

Committee Application

Development Management Report	
Application ID: LA04/2018/0123/F	Date of Committee: 11 December 2018
Proposal: Proposed change of house types of planning permission Z/2010/1250/F relating to sites 01-13, 44-46, 60-69 and 86-107, car parking, landscaping and associated site works (38 dwellings in total)	Location: Lands located to the rear of 29 to 36 Mill Valley Place, Belfast, BT14 8FX
Referral Route: Proposal is for over 12 dwellings with representations that conflict with the Case recommendation.	
Recommendation:	APPROVAL
Applicant Name and Address: Lagan Homes Ltd 19 Clarendon Road Belfast BT1 3BG	Agent Name and Address: Alan Patterson Design LLP Darragh House 112 Craigdarragh Road Helens Bay
Executive Summary:	
<p>The proposal is for the 'Proposed change of house types of planning permission Z/2010/1250/F relating to sites 01-13, 44-46, 60-69 and 86-107, car parking, landscaping and associated site works (38 dwellings in total).</p> <p>3 objections have been received relating to this proposal. 2 of the objections are from the same person.</p> <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 proposed public open space - Topography of the site - Impact on residential amenity - Impact on access and parking <p>The current proposal relates to revision and change of house type of previous approval Z/2010/1250/F. Initially, planning permission was granted on the site for 94 houses and 30 apartments under ref. Z/2007/1648/F.</p> <p>Having taken into the account the planning history of the site, on balance, it is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy, therefore approval is recommended.</p>	

Characteristics of the Site and Area					
1.0	<p>Description of Proposed Development</p> <p>The proposal is 'Proposed change of house types of planning permission Z/2010/1250/F relating to sites 01-13, 44-46, 60-69 and 86-107, car parking, landscaping and associated site works. This proposal includes 38 dwellings in total, 32 semi-detached and 6 detached.</p>				
2.0	<p>Description of Site</p> <p>The site falls within the development limits of Belfast, with an area of approximately 1.59 Ha. The site is irregularly shaped and slopes significantly from the western boundary in an easterly direction. The site has been cleared and the surface comprises clay and soil.</p> <p>The surrounding area is characterised primarily by residential land use, with existing dwellings bordering the site along the south western, south eastern and north western boundaries. An area of mature vegetation is located to the north east of the site.</p>				
Planning Assessment of Policy and other Material Considerations					
3.0	<p>Site History</p> <p>Z/2014/0239/F - Erection of 12 no. dwellings (change of house type from that previously approved under planning ref Z/2010/1250/F) comprising of 8no semi-detached dwellings and 4no. detached dwellings with associated car-parking and siteworks. (Granted 21/8/14).</p> <p>Z/2013/0212/F - Change of road layout from previous approval ref Z/2010/1250/F replacing 27no. on street parking spaces fronting sites 70-85 with 16no. driveways providing 32no. in curtilage parking spaces to sites 70-85 including soft landscaping and other associated siteworks (Granted 14/10/13)</p> <p>Z/2010/1250/F - Amendment to house types D1, D, B, B1 and C and previously approved under application Z/2007/1648/F (Granted 9/3/11)</p> <p>Z/2007/1648/F - Residential development comprising of 94No. houses and 30No. apartments with associated landscaping and car parking (Granted 11/3/10)</p>				
4.0	Policy Framework				
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)				
	<table border="0"> <tr> <td style="padding-right: 10px;">4.1.1</td> <td>White land - BUAP</td> </tr> <tr> <td>4.1.2</td> <td>Housing Zoning (ref. NB 05/15 & NB 03/21) – dBMAP Ligoniel Village SLNCI (ref. BT 102/22) – dBMAP</td> </tr> </table>	4.1.1	White land - BUAP	4.1.2	Housing Zoning (ref. NB 05/15 & NB 03/21) – dBMAP Ligoniel Village SLNCI (ref. BT 102/22) – dBMAP
4.1.1	White land - BUAP				
4.1.2	Housing Zoning (ref. NB 05/15 & NB 03/21) – dBMAP Ligoniel Village SLNCI (ref. BT 102/22) – dBMAP				
4.2	<p>Strategic Planning Policy Statement (SPPS)</p> <p>Planning Policy Statement 2: Natural Heritage</p> <p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 7: Quality Residential Environments</p> <p>Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas</p> <p>Planning Policy Statement 12: Housing in Settlements</p> <p>Planning Policy Statement 15: Planning and Flood Risk</p>				

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 conditions
5.2	DFI Roads – Awaiting response. Informal responses indicate DFI Roads are content in principle.
5.3	NI Water – No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection
6.2	Rivers Agency – No objection
6.3	BCC Tree Officer - No objection, subject to conditions
6.4	Shared Environmental Services - No objection
7.0	Representations
7.1	3 objections have been received relating to this proposal. 2 of the objections are from the same person. The issues raised include:
7.2	<ul style="list-style-type: none"> - Objector was told by the developer previously that the area would be kept as a green area. - Concerns regarding potential surface water flooding. - Detrimental impact on privacy. - Detrimental impact on views from the objector's property. - Impact of vibration and dust during construction phase. - Concerns regarding overshadowing and loss of light.
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 proposed public open space - Topography of the site - Impact on residential amenity - Impact on access and parking
8.2	<p><u>Principle of Development</u></p> <p>The current proposal relates to revision and change of house type of previous approval Z/2010/1250/F. Initially, planning permission was granted on the site for 94 houses and 30 apartments under ref. Z/2007/1648/F. 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 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. NB 03/12 & NB 05/15). There are key site requirements within dBMAP for both zonings, however the PAC recommended the key site requirements were deleted from the adopted plan. The site is also located adjacent to the Ligoniel Village SLNCI (ref. BT 102/22).</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. The proposed detached and semi-detached dwellings therefore conform to this characteristic.</p>
8.6	<p>The site slopes significantly from the western boundary in an easterly direction with a fall in level of approximately 9-10 m across the site. The proposal includes 3 separate retaining walls, at a maximum height of 1.4 metres. The previous planning approval contained a 4 metre high retaining wall therefore this proposal is considered an improvement. Furthermore, planted embankments are also proposed along the north western and north eastern boundaries. The existing surrounding residential development is built on slopes, with split level dwellings a feature of the surrounding area. The proposed development includes 5 split level (3 storey at front, 2 storey at rear) dwellings. Due to the surrounding site context, this arrangement is considered acceptable.</p>
8.7	<p>The proposed density of the development equates to approximately 24 dwellings per Hectare and generally corresponds with that found within the surrounding area. On balance, 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>
8.8	<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'. Due to the sloping nature of the site, many of the gardens have a slight slope, however the largest gradient is 1:12. Given the context of the site history, this gradient is considered acceptable. BCC's Tree Officer has commented on the landscaping proposals and is content, subject to conditions. The landscaping proposals assist in integration of the development.</p>
8.9	<p><u>Public Open Space</u> Policy OS2 of PPS 8 requires that public open space should be provided as an integral part of the development on at least 10% of the total site area. This proposal includes no public open space, however the proposal is a revision to a previously approved scheme, with the public open space located elsewhere. This land is within the ownership of the applicant, therefore a condition will be placed on any potential approval to safeguard the previously approved open space. It is noted from Drawing No. 02C that the developer intends to submit a separate planning application for part of this land a condition is therefore conditioned necessary to safeguard the open space.</p>
8.10	<p><u>Residential Amenity</u> The objections related to privacy, overlooking and loss of light issues. Plots No. 92, 93 and 94 are located to the north of the objectors' dwellings and it is considered that overshadowing will not be an issue due to the orientation. It is also considered that there will be no significant impact on privacy of these dwellings due to separation distances and orientation of dwelling No. 94 (gable end facing objector's houses). Furthermore, landscaping has been proposed along the boundary which will provide enhanced screening. The Council had concerns regarding potential overshadowing of the rear gardens of Plots No. 62 and 62A, however a shadow analysis was provided showing that the gardens will benefit from sufficient light. It is considered that the proposal does not create conflict with adjacent land uses and 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> 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> The proposed boundary treatments are acceptable.</p>
8.13	<p><u>Movement, Access & Parking</u> The sloping nature of the site means that some of the dwellings would not be suitable for people whose mobility is impaired, for example, the split level dwellings and the dwellings with steps to the rear porch and back door. However, due to the constraints of the site, this is largely inevitable. Taking into account the planning history of the site, it considered on balance, that the proposal is acceptable as 15 of the dwellings allow for standard access and movement. Acceptable provision has been made for pedestrians and cyclists. The proposed development is connected to the existing footpath network. It is considered that adequate and appropriate provision has been made for parking.</p>
8.14	<p><u>Local services and Safety</u></p>

	<p>The site is located approximately 800 metres 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>Drainage / Flooding</u> 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>
8.16	<p><u>Contaminated land</u> A 'Preliminary Risk Assessment' was submitted in support of the proposal. Following consultation with both NIEA and BCC EHO, there are no objections to the proposal subject to conditions.</p>
8.17	<p><u>Ecology</u> A Preliminary Ecological Appraisal was submitted in support of the development. The application site lies adjacent to the Ligoniel Village SLNCI (Site of Local Nature Conservation Importance). 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>
8.18	<p><u>Environmental Impact Assessment</u> 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>
8.19	<p><u>Habitat Regulations</u> The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.</p>
8.20	<p><u>Statutory consultation</u> The planning application was advertised in the local press and 25 neighbours were notified of the proposal. As already discussed, 3 representations were received.</p>
8.21	<p><u>Other issues</u> The objections raised issues relating to the loss of view and potential disturbance during construction phase. These are not material planning considerations.</p>
9.0	Summary of Recommendation: Approval
9.1	<p>Given the planning history of the site, on balance, it is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy, therefore approval is recommended.</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. 23B date stamped 2nd November 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 1.4 metres, as annotated on stamped approved Drawing No. 23B date stamped 2nd November 2018.</p> <p>Reason: In the interest of visual amenity.</p>
10.6	<p>The dwellings shall not be occupied until the open space shaded in green, as approved under Z/2010/1250/F, has been laid out in accordance with those plans, and thereafter retained as open space and not used for any other purpose.</p> <p>Reason: To ensure amenity space is available concurrently with the development of the site.</p>
10.7	<p>All soft landscaping works shall be carried out in accordance with the approved details on Drawing No. 29C, dated 2nd November 2018. The works shall be carried out prior to the occupation of the first dwelling unless otherwise agreed in writing by the Council, and Planning Service informed within 2 weeks of completion of the works so that a site inspection can be carried out. Any trees or plants indicated on the approved scheme 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 Council.</p> <p>Reason: In the interests of the character and appearance of the area</p>
10.8	

<p>10.9</p> <p>10.10</p> <p>10.11</p> <p>10.12</p>	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity</p> <p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging 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> <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 / hedging.</p> <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> <p>AWAITING DFI ROADS CONDITIONS</p>
<p>Notification to Department (if relevant) N/A</p>	
<p>Representations from Elected members: N/A</p>	