reason to disagree with the conclusions. The site is not located within a floodplain, therefore no Flood Risk Assessment was required.</p>
8.36	<p><u>Ecology</u></p> <p>Following consultation with NIEA NED, there no ecology concerns as no development is proposed within 5 metres of the existing watercourse that runs along the south west boundary of the site. It is considered that the development is unlikely to significantly impact protected habitats or species.</p>
8.37	<p><u>Environmental Impact Assessment</u></p> <p>The development falls within Schedule 2, Part 10 (b) 'Urban development projects, including the construction of shopping centres and car parks' of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The area of site exceeds 0.5ha, therefore an EIA Determination was necessary for the proposal. It is considered that the proposal does not have the potential for significant environmental impacts either alone or in combination with other development by reason of its size, nature and location. Accordingly, it is concluded that the proposal is not EIA development.</p>
8.38	<p><u>Habitat Regulations</u></p> <p>The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.</p>
8.39	<p><u>Statutory notification</u></p> <p>The planning application was advertised in the local press and 48 neighbours were notified of the proposal. 20 representations have been received in respect of the proposal, 14 objecting to the proposal and 6 supporting the proposal.</p>
9.0	Summary of Recommendation: Refusal
9.1	<p>As discussed above, the proposal would result in the loss of existing open space and is therefore unacceptable in principle. Notwithstanding the issue of principle, the proposed development is inappropriate to the character and topography of the site, will have unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominance, will provide inadequate private open space and will provide inadequate and inappropriate provision for parking. It is considered that the cumulative impact of these issues will impact detrimentally on the overall character and environmental quality of the area.</p>
10.0	Reasons for refusal
10.1	<p>The proposal is contrary to the SPPS and Policy OS1 of Planning Policy Statement 8 in that the development would result in the loss of existing open space.</p>
10.2	<p>The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development is inappropriate to the character and topography of the site in terms of layout, excessive scale, massing and appearance of buildings.</p>
10.3	

10.4	The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would, if permitted, have an unacceptable adverse effect on existing and proposed properties in terms of overlooking and dominance.
10.5	The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the development would not provide adequate private open space due to the topography of the site.
10.6	The proposal is contrary to Policy QD1 of Planning Policy Statement 7 in that the applicant has failed to demonstrate a satisfactory arrangement to Creating Places standards, for the safe operation of the development.
10.7	The proposal is contrary to Policy AMP7 of Planning Policy Statement 3 in that the applicant has failed to demonstrate an acceptable arrangement for the parking of vehicles attracted to the site in accordance with Creating Places.
	The proposal is contrary to Policy LC1 of Planning Policy Statement 7 Addendum in that the pattern of development is not in keeping with the overall character and environmental quality of the area.
Notification to Department (if relevant) N/A	
Representations from Elected members: Cllr Brian Heading (Enquiry)	