

## Development Management Committee Report

<b>Application ID:</b> LA04/2018/1292/F	<b>Date of Committee:</b> Tuesday 19 <sup>th</sup> February 2019
<b>Proposal:</b> Detached store.	<b>Location:</b> Plot 53 Nugent Hall Harberton Park Residential Development Belfast.
<b>Referral Route:</b> Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> HBH Developments C/O Blue Horizon Developments 551-555 Lisburn Road Belfast BT9 7GQ	<b>Agent Name and Address:</b> Dimensions Chartered Architects 1 Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Executive Summary:</b> Proposed detached store  The area within which the store is to be located is an apartment development granted approval as part of the former Kings Hall lands / Harberton re-development.  The overall site was granted outline planning approval in 2009 and Reserved Matters in 2014 and this phase was modified under LA04/2017/0157/F for 19 dwelling houses and 17 apartments, with associated communal amenity and landscaped areas and car parking.  The proposal is for a detached store located on an area of communal parking and an area of amenity space to the north of the apartment block and on the boundary of Balmoral Golf Club, shown in drawing no. 02 as plot 53A and is to serve a 2nd floor apartment of the apartment block. The detached store is located at the rear of a communal parking area on an area of amenity space.  The key issues to be considered are: <ul style="list-style-type: none"><li>• Principle of development</li><li>• Design of the Garage</li><li>• Impact on amenity and approved parking/ landscaping</li></ul> The proposed development is considered unacceptable and will adversely impact on the surrounding quality residential development. The proposal conflicts with the overall design concept of the Harberton Development.  The development has a mix of dwellings and apartments, dwellings can provide incurtilage gardens, garages and storerooms whereas it is commonly accepted that apartments have shared facilities. It follows that to provide one resident with a store should allow equally for all residents to enjoy the benefit of additional ancillary accommodation. However, to allow all the apartments such stores and garages would erode the environmental and residential amenity of the area and result in a disparate form of development and set an undesirable precedent.  The store located at a turning / manoeuvring location for communal parking spaces and a	

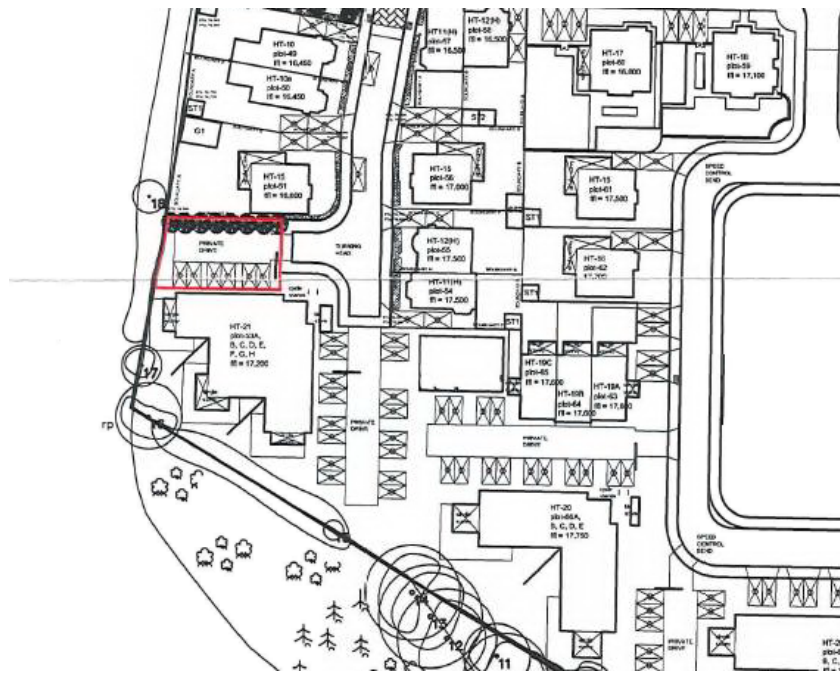
landscaped area would result in over development of the area and appear incongruous as it will not sit within a private curtilage but within a shared communal area. The proposal is contrary to the SPPS and PPS7 Quality Residential Environments.

**Recommendation**

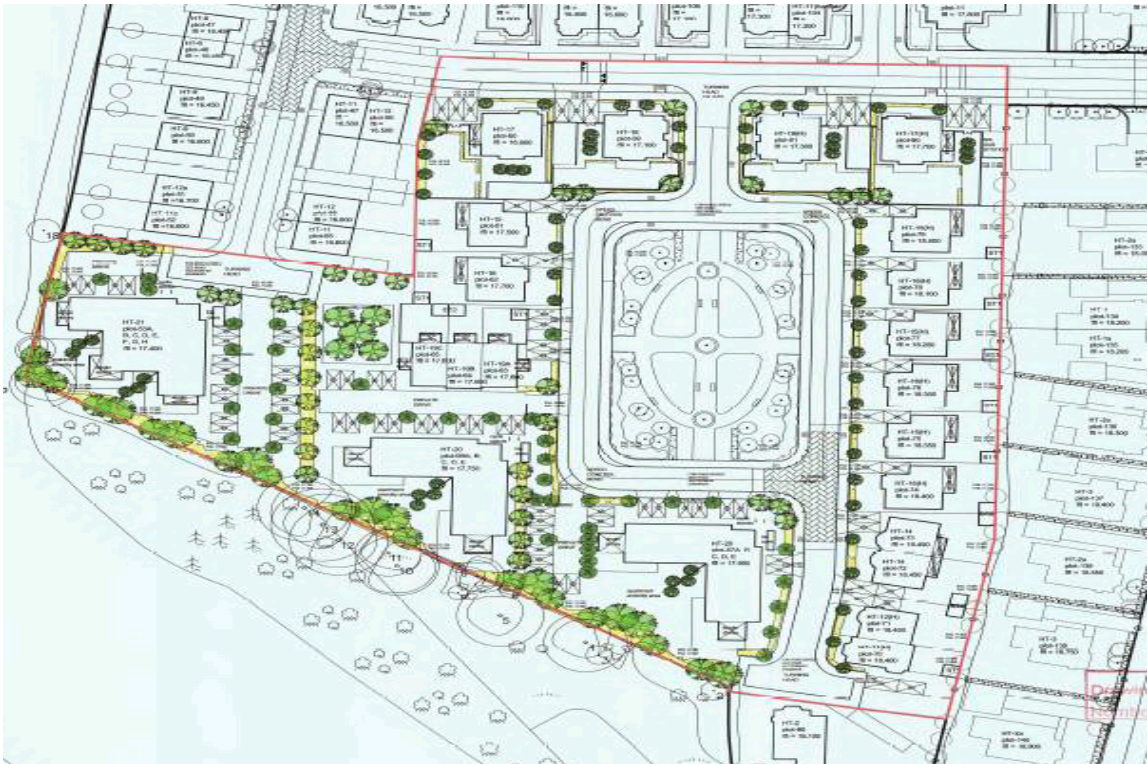
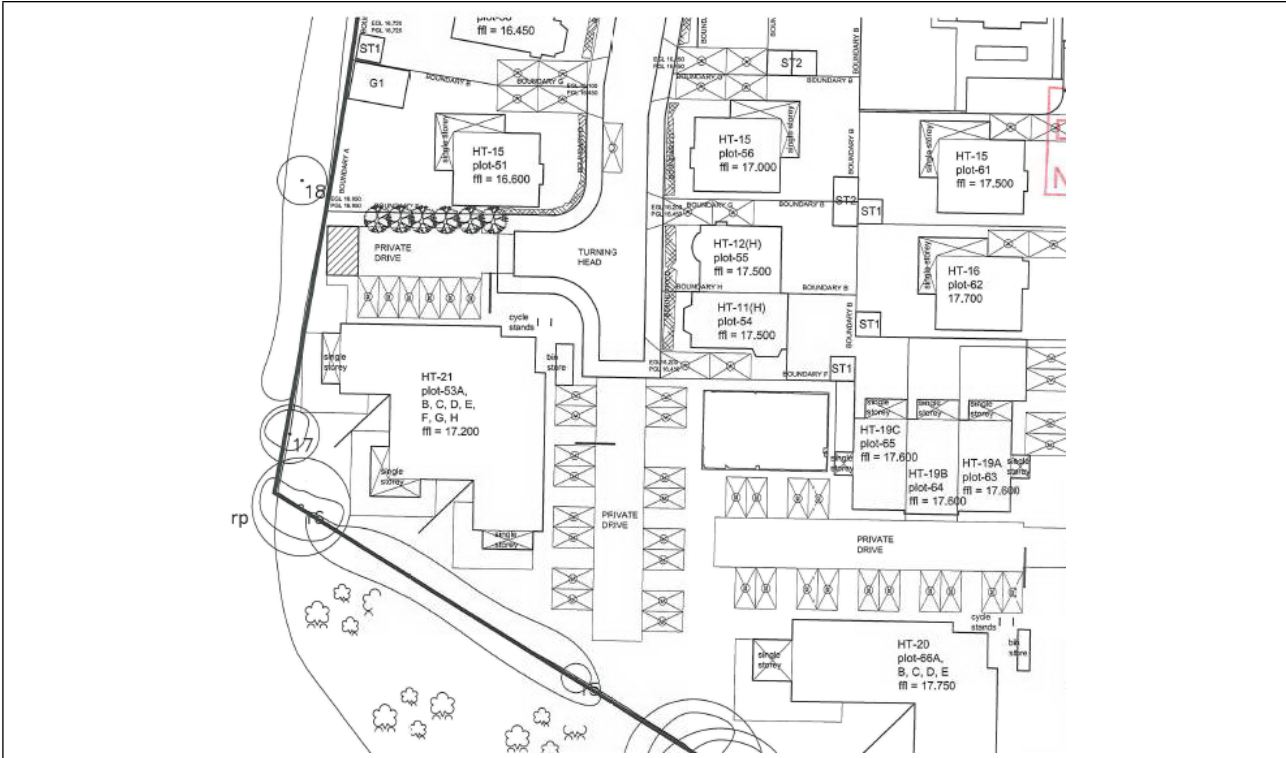
Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be **refused**.

## Case Officer Report

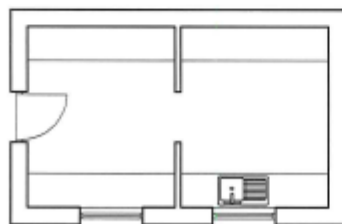
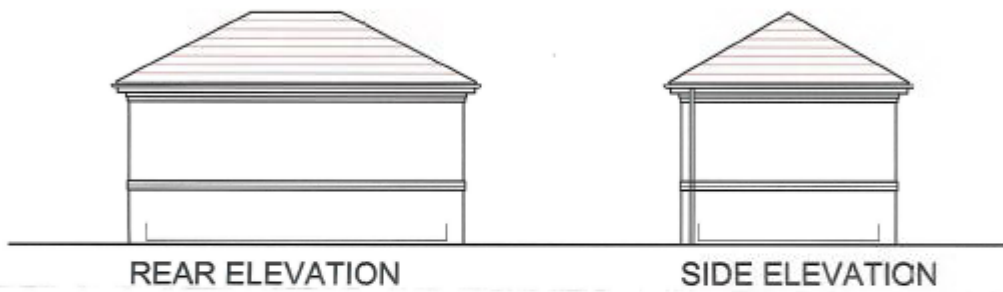
### Site Location Plan



### Block Plan



Elevations



GROUND FLOOR

Materials:

Walls: cement render  
including recon stone details  
Walls: facing brick  
Roof: Grey slate finish  
Windows: UPVC

Drawing  
Number.....



# Committee Application

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Proposed detached store measuring 5.8m by 3.8 and a height of 4m located to the rear of a communal parking area. The store contains two windows to the front elevation and a door to the side elevation.
<b>2.0</b>	<b>Description of Site</b> The site is within the development currently under construction situated between Harberton Park and Balmoral Golf Club. The site relates to plot 53 within the development.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> <ul style="list-style-type: none"> <li>• LA04/2017/0157/F. Plots 53-64 and 69-89 and 91-103 9total 46 units of residential development to lands south of 25 Harberton Park Belfast. Revision of previous approved application (Z/2012/0645/RM) and erection of 12 no. detached dwellings, 4 no. semi-detached dwellings, 3 no. townhouses and 18 no. apartments (in total 37 units) and associated works. GRANTED 20.09.2017</li> <li>• Z/2012/0645/RM - Demolition of existing buildings and erection of residential development comprising 140 units. PERMISSION GRANTED 22.12.2014</li> <li>• Z/2003/1697/O - Demolition of existing buildings and erection of residential development comprising 140 units. PERMISSION GRANTED 19.06.2009.</li> </ul>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	Draft Belfast Metropolitan Area Plan 2015  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.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 7- Quality Residential Environments
4.4.1	Policy QD 1
<b>5.0</b>	<b>Statutory Consultees Responses</b> None
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> None
<b>7.0</b>	<b>Representations</b>
	The application has been neighbour notified on the 8 January 2019 and advertised in the

	local press on the 19 January 2019. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b> Previous application- LA04/2017/0157/F
8.1	<b>Any other supplementary guidance</b> Creating Places
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of a detached store within this location</li> <li>• Design of the garage</li> <li>• Impact on approved parking / landscaping</li> </ul> <p>It is considered that the proposal is not in compliance with SPPS in that the proposed development will cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p><b>Principle and conflict with the Design Concept</b></p> <p>The principle of constructing a double garage within this location that is considered unacceptable. The proposal is considered to be contrary to the SPPS and PPS7 Quality Residential Environments.</p> <p>The proposal conflicts with the overall design concept of the Harberton Development. The development has a mix of dwellings and apartments, dwellings can provide incurtilage gardens, garages and storerooms whereas it is commonly accepted that apartments have shared facilities. The store would appear incongruous as it will not sit within a private curtilage but on shared parking and amenity space.</p> <p><b>Impact on Amenity</b></p> <p>The proposed detached store located to the rear of an area of communal parking and an area of amenity space to the north of the apartment block and on the boundary of Balmoral Golf Club, shown in drawing no. 02 as plot 53A. . The agent has indicated the store is to serve a 2nd floor apartment within the apartment block.</p> <p>The Plan also shows 6 parking spaces rather than the 4 spaces approved. A planning application has not been received to reconfigure or add parking spaces. There were 4 spaces granted which were broken up by areas of planting to provide visual relief for the residents of the ground floor apartment. Instead the proposed will result in an additional building where landscaping and manoeuvring space was granted. The store is to be located in front of neighbouring ground floor windows and will impact on residential amenity.</p> <p>The detached store is proposed within close proximity to the boundary of the site adjoining Balmoral Golf Club. Shared parking and amenity space is an integral part of the housing scheme and contributes to the creation of a sustainable and quality residential environment. The use of 'greening' to raise the quality of residential development is particularly important given its proximity and integration with the golf course. It is considered that the proposed form of development will intensify built form on this already high density development when combined with the impact of ancillary amenity by</p>

	<p>incrementally ‘eating’ into and removing the landscape buffer. It will impact the everyday activity of car parking and refuse storage and will undermine and impact on the local character of this residential development and constitute overdevelopment where landscaping and amenity areas are important to create a quality residential environment.</p> <p><b>Precedent</b></p> <p>The introduction of such built form at this location will also create an unwelcome precedent in the area. It follows that to provide one resident with a garage should allow equally for all residents to enjoy the benefit of additional ancillary accommodation. However, to allow a store/garage for every apartment would erode the environmental and residential amenity of the area and result in over development. Cumulatively when read with the apartment block the store will result in over development within the communal parking area and associated amenity space to the front of the block.</p> <p><b>Design of the Garage</b></p> <p>It is considered that the proposed form of development will intensify built form on this already high density development and will constitute overdevelopment where landscaping and amenity areas should be and would incrementally erode communal circulation and parking spaces in the area.</p> <p>The proposal is considered to be contrary to QD 1 of PPS 7. Paragraph A11 of the Addendum to PPS 7 advises that garages should be subordinate in scale to the existing property and should take account of the local character and the level of visibility of the building from surrounding views. It is considered that the location of the garage will result in a detrimental impact on the surrounding residential environment. The introduction of such built form at this location will also create an unwelcome precedent in the area.</p> <p><b>Impact on approved landscaping</b></p> <p>Condition 8 of the planning approval LA04/2017/0157/F required all proposed planting indicated within revised drawing 17A and drawings 18, 19, 20 and 21 to be planted prior to completion of the proposed development. The Tree Officer was consulted in relation to the impact upon the conditioned planting. Approval of this application would result in the loss of buffer planting to the boundary, internal amenity planting and require an amended landscape plan otherwise the applicant could not comply with condition 8 of the approval LA04/2017/0157/F.</p>
9.3	<p>The proposed store is deemed as unacceptable development within communal amenity space and contrary to the SPPS and Policy QD 1 of PPS 7.</p> <p>Having regard for the policy context and the considerations above, the proposal is deemed unacceptable.</p>
<b>10.0</b>	<b>Summary of Recommendation: Refusal</b>
<b>11.0</b>	<p><b>Reasons for Refusal</b></p> <ol style="list-style-type: none"> <li>1. The proposed development is contrary to Policy QD 1 of PPS 7 and the SPPS as the proposed store is inappropriate at this location and will result in damage to the quality of the local character of the immediate area by way of overdevelopment in that the store will result in the loss of amenity space and be detrimental to the quality residential environment. The proposal will lead to the introduction of buildings that are inappropriate and incongruous to the area and</li> </ol>

will create a precedent for the incremental loss of amenity, circulation and parking spaces.

2. The proposal is considered contrary to Planning Policy Statement 7 Policy QD 1 in that the store would result in a visually intrusive and dominant feature when viewed from the neighbouring residential properties.

**Notification to Department (if relevant)**

**Representations from Elected members:**

Councillor Declan Boyle is supportive of the application and has requested the application be presented to Committee