

## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2018/1881/F	<b>Date of Committee:</b> 11 <sup>th</sup> December 2018
<b>Proposal:</b> Construction of 6 dwellings - 2 Detached and 4 semi-detached, associated access and landscaping works.	<b>Location:</b> Site immediately east of 28 Cregagh Park Belfast BT69LF
<b>Referral Route:</b> BCC estate in the land / interest in the development	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Cregagh Developments Limited 32A Greenan Road Newry	<b>Agent Name and Address:</b> Eoin Morgan 32A Brynsford Avenue Newcastle BT330LG
<p><b>Executive Summary:</b> This application seeks full planning permission for the construction of two detached dwellings and 4 semi-detached dwellings, with a new vehicular access to Cregagh Park and associated access road and landscaping works.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, Impact on character and appearance of the area including Draft Area of Townscape Character (ATC)</li> <li>• Impact on setting of listed building</li> <li>• Impact on trees/ environmental quality</li> <li>• Impact on amenity</li> <li>• Access, Parking, Transport</li> <li>• Infrastructure capacity; Contamination &amp; Flooding</li> </ul> <p>The application site is on unzoned whiteland in Draft BMAP and the BUAP. The proposal involves the loss of open space. However, it is considered that in this instance an exceptional case has been made that the proposal would deliver substantial community benefits that would outweigh the loss of open space. The applicant has offered to enter into a legal agreement to bring forward an offset provision of works to benefit the wider community.</p> <p>The proposed development would respect its surrounding context and maintain the character and appearance of the area including Cregagh Park and Everton Drive Draft ATC and the environmental quality of this established residential area. It would not cause unacceptable harm to the amenity of adjoining properties and would provide a good standard of amenity for future occupants. Overall, the proposal would create a sustainable and quality residential environment.</p> <p>A previous application under ref Y/2006/0129/F for seven houses was refused and appealed, it is considered that this proposal now adequately addresses those refusal reasons.</p> <p>Transport NI, Historic Environment Division, DAERA, Rivers Agency, BCC Environmental Health Unit and BCC Tree Officer were consulted and have offered no objection to the proposals. NI Water's response remains outstanding, however it is considered that this raises no issues of principle.</p>	

2 petitions of support has been received from Cregagh Park Residents Association (represents 24 out of 28 households along Cregagh Park), summarised as;

- The site is of limited value to the local community, they are more suitable facilities in the local area;
- An electronically controlled pedestrian crossing would be of a substantial benefit to the local community;
- The proposed upgrade works to the Cregagh Glen would improve accessibility;
- Residents have experienced serious issues with the Cregagh Park site over a sustained period for many years from uncontrolled dumping and anti-social behaviour, bonfires and any attempted improvements to the site have been destroyed;
- Site contains TPO trees, many of the trees present on the site have been killed or damaged. The proposed development will protect the remaining trees;
- Feel proposed dwellings and landscaping works would integrate well into the street;
- Consider that the proposed development would offer a substantial community benefit that would decisively outweigh the loss of open space;
- Our view is that the current site has a negative net impact on the residential amenity of local residents;
- Offer strong support to the proposed development;
- Note revised plans received, the residents remain supportive of the proposals.

3 letters of objection have been received (2 of which are from same household), citing concern with the following:

- Loss of privacy;
- Blocking of natural light;
- Overshadowing;
- Overgrown bushes, tree;
- Flooding;
- Traffic congestion;
- Value of homes.

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

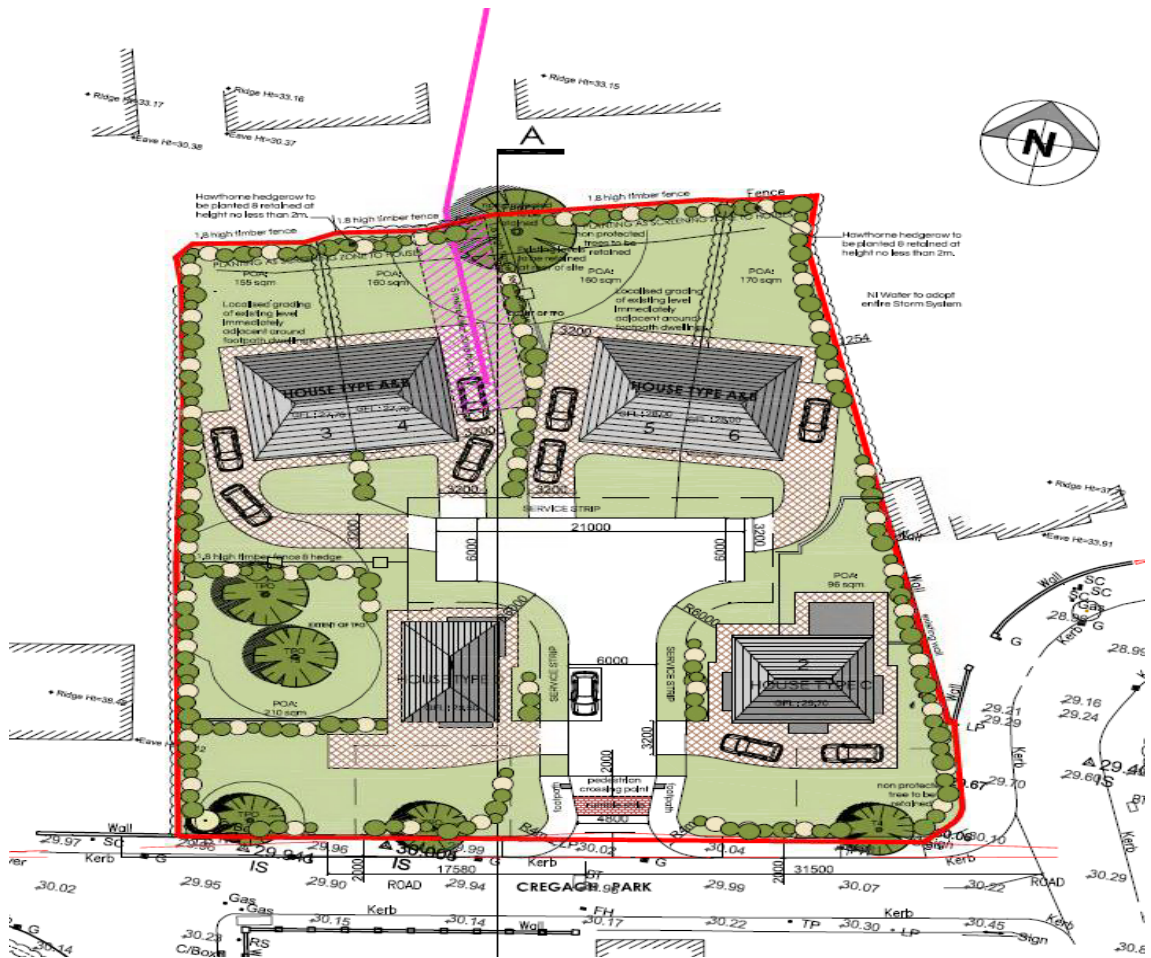
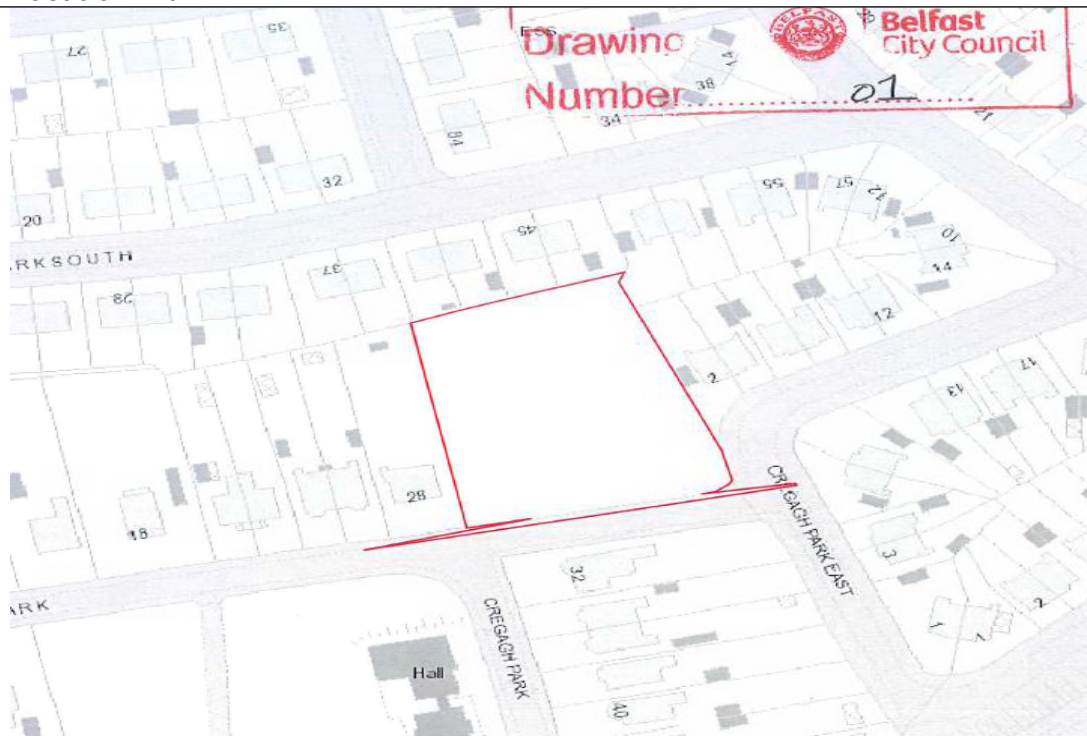
### **Recommendation**

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

It is requested that committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission subject to the completion of a legal agreement to secure the upgrade works to Cregagh Glen.

# Case Officer Report

## Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This application seeks full planning permission for the construction of 6 dwellings - 2 detached and 4 semi-detached with a new vehicular access to Cregagh Park and associated internal road and hard/ soft landscaping.</p> <p>The proposal was amended over the course of the application incorporating the following changes;</p> <ul style="list-style-type: none"> <li>• Reconfiguration of access arrangements, with one main access point to Cregagh Park;</li> <li>• Reduction in amount of hardstanding;</li> <li>• Relocation of windows;</li> <li>• Additional detailing to proposed houses;</li> <li>• Changes to boundary treatment.</li> </ul> <p>Upgrade works are also proposed to the Cregagh Glen including replacement handrails, steps and stringer edging to footpaths.</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application site is an area of open space (approximately 0.28 hectares) between the residential areas of Cregagh Park, Cregagh Park East and Downshire Park South. The area is grassed with some shrub planting bays and mature trees, 4 of which are covered by a Tree Preservation Order (TPO). The land falls gently from the south to the northern rear boundary.</p> <p>The surrounding area is predominately a mix of detached and semi-detached properties, with the exception of St Finnian's Church (a listed building) to the south of the site.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>Y/2006/0129/F – Erection of 7 no. dwellings – Dismissed at appeal 29<sup>th</sup> October 2007 (Appeal ref: 2006/A0535)</p> <p>Three reasons for Refusal were upheld at Appeal; relating to loss of open space; the threat to a TPO tree and the size of the site is insufficient to adequately incorporate the proposed density. The proposal failed to respect its context in terms of layout, form, hard surface to garden space ratio resulting in an unacceptable layout of backland development.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	<p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
	4.2.1 Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	<p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</p> <p>Planning Policy 6 (Addendum): Areas of Townscape Character</p>

	<p>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</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	<p>Transport NI – No objection in principle subject to minor detailing, additional info, and PSD drawings.  <u>Officer Response:</u> Consultation response outstanding, will be reported as an update to committee</p>
5.2	NI Water – No response
5.3	Rivers Agency – No objection
5.4	Historic Environment Division (HED) – No objection
5.5	DAERA (Water Management Unit) – Refer to standing advice
5.6	DAERA (Regulation Unit Land and Groundwater Team) – No objection subject to conditions
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection
6.2	BCC Tree Officer – No objection subject to conditions, amendments
<b>7.0</b>	<b>Representations</b>
7.1	<p>The application was neighbour notified on the 9<sup>th</sup> August 2018 and advertised in the local press on the 3<sup>rd</sup> August 2018.</p> <p>A 14-day re-notification was carried out with neighbours on the additional information and amended plans which expired on the 30<sup>th</sup> November 2018.</p> <p>3 letters of objection have been received (2 of which are from same household), summarised as:</p> <ul style="list-style-type: none"> <li>• Loss of privacy, site is higher than properties along Downshire Park South, houses will look directly down into my property;</li> <li>• Blocking of natural light;</li> <li>• Overshadowing;  <u>Officer Response: dealt with below</u></li> <li>• Would like the overgrown bushes and tree along northern boundary to be removed, not clear whether this area is included within the development;  <u>Officer Response: This area is included within the rear garden of Plot 5. Pruning works are proposed to this tree and it is considered that this tree should be retained as it offers screening between properties which reduces potential for overlooking. A new hedgerow is proposed along the rear boundary. Any maintenance issues of boundary vegetation is a private matter between landowners.</u></li> <li>• Flooding, these houses may aggravate the issue and make it worse;</li> <li>• Traffic congestion;  <u>Officer Response: dealt with below</u></li> <li>• Affect value of homes.  <u>Officer Response: This is not a material planning consideration.</u></li> </ul> <p>2 petitions of support from Cregagh Park Residents Association (represents 24 out of 28 households along Cregagh Park) has been received, summarised as;</p> <ul style="list-style-type: none"> <li>• The site is of limited value to the local community, the site can be walked around in a few minutes. The Cregagh playing fields and Cregagh Glen are much more suitable</li> </ul>

	<p>for dog walkers and families;</p> <ul style="list-style-type: none"> <li>• One of the main issues with the Cregagh Glen is the access, with no nearby pedestrian crossings across the A55 Upper Knockbreda Road. An electronically controlled pedestrian crossing would be of a substantial benefit to the local community;</li> <li>• The proposed upgrade works to the Cregagh Glen would improve accessibility, particularly for younger people and the elderly;</li> <li>• Residents have experienced serious issues with the Cregagh Park site over a sustained period for many years from uncontrolled dumping and anti-social behaviour, any attempted improvements to the site have been destroyed;</li> <li>• Site contains TPO trees, many of the trees present on the site have been killed or damaged. The proposed development will protect the remaining trees;</li> <li>• Feel proposed dwellings and landscaping works would integrate well into the street;</li> <li>• Consider that the proposed development would offer a substantial community benefit that would decisively outweigh the loss of open space;</li> <li>• Our view is that the current site has a negative net impact on the residential amenity of local residents;</li> <li>• Offer strong support to the proposed development</li> <li>• Note revised plans received, the residents remain supportive of the proposals.</li> </ul> <p>These matters raised are either directly addressed above or in the main body of report below.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	<p>Parking Standards  DCAN 15: Vehicular Access Standards  Creating Places  Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland  The Belfast Agenda</p>
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<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>- Design, Impact on character and appearance of the area including Draft Area of Townscape Character (ATC)</li> <li>- Impact on setting of listed building</li> <li>- Impact on trees/ environmental quality</li> <li>- Impact on amenity</li> <li>- Access, Parking, Transport</li> <li>- Infrastructure capacity</li> <li>- Contamination</li> <li>- Flooding</li> </ul>
9.3	<p><u>Principle of development</u>  The application site is unzoned whiteland within the development limits in Draft BMAP and the BUAP. It would fall under the definition of existing open space and falls to be protected under PPS8 Open Space, Sport and Recreation. In accordance with Policy OS1 of PPS8 and the SPPS there is a presumption against loss of open space and this should only be set aside in specific exceptional circumstances. One of these exceptions is where it is clearly shown that the redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.</p>
9.4	<p>As listed in the site history above there is a previous appeal decision ref: 2006/A0535 for housing which was dismissed on the basis that the proposal would not bring a substantive community benefit or alternative provision was not made for the loss of open space and as</p>

	such it did not meet the exceptions of Policy OS1 of PPS8.
9.5	<p>In this instance, the applicant is seeking to demonstrate that the proposal will bring about substantial community benefits that outweigh the loss of open space. Cregagh Park Residents Association also consider the proposed development offers substantial community benefits. The following reasons have been advanced to include;</p> <ul style="list-style-type: none"> <li>• Upgrade works to Cregagh Glen;</li> <li>• Electronically controlled pedestrian crossing along A55 Upper Knockbreda Road;</li> <li>• Limited value of open space;</li> <li>• Removal of anti-social behaviour and illegal dumping and bonfires and betterment to residential amenity; and strong community support.</li> </ul>
9.6	<p><i>Upgrade works to Cregagh Glen</i></p> <p>It is proposed to carry out improvement works to the Cregagh Glen as part of the proposed development which include;</p> <p>Zone 1: 15.5m of handrail, gravel finish to walkway  Zone 2: 6m of handrail and steps replaced, gravel finish to walkway  Zone 3: 25m of stringer edging of path, gravel finish to walkway  Zone 4: 14m of steps and handrail, gravel finish to walkway.</p>
9.7	<p>The Cregagh Glen is a picturesque, linear walking path that is part owned by Belfast City Council and part owned by the National Trust. It provides access to the Connswater Greenway and the Castlereagh Hills. As advised by the National Trust, the access infrastructure is badly dilapidated in places and is currently only accessible to people with a good level of physical ability. The proposed improvement works would cover these areas and would increase the accessibility of the walking path for all people.</p>
9.8	<p>The Cregagh Glen is only approximately 100m away from the application site and would therefore offer a direct community benefit to the local Cregagh Park area. In addition, the Cregagh Glen is widely used by a much larger catchment area, with approximately 40,000 people using the path each year. The upgrade works would therefore offer a community benefit to a much wider community as well.</p>
9.9	<p>The upper part of the path which is owned by Belfast City Council was recently upgraded as part of the Connswater Greenway. The proposed works would cover the lower part of the path providing a natural extension to the Connswater Greenway which would be of benefit to local and wider communities in enhancing this green corridor. This would be in accordance with core principles of the SPPS in improving health and well-being and preserving and improving the built and natural environment.</p>
9.10	<p><i>Electronically controlled pedestrian crossing along A55 Upper Knockbreda Road</i></p> <p>Currently there are no nearby pedestrian crossings along the A55. Controlled pedestrian crossings are proposed as part of major improvement works to the junction of the A55 and Cregagh Road in the forward works programme for DFI. The applicant has proposed to make a contribution to this project under The Roads (NI) Order 1993. However, DFI have advised that there is no confirmed timeframe for these works and are therefore unable to accept funding at this time. In light of this uncertainty and no mechanism to secure funding, this cannot be accepted as a community benefit.</p>
9.11	<p><i>Limited value of open space</i></p> <p>The applicant and Cregagh Park Residents Association consider that the site is of limited value to the local community in terms of its usage with more suitable alternatives nearby. It is acknowledged that the open space is a small parcel of land (0.28 hectares) which based on</p>

	<p>the evidence does not appear to be frequently used. In addition, due to its size and nature, its value would only be derived from its immediate context. Nevertheless, the previous Inspector concluded that this amenity green space was of public value for community and recreational use and it also contributed to the visual amenity of the area. Therefore it is considered that whilst the evidence would appear to suggest that the site is not frequently used, the site still holds amenity value and substantial community benefits need to be demonstrated.</p>
9.12	<p><i>Removal of anti-social behaviour and illegal dumping and bonfires; betterment to residential amenity, strong community support</i></p> <p>The site has a long history of anti-social behaviour, illegal dumping and bonfires which has persisted over the years which has had an impact on the amenity of neighbouring residents. There has also been a sustained community support expressed for the development of the site since the determination of the previous appeal back in 2007. Improvements have been implemented, however have failed to remedy the situation. Paragraph 5.5 of the amplification of Policy OS1 states that applicants will generally be expected to demonstrate that their proposals are supported by the local community which in this case there is overall community support. It is considered that there is a community benefit in the redevelopment of the site in this regard.</p>
9.13	<p><i>Conclusion on Community Benefits</i></p> <p>The agent has also referred to various other appeal decisions. Whilst this demonstrates that the presumption against loss of open space can be set aside in exceptional cases, the examples are not directly comparable to this scheme. Each case should be assessed on its own merits.</p>
9.14	<p>To conclude, the proposed upgrade works to Cregagh Glen represent a substantial community benefit not just to the local area but to a much wider community. When considered with the other subsidiary benefits including the overall betterment to the amenity of local residents and the sustained community support over the years, it is considered that the proposal would deliver substantial community benefits that would outweigh the loss of open space in this exceptional instance in accordance with Policy OS1 of PPS8 and the SPPS.</p>
9.15	<p><u>Design, Impact on character and appearance of the area including Draft ATC</u></p> <p>The previous appeal scheme under ref: 2006/A0535 was also dismissed on the grounds of density and failure to respect its context in terms of layout, form, hard surface to garden space ratio resulting in an unacceptable layout of backland development in this area.</p>
9.16	<p>The site is located within the Cregagh Park and Everton Drive ATC. There were three objections to this designation at examination however, the Commissioner recommended no change to the plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP is lawfully adopted. The proposed ATC designation is therefore a material consideration. The application site also adjoins Rochester Avenue ATC as designated in Draft BMAP.</p>
9.17	<p>The density of development has been reduced from the previous appeal scheme through a decrease in units from 7 to 6. The application site is located at a transition point between Cregagh Park and Cregagh Park East and the proposed density of development would sit within the existing density parameters of these areas. The hard surface to garden space ratio has been greatly reduced from the appeal scheme, with the proposed dwellings set within well landscaped plots.</p>
9.18	<p>The resultant plot sizes whilst slightly smaller than those of Cregagh Park, are akin to those of Cregagh Park East. The layout of development incorporates landscaped front gardens which are characteristic of the surrounding area. The front of the proposed development follows on the building line of Cregagh Park.</p>



9.19	<p>The proposed layout has substantially reduced the size and dominance of the access road from the previous appeal scheme, with landscaped open spaces along the frontage of the site and any views into the back of the site softened and terminating with landscaping gardens and edges. This ensures that landscaping remains the dominant feature. The proposed layout includes larger plot sizes and spacing between the dwellings and side boundaries of the site which ensures that the backland element does not appear cramped in the context of the wider area.</p>
9.20	<p>The proposed dwellings are of similar scale, massing, proportions and appearance to neighbouring properties. The proposal incorporates traditional materials including belfast red brick, white render and dark red slate roof tiles. A variety of house types are also provided which would inject further visual interest.</p>
9.21	<p>Full details of the boundary treatments have been provided which consist of iron railings, brick walls and hedging in keeping with those traditionally used in the area. The boundary treatment also assist in clearly defining private and public spaces while also assisting with deterring crime. Extensive soft landscaping is proposed throughout the site along with the retention of the existing mature trees which help to integrate the site into the surrounding area.</p>
9.22	<p>It is considered that the proposal has addressed the previous reason for refusal at appeal. The proposal would respect its surrounding context and maintain the character and appearance of the area including the Draft ATC. It would create a sustainable and quality residential environment in accordance with the SPPS, Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, Policy ATC2 of PPS6 Addendum and Creating Places.</p>
9.23	<p><u>Impact on the setting of listed building</u>  The application site is located to the north west of St Finnian's Church which is Grade B+ listed. Given the separation distances between the site and listed church and self-contained nature of site, which is surrounded by residential properties on three sides, the scale of development proposed which is in keeping with that of the surrounding area, it is considered that the proposal would not adversely affect the setting of the listed building. HED were consulted and offer no objection to the proposal. Accordingly the proposed is considered to comply with Policy BH11 of PPS6 and the SPPS.</p>
9.24	<p><u>Impact on trees/ environmental quality</u>  In the previous appeal decision (Ref:2006/A0535), the Inspector defined the environmental quality of the area by '<i>the presence of the central area of open green space surrounded by generally uniform semi-detached and detached 2 storey dwellings on modest plot sizes. A number of mature trees which are an important element of the streetscape line the perimeter of the site</i>'. They went onto dismiss the appeal on the basis of unacceptable damage to the environmental quality of the area through a permanent loss of open space and threat to a TPO tree.</p>
9.25	<p>A Tree Survey, an Arboricultural Impact Assessment and Tree Protection Plan have been submitted in support of the application. The site contains 7 mature trees, 4 of which are covered by a TPO (T1, T2, T5, and T6 as labelled on Tree Protection Plan). The proposed layout has been sensitively designed to ensure the retention of all protected trees and 2 non-protected trees. Tree works are also proposed due to reduce future pruning pressure. T3 is proposed for removal, however this is a poor quality tree which has suffered extensive fire damage and as such there is no objection to its loss. The Council's Tree Officer has no objection subject to additional landscaping including replacement planting. This has been covered by a recommended landscaping plan condition. (Condition 3)</p>
	<p>Whilst there is still permanent loss of open space as result of the proposal, areas of open</p>

9.26	space are incorporated along the frontage of the site which would help to maintain the environmental quality of this established residential area, along with the retention of the important streetscape trees. The development of the site would also remove the threat of future fire damage to the protected trees. It is considered that this proposal has addressed the reason for refusal at appeal and would accord with Policy QD1 of PPS7 and Policy LC1 of PPS7 Addendum.
9.27	<p><u>Impact on amenity</u></p> <p>The internal layout of the proposed dwellings have been sensitively designed to ensure sufficient separation distances between proposed properties along with the careful positioning of windows and use of obscure glazing to provide an adequate level of privacy for future occupiers of the development.</p>
9.28	<p>Each property would be provided with their own private garden, which would meet the recommended standard set out in Creating Places. The proposed dwellings would meet the space standards as set out in Annex A of PPS7 Addendum. Each unit would be provided with a suitable degree of outlook and light for their main habitable room.</p>
9.29	<p>The application site backs onto the rear gardens of Nos 41 – 47 Downshire Park South. There would be a minimum separation distance of 20 metres elevation to elevation and 10 metres to the common boundary which would meet the minimum recommended standard set out in Creating Places. A planting screen is also proposed along the rear boundary with a new hedgerow to be planted and retained at a minimum height of 2 metres, in addition to the retention of the large mature tree. Whilst the properties along Downshire Park South sit at a lower, these measures above are considered sufficient to ensure that an unacceptable level of overlooking does not occur in this urban location.</p>
9.30	<p>Due to the separation distances between properties, an unacceptable loss of light, overshadowing or overbearing impact would not be caused to the Downshire Park South properties.</p>
9.31	<p>Plot 6 would adjoin the rear garden of No 49 Downshire Park South. In terms of elevation to elevation there would be a separation distances in excess of 20 metres between the properties. Whilst the proposed dwelling would be sited only 8 metres from the boundary with No 49, given the orientation of the proposed dwelling with the main views from the first floor windows towards the side garage of No 49, this would limit any direct overlooking of the rear amenity space. For these reasons, it is not considered that undue overlooking would be caused to No 49.</p>
9.32	<p>The proposed dwelling on Plot 1 would be sufficiently removed from No 28 Cregagh Park with an intervening garden which would maintain the amenity of No 28 Cregagh Park in terms of privacy, light and outlook. Plots 3 and 4 are orientated away from No 28 to ensure an unacceptable loss of privacy does not occur.</p>
9.33	<p>While Plot 2 would sit forward of No 2 Cregagh Park East, the main two-storey element of the proposed dwelling would be over 10 metres away with an intervening large mature hedgerow which ensures that an unacceptable loss of light/ overshadowing/ or overbearing impact would not occur. The only first floor window in the rear elevation is a bathroom which protects the privacy of No 2. Some limited overshadowing would be caused to No 2 from the proposed dwelling on Plot 6, however this would only be to the side of the dwelling at evening time which is not considered to result in an unacceptable impact on their amenity for an urban environment.</p>
<p>Overall, it is considered that the proposal would not cause unacceptable harm to the amenity of neighbouring properties and would provide a good standard of amenity for future occupants</p>	

9.34	<p>in accordance with the SPPS, Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum and Creating Places. A condition has been recommended removing permitted development rights for extensions and outbuildings in order to protect the amenity of existing and future occupants. (Condition 6).</p>
9.35	<p><u>Access, Parking, Transport</u> Each property would be provided with 2 on-site parking spaces. Whilst this is slightly below the recommended parking standard, the site is within a sustainable location with access to local amenities, public transport links and the Connswater Greenway. There is also on street parking capacity. For these reasons and having regard to the scale of development proposed, the level of parking is considered satisfactory and the proposal is unlikely to have any significant impact on the local highway network or prejudice road safety.</p> <p>The proposal involves the creation a new vehicular access to Cregagh Park which is in general accordance with the requirements of Creating Places and DCAN 15.</p>
9.36	<p>Transport NI was consulted and are content with the principle of the scheme however required some minor amendments and additional information. Amended plans have been submitted by the applicant to address these, in addition to information on the sustainable location of the site</p>
9.37	<p>and the available parking capacity within close proximity to the site. In the absence of a final response from TNI, the final wording of conditions should be delegated to the Director of Planning and Building Control.</p>
9.38	<p>In light of the above, it is considered that the proposed development would be acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, Policies AMP1, AMP2 and AMP7 of PPS3, Policy QD1 of PPS7, Creating Places, BUAP and Draft BMAP.</p> <p>There would be adequate space within each property to accommodate the required bin storage facilities.</p>
9.39	<p><u>Contamination</u> The application is supported by a Preliminary Risk Assessment which found no unacceptable risks to the water environment. Due to the use of the site for the burning of materials, there is a potential localised risk to human health. Remediation measures are proposed to ensure any potential risks are mitigated and the site can be safely developed for its future end use.</p>
9.40	<p>Environmental Health and Land and Ground Water Team (DAERA) were consulted and have no objections. The proposal is therefore considered to accord with the SPPS in this regard.</p>
9.41	<p><u>Flooding</u> The site is not located within the fluvial or surface water flood plain. A Drainage Assessment was submitted which demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the development and not will increase flood risk elsewhere. This has been reviewed by Rivers Agency who have cited no objection. As such the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS</p>
9.42	<p>There is part of a culverted watercourse to the north of the site. A 5m wayleave has been incorporated into the proposed layout which ensures that access is not hindered for maintenance purposes in accordance with Policy FLD2 of PPS15 and the SPPS.</p>
9.43	<p><u>Infrastructure Capacity</u> No response has been received to date from NI Water. Given that no issues were previously raised by NI Water in the appeal scheme and the limited scale of development proposed in an established residential area, it is considered that there are no issues of in principle. Furthermore connections to the water and foul sewer system are covered by separate</p>

	legislation.
<b>10.0</b>	<p><b>Summary of Recommendation:</b> Having regard to the policy context and other material considerations above including the substantial community benefits, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission subject to the completion of a legal agreement to secure the upgrade works to Cregagh Glen.</p>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: Time Limit.</li> <li>2. The development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations and hard standing surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.  Reason: To protect the visual amenities of the area.</li> <li>3. The development hereby permitted shall not commence until a detailed landscaping scheme including replacement tree planting has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the occupation of the buildings or the completion of the development whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the locality.</li> <li>4. No trees which are shown as being retained on the approved plans shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Local Planning Authority.  Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area.</li> <li>5. Protective measures shall be carried out in strict accordance with the Arboricultural Impact Assessment (Appendix 3 Location Specific Arboricultural Method Statement) prepared by Arbor Consulting dated 29 June 2018 and Drawing Number 10A stamped received by Belfast City Council 13<sup>th</sup> November 2018. No works shall take place until the tree protective measures have been implemented. Any deviation from the works prescribed or methods agreed in the report will require prior written approval from the</li> </ol>

Local Planning Authority.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Notwithstanding the provisions of Article 3, Part 1, Classes A ,B, C and D of The Planning (General Permitted Development) Order Northern Ireland 2015 (or any orders amending or re-enacting that Order with or without modification) no extension, enlargement or other alteration of the dwelling house or the provision of any other building within its curtilage other than that expressly authorised by this permission shall be carried out without planning permission being first obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of existing and future occupants and the character of the area and for this reason would wish to control any future development.

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

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

8. The vehicular access, including visibility splays, shall be provided in accordance with the approved plans, prior to the commencement 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.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing XXX bearing the Department for Infrastructure Determination date stamp XXX.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied upon completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

11. The development hereby permitted shall not commence until details of the existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with

	<p>the approved plans.</p> <p>Reason: To ensure a satisfactory form of development and in the interests of residential amenity.</p> <p>12. Remedial measures outlined in the Preliminary Risk Assessment (Ref:A110034) prepared by WYG Environment &amp; Planning dated August 2018 shall be fully implemented and a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. It shall demonstrate that any identified pollutant linkages are effectively broken and the site is now fit for the proposed end use.</p> <p>Reason: Protection of human health and environmental receptors to ensure that the site is suitable for use.</p> <p>13. The windows at first floor level in the eastern and western elevations of the dwelling houses approved on Plots 3, 4, 5, 6 and the windows at first floor level in the southern elevation of dwelling house approved on Plot 2 shall be glazed entirely with obscure glass and non-opening unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Once installed the window shall be permanently retained in that condition.</p> <p>Reason: To protect the amenity and privacy of existing and future occupiers.</p> <p>14. Notwithstanding the provisions of Article 3, Part 3, Class A of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any orders amending or re-enacting that Order with or without modification) no fences, gates or walls or other means of enclosures other than those expressly authorised by this permission shall be erected within the curtilage of any dwelling house or in the service strips determined for adoption without planning permission being first obtained from the Local Planning Authority.</p> <p>Reason: In the interests of visual amenity and to ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of the services within the service strip.</p>
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**Notification to Department (if relevant):** N/A

**Representations from Elected members:** N/A

**Details of Neighbour Notification (all addresses)**  
 13-27 Cregagh Parish Church, Cregagh Park, Belfast, Down, BT6 9LF,  
 2 Cregagh Park East, Belfast, Down, BT6 9LG,  
 26 Cregagh Park, Belfast, Down, BT6 9LF,  
 28 Cregagh Park, Belfast, Down, BT6 9LF,  
 30 Cregagh Park, Belfast, Belfast  
 32 Cregagh Park, Belfast, Down, BT6 9LF,  
 37 Downshire Park South, Belfast, Down, BT6 9JT,

39 Downshire Park South,Belfast,Down,BT6 9JT,  
4 Cregagh Park East,Belfast,Down,BT6 9LG,  
41, Downshire Park South, Belfast, Down, Northern Ireland, BT6 9JT  
43 Downshire Park South,Belfast,Down,BT6 9JT,  
45, Downshire Park South, Belfast, Down, Northern Ireland, BT6 9JT  
47 Downshire Park South,Belfast,Down,BT6 9JT,  
49 Downshire Park South,Belfast,Down,BT6 9JT,  
7 Cregagh Park East,Belfast,Down,BT6 9LG,  
9 Cregagh Park East,Belfast,Down,BT6 9LG,  
St Finnian'S Church (C Of I),Upper Knockbreda Road,Belfast,Down,BT6 9QH