

Committee Application

Development Management Report	
Application ID: LA04/2017/1682/F	Date of Committee: 19 January 2019
Proposal: Proposed development of 33 dwellings, garages and all other associated site works. Dwellings comprise of 16No. apartments, 4No. town-houses, 8No. semi detached dwellings and 5No. Detached dwellings. Reduction in numbers from previous approval Z/2010/1313/F. Minor alterations to constructed entrance road.	Location: Lands at Lacefield, Campbell College, Lands to the rear of Cabin Hill Court, Upper Newtownards Road Belfast
Referral Route: Proposal is for over 12 dwellings with representations that conflict with the Case Officer recommendation.	
Recommendation:	APPROVAL
Applicant Name and Address: Antrim Construction Company Ltd 130-134 High Street Holywood BT18 9HW	Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helens Bay
Executive Summary: The proposal is 'Proposed development of 33 dwellings, garages and all other associated site works. Dwellings comprise of 16No. apartments, 4No. town-houses, 8No. semi detached dwellings and 5No. Detached dwellings. Reduction in numbers from previous approval Z/2010/1313/F. Minor alterations to constructed entrance road'. 1 objection has been received relating to this proposal. The objection related to the impact of the proposed development on the objector's second access point to an existing dwelling and additional noise generated from the proposal. The key issues in the assessment of this proposed development include: <ul style="list-style-type: none"> - Principle of development - Impact on character - Impact on residential amenity - Impact on access and parking - Impact on adjacent listed building, nearby SLNCI and protected species. The current proposal relates to a revision of previous approval Z/2010/1313/F. This development has commenced, with 14 dwellings having been completed. The proposed development of 33 dwellings will result in an overall total of 47 dwellings on the site, 3 units lower than the proposed 50 dwellings approved under Z/2010/1313/F. It is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy, therefore approval is recommended. It is requested that final conditions are delegated to the Director of Planning and Building Control.	

Characteristics of the Site and Area



<p>1.0</p>	<p>Description of Proposed Development The proposal is 'Proposed development of 33 dwellings, garages and all other associated site works. Dwellings comprise of 16No. apartments, 4No. town-houses, 8No. semi detached dwellings and 5No. Detached dwellings. Reduction in numbers from previous approval Z/2010/1313/F. Minor alterations to constructed entrance road'.</p>
<p>2.0</p>	<p>Description of Site The site falls within the development limits of Belfast. It has an area of approximately 1.38 Ha. Located approximately 3 miles east of Belfast City Centre, 'Lacefield' is situated in the SW portion of the grounds of Cabin Hill Preparatory School. The site is irregularly shaped and in terms of topography the site is relatively flat and is set at a lower level than Cabin Hill House.</p> <p>The site is bordered on the south and west by residential development which fronts onto Hawthornden Way and Upper Newtownards Road. The listed Cabin Hill school itself is set on higher ground approximately 40 metres to the north east of the site. The land immediately to the north and east of the site is defined by mature trees and dense vegetation. Access to the site is off the existing access from Upper Newtownards Road. There are several dwellings already constructed on the site as part of Phase 1 of the development.</p> <p>There are a mix of uses prevalent in the locality, with residential, educational (Campbell College to the north) and commercial uses along the Upper Newtownards Road. The grounds of Stormont are located approximately 350 metres to the east.</p>

Planning Assessment of Policy and other Material Considerations									
3.0	Site History								
3.1	Z/2003/0402/O - Lace Field, Cabin Hill, Upper Newtownards Road, Belfast (Land to the rear of Nos. 552-560 Upper Newtownards Road and Cabin Hill Court), BT4 3HE) - Residential development – Granted 10/7/03								
3.2	Z/2006/0603/F - Erection of 47no. dwellings, semi-detached, terraced and apartments with detached garage and associated siteworks (amended scheme) – Granted 18/4/07								
3.3	Z/2008/0904/F - Erection of 45no. dwellings - semi-detached, terraced and apartments - with detached garage and associated site works – Granted 21/8/09								
3.4	Z/2010/1313/F - Erection of 50 no dwellings comprising semi detached, town houses and apartments, garages and associated site works. (Amendments to previous approval Z/2008/0904/F including increase from 45-50 units) – Granted 6/2/12								
3.5	Z/2013/1371/F - Single townhouse dwelling and appropriate site works. (Amendments to previous approval Z/2010/1313/F re housetype C4.2 on site 16) – Granted 11/3/14								
4.0	Policy Framework								
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)								
	<table border="0"> <tr> <td>4.1.1</td> <td>White land - BUAP</td> </tr> <tr> <td>4.1.2</td> <td>Housing Zoning (ref. EB 04/06) – dBMAP</td> </tr> <tr> <td>4.1.3</td> <td>Land directly adjoining the site to north and east – Site of Local Nature</td> </tr> <tr> <td>4.1.4</td> <td>Conservation Importance (SLNCl) (ref. BT 102/11) Land directly adjoining the site to north and east – Local Landscape Policy Area (LLPA) (ref. BT 114)</td> </tr> </table>	4.1.1	White land - BUAP	4.1.2	Housing Zoning (ref. EB 04/06) – dBMAP	4.1.3	Land directly adjoining the site to north and east – Site of Local Nature	4.1.4	Conservation Importance (SLNCl) (ref. BT 102/11) Land directly adjoining the site to north and east – Local Landscape Policy Area (LLPA) (ref. BT 114)
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4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk								
4.3	Other Material Considerations: Creating Places Parking Standards DCAN 8 Housing in Existing Urban Areas								
5.0	Statutory Consultees Responses								
5.1	NIEA - No objection, subject to condition								

5.2	DFI Roads – Awaiting response. Informal responses indicate DFI Roads are content in principle.
5.3	NI Water – No objection
5.4	Historic Environment Division – No objection, subject to condition
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to condition
6.2	Rivers Agency – No objection
6.3	BCC Tree Officer - No objection, subject to conditions
7.0	Representations
7.1	1 objection has been received relating to this proposal. The issues raised relate to the following:
7.2	<ul style="list-style-type: none"> - Submitted drawings do not show the second access point to an existing dwelling at No. 16 Lacefield. - Proposed visitor parking blocks access to the second access point. - Proposed vehicle ramp adjacent to No. 16 impacts on access to the second access point. Objector notes this was not included on previous approvals. - Proposed vehicle ramp will result in additional noise at objector's property. - Objector requires a 'dropped kerb' at front of property for second access, however the proposed vehicle ramp will impact this.
7.3	The highlighted issues will be discussed further later in the report.
8.0	Assessment
8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> - Principle of development - Impact on character - Impact on residential amenity - Impact on access and parking - Impact on adjacent listed building, nearby SLNCI and protected species.
8.2	<p><u>Principle of Development</u></p> <p>The current proposal relates to a revision of previous approval Z/2010/1313/F. This development has commenced, with 14 dwellings having been completed. The proposed development of 33 dwellings will result in an overall total of 47 dwellings on the site, 3 units lower than the proposed 50 dwellings approved under Z/2010/1313/F. Initially, planning permission was granted on the site for 'residential development' under ref. Z/2003/0402/O. The principle of development for housing has therefore previously been accepted on the site.</p>
8.3	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast</p>

	<p>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. The site is not zoned or designated within the BUAP, however the site is zoned for housing in dBMAP (ref. EB 04/06). There are key site requirements within dBMAP for this zoning, relating to density, access and landscaping. The PAC Inquiry examined objections in relation to the zonings and key site requirements, however recommended no changes. The site is also located adjacent to the Campbell College and Ormiston SLNCI (ref. BT 102/11) and Campbell / Ormiston LLPA (ref. BT 114).</p>
8.4	<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.</p>
8.5	<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. Immediately to the south of the site is an apartment building at Cabinhill Court, catering specifically for elderly residents. The proposed dwellings respect the existing designs and materials utilised within Phase 1 of the 'Lacefield' Development.</p>
8.6	<p>The proposed density of the development equates to approximately 19 dwellings per Hectare and generally corresponds with that found within the surrounding area. The current proposal represents an improvement in scheme and overall layout from the extant approved development under Z/2010/1313/F. It is considered that the proposed development is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.</p>
8.7	<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'. The apartment building includes 16 dwelling units, therefore communal amenity space of at least 160 square metres (10 sq m per dwelling unit) should be provided. The proposal includes approximately 450 square metres of communal amenity space in two specific areas east of the apartment building. This provision is considered acceptable in accordance with 'Creating Places'. Furthermore, Stormont is located approximately 350 metres to the east which offers significant additional amenity space.</p>
8.8	<p>BCC's Tree Officer has commented on the landscaping proposals and is content, subject to conditions. Furthermore, HED have advised that additional landscaping is proposed along the eastern boundary to provide screening of the listed building, Cabin Hill House. The landscaping proposals provide this screening and assist with integration of the development.</p>
8.9	<p><u>Open Space</u></p> <p>Policy OS2 of PPS 8 relates to 'Public open space in new residential development'. 33 dwellings are proposed for this development, 17 individual dwellings and 16 apartments. This</p>

	<p>proposal is therefore considered an exception to Policy OS2 due to the amount of apartments proposed, with acceptable communal open space provided.</p>
8.10	<p><u>Residential Amenity</u></p> <p>It is considered that the proposed design and layout does not create conflict with adjacent land uses. It is considered that the rear garden area of House No. 23 may experience some overshadowing from the apartment block located to the south, however the impact is not considered to be significant. The objector at House No. 16 alleges that the proposed road ramp outside his home will result in additional noise experienced at his property. It is noted that this vehicle ramp was included in previous approvals, Z/2010/1313/F for the overall development and Z/2013/1371/F for a revision to site 16 specifically. Notwithstanding the fact that the ramp has been previously approved, it is not considered that the existence of same will result in an unacceptable adverse noise impact on the objector. On balance, there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.</p>
8.11	<p><u>Design & Materials</u></p> <p>It is considered the proposed design of dwellings are acceptable and draw upon the best local traditions of form, materials and detailing. The proposed dwellings also provide adequate internal floorspace, in accordance with Annex A of PPS 7 Addendum.</p>
8.12	<p><u>Boundary treatments</u></p> <p>The proposed boundary treatments are of high quality and are sensitive to the overall design of the scheme and the individual dwelling units.</p>
8.13	<p><u>Movement, Access & Parking</u></p> <p>An acceptable movement pattern is provided, supporting walking and cycling, meeting the needs of people whose mobility is impaired with provision of ramps and lifts etc and incorporating traffic calming measures. The development provides adequate and convenient access to public transport with a BRT stop located in close proximity along the Upper Newtownards Road. DFI Roads are content with the principle of the development in terms of access and parking, however a final consultation response has not yet been received.</p>
8.14	<p><u>Local services and Safety</u></p> <p>The site is located in general proximity to services and facilities and there is no requirement to provide integral neighbourhood facilities. It is considered that the proposal is designed to deter crime and promote personal safety.</p>
8.15	<p><u>Listed Building</u></p> <p>The site is located in close proximity to Cabin Hill Prep school, a grade B2 listed building. Following consultation with HED, they are content that the proposal does not adversely impact the setting of the listed building. HED advise that native species trees and hedging shall be planted along the eastern boundary of the site to provide screening of the listed building and ensure the setting is maintained. The landscaping proposals include planting along this boundary, providing screening of the building and its setting.</p>
8.16	<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. No existing watercourses are being impacted as a result of the proposal.</p>

8.17	<p><u>Contaminated land</u></p> <p>Following consultation with Environmental Health and NIEA, there are no concerns regarding previous potentially contaminating land uses on the site. NIEA have advised a safeguarding condition in the event of new contamination being identified during construction works.</p>
8.18	<p><u>Ecology</u></p> <p>A Preliminary Ecological Appraisal was submitted in support of the development. The application site lies adjacent to the Campbell College and Ormiston SLNCI (ref. BT 102/11). Following consultation with NIEA, it is considered that the proposal will not have a significant adverse impact on the SLNCI and therefore accords with the tests of Policy NH 4 of PPS 2.</p>
8.19	<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>
8.20	<p><u>Statutory consultation</u></p> <p>The planning application was advertised in the local press and 99 neighbours were notified of the proposal (many of which were returned by Royal Mail). As already discussed, 1 representation was received.</p>
8.21	<p><u>Other issues</u></p> <p>The objector advises that the submitted drawings fail to take into account the second access point to his dwelling. This second access point was not approved under Z/2013/1371/F. It appears that the creation of this access may constitute permitted development, in accordance with Part 3, Class B of the Schedule of the Planning (General Permitted Development) Order (NI) 2015, however no Certificate of lawfulness has been approved for same. From a recent site visit, this part of the dwelling does not have the appearance of a driveway / access, however it appears that this area could be used for the parking of a car. No cars were parked at the time of the visit.</p>
8.22	<p>As previously noted, the vehicle ramp was previously included on planning approvals Z/2010/1313/F and Z/2013/1371/F, both of which have commenced. As no planning approval or certificate of lawfulness have been approved for a driveway / access, it is considered more weight should be placed on the extant planning history,</p>
9.0	Summary of Recommendation: Approval
9.1	<p>The current proposal relates to a revision of previous approval Z/2010/1313/F, with an overall reduction in the number of dwellings by 3 units to a total of 47 dwelling units. It is considered that the current proposal represents an improvement in scheme and overall layout.</p>
9.2	<p>It is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy, therefore approval is recommended. It is requested that final conditions are delegated to the Director of Planning and Building Control.</p>

10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.3	<p>After completing all remediation works under Condition 2 and prior to commencement of operations, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.4	<p>Prior to the occupation of the hereby approved development, the proposed boundary treatments on stamped approved Drawing No. 03D date stamped 22nd November 2018, Drawing No. 31A dated stamped 19th July and Drawing No. 32A date stamped 18th September 2018 shall be carried out in full.</p> <p>Reason: In the interest of visual amenity.</p>
10.5	<p>The height of the proposed retaining walls shall not exceed 1.2 metres, as annotated on stamped approved Drawing No. 31A date stamped 19th July 2018.</p> <p>Reason: In the interest of visual amenity.</p>
10.6	<p>All soft landscaping works shall be carried out in accordance with the approved details, as annotated on Drawing No. 33D date stamped 22nd November 2018. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the City Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the City Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area.</p> <p>Reason: In the interests of the character and appearance of the area.</p>
10.7	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or proposed trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season</p>

	<p>(October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the City Council.</p> <p>Reason: In the interests of visual amenity.</p>
10.8	<p>A landscape management plan and a schedule of landscape maintenance for a minimum period of 20 years shall be submitted to and approved in writing by Belfast City Council prior to the first occupation of the building hereby approved. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.</p> <p>Reason: To ensure the provision establishment and maintenance of a high standard of landscape.</p>
10.9	<p>Prior to any work commencing all protective barriers (fencing) and ground protection (geocell membrane) is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
10.10	<p>If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p>
10.11	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p>
10.12	<p>Careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.</p> <p>Reason: To avoid root severance.</p>
10.13	<p>During the construction phase of the development, the applicant shall implement dust mitigation measures in accordance with <i>Section 5.2 – Construction phase mitigation measures</i>, of the Envest report: <i>‘Air Quality Impact Assessment Report, Proposed development of 33 dwellings, garages and all other associated site works at lands at Lacefield Campbell College, Lands to the rear of Cabin Hill Court, Upper Newtownards Road, Belfast’</i>, date stamped 24th April 2018.</p> <p>Reason: Protection of human health.</p> <p><u>AWAITING DFI ROADS CONDITIONS</u></p>

Notification to Department (if relevant)

Representations from Elected members:

N/A