

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Application ID:</b> LA04/2020/2285/O	<b>Committee Meeting Date:</b> 14 November 2023
<b>Proposal:</b> Two Storey detached dwelling with garden and associated parking.	<b>Location:</b> Land adjacent to 39 & 40 Stirling Road, Belfast, BT6 9LX
<b>Referral Route:</b> Paragraph 3.8.1 of the Scheme of Delegation (request from an Elected Member)	
<b>Recommendation:</b> Approve with conditions	
<b>Applicant Name and Address:</b> David Rowan 27 William Street Belfast BT23 4EH	<b>Agent Name and Address:</b> Simon Beattie 46 Oakdale, Ballygowan, BT23 5TT
<p><b>Executive Summary:</b> This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The site is Land adjacent to 39 &amp; 40 Stirling Road, Belfast, BT6 9LX</p> <p>The site is located at the end of Stirling Road on an area of existing hardstanding. Stirling Road is characterised by semi-detached dwellings finished with render. To the rear of the site and to the North and South there are a mixture of residential properties including 3 storey apartment blocks to the North and to the rear and semi-detached dwellings to the South.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on Amenity</li> <li>• Impact on Character and Appearance</li> <li>• Flood Risk</li> <li>• Access and parking</li> </ul> <p>DfI Roads, DFI Rivers, NIEA, Shared Environmental Services, NIE and BCC Environmental Health offer no objection to the proposal. Issues raised by Environmental Health and NI Water have been addressed with conditions and are discussed further in the main report.</p> <p>The Council has received 11 representations for the proposal. This includes 10 letters of objection and one letter of support. The objections and officer response to the issues raised are set out in the main report.</p> <p><b>Recommendation</b> Having regard to the development plan and other material considerations the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>	

# Officer Report

1.0

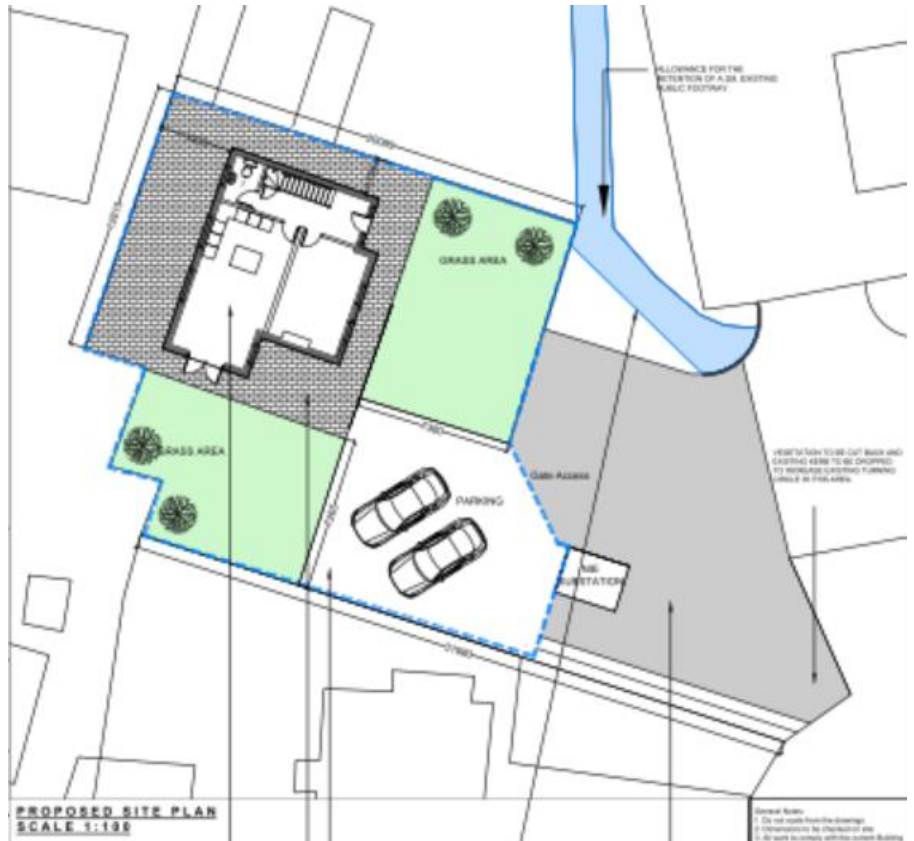
Drawings

1.1

Site Location Map:



Proposed Site Plan



<b>Proposed Plans and Elevations</b>	
<p>PROPOSED GROUND FLOOR PLAN - SCALE 1:50</p>	<p>PROPOSED FIRST FLOOR PLAN - SCALE 1:50</p>
<p>PROPOSED FRONT ELEVATION - SCALE 1:50</p>	<p>PROPOSED REAR ELEVATION - SCALE 1:50</p>
<p>PROPOSED SIDE ELEVATION - SCALE 1:50</p>	<p>PROPOSED SIDE ELEVATION - SCALE 1:50</p>
<b>2.0</b>	<b>Characteristics of the Site and Area</b>
2.1	<p>The application site is located at Land adjacent to 39 &amp; 40 Stirling Road, Belfast. The site is an existing area of hardstanding located at the end of Stirling Road. The site is enclosed to the sides and rear by a mixture of metal fence and red brick wall approx. 2m in height.</p>
2.2	<p>To the north and West of the site are 2no three storey apartment blocks. To the South of the site there is a mixture of terrace and semi-detached dwellings. The site is bounded by a metal security fence at approximately 2m high to the North and South, with a 2m red brick wall enclosing the rear of the site to the West. Stirling Road is characterised by existing residential dwellings predominantly semi detached and finished in render. The dwellings typically have small amenity areas to the front of the dwelling, in the form of a small garden or a paved area. To the rear private amenity space is provided.</p>
<b>3.0</b>	<b>Description of Proposal</b>
3.1	<p>This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The site is Land adjacent to 39 &amp; 40 Stirling Road, Belfast, BT6 9LX</p>
3.2	<p>The proposal includes 2 grass amenity areas as well as an area of hardstanding for in curtilage parking.</p>
<b>4.0</b>	<b>Planning Policy and Other Material Considerations</b>
4.1	<b>Development Plan – operational policies</b>
4.2	<p>Belfast Local Development Plan, Plan Strategy 2035</p> <ul style="list-style-type: none"> <li>• Policy HOU1</li> <li>• Policy HOU2</li> </ul>

	<ul style="list-style-type: none"> <li>• Policy HOU4</li> <li>• Policy HOU7</li> <li>• Policy DES1</li> <li>• Policy RD1</li> <li>• Policy HC1</li> <li>• Policy TRAN8</li> <li>• Policy ENV1</li> <li>• Policy ENV2</li> <li>• PolicyENV3</li> <li>• PolicyENV4</li> <li>• PolicyENV5</li> <li>• TRE1</li> </ul>
4.3	<p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) BUAP  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.4	<p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.5	<p><b>Relevant Planning History</b>  No relevant planning history</p>
<b>5.0</b>	<b>Consultations and Representations</b>
5.1	<p><b>Statutory Consultations</b>  DfI Roads – no objection.  DFI Rivers – no objection  NIE – no objection  NIEA – no objection  NI Water - objection</p>
5.2	<p><b>Non-Statutory Consultations</b>  BCC Environmental Health – requested a contaminated land risk assessment. This matter has been addressed in the main body of the report.  Shared Environmental Services – No objection</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p><b>Representations</b>  The application has been advertised and neighbours notified.</p>
5.5	<p>The Council has received 11 representations of objections against the proposal. A summary of the objections with officer response to the issues raised is set out in the report below.</p> <p>One letter of support was also received.</p>
<b>6.0</b>	<b>PLANNING ASSESSMENT</b>
6.1	<b>Development Plan Context</b>
6.2	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the</p>

	determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	<b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.6	<b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
	<b>Key issues</b>
6.7	The main issues relevant to consideration of the application are set out below. <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on Amenity</li> <li>• Impact on Character and Appearance</li> <li>• Flood Risk</li> <li>• Access and parking</li> </ul>
6.8	<b>Principle of development</b> The site is located on whiteland within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014).
6.9	The site is a sustainable location for new housing with good access to amenities, shops, services, employment, public transport, walking and cycling infrastructure. The proposed development is of an appropriate density to its location and context and makes effective use of previously developed land. Therefore the principle of development is acceptable subject to other material considerations.
6.10	The SPSS requires development to cause no demonstrable harm to interests of acknowledged importance. Interests of acknowledged importance in this case are the surrounding character of the area; neighbouring amenity, and traffic, access and parking.

6.11	<b>Character of the area and design</b>
6.12	This application seeks Outline planning permission, for a Two Storey detached dwelling with garden and associated parking. The detailed design of the elevations will be subject to a separate reserved matters application. However, proposed elevations have been submitted with the application for a two storey dwelling finished in white render with a hipped roof.
6.13	The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The dwelling is approx. 10m in width and has a depth of 8.3m. The overall height of the dwelling is 7.3m. This is considered an appropriate scale that will not be out of keeping with the surrounding area.
6.14	Whilst most of the dwellings in the surrounding area are semi-detached the proposal is located on a spacious plot and is deemed acceptable for a larger detached dwelling. The site will provide sufficient amenity space in the form of 2no gardens as well as in curtilage parking.
6.15	The character and appearance of the area would be preserved by way of the scale, layout and design of the dwelling. The dwelling is to be finished predominantly in white render, this would be in keeping with the character and appearance of the surrounding area. The hipped roof would also be in keeping with the roof profile of most dwellings along Stirling Road. There is also a single storey element to the front and side of the dwelling which will be finished with a flat roof. This is not considered a dominant feature that will impact the character of the area.
6.16	Appropriate open space is provided within the site in the form of a large side garden and a garden to the front of the site. The proposal would provide a quality and sustainable residential environment.
6.17	<b>Impact on amenity</b> The proposal is compatible with adjacent land-uses. It would not harm the amenity of adjacent and nearby residential properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight.
6.18	There are 3no first floor windows on the rear elevation. 2no of these windows serve an ensuite and bathroom, therefore will be obscure glazed and cause no overlooking.
6.19	The other window will serve the master bedroom and will overlook and area to the front of the apartment block to the rear of the site, therefore not impacting on the private amenity of neighbouring properties.
6.20	There is also 1no first floor window on the side elevation of the property facing south. Due to an existing mature tree on the boundary of the site as well as the separation distance of approx. 7m to the side boundary there is not considered to be any significant overlooking of the private amenity of properties to the South of the site. Additional landscaping is proposed to further screen any potential overlooking from this window. The details of the landscaping plan will be established under the reserved matters application.
6.21	The existing boundary treatment to the side and rear of the site will ensure there will be no overlooking from the ground windows of the proposed dwelling.
6.22	<i>Internal living space:</i> The proposal will provide circa 102sqm of floor space for the three bedrooms and associated lounges and bathrooms as well as the main reception rooms. The space

	standards require a minimum of 80sqm for a 3 bedroom/ 4 person dwelling. The proposal will therefore provide sufficient living space for future occupants.
6.23	<p><i>External amenity provision:</i></p> <p>The level of private open amenity space is exceeding the 70sqm as recommended by Creating Places. The proposal will have a private amenity space in the form of a side garden, that will be approx. 65 sqm and an area of paving to the rear of the site approx. 40sqm.</p>
6.24	<p><b>Adaptable and accessible accommodation</b></p> <p>The housing has been designed in a flexible way to ensure that it is adaptable throughout all stages of life. In this regard, criteria a) to f) inclusive of Policy HOU7 of the Plan Strategy are met.</p>
6.25	<p><b>Climate change</b></p> <p>The proposal maximises opportunities to incorporate sustainable design features where feasible. Two large gardens are included to the front of the dwelling with 4no trees also proposed.</p>
6.26	<p>The proposal incorporates measures to adapt to environmental change including criteria b) and f) of Policy ENV3. The proposal includes SuDS measures to effectively manage surface water using landscaping and permeable surfaces.</p>
6.27	<p><b>Transport</b></p> <p>The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.</p>
6.28	<p><b>Drainage and Flood Risk</b></p>
6.29	<p>The application is accompanied by a Flood Risk Assessment. DfI Rivers has advised that it has no reason to disagree with the conclusions of the Flood Risk Assessment and concludes a drainage assessment is not required.</p>
6.30	<p>Having regard to the advice from DfI Rivers, the proposal is considered to accord with Policy ENV4 of the Plan Strategy.</p>
6.31	<p><b>Waste water</b></p> <p>NI Water is recommending that no further connections should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site. NI Water objects to the proposal. It advises that there is insufficient wastewater treatment capacity to support the proposed development. The public system cannot presently serve the proposal without significant risk of environmental harm. NI Water states that it has no plans within its current investment cycle to upgrade the wastewater system in this drainage area and is recommending connections to the system are curtailed.</p>
6.32	<p>NI Water has advised the applicant to engage directly with it to ascertain whether an alternative drainage/treatment solution can be agreed. There does not appear to have been any engagement between the applicant and NIW however, no supporting data or information to evidence NI Water's concerns have been provided. There are a significant number of extant and un-implemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its precise objection to this particular application, it would be unreasonable for the Council to refuse planning permission on these grounds.</p>

6.33	The Council have consulted with NIEA and SES and offer no objection to the proposal subject to a condition. The Council therefore recommend approval subject to condition.
6.34	<p><b>Other issues</b></p> <p>Environmental Health requested a contaminated land risk assessment to be submitted. This has been conditioned to be submitted prior to any development taking place on site. As this is an outline application further reports can be submitted with the reserved matters application.</p>
6.35	Other environmental considerations, including tree planting, ecology, air quality, drainage and waste-water infrastructure, have been appropriately dealt with.
6.36	<p><b>Consideration of Representations</b></p> <p>The application has been neighbour notified and advertised in the local press. A total of 11 letters of representation have been received. 10 letters of objection and 1 letter of support have been received.</p>
6.37	<p>The objections raise concerns regarding; the loss of a turning head for residents, road safety, loss of local character, reduction of space within the street, impact on the character of the area, access to the site, increased traffic on the street, the neighbour notification process, street lighting and site safety during construction.</p> <p><u>The Loss of a Turning head</u> The proposed site plan shows that a turning head will remain at the front of the site therefore residents on Stirling Road will still be able to turn their vehicles.</p> <p><u>Road Safety</u> DFI Roads have been consulted and offer no objection therefore the proposal is not considered to impact on road safety. NIE have also been consulted and offer no objection to the proposal in terms of the impact of accessing the substation at the front of the site. As a result, the proposal is not considered to impact on Road Safety.</p> <p><u>Impact on character of the area/increased traffic on street</u> The proposed dwelling is not considered to impact on the character and appearance of the area. The details of the design of the dwelling have been reserved to be finalised in the reserved matters application. In principle a dwelling in this location will not detract from the character of the area. It is not anticipated that the additional of 1no dwelling will significantly impact the level of traffic on the street. DFI Roads have no concerns with the proposed development. No street lighting has been shown on the plans and does not fall within the remit of planning.</p> <p><u>Neighbour notification Process</u> The correct legislative process has been followed regarding neighbour notification and advertising of the application. It is only a requirement for the Council to neighbour notify properties that abut the site and are within 20m of the site boundary.</p>
<b>7.0</b>	<b>Recommendation</b>
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Outline planning permission is granted subject to conditions.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.



**DRAFT CONDITIONS:**

1. The development hereby permitted must be begun by the following, whichever is the later. Five years from the date of this permission; or The expiration of two years from the date of approval of the last of the reserved matters  
Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.
2. Application for approval of the reserved matters shall be made to the Council within three years from the date of this permission.  
Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.
3. No development shall commence on site unless details of the design, external appearance, means of access and landscaping (herein called "the reserved matters") have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

The reserved matters referred to above are defined as follows :-

Design – the two dimensional internal arrangement of the dwelling, the three dimensional form of the dwelling including height, massing, number of storeys and general external appearance;

External appearance of the dwelling – the architectural appearance and materials including the colour, texture and type of facing materials to be used for external walls and roofs;

Means of Access – the location and two dimensional design of any vehicular and pedestrian accesses to the site from the surrounding area and also access circulation, car parking: and

Landscaping – treatment of the remaining parts of the site not covered by the dwelling including both soft and hard landscaping where proposed. Where applicable, including the laying out of gardens and the provision of amenity space. Soft landscaping to include planting such as trees, hedges, shrubs and grassed areas. Hard landscaping to include laying of hard surface areas, the formation of banks, terraces or other earthworks and erection of walls, fencing and other built means of enclosure.

Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

4. The vehicular access shall be provided in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, prior to the occupation of any other works or other development hereby permitted.  
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
5. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, to provide for the parking of 2No. cars within the curtilage of the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure adequate provision has been made for parking within the curtilage of the site.

6. A turning facility to be determined into the public road network shall be provided in general accordance with Drawing No.03C uploaded to the Public Register 15th June 2023, prior to the occupation of any other works or other development hereby permitted. Full details of the turning facility, to include a Private Streets Determination, shall be provided at Reserved Matters stage.

Reason: In the interests of road safety and the convenience of road users.

7. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition), until a Contaminated Land Risk Assessment has been submitted to and approved in writing by the Council. The assessment shall follow best practice and in the first instance contain the following information:

A Preliminary Risk Assessment that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and an initial Conceptual Site Model outlining all potential Source-Pathway-Receptor contaminant linkages.

Should the Preliminary Risk Assessment demonstrate that potential contaminant linkages exist on the site, then a Quantitative Risk Assessment that addresses these issues shall be submitted. This must incorporate:

A detailed site investigation in line with BS 10175:2011+A2:2017 (or any standard that reproduces or replaces this standard). Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019 (or any standard that reproduces or replaces this standard). A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665 (or any standard that reproduces or replaces this standard).

Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

8. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

**DRAFT INFORMATIVES:**

1. This decision relates to the following approved drawing numbers:  
01A, 02B, 03C & 04C.

<b>ANNEX</b>	
<b>Date Valid</b>	18/11/2020
<b>Neighbour Notified</b>	02/12/2020
<b>Date First Advertised</b>	26/11/2020
<b>Date Last Advertised</b>	26/11/2020

**Details of Neighbour Notification (all addresses)**

34 Stirling Road  
 21 Stirling Road  
 6 Stirling road  
 16 Stirling Road  
 21 Stirling Road  
 14 Stirling Road  
 29 Stirling Road  
 48 Sunderland Road,  
 11 Downshire Parade,  
 58 Sunderland Road,  
 14b ,Downshire Parade,  
 52 Sunderland Road,  
 50 Sunderland Road,  
 56 Sunderland Road,  
 53 Sunderland Road,  
 57 Sunderland Road,  
 60 Sunderland Road,  
 44 Sunderland Road,  
 49 Sunderland Road,  
 46 Sunderland Road,  
 55 Sunderland Road,  
 54 Sunderland Road,  
 39 Stirling Road,  
 51 Sunderland Road,  
 59 Sunderland Road,  
 9 Downshire Parade,  
 14a ,Downshire Parade,  
 61 Sunderland Road,  
 61 Sunderland Road,  
 45 Sunderland Road,  
 36 Stirling Road  
 37 Stirling Road  
 63 Sunderland Road  
 16 Stirling Road,