

Development Management Report Addendum Report

Application ID: LA04/2018/1761/RM	Date of Committee: 2 nd July 2019
Proposal: Site for new dwelling and garage (Amended proposal & plans)	Location: Site to rear of 598 Antrim Road, Belfast, BT15 5GN.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Gerry Donnelly 2 Glenhurst Gardens Newtownabbey BT36 7JW	Agent Name and Address: Arca Design 5 Highgate Manor Mallusk Newtownabbey BT36 4WG

Addendum Report:

This application was previously presented to Planning Committee on 11th June 2019 with a recommendation for approval. Following presentation the application was deferred for a Committee site visit which took place on 20th June 2019.

Members should read this Addendum Report in conjunction with the original Development Management Officer Report of 11th June 2019, attached below.

A further two objections were received following the publication of the case officer report and were noted as late items at the 11th June 2019 Planning Committee.

Further objection received from Ms Mairead Magill and Mr Kieran Mooney the occupiers of no.598 Antrim Road, raised the following points;

- Additional point raised re the changing of the name of the second floor rooms from bedrooms to hobby and store room does not address their concern – Members are advised that in respect of the second floor loft this could be implemented under permitted development rights;
- Remaining points raised are per previous objections – Remaining points in this letter have been considered in the report – see 9.31-9.33, 9.48 and 9.54 which consider the concerns raised by the objector.

Further objection from Mr Harold Jacobs JP the occupier of no.9 Waterloo Park North raised the following points;

Letter dated 5th June received in post on 10th June – Insufficient time to request to speak at Planning Committee –

- It is not normal practice to advise objectors of an application being presented to Committee. This was done as the objector had specifically requested to be informed. Letter was posted on Wednesday 5th June 1st Class post advising application was to be presented to Planning Committee and contact details for Democratic Services was provided, if the objector wished to speak.
- A further letter was received 10th June. No direct contact details for the objector were provided hence post was used. Email sent to Mr Nigel Dodds MP OBE – Mr Jacobs elected representative 5th June advising of same. Also advised in email of no contact details for Mr Jacobs and requested that Mr Dodds office also advised Mr Jacobs and that a letter was also posted to Mr Jacobs. Issues with postal delivery service are outside the control of planning.

Objector received letter 10th June with contact details and had opportunity to contact Democratic Services that same day;

Previous objections remain

- All objections have been fully considered

Do not wish for their property to be devalued

- Property value is not a planning consideration;

Indenture between Donnelly and Donnelly which suggests uninterrupted passage via a right of way between Waterloo Park North and the property at 598 Antrim Road – Council may state these are civil matters but there is many unanswered questions

- Civil Matters are outside the remit of planning. Mr Nigel Dodds MP OBE also raised concern re indenture on behalf of Mr Jacobs and this is considered at 9.68 in the report;

Request no decision is made until all unanswered questions are answered –

- The application is a valid reserved matters application which meets the conditions as attached to the outline planning permission. Planning has no requirement to hold the application for civil matters;

Requests letter hand delivered on 11th June to be considered –

- Letter considered as a late item and above.

Two further objections were received on the 21st June 2019 from Ms Mairead Magill the occupier of 598 Antrim Road and Mrs Anne Quinn the occupier of no.11 Waterloo Park North. The points raised are considered below;

Ms Mairead Magill raised further issues including the following points;

Email received 21 June 2019 - Requested date of site visit and to give members access to Ms Magill's property for members to appreciate the severe loss of privacy from the elevated site, no established hedging and overshadowing from their perspective; and requested confirmation of who the planning delegation

- Site visit took place on Thursday 20th June 2019 at 12.30pm following the Planning Committee Meeting of 11th June 2019
- A Protocol is in place for planning committee members, point 64 of which states 'Only members of the committee and officers should attend organised site visits'. Advised that applicants, agents and objectors are not permitted to speak or approach members attending the planning committee site visit. Advised queries relating to protocol should be directed to Democratic Services;
- Email sent 25th June 2019 with link attached detailing those members of planning committee. Advised minutes of site visit would appear in agenda for next committee meeting. Link attached for objectors convenience.

Mrs Anne Quinn raised further issues including the following points

Email received 21 June 2019 - Concern regarding the shadow analysis shown at planning committee is erroneous showing shadow from hedge and concern regarding loss of light in winter time –

- The case officer report at 9.23-9.27 Considers concerns regarding overshadowing. As stated this is a transient shadow that will not result in an unacceptable degree of overshadowing. By virtue of the boundary hedge being located south of the objectors dwelling, a shadow does exist;

Requested to be advised about dates of Committee site visit and viewing the windows of no.11 Waterloo Park North, position of the hedge in relation to the windows and need to view the roof design of virtually every other property which are hipped roofed.

- It is at the discretion of the members of planning committee the format of the committee site visit. Planning committee took place on 11th June 2019 and objector emailed in regards to site

visit on 21st June;

As approach summer vacation wish to ensure their home is available for the planning committee site visit as promised –

- The planning committee site visit took place on Thursday 20th June 2019 at 12.30pm.
As above

Wishing to be supplied with a copy of the minutes of the committee meeting as they cannot find them on the website –

- The minutes of the planning committee will be agreed by members at the start of the full Council Meeting which in this case will be Tuesday 2nd July 2019. Once agreed minutes will be published on the council website following this;

Residents did not receive the document advising speakers attending planning committee. This was requested and not delivered –

- As above - It is not normal practice to advise objectors of an application being presented to Committee. This was carried out as the objector specifically requested to be informed. Email sent to Mrs Quinn on Wednesday 5th June 2019 advising that the application was to be presented to planning committee on Tuesday 11th June at 5pm. Links were attached to the email to the case officer report, web form to request to speak at planning committee and the contact details for democratic services. Copy of email on file;

Request of time scales for how this process will go forward and conclude –

- Objector advised on 25th June 2019 that application will be re-presented to planning committee on Tuesday 2nd July 2019 at 5pm.

Summary

In conclusion, the recommendation remains as set out in the case officer's report and this addendum.

Recommendation

Approval – The application deals with the details in respect of the matters reserved for the erection of a new dwelling granted outline planning permission LA04/2017/1208/O on 5th September 2017. The principle of a dwelling on this site has therefore been established under the outline permission and this application deals solely with the conditions attached to that approval.

It is requested that committee delegate authority to the Director of Planning and Building Control to finalise conditions as set out in draft in Section 11 of the DM Officer's report.

Committee Application

Summary	
Committee Meeting Date: 11 June 2019	
Application ID: LA04/2018/1761/RM	
Proposal: Site for new dwelling and garage (Amended proposal & plans)	Location: Site to rear of 598 Antrim Road, Belfast BT15 5GN.
Referral Route: At the request of the Director of Planning and Building Control	
Recommendation:	Approval
Applicant Name and Address: Gerry Donnelly 2 Glenhurst Gardens Newtownabbey BT36 7JW	Agent Name and Address: Arca Design 5 Highgate Manor Mallusk Newtownabbey BT36 4WG
<p>Executive Summary:</p> <p>The application deals with the details in respect of the matters reserved for the erection of a new dwelling granted outline planning permission LA04/2017/1208/O on 5th September 2017. The principle of a dwelling on this site has therefore been established under the outline permission and this application deals solely with the conditions attached to that approval.</p> <p>The outline planning permission included conditions to specify the following:</p> <ul style="list-style-type: none"> • Condition 4 - The siting of the proposed dwelling, • Condition 5 - The ridge height of the proposed dwelling to be no higher than that of neighbouring properties at 9 & 11 Waterloo Park North; • Condition 6 – The boundary hedging with no's. 9 & 11 Waterloo Park North shall be retained and protected. <p>The proposal complies with these conditions.</p> <p>Conditions 2 and 3 set out the matters reserved for agreement and includes;</p> <ul style="list-style-type: none"> • Design and appearance; • Access; • Landscaping. <p>In respect of the above the material matters for consideration include:</p> <ul style="list-style-type: none"> • Compliance with outline conditions; • Design and external appearance of the proposed dwelling; & Proposed garage; • Means of access; & Proposed landscaping; • Consideration of representations; • Other environmental factors. <p>As stated the principle of development for a dwelling on the site is established.</p> <p>At the time of writing this report 21 objections have been received covering issues including overshadowing/loss of light, overlooking/loss of privacy, impact of traffic and parking, scale, massing and design of proposed dwelling and garage, the nature of the use of the proposed</p>	

dwelling, potential damage to neighbouring properties, covenant attached to land and access rights.

Legal Services advise that whilst the garage was not included in the description of the granted permission, in consideration of case law, it is concluded that the garage was granted approval under the outline planning permission and could form part of the reserved matters application.

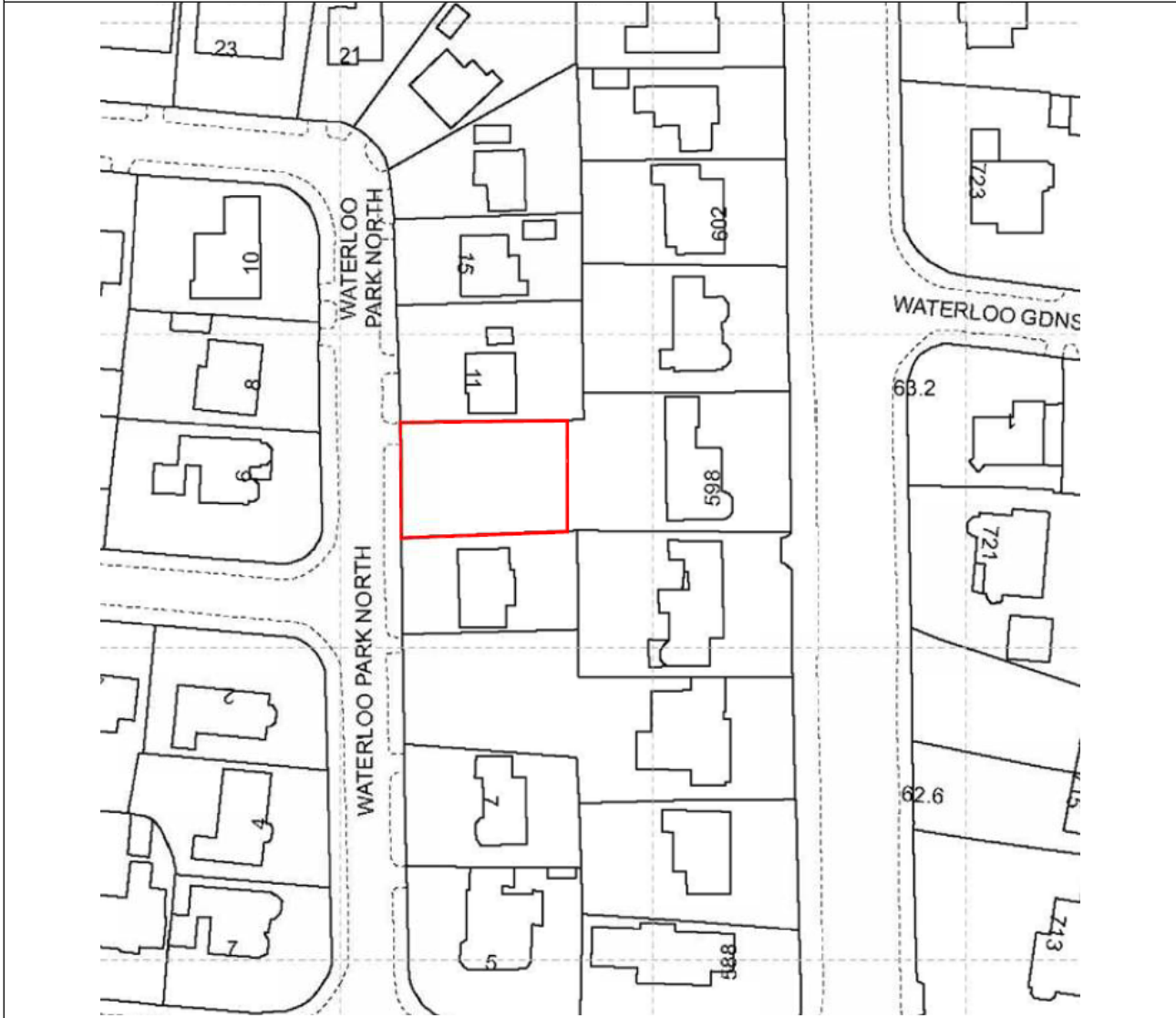
Environmental Health, Transport NI, and NI Water have no objection to the proposal.

Recommendation:

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and the granting reserved matters is recommended. Delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Hydebank	Additional info requested
Statutory	NI Water - Single Units East - Planning Consultations	Advice
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	DFI Roads - Hydebank	Content

Representations:	
Letters of Support	None Received
Letters of Objection	21
Number of Support Petitions and signatures	No Petitions Received

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	<p>The proposal is for a reserved matters for the erection of a new dwelling on the back of outline planning permission LA04/2017/1208/O granted on 5th September 2017. The principle of a dwelling on this site is established under the outline permission.</p> <p>This application seeks to address those matters reserved which includes;</p> <ul style="list-style-type: none"> • the design and external appearance of the propose dwelling; • the means of access; • the landscaping of the site.
1.2	<p>The outline planning permission included the attachment of specific conditions in relation to;</p> <ul style="list-style-type: none"> • Condition 4 - The siting of the proposed dwelling, • Condition 5 - The ridge height of the proposed dwelling to be no higher than that of neighbouring properties at 9 & 11 Waterloo Park North; • Condition 6 – The boundary hedging with no's. 9 & 11 Waterloo Park North shall be retained and protected.
2.0	Description of Site
2.1	<p>The site is located at lands to the rear of 598 Antrim Road and between no's. 9 and 11 Waterloo Park North. The site was formerly the rear garden of 598 Antrim Road. The site is rectangular in shade and is laid out in lawn with mature established boundaries along the northern, western and southern boundaries. The northern boundary is approximately 3-4m in height and the southern boundary approximately 2m in height. A brick wall approximately 1.3m in height and iron railing gates also defines the western boundary along Waterloo Park North. A driveway access which provided a secondary access to no.598 Antrim Road remains in situ. The eastern boundary of the site is defined by a 1.8m close boarded timber fence. The site itself falls from west to east. The site is located within an area characterised by substantial two storey dwellings with generous plots with front and rear gardens and incurtilage parking provision. The dwellings are a mix of designs and materials. The wider area slopes from west to east with dwellings on the western side of Waterloo Park North sitting elevated to those to the east. This is also the case with the dwellings along the eastern side of Waterloo Park North siting elevated to those dwellings along the western side of the Antrim Road.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2017/1208/O - Proposed site for new dwelling – Granted 05/09/2018
3.2	Z/2003/1190/F - Alterations to first floor windows of dwelling – Granted 09/07/2003
3.3	Z/1998/2124 - Extension to existing dwelling - Granted
3.4	Z/1978/0081 – Extension to dwelling and new access - Granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001

4.2	Draft Belfast Metropolitan Area Plan 2015
4.2	<p>4.2.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>4.2.2 Planning Policy Statement 2: Natural Heritage</p> <p>4.2.3 Planning Policy Statement 3: Access, Movement and Parking</p> <p>4.2.4 Planning Policy Statement 7: Quality Residential Environments</p> <p>4.2.5 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas</p> <p>4.2.6 Planning Policy Statement 12: Housing in Settlements</p> <p>4.2.7 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas</p> <p>4.2.8 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards</p> <p>4.2.9 Creating Places</p>
5.0	Statutory Consultees Responses
5.1	DRD Transport NI – No objection subject to conditions
5.2	NI Water – No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection subject to conditions.
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. A total of 21 representations have been received. The objections are outlined below;
7.2	<p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections:</u></p> <ul style="list-style-type: none"> • Land certificate for the garden contained a clause that no building was to be erected upon the land without consultation with the adjacent property owners. The buyer and builder had the caveat removed to his advantage; • Reference to letter of objection of 22nd June 2017 for the outline application LA04/2017/1208/O – Concern that no one from planning discussed this with him; • Overdevelopment of the site; • Set precedent for more applications in the area; • Proposal would result in reduction in value of property in the area; • Concerns regarding damage to no.9 Waterloo Park North through removal of earth and established trees were not discussed on previous outline application; • Current proposal indicates removal of trees and erection of a wooden fence however there is no mention of a retaining wall to stop possible subsidence of the pathway and protection to the side wall of the property: • Plans indicate built on a flat surface; • Proposed dwelling not in keeping with property in the area. Objector wished to ensure planning service aware that no.5 Waterloo Park North is a Listed Building; • Planning Service to be aware of the SPPS and policy QD1 of Planning Policy Statement 7; • Current carriageway has recently been resurfaced at a cost of over £170k will be damaged by heavy vehicles and connecting services; • Current carriageway of approx. 7.6m cannot accommodate additional vehicular traffic and risk to young families in the area;

7.3

- The purchaser/builder has not requested permission to carry out a dilapidation report;
- Large shed erected beside the garden wall of the site poses a direct security threat to the area and the objector as a Justice of the Peace;

Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections:

- Loss of light to 3 main living areas of their home;
- Positioning of house forward of no.11 on sloping site will further reduce light to front sitting room;
- Impact on privacy of home, conservatory and garden due to being overlooked from large windows to the rear of the proposed property;
- Impact on privacy from 5th bedroom;
- Impact of overlooking into back living room and conservatory from a proposed path;
- Proximity of both the house and the garage to the back sitting room and conservatory is deemed oppressive and will result in loss of light, privacy and outlook resulting in a loss of enjoyment/amenity of their home;
- Significant reduction in the quality of home life;
- Adversely affect the value of home;
- Due to sloping nature of site proposed garage would almost be same level as ground floor level of home;
- Proposer is a builder who may use garage as a business workshop;
- The current driveway through the site was never intended nor used as a car park and was access for 598 Antrim Road. Proposal means that alongside 4 window and a conservatory may become car parking;
- Lorries and vans could park here and further block light and views out of the windows;
- Objector wishes it to be noted that the proposer intends to live in the proposed dwelling and is a builder;
- Proposed dwelling does not meet planning requirements as there is no local need for a 5 bedroom house. Evidence of this that the very house in whose garden his is to be built remains unsold after over a year on the market;
- The site and the original house are overdeveloped;
- Garden grabbing;
- Proposal contrary to criterion (a), (c) and (h) of Policy QD 1 of PPS 7 as it is not in keeping with the overall character of the area;
- Proposal is insensitive to the area and would unacceptable impact upon the amenities of the objectors property and other surrounding neighbours;
- Proposed two storey dwelling would be only 4m away from the objectors dwelling;
- Proposal is overdevelopment and represents town cramming;
- Would set an unfavourable precedent in the area;
- Proposal results in substandard living accommodation in terms of garden sizes for the both the site and prospective residents of 598 Antrim Road;
- Overshadowing contrary to DCAN 8 which refers to back land development as requiring a minimum plot depth of 80m;
- Deeds of 598 Antrim Road forbid the construction of a dwelling on the site;
- The existing 3-4m boundary hedge blocks all views of the 4 important windows along the side elevation;
- Objectors believe that the original outline planning permission decision was unfair and no account was made of them;
- Objectors believe no one from planning visited their property before outline approval was granted;

<p>7.4</p>	<ul style="list-style-type: none"> • From the objectors dwelling they can see clearly over the hedge and garden and the hedge is below window level. The development will remove this outlook; • The presented plan make no reference to the window openings and conservatory on the objectors dwelling; • The 4 side windows are all south facing and provide considerable afternoon and evening light to two sitting rooms – they are unobstructed by the hedge; • The 2 windows in the back sitting room are its only external windows; • The front window of dwelling is small and side windows provide sufficient light levels in their home; • Front garden will be overlooked; • The boundary hedge is over 4m high and 1-2m deep on a sloping site; • Objector has lapsed planning permission for an extension; • Removal of boundary hedge – how can garage/retaining walls for new garage be constructed without the removal of the boundary hedge; • Removal of boundary hedge will result in overlooking into the 4 side windows and conservatory; • Objectors dwelling is a much admired architecturally designed mock Tudor house and both sitting rooms are located to be south facing. Proposal would result in loss of light and overlooking; • Back sitting room and conservatory – the 2 windows in the gable are the only external windows in this sitting room. New dwelling and garage will block the light and totally obscure view from this room; • The ground floor window proposed in the northern elevation of the proposed dwelling will result in overlooking and loss of privacy; • Conservatory will be completely overlooked resulting in total loss of privacy; • Positioning of the garage on sloping site will result in the front of the garage being in line with the rear elevation of no.11 Waterloo Park North; • Garage will be constructed at same level as ground floor level of no.11 Waterloo Park North; • Garage will block light to rear sitting room and conservatory and view from these rooms will be of the garage wall and door; • Nothing to prevent driveway being levelled out to reduce the incline and further elevate the garage; • Proposed dwelling sits further forward than no.11 Waterloo Park North; • Drawings do not show the proximity of the garage and scale in relation to the dwelling at no.11 Waterloo Park North and would be less than 2m from home/conservatory; • Complete loss of privacy from all rear facing back windows on the proposed dwelling. The sloping site means the level of the proposed new garage will be at an elevated position and in conjunction with the house will leave the rear garden of no.11 Waterloo Park North completely overshadowed from midday; • Potential structural damage to objector’s property from excavation works and proposed garage would have to be built up above the garden level and may damage a retaining wall within the garden of no.11 Waterloo Park North. <p><u>Ms Julia Stella, the occupier of no.8 Waterloo Park North raised the following points;</u></p> <ul style="list-style-type: none"> • Proposed design of the dwelling is not in keeping with the established character of the area; • This stretch of Waterloo Park North is long established and maintains its highly regarded ‘desirability’ precisely because there is no modern dwellings; • Proposal will detrimentally impact upon the value of every home on this stretch; • Proposed dwelling will detrimentally impact on the privacy of the front garden of no.8 Waterloo Park North due to 5 front windows proposed on the front elevation.
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7.5	<p><u>Mr Damian Curran, the occupier of no.10 Waterloo Park North, raised the following points:</u></p> <ul style="list-style-type: none"> • Loss of green space; • Loss of a large tree and hedging; • Proposed dwelling will create a looming sense of over development and invasive perception of crowding; • Waterloo Park North is a cul de sac which encourages children to play outside of property boundaries in relative safety. The additional traffic associated with the proposed dwelling will increase health and safety risks amongst children; • Impact on parking; • Excavation of the road and footpath prior to planning permission being granted.
7.6	<p>MP Mr Nigel Dodds OBE MP requested a site meeting on behalf of constituents which was held on the 24th October 2018. The objectors from no.9 and 11 Waterloo Park North were in attendance.</p>
7.7	<p><u>Following a site meeting Mr Harold Jacobs JP, the occupier of no.9 Waterloo Park North submitted a further letter;</u></p> <ul style="list-style-type: none"> • Welcomed site meeting; • Was surprised that a number of issues are considered to be civil issues and outside the remit of planning; • Was not advised of this on the previous outline application; • It is their opinion that the application was ‘railroaded through’ with the issues raised not properly addressed; • Request all issues to be addressed and responded to so that they may consider judicial review.
7.8	<p>Following the removal of the garage from the proposal and existing and proposed levels shown on the proposed plans the application was re-neighbour notified and four representations were received, these are summarised below;</p>
7.9	<p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • The applicant has not removed the 5th bedroom/ ensuite; • Proposal remains unacceptable and is out of character with the properties in the area; • Seeking a reply to letter of 25th October.
7.10	<p><u>Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Wish to have their objections and concerns fairly dealt with; • Welcome the removal of the garage; • Objector wanted confirmation that the garage was not part of the proposal; • Objector wanted confirmation that the garage would not reappear at a future date without their knowledge; • Request the removal or obscuring of a window at ground floor level in the northern side elevation of the proposed dwelling • Consideration re change in gradient of the driveway and cars parking on it in front of the objectors side windows.
7.11	<p><u>Ms Magill and Mr Mooney, the occupiers of 598 Antrim Road raised the following objections;</u></p> <ul style="list-style-type: none"> • Concern regarding the dwelling being constructed on an elevated site;

	<ul style="list-style-type: none"> • Concern the dwelling will be a 5 bedroom property; • Ground, first and second floor windows facing in to the rear of 598 Antrim Road; • Loss of light; • Overshadowing; • Overlooking; • Loss of privacy; • Detrimental impact on quality of living; • Garden overshadowed and loss of privacy; • Impact of proposed dwelling on property value; • Risk of contamination of waste material during and after the build; • Risk of noise from a live construction site; • Risk of general health and safety associated with a live construction site.
7.12	<p>Following the reinstatement of the proposed garage (see 9.8-9.11 in this report) into the proposal and re-neighbour notification the following representations were received;</p>
7.13	<p><u>Ms Julia Stella, the occupier of no.8 Waterloo Park North raised the following points;</u></p> <ul style="list-style-type: none"> • This stretch of Waterloo Park North is long established and maintains its highly regarded 'desirability' precisely because there is no modern dwellings; • Proposal will detrimentally impact upon the value of every home on this stretch; • Proposed dwelling will detrimentally impact on the privacy of the front garden of no.8 Waterloo Park North due to 5 front windows proposed on the front elevation; • The size and scale of the proposed dwelling will result in loss of light to the front of no.8 Waterloo Park North and impact on the enjoyment of the dwelling; • Impact of the proposed 6 bedroom dwelling on traffic and parking along Waterloo Park North; • Proposal is inconsistent with a letter issued by the applicant on the 7th October 2018 stating the letter was for a retirement dwelling.
7.14	<p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Correspondence remains unanswered to Mr Jacobs and his elected representatives Mr Nigel Dodds OBE MP – Responses sent on 18th December 2018 and 17th April 2019. Response to Mr Nigel Dodds OBE MP sent 2nd January and 17th April 2019; • Plans show a 6 bedroom house with a high pitched roof and dormer windows which is out of character with the area; • 6 bedroom dwelling not in keeping with the applicants statement that it is for a retirement dwelling; • 6 bedroom dwelling would result in additional traffic on Waterloo Park North; • The area between the proposed dwelling and no.9 Waterloo Park North could result in subsidence.
7.15	<p><u>Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • How the initial outline planning was approved after having been assessed on the wrong site and therefore your dismissal of my objections were flawed; • The levels on the drawing do not match up with the actual site; • Concern that a neighbour had not received a neighbour notification letter; • Concern about how a garage could feasibly be placed across their property without considerable upset and disruption;

	<ul style="list-style-type: none"> • Access issue relating to 598 Antrim Road. The substantial living area to the rear requires access from Waterloo Park North for emergency vehicles and is a significant safety issue; • Request for a further meeting to view topographical survey; • Stated that planning has discounted all comments regarding – Overdevelopment, massing on the site (cramming), loss of privacy, overlooking, loss of light and amenity, invasion of privacy, safety issues, safeguarding the character of a settled residential area, rights of neighbouring properties; • Revised plans have increased all these concerns; • Request for a further site meeting; • Concern the proposal is increasing in size without any consideration being given to current planning guidelines; • Request that the applications be forwarded to a senior planner to be assessed and ensure the current residential area is not disfigured due to entrepreneurial drive and a lack of application of rules by planning; • Request details of the complaints procedure; • Requested information regarding initiating a judicial review.
7.16	<p><u>Mr Damian Curran, the occupier of no.10 Waterloo Park North, raised the following points:</u></p> <ul style="list-style-type: none"> • Loss of light, privacy, space and trees, density of buildings. Revised plans propose a larger development reinforcing loss of amenity to the area, out of keeping with the character of the area and is contradictory to planning policy and guidance on the maintenance of sustainable living and environmental protection; • Impact of a 6 bedroom dwelling on associated parking requirements; • Original proposal was for a retirement dwelling. Scale of the proposal questions if it is for conventional occupancy or to be used as a business rented on a room by room basis.
7.17	<p><u>Ms Magill and Mr Mooney, the occupiers of 598 Antrim Road raised the following objections:</u></p> <ul style="list-style-type: none"> • Purchased property October 2018 on basis that proposed dwelling was for a retirement dwelling; • Since moving have studied plans dated 30th November 2018 and 25th March 2019 and are distressed to discover the proposed dwelling will be; • Built on an elevated site; • Dwelling has increased from 5 bedrooms to 6 bedrooms; • Plans include a detached garage directly bordering the rear boundary of 598 Antrim Road, blocking access to services as outlined on the deeds for their property; • Additional dormer windows added to the second floor increasing the number of windows overlooking 598 Antrim Road from 4 to 6; • Ground, first and second floor windows face into the rear of 598 Antrim Road; • Concern regarding loss of light, overshadowing, overlooking and/or loss of privacy to the dwelling and garden; • Impact on value of the property; • Nuisance due to potential contamination of waste material during and after build; • Nuisance due to risk of noise from a live construction site; • Risk to general health and safety associated with a live construction site; • Lack of a re- neighbour notification letter.
7.18	<p><u>Mr Liam Quinn, the occupier of no. 11 Waterloo Park North raised the following objections:</u></p> <ul style="list-style-type: none"> • Noted a serious error on the plans which has caused immense distress;

	<ul style="list-style-type: none"> • Concern that their dwelling, the hedge and the siting of the proposed dwelling are wrong and that the proposed dwelling in the correct position will result in half the width of the new dwelling being forward of no.11 Waterloo Park North resulting in loss of light and overshadowing most of the day; • Not in receipt of accurate topographical survey.
7.19	<p>At the time of writing this report re-neighbour notification letters were issued to notify neighbours of reductions to the dwelling and garage to accurately comply with condition no.4 of the outline planning permission. These were issued on the 24th May 2019 and the statutory expiry period will be 7th June 2019, post publication of this report. Four further objections have been received to date are outlined below;</p>
7.20	<p><u>Mr Liam Quinn, the occupier of no. 11 Waterloo Park North raised the following objections. Mr Quinn submitted the below points in 2 emails;</u></p> <ul style="list-style-type: none"> • Queried who generated the overshadowing report; • Request for a December report; • Queried the definition of overshadowing; • Objector does not understand how to interpret the photographs and requested advice.
7.21	<p><u>Mr Nigel Dodds OBE MP, objected on behalf of Mr Harold Jacobs JP, the occupier of no.9 Waterloo Park North and raised the following objections;</u></p> <ul style="list-style-type: none"> • Advised Mr Harold Jacobs submitted objections to the proposal; • Advised Mr Harold Jacobs had submitted a number of queries via email and feels aggrieved that he has not been answered – No email correspondence has been received from Mr Jacobs. All correspondence has been via postal letter. Responses issued on 18th December 2018 and 17th April 2019. Response to Mr Nigel Dodds OBE MP sent 2nd January and 17th April 2019. Responses advised all objections raised would be considered in the case officers report; • Mr Jacobs has concern regarding a copy of an indenture between the previous owners, Philip Donnelly and Caitlin Donnelly and the alleged purchasers Gerard and Jeannie Donnelly and that is in Section 1 of the second schedule. Mr Jacobs asks if this refers to the supplies of electricity, gas and water etc. or in uninterrupted passage a right of way to the rear of 598 Antrim Road; • Mr Jacobs is aware that the previous owners are registered Directors of a Development Company so he feels they have some involvement in the proposed build; • Mr Jacobs not informed of Planning Committee date for June.
7.22	<p><u>Mrs Anne Quinn, the occupier of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Wish for planning to carefully consider the impact of shadowing of window on southern elevation of their property; • According to own (planning) report, all four windows and the conservatory would be shadowed by the proposed dwelling; • Shadow analysis only shown for May; • Queried re impact of shadow in December and no response – Email response sent to Mr Quinn on 31st May 2019. Email forwarded to Mrs Quinn 3rd June 2019; • A hipped roof would allow more light; • Previous objections to be taken into account.
7.23	<p>In the event of further objections being received these will be registered as late items to Planning Committee.</p>

8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Compliance with outline conditions; • Design and external appearance of the proposed dwelling; • Height, scale, massing and design of the proposed garage; • Visual Impact and impact on character of the area; • Impact on residential amenity of neighbours; • Means of access; • Proposed landscaping; • Consideration of representations; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 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.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	Outline planning permission LA04/2017/1208/O was described as a 'Proposed site for new dwelling'. A site location map and a site block plan were provided. The site block plan showed the proposed siting for the dwelling and also for a garage. Whilst the garage was shown on the site block plan it was not included in the proposal description. This application received four representations from the occupiers/owners of no's. 7, 9 and 11 Waterloo Park North and on behalf of the occupant of no.6 Waterloo Park North. The application was granted outline approval and included a siting condition in regards to the proposed dwelling and a garage shown on the site block plan.

9.9	<p>The proposal subject of this application has received a number of objections including those owner/occupiers of no's 9 and 11 Waterloo Park North who both directly abut the proposal site. One objection raised was that the proposed garage was not included in the proposal description for the outline application. Given the objection the applicant initially considered removal of the garage. Re- neighbour notification was issued and its removal was welcomed by the neighbours at no.11 Waterloo Park North. Subsequently, however, the applicant wished to reinstate the proposed garage. Advice was sought from Belfast City Council Legal team in respect of the omission of the garage in the Outline description and the inclusion of the garage siting within the conditions of the outline planning permission. Legal Services concluded that whilst the garage did not form part of the description, it was shown on the plans at the outline stage and that as neighbours had objected to the proposal, there was no prejudice as the garage was shown on the plans. Therefore, it was deemed that the garage was granted outline permission under application ref. LA04/2017/1208/O.</p>
9.10	<p>This is in line with the High Court judgement of Newry Chamber of Commerce and Trade's case in regard to a decision by the Department of Environment ((2015) NIQB 65). One of the arguments set out in this judgement was in respect of a bridge which was not included within the description of a development scheme. Justice Treacy accepted '<i>that it is not necessary to meet that purpose that the advertisement should refer in detail to every element of a proposal, including all of its ancillary elements.</i>' Justice Treacy stated that '<i>the bridge was ancillary development and did not require to be explicitly referenced in the advertisement</i>' and '<i>the advertisement was accurate and sufficient to cause those living in the locality or with a potential interest to be aware of the substance of the application following its advertisement....in fact it was sufficient to the extent that various parties who wished to object to the application became aware of it and made objections....no conceivable prejudice arises (to the objectors)</i>'.</p>
9.11	<p>A garage is considered to be ancillary development in relation to a dwelling, therefore in line with the Justice Treacy judgement, it is considered that the primary element of the proposal was identified in the description which made neighbours and interested parties aware and then subsequently submitted objections. Therefore, it is considered that no prejudice has arisen and the outline approval included a garage.</p>
9.12	<p><u>Principle of development and use</u> Under the SPSS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The principle of the proposed dwelling has been established as being acceptable under planning permission LA04/2017/1208/O. It is deemed that the proposed dwelling is a compatible use at this location in an established residential area and will not result in demonstrable harm to the residential amenity of neighbours.</p>
9.13	<p><u>Compliance with outline conditions</u> It is considered that the reserved matters application complies with those conditions as set out on the decision notice for LA04/2017/1208/O. Conditions 1-7 are summarised below.</p>
9.14	<p>The outline planning permission included the attachment of specific conditions in relation to;</p> <ul style="list-style-type: none"> • Condition 1 – Time frame; • Condition 2 – Details of the design and external appearance of the buildings, means of access thereto and the landscaping of the site to be submitted to the council (Reserved Matters);

	<ul style="list-style-type: none"> • Condition 3 – Full particulars of conditions 1 and 2 to be submitted to the council; • Condition 4 - The siting of the proposed dwelling within the areas shaded blue as per drawing 02 bearing the Belfast Planning Service date stamp 30th May 2017, • Condition 5 - The ridge height of the proposed dwelling to be no higher than that of neighbouring properties at 9 & 11 Waterloo Park North; • Condition 6 – The boundary hedging with no's. 9 & 11 Waterloo Park North shall be retained and protected; • Condition 7 – Submission of a detailed landscaping plan.
9.15	<p>It is considered that the reserved matters application complies with the above conditions. Condition no.8 in regards to the replacement of planting within a period of 5 years will be carried through to be attached to the reserved matters decision notice. Section 9.16 – 9.37 below assess the proposal against Policy QD1 of Planning Policy Statement 7 with respect to design, scale, layout, visual impact, access, landscaping and residential amenity.</p>
9.16	<p><u>Design and external appearance of the proposed dwelling</u> The proposed dwelling is to be two and a half storey with a proposed ridge height of 8.3m from finished floor level. The dwelling is to be 11.1m long with a gable depth of 7.6m. A front projection is also proposed extending 0.6m forward of the proposed front elevation of the dwelling. The proposed ridge height will not exceed the ridge height of the adjacent dwellings at no's. 9 and 11 Waterloo Park North, this is as per condition no.5 of outline planning permission LA04/2017/1208/O.</p>
9.17	<p>In terms of the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas, the proposed dwelling is to be 4 bedroom. It is considered that sufficient space has been provided.</p>
9.18	<p>The proposed height, scale and mass has been established and was considered acceptable at outline stage. The design and finishes of the proposed dwelling is considered to be acceptable and generally in keeping with adjacent residential dwellings. The proposed design and architectural treatment and materials are acceptable. In terms of outlook the proposed dwelling will outlook onto the public realm of Waterloo Park North.</p>
9.19	<p>In respect of the two dormer windows proposed on the rear elevation of the dwelling, these are marginally outside Permitted Development rights as per Schedule 1, Part 1, Class B of the Planning (General Permitted Development) Order (Northern Ireland) 2015. The proposed dormer windows would comply with criterion (a) – (f) with the exception of criterion (c), in that the proposal would be 0.4m from the ridge instead of 0.5m as under permitted development. Therefore they are almost within the parameters of that which the applicant could install without the benefit of planning permission upon completion of the dwelling.</p>
9.20	<p><u>Height, scale, massing and design of proposed garage</u> The proposed garage is to be 4m wide and 6m long with a ridge height of 3.7m from Finished Floor Level (FFL) which is to be 48.80. The eaves are proposed to be 2.4m in height from FFL. The proposed garage has been compared to Permitted Development rights and it is considered that it would fall within the remit of permitted development as per Schedule 1, Part 1, Class D of the Planning (General Permitted Development) Order (Northern Ireland) 2015. The proposal would satisfy the criterion (a) – (i) and therefore the applicant would be permitted to construct the garage without the benefit of planning permission upon completion of the dwelling. Therefore on balance it is considered that the proposed height, scale, massing and design of the proposed garage is acceptable.</p>

9.21	<p><u>Visual Impact</u> In respect of visual impact of the proposed dwelling, this has been considered at outline stage and concluded that the two and a half storey dwelling can be integrated successfully in to the area. The site is an acceptable infill site within a residential area in the urban context. The proposed dwelling is considered to be of an acceptable design and finish to ensure it will not detrimentally impact on the visual amenity of the area. The existing boundaries are to be retained with additional planting proposed.</p>
9.22	<p><u>Impact on residential amenity of neighbours</u> The applicant supplied a shadow analysis for the proposed new dwelling in the summer time between the hours of 9am and 7pm. The impact on each of the neighbouring properties is considered in detail below.</p>
9.23	<p><u>Impact on residential amenity of no.11 Waterloo Park North</u> The occupiers of no.11 Waterloo Park North raised concern regarding the impact of the proposed dwelling on their residential amenity by way of overshadowing, loss of light, overlooking and loss of privacy,. The ground floor level of no.11 Waterloo Park North consists of 2 sitting rooms and a conservatory and are located to the north of the proposal site.</p>
9.24	<p><u>Overshadowing/Loss of Light</u> - The shadow analysis provided by the applicant acknowledges that the proposed dwelling will result in transitory shadow, in that the shadow will move around the southern side elevation from 11am – 5pm and will effect each room for a 1-2 hour period.</p>
9.25	<p>The shadow analysis shows that the proposed dwelling will overshadow its own front garden in the morning time and rear garden in the late afternoon/evening time. The proposed dwelling is to be sited forward of no.11 Waterloo Park North in line with no.9 Waterloo Park North.</p>
9.26	<p>It is acknowledged that the proposed dwelling will result in some overshadowing to the southern side elevation of no.11 Waterloo Park North in the early afternoon (1pm – 3pm). However for the front living room of no.11 Waterloo Park North, the principal window is on the front western elevation and therefore the two windows in the southern side elevation of the dwelling are secondary windows and not the only light source to this room. The rear sitting room benefits from light penetrating through the existing rear conservatory and therefore the two gable windows for this room are also deemed to be secondary windows. An existing hedge approximately 3-4m in height defines the northern boundary of the site with no.11 Waterloo Park North. From the site meeting it was noted that views out of these 4 ground floor southern side elevation windows were screened by the existing hedge. This hedge is conditioned to be retained. The proposed dwelling is to be 5.5m from the southern side elevation of no.11 Waterloo Park North. This relationship is typical in the urban context and is present in the adjacent area.</p>
9.27	<p>Therefore it is considered that whilst the proposed dwelling will result in some overshadowing from the transitory shadow, this will not be to an unacceptable degree due to the orientation of the proposed dwelling and the sun path.</p>
9.28	<p><u>Overlooking/Loss of Privacy</u> - In terms of overlooking to the no.11 Waterloo Park North from the proposed dwelling, one window at ground floor level is proposed on the northern elevation of the dwelling and no windows at first floor level. The existing northern boundary hedge is to be retained and will ensure no unacceptable overlooking results from the ground floor window on the northern elevation. In respect of the windows on the eastern rear elevation of the proposed dwelling, these windows will have indirect</p>

	<p>overlooking which will not be to an unacceptable degree and is a common relationship within the urban context. Therefore it is considered that no unacceptable overlooking shall result to no.11 Waterloo Park North.</p>
9.29	<p><u>Impact on residential amenity of no.9 Waterloo Park North</u> Overshadowing/Loss of Light - Considering the shadow analysis, the orientation of the proposed dwelling and the sun path it is considered that no unacceptable overshadowing shall result to no.9 Waterloo Park North.</p>
9.30	<p>Overlooking/Loss of Privacy - In terms of overlooking the proposed dwelling is to have one window at ground floor level on the southern gable elevation for an en-suite bathroom and a door for a utility room. It is considered that the proposed bathroom and door, as they are proposed at ground floor level and the existing boundary treatment is to be retained, ensuring no unacceptable overlooking will result to no.9 Waterloo Park North.</p>
9.31	<p><u>Impact on residential amenity of no.598 Antrim Road</u> The occupiers of no.598 Antrim Road raised concern regarding the impact of the proposed dwelling on their residential amenity by way of overshadowing, loss of light, overlooking and loss of privacy.</p>
9.32	<p>Overshadowing/Loss of Light – The shadow analysis shows that the proposed dwelling would result in overshadowing to the rear garden area of no.598 Antrim Road in the evening time (7pm). The shadow analysis shows that no unacceptable overshadowing will result to the rear habitable rooms of no.598 Antrim Road. It is acknowledged that overshadowing will result to the rear garden of no.598 Antrim Road in the evening time, however this will not be to an unacceptable degree. Considering the shadow analysis, the orientation of the proposed dwelling, the sun path and the proposed separation distance it is considered that no unacceptable overshadowing shall result to no.598 Antrim Road.</p>
9.33	<p>Overlooking/Loss of Privacy –In terms of overlooking from the proposed dwelling to no.598 Antrim Road, objectors have raised concerns that all ground, first and second floor windows face onto the rear of no.598 Antrim Road and the additional of a second dormer window in place of the one large dormer originally proposed. An approximate separation distance of approximately 20m is proposed between the rear of the proposed dwelling and the rear elevation of no.598 Antrim Road. This is in line with creating places guidance which recommends a minimum of 20m. This relationship is not uncommon in the urban context and can be found in existence between neighbouring properties along Waterloo Park North/Antrim Road. It is recognised that within the urban context overlooking may result however it is not considered that this will be to an unacceptable degree in this instance due to the separation distance and boundary treatment.</p>
9.34	<p><u>Impact on residential amenity of no.8 Waterloo Park North</u> Overshadowing/Loss of Light – In terms of no.8 Waterloo Park North, is located approximately 34m to the north west of the proposed dwelling on the opposite side of Waterloo Park North. Considering the shadow analysis, the orientation of the proposed dwelling, the sun path and the separation distance, it is considered that no unacceptable overshadowing or loss of light shall result to no.9 Waterloo Park North.</p>
9.35	<p>Overlooking/Loss of Privacy - In terms of overlooking the proposed dwelling outlooks on to the public realm of Waterloo Park North. No.8 Waterloo Park North, is located approximately 34m to the north west of the proposed dwelling on the opposite side of Waterloo Park North. Front garden areas are not considered to be private amenity areas. The 5 windows proposed on the western front elevation of the dwelling is not considered excessive and is normal within the urban context. Front elevation windows provide a</p>

	<p>degree of natural surveillance of the public realm of Waterloo Park North, this in line with Creating Places guidance. Considering the orientation of the dwelling and the proposed separation distance it is considered that no unacceptable overlooking/loss of privacy will result to no.8 Waterloo Park North.</p>
9.36	<p><u>Means of access</u> The proposal will utilise an existing access formerly the secondary access for 598 Antrim Road prior to the plot being sub-divided. Transport NI has been consulted with the proposal and has no objection to the proposal.</p>
9.37	<p><u>Proposed Landscaping</u> The applicant has shown the existing planting along the northern, western and southern boundaries of the site to be retained as per condition no.6 of outline planning permission LA04/2017/1208/O. The existing 1.8m close boarded timber fence on the eastern boundary is also to be retained. New planting is also proposed to replace existing planting being removed, x3 EHS 14-16cm girth at time of planting, species to include Rowan 'Joseph Rock', Pyrus cal. Chanticleer and supplementary additional landscaping of indigenous shrubs and whips.</p>
9.38	<p><u>Consideration of Representations.</u> The objections received are considered below;</p>
9.39	<p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • <i>Land certificate for the garden contained a clause that no building was to be erected upon the land without consultation with the adjacent property owners. The buyer and builder had the caveat removed to his advantage</i> – This is a civil matter outside the remit of planning; • <i>Reference to letter of objection of 22nd June 2017 for the outline application LA04/2017/1208/O – Concern that no one from planning discussed this with him</i> – Noted. The objector may wish to make a formal complaint in regards to the outline planning application. Unfortunately those concerns cannot be dealt with through the processing of this Reserved Matters application; • <i>Overdevelopment of the site</i> – See 9.16-9.21 in this report; • <i>Set precedent for more applications in the area</i> – The principle of the dwelling was established at the outline application stage. The area is predominantly developed for residential use. Any new application for an infill dwelling would be considered on its own merits; • <i>Proposal would result in reduction in value of property in the area</i> – This is not a planning consideration; • <i>Concerns regarding damage to no.9 Waterloo Park North through removal of earth and established trees were not discussed on previous outline application</i> – Damage during excavation works is a civil matter outside the remit of planning; • <i>Current proposal indicates removal of trees and erection of a wooden fence however there is no mention of a retaining wall to stop possible subsidence of the pathway and protection to the side wall of the property</i> – Plans were amended to show boundaries being retained as per condition no. 6 of outline planning permission LA04/2017/1208/O; • <i>Plans indicate built on a flat surface</i> – Site levels were requested and provided by the applicant; • <i>Proposed dwelling not in keeping with property in the area. Objector wished to ensure planning service aware that no.5 Waterloo Park North is a Listed</i>

9.40	<p>Building – Noted that no.5 Waterloo Park North is listed. The listed building is sufficiently removed from the application site to ensure no impact on its setting;</p> <ul style="list-style-type: none"> • Planning Service to be aware of the SPPS and policy QD1 of Planning Policy Statement 7 – See 9.12 and 9.16-9.37 in this report; • Current carriageway has recently been resurfaced at a cost of over £170k will be damaged by heavy vehicles and connecting services – Noted; • Current carriageway of approx. 7.6m cannot accommodate additional vehicular traffic and risk to young families in the area – DFI Roads were consulted and have no objection to the proposal; • The purchaser/builder has not requested permission to carry out a dilapidation report – The applicant is not required to carry out or submit a dilapidation report for neighbouring buildings for planning; • Large shed erected beside the garden wall of the site poses a direct security threat to the area and the objector as a Justice of the Peace – This was referred to the Planning Enforcement team and a case opened to investigate. The complainant will be informed of the outcome of this enforcement investigation once completed. <p>Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections:</p> <ul style="list-style-type: none"> • Loss of light to 3 main living areas of their home – See 9.24 – 9.27 in this report; • Positioning of house forward of no.11 on sloping site will further reduce light to front sitting room – The dwelling is sited in accordance with condition no.4 of outline planning permission LA04/2017/1208/O; • Impact on privacy of home, conservatory and garden due to being overlooked from large windows to the rear of the proposed property - See 9.24 – 9.28 in this report; • Impact on privacy from 5th bedroom – The 5th bedroom has been removed from the proposal. See 9.19 in this report re dormer windows; • Impact of overlooking into back living room and conservatory from a proposed path - – See 9.24 – 9.28 in this report; • Proximity of both the house and the garage to the back sitting room and conservatory is deemed oppressive and will result in loss of light, privacy and outlook resulting in a loss of enjoyment/amenity of their home - – See 9.24 – 9.28 in this report; • Significant reduction in the quality of home life - – See 9.24 – 9.28 in this report; • Adversely affect the value of home area – This is not a planning consideration; • Due to sloping nature of site proposed garage would almost be same level as ground floor level of home – The proposed Finished Floor Level (FFL) has been shown to be 48.80, with a ridge height of 3.7m from FFL for the garage. This will sit 1m lower than the FFL of the proposed dwelling and below no.11 Waterloo Park North. The lapsed planning permission Z/2011/0161/F for no.11 Waterloo Park North shows the rear conservatory at the rear of the dwelling to be 1.69m above ground level. The case officer report states that there is a difference in ground levels from the front to the rear of approximately 1m. This reflects the topographical survey as submitted by the applicant for this application; • Proposer is a builder who may use garage as a business workshop – This is speculative; • The current driveway through the site was never intended nor used as a car park and was access for 598 Antrim Road. Proposal means that alongside 4 window and a conservatory may become car parking - DFI Roads were consulted and have no objection to the proposal. It is not an uncommon
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relationship in the urban context to have cars parked within a driveway adjacent to a property boundary;

- **Lorries and vans could park here and further block light and views out of the windows** – The proposal is for a residential use and is required to demonstrate sufficient space for 2 incurtilage private parking spaces and the dimensions of which are based on private car. The vehicle type cannot be restricted through a planning condition and it is considered that it would be unnecessary;
- **Objector wishes it to be noted that the proposer intends to live in the proposed dwelling and is a builder** – Noted;
- **Proposed dwelling does not meet planning requirements as there is no local need for a 5 bedroom house. Evidence of this that the very house in whose garden his is to be built remains unsold after over a year on the market** – The applicant is not required to submit a case of need;
- **The site and the original house are overdeveloped** – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O;
- **Garden grabbing and town cramming** - – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O;
- **Proposal contrary to criterion (a), (c) and (h) of Policy QD 1 of PPS 7 as it is not in keeping with the overall character of the area** – It is considered that the proposal complies with PPS 7 and this has been examined at 9.16-9.37 of this report;
- **Proposal is insensitive to the area and would unacceptable impact upon the amenities of the objectors property and other surrounding neighbours** – See 9.23-9.35 in this report;
- **Proposed two storey dwelling would be only 4m away from the objectors dwelling** – the plans show a proposed separation distance on 5.5m between the northern side elevation of the proposed dwelling and the southern side elevation of no.11 Waterloo Park North;
- **Would set an unfavourable precedent in the area** – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area;
- **Proposal results in substandard living accommodation in terms of garden sizes for the both the site and prospective residents of 598 Antrim Road** - The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O;
- **Overshadowing contrary to DCAN 8 which refers to back land development as requiring a minimum plot depth of 80m** – The principle of an infill site has been established under outline planning permission LA04/2017/1208/O. Overshadowing – see 9.22-9.35 of this report;
- **Deeds of 598 Antrim Road forbid the construction of a dwelling on the site** - This is a civil matter outside the remit of planning;
- **The existing 3-4m boundary hedge blocks all views of the 4 important windows along the side elevation** – This boundary will be retained and will ensure no unacceptable overlooking will result;
- **Objectors believe that the original outline planning permission decision was unfair and no account was made of them** – Noted. The objector may wish to make a formal complaint in regards to the outline planning application. Unfortunately those concerns cannot be dealt with through the processing of this Reserved Matters application;

- **Objectors believe no one from planning visited their property before outline approval was granted** – Noted. The objector may wish to make a formal complaint in regards to the outline planning application. Unfortunately those concerns cannot be dealt with through the processing of this Reserved Matters application;
- **From the objectors dwelling they can see clearly over the hedge and garden and the hedge is below window level. The development will remove this outlook** - See 9.17-9.29 in this report;
- **The presented plan make no reference to the window openings and conservatory on the objectors dwelling** - See 9.17-9.29 in this report;
- **The 4 side windows are all south facing and provide considerable afternoon and evening light to two sitting rooms – they are unobstructed by the hedge** - See 9.16-9.28 in this report;
- **The 2 windows in the back sitting room are its only external windows** - See 9.16-9.28 in this report;
- **The front window of dwelling is small and side windows provide sufficient light levels in their home** - See 9.16-9.28 in this report;
- **Front garden will be overlooked** - See 9.16-9.28 in this report;
- **The boundary hedge is over 4m high and 1-2m deep on a sloping site** - See 9.16-9.28 in this report;
- **Objector has lapsed planning permission for an extension Z/2011/0161/F for a single storey extension to rear of existing dwelling and external alterations.** – Noted. This planning permission was granted on 12th April 2011 and expired 3 years ago on 12th April 2016. Planning Service can only consider what is on the ground and not a lapsed permission;
- **Removal of boundary hedge – how can garage/retaining walls for new garage be constructed without the removal of the boundary hedge** – Condition no.6 of outline planning approval LA04/2017/1208/O requires the retention of the existing boundary treatments;
- **Removal of boundary hedge will result in overlooking into the 4 side windows and conservatory** – Condition no.6 of outline planning approval LA04/2017/1208/O requires the retention of the existing boundary treatments. See 9.37 in this report;
- **Objectors dwelling is a much admired architecturally designed mock Tudor house and both sitting rooms are located to be south facing. Proposal would result in loss of light and overlooking** - See 9.16-9.28 in this report;
- **Back sitting room and conservatory – the 2 windows in the gable are the only external windows in this sitting room. New dwelling and garage will block the light and totally obscure view from this room** - See 9.16-9.28 in this report;
- **The ground floor window proposed in the northern elevation of the proposed dwelling will result in overlooking and loss of privacy** - See 9.16-9.28 in this report;
- **Conservatory will be completely overlooked resulting in total loss of privacy** - See 9.16-9.28 in this report;
- **Positioning of the garage on sloping site will result in the front of the garage being in line with the rear elevation of no.11 Waterloo Park North** – The site block plan shows that the proposed garage will not be constructed in line with the rear elevation of no.11 Waterloo Park North;
- **Garage will be constructed at same level as ground floor level of no.11 Waterloo Park North** – The site block plan shows a finished floor level of 48.80;
- **Garage will block light to rear sitting room and conservatory and view from these rooms will be of the garage wall and door** - See 9.16-9.28 in this report;

	<ul style="list-style-type: none"> • Nothing to prevent driveway being levelled out to reduce the incline and further elevate the garage – The proposal before planning service does not include the levelling of the driveway; • Drawings do not show the proximity of the garage and scale in relation to the dwelling at no.11 Waterloo Park North and would be less than 2m from home/conservatory – See 9.20 and 9.23-9.28 in this report; • Complete loss of privacy from all rear facing back windows on the proposed dwelling. The sloping site means the level of the proposed new garage will be at an elevated position and in conjunction with the house will leave the rear garden of no.11 Waterloo Park North completely overshadowed from midday – See 9.20 and 9.23-9.28 in this report; • Potential structural damage to objector's property from excavation works and proposed garage would have to be built up above the garden level and may damage a retaining wall within the garden of no.11 Waterloo Park North – Damage during excavation works is a civil matter outside the remit of planning;
9.41	<p>Ms Julia Stella, the occupier of no.8 Waterloo Park North raised the following points;</p> <ul style="list-style-type: none"> • Proposed design of the dwelling is not in keeping with the established character of the area – See 9.16 to 9.21 in this report. • This stretch of Waterloo Park North is long established and maintains its highly regarded 'desirability' precisely because there is no modern dwellings – See 9.16-9.21 in this report; • Proposal will detrimentally impact upon the value of every home on this stretch – This is not a planning consideration; • Proposed dwelling will detrimentally impact on the privacy of the front garden of no.8 Waterloo Park North due to 5 front windows proposed on the front elevation – See 9.35 in this report.
9.42	<p>Mr Damian Curran, the occupier of no.10 Waterloo Park North, raised the following points:</p> <ul style="list-style-type: none"> • Loss of green space – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area; • Loss of a large tree and hedging – A landscaping plan as per condition no. 7 of the outline planning permission LA04/2017/1208/O has been provided. The tree is not protected by a Tree Preservation Order. The hedge within the centre of the site is not conditioned to be retained and the tree, could be removed by the applicant at any time; • Proposed dwelling will create a looming sense of over development and invasive perception of crowding – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area; • Waterloo Park North is a cul de sac which encourages children to play outside of property boundaries in relative safety. The additional traffic associated with the proposed dwelling will increase health and safety risks amongst children - DFI Roads were consulted and have no objection to the proposal; • Impact on parking - DFI Roads were consulted and have no objection to the proposal; • Excavation of the road and footpath prior to planning permission being granted – Noted.

9.43	<p>Local Elected MP requested a site meeting on behalf of constituents which was held on the 24th October 2018. The objectors from no.9 and 11 Waterloo Park North were in attendance.</p>
9.44	<p><u>Following a site meeting Mr Harold Jacobs JP, the occupier of no.9 Waterloo Park North submitted a further letter;</u></p> <ul style="list-style-type: none"> • Welcomed site meeting – Noted; • Was surprised that a number of issues are considered to be civil issues and outside the remit of planning – Noted; • Was not advised of this on the previous outline application – The previous case officer's report for outline planning permission states that number of issues raised are civil matters and not planning considerations; • It is their opinion that the application was 'railroaded through' with the issues raised not properly addressed - The objector may wish to make a formal complaint in regards to the outline planning application. Unfortunately those concerns cannot be dealt with through the processing of this Reserved Matters application; • Request all issues to be addressed and responded to so that they may consider judicial review – Response issued on 18th December 2018 advising all concerns would be addressed in the case officer report.
9.45	<p>Following the receipt of amended plans removing off the garage from the proposal and detailing levels shown on the proposed plans the application was re-neighbour notified and four representations were received, these are summarised below;</p>
9.46	<p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • The applicant has not removed the 5th bedroom/ ensuite – The applicant was not required nor asked to remove the 5th bedroom. The use of a loft as a bedroom and the proposed dormers would fall within the remit of permitted development. See 9.19 in this report; • Proposal remains unacceptable and is out of character with the properties in the area – See 9.16-9.21 in this report; • Seeking a reply to letter of 25th October – Response issued on 18th December 2018 advising all concerns would be addressed in the case officer report.
9.47	<p><u>Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Wish to have their objections and concerns fairly dealt with - All objections received are fully considered in the decision making process of all applications; • Welcome the removal of the garage – Noted; • Objector wanted confirmation that the garage was not part of the proposal – Noted; • Objector wanted confirmation that the garage would not reappear at a future date without their knowledge – Noted; • Request the removal or obscuring of a window at ground floor level in the northern side elevation of the proposed dwelling – See 9.28 in this report; • Consideration re change in gradient of the driveway and cars parking in it in front of the objectors side windows – The site block plan shows that the site falls from west to east. It is not an uncommon relationship in the urban context to have cars parked within a driveway adjacent to a property boundary.
9.48	<p><u>Ms Magill and Mr Mooney, the occupiers of 598 Antrim Road raised the following objections;</u></p>

	<ul style="list-style-type: none"> • Concern regarding the dwelling being constructed on an elevated site – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area; • Concern the dwelling will be a 5 bedroom property – The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area. There is no restriction on the number of bedrooms permitted within a dwelling; • Ground, first and second floor windows facing in to the rear of 598 Antrim Road – See 9.33 in this report; • Loss of light – See 9.32 in this report; • Overshadowing – See 9.32 in this report; • Overlooking – See 9.33 in this report; • Loss of privacy – See 9.33 in this report; • Detrimental impact on quality of living – See 9.32-9.33 in this report; • Garden overshadowed and loss of privacy – See 9.32-9.33 in this report; • Impact of proposed dwelling on property value – This is not a planning consideration; • Risk of contamination of waste material during and after the build Centre – It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation; • Risk of noise from a live construction site Centre – It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation; • Risk of general health and safety associated with a live construction site Centre – It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation;
9.49	<p>Following the reinstatement of the proposed garage (see 9.9-9.11 in this report) into the proposal and re-neighbour notification the following representations were received;</p>
9.50	<p><u>Ms Julia Stella, the occupier of no.8 Waterloo Park North raised the following points:</u></p> <ul style="list-style-type: none"> • This stretch of Waterloo Park North is long established and maintains its highly regarded 'desirability' precisely because there is no modern dwellings– See 9.16-9.21 in this report. • Proposal will detrimentally impact upon the value of every home on this stretch – This is not a planning consideration; • Proposed dwelling will detrimentally impact on the privacy of the front garden of no.8 Waterloo Park North due to 5 front windows proposed on the front elevation – See 9.35 in this report. • The size and scale of the proposed dwelling will result in loss of light to the front of no.8 Waterloo Park North and impact on the enjoyment of the dwelling – See 9.34 in this report. • Impact of the proposed 6 bedroom dwelling on traffic and parking along Waterloo Park North - DFI Roads were consulted and have no objection to the proposal;

<p>9.51</p>	<ul style="list-style-type: none"> • Proposal is inconsistent with a letter issued by the applicant on the 7th October 2018 stating the proposal was for a retirement dwelling – Noted. The application before the Council is for a new Dwelling. <p><u>Mr Harold Jacobs JP, the occupier of no. 9 Waterloo Park North raised the following objections:</u></p> <ul style="list-style-type: none"> • Correspondence remains unanswered to Mr Jacobs and his elected representatives Mr Nigel Dodds OBE MP – Responses sent on 18th December 2018 and 17th April 2019. Response to Mr Nigel Dodds OBE MP sent 2nd January and 17th April 2019; • Plans show a 6 bedroom house with a high pitched roof and dormer windows which is out of character with the area – See 9.16-9.21 in this report; • 6 bedroom dwelling not in keeping with the applicants statement that it is for a retirement dwelling – Application before the Council is for a new Dwelling; • 6 bedroom dwelling would result in additional traffic on Waterloo Park North - DFI Roads were consulted and have no objection to the proposal; • The area between the proposed dwelling and no.9 Waterloo Park North could result in subsidence – This is speculative. In the event of damage during excavation works is a civil matter outside the remit of planning.
<p>9.52</p>	<p><u>Mr and Mrs Quinn, the occupiers of no. 11 Waterloo Park North raised the following objections:</u></p> <ul style="list-style-type: none"> • How the initial outline planning was approved after having been assessed on the wrong site and therefore your dismissal of my objections were flawed - All objections received are fully considered in the decision making process of all applications. The objector may wish to make a formal complaint in regards to the outline planning application. Unfortunately those concerns cannot be dealt with through the processing of this Reserved Matters application; • The levels on the drawing do not match up with the actual site – No evidence has been provided by the objector to demonstrate this; • Concern that a neighbour had not received a neighbour notification letter – This was an administration error and was rectified immediately; • Concern about how a garage could feasibly be placed across their property without considerable upset and disruption – The proposed garage is located within the red line of the site and sited as per condition no.4 of the outline planning permission LA04/2017/1208/O; • Access issue relating to 598 Antrim Road. The substantial living area to the rear requires access from Waterloo Park North for emergency vehicles and is a significant safety issue - DFI Roads were consulted and have no objection to the proposal. No.598 Antrim Road's access is located on the Antrim Road an Arterial Route; • Request for a further meeting to view topographical survey – Copy of plans forwarded to objector in post; • Stated that planning has discounted all comments regarding – Overdevelopment, massing on the site (cramming), loss of privacy, overlooking, loss of light and amenity, invasion of privacy, safety issues, safeguarding the character of a settled residential area, rights of neighbouring properties - All objections received are fully considered in the decision making process of all applications. See 9.23-9.35 in this report; • Revised plans have increased all these concerns – See 9.23-9.35 in this report; • Request for a further site meeting - A further site meeting is not considered necessary as the Council is fully aware of the concerns Mr Quinn has in regards the proposal;

	<ul style="list-style-type: none"> • Concern the proposal is increasing in size without any consideration being given to current planning guidelines – The proposal complies with the siting and ridge height condition no's. 4 and 5 of the outline planning permission LA04/2017/1208/O; • Request that the applications be forwarded to a senior planner to be assessed and ensure the current residential area is not disfigured due to entrepreneurial drive and a lack of application of rules by planning – Noted. The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O. The site is considered to be an infill site within an urban area. This application seeks to deal with those matters reserved. The application will be presented to Planning Committee for final decision; • Request details of the complaints procedure – Details of complaints procedure forwarded via email to Mr Quinn on 17th April 2019; • Requested information regarding initiating a judicial review – Mr Quinn was advised to liaise with his legal representative on this matter as the Council is not in a position to provide advice in regards to a Judicial Review.
9.53	<p><u>Mr Damian Curran, the occupier of no.10 Waterloo Park North, raised the following points;</u></p> <ul style="list-style-type: none"> • Loss of light, privacy, space and trees, density of buildings. Revised plans propose a larger development reinforcing loss of amenity to the area, out of keeping with the character of the area and be contradictory to planning policy and guidance on the maintenance of sustainable living and environmental protection – See 9.42 in this report; • Impact of a 6 bedroom dwelling on associated parking requirements - - DFI Roads were consulted and have no objection to the proposal; • Original proposal was for a retirement dwelling. Scale of the proposal questions if it is for conventional occupancy or to be used as a business rented on a room by room basis – Noted. See 9.12 in this report. The principle of a dwelling on the site was established as being acceptable under outline planning permission LA04/2017/1208/O. This is speculative that the dwelling will not be used for residential purposes.
9.54	<p><u>Ms Magill and Mr Mooney, the occupiers of 598 Antrim Road raised the following objections;</u></p> <ul style="list-style-type: none"> • Purchased property October 2018 on basis that proposed dwelling was for a retirement dwelling - The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O granted on 4th September 2017. The site is considered to be an infill site within an urban area. See 9.12 in this report; • Since moving have studied plans dated 30th November 2018 and 25th March 2019 and are distressed to discover the proposed dwelling will be built on an elevated site - The principle of a dwelling on the site and the sub-division of the plot was established as being acceptable under outline planning permission LA04/2017/1208/O granted on 4th September 2017. The site is considered to be an infill site within an urban area; • Dwelling has increased from 5 bedrooms to 6 bedrooms – See 9.17 in this report; • Plans include a detached garage directly bordering the rear boundary of 598 Antrim Road, blocking access to services as outlined on the deeds for their property - This is a civil matter outside the remit of planning; • Additional dormer windows added to the second floor increasing the number of windows overlooking 598 Antrim Road from 4 to 6 – See 9.33 in this report;

	<ul style="list-style-type: none"> • Ground, first and second floor windows face into the rear of 598 Antrim Road – See 9.33 in this report; • Concern regarding loss of light, overshadowing, overlooking and/or loss of privacy to the dwelling and garden – See 9.32 in this report; • Impact on value of the property – This is not a planning consideration; • Nuisance due to potential contamination of waste material during and after build – It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation; • Nuisance due to risk of noise from a live construction site – It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation; • Risk to general health and safety associated with a live construction site– It is acknowledged any construction works have temporary impacts which should be managed by the construction team in line with good practice published standards to minimise impacts. Concerns can be raised to the council's Environmental Health Department for investigation; • Lack of a re- neighbour notification letter – This was an administration error and was rectified immediately.
9.55	<p><u>Mr Liam Quinn, the occupier of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Noted a serious error on the plans which has caused immense distress – Noted; • Concern that their dwelling, the hedge and the siting of the proposed dwelling are wrong and that the proposed dwelling in the correct position will result in half the width of the new dwelling being forward of no.11 Waterloo Park North resulting in loss of light and overshadowing most of the day – The proposal complies with the siting and ridge height condition no's. 4 and 5 of the outline planning permission LA04/2017/1208/O. See 9.15-9.16 in this report; • Not in receipt of accurate topographical survey site – No evidence has been provided by the objector to demonstrate this.
9.66	<p>At the time of writing this report re-neighbour notification letters were issued to notify neighbours of reductions to the dwelling and garage to accurately comply with condition no.4 of the outline planning permission. These were issued on the 24th May 2019 and the statutory expiry period will be 7th June 2019, post publication of this report. Four further objections have been received to date are outlined below;</p>
9.67	<p><u>Mr Liam Quinn, the occupier of no. 11 Waterloo Park North raised the following objections. Mr Quinn submitted the below points in 2 emails;</u></p> <ul style="list-style-type: none"> • Queried who generated the overshadowing report – Email sent 31st May 2019 advising that the shadow analysis was generated by the applicant at the request of Planning Service; • Request for a December - Email sent 31st May 2019 advising that the shadow analysis report submitted provided 'Summer' shadow analysis which the agent considers is 'worst case', this is typically how agent's provide this information however, the other seasons have also been requested for information; • Queried the definition of overshadowing - Email sent 31st May 2019 advising that the definition of overshadowing is defined as the effect of a development or

<p>9.68</p>	<p>building on the amount of natural light presently enjoyed by a neighbouring property, resulting in a shadow being cast over that neighbouring property.</p> <ul style="list-style-type: none"> • Objector does not understand how to interpret the photographs and requested advice – Email sent 31st May 2019 advising the case officer report will assess and set out what the likely impacts are of the development in terms of overshadowing. <p><u>Mr Nigel Dodds OBE MP, objected on behalf of Mr Harold Jacobs JP, the occupier of no.9 Waterloo Park North and raised the following objections;</u></p> <ul style="list-style-type: none"> • Advised Mr Harold Jacobs submitted objections to the proposal – Mr Jacobs objections have been received and fully considered. See 9.39, 9.46 & 9.51 in this report; • Advised Mr Harold Jacobs had submitted a number of queries via email and feels aggrieved that he has not been answered – No email correspondence has been received from Mr Jacobs. All correspondence has been via postal letter. Responses issued on 18th December 2018 and 17th April 2019. Response to Mr Nigel Dodds OBE MP sent 2nd January and 17th April 2019. Responses advised all objections raised would be considered in the case officers report; • Mr Jacobs has concern regarding a copy of an indenture between the previous owners, Philip Donnelly and Caitlin Donnelly and the alleged purchasers Gerard and Jeannie Donnelly and that is in Section 1 of the second schedule. Mr Jacobs asks if this refers to the supplies of electricity, gas and water etc. or in uninterrupted passage a right of way to the rear of 598 Antrim Road - This is a civil matter outside the remit of planning; • Mr Jacobs is aware that the previous owners are registered Directors of a Development Company so he feels they have some involvement in the proposed build – Noted. The builder any applicant wishes to appoint is not a planning consideration; • Mr Jacobs not informed of Planning Committee date for June – All applicants and objectors will be notified once the application is confirmed for Planning Committee and reports are cleared and published. All will be advised how to apply to speak at planning committee if they so wish.
<p>9.69</p>	<p><u>Mrs Anne Quinn, the occupier of no. 11 Waterloo Park North raised the following objections;</u></p> <ul style="list-style-type: none"> • Wish for planning to carefully consider the impact of shadowing of window on southern elevation of their property - All objections received are fully considered in the decision making process of all applications. • According to own (planning) report, all four windows and the conservatory would be shadowed by the proposed dwelling – Email sent to Mr Quinn 31st May 2019 advising that the shadow analysis was generated by the applicant at the request of Planning Service; • Shadow analysis only shown for May Email sent 31st May 2019 advising that the shadow analysis report submitted provided 'Summer' shadow analysis which the agent considers is 'worst case', this is typically how agent's provide this information however, the other seasons have also been requested for information; • Queried re impact of shadow in December and no response – Email response sent to Mr Quinn on 31st May 2019. Email forwarded to Mrs Quinn 3rd June 2019. See 9.67 in this report; • A hipped roof would allow more light – See 9.22 to 9.27 in this report; • Previous objections to be taken into account - All objections received are fully considered in the decision making process of all applications.

9.70	In the event of further objections being received these will be registered as late items to Planning Committee.
9.71	<p><u>Other environmental factors.</u> NI Water single units east responded with no objection, providing standing advice. Environmental Health have no objection to the proposal.</p>
9.72	<p><u>Recommendation</u> The proposal is considerable to be acceptable subject to conditions.</p>
9.73	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended and delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.
10.0	Summary of Recommendation: Approval subject to conditions
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development to which this approval relates must be begun by whichever is the later of the following dates:- <ol style="list-style-type: none"> i. The expiration of a period of 5 years from the grant of outline planning permission; or ii. The expiration of a period of 2 years from the date hereof. <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> 2. The dwelling and garage hereby permitted, shall be constructed as per drawings 01C (drawing ref: A419-P02C) and 02C (drawing ref: A419-P01C) both bearing the Belfast Planning Service date stamp 23rd May 2019. <p>Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the approved plans.</p> 3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.02C bearing the date stamp 23rd May 2019, prior to the occupation of any other works or other development hereby permitted. <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> 4. Gates, if erected, shall not open out over the public footway. <p>Reason: In the interests of road safety and the convenience of road users.</p> 5. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Informatives</p> <p>1. The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the planning portal quoting the application reference number.</p>
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>Mr Nigel Dodds OBE MP</p>	
<p>Signature:</p> <p>Date:</p>	

ANNEX	
Date Valid	23rd August 2018
Date First Advertised	7th September 2018
Date Last Advertised	5th April 2019
Details of Neighbour Notification (all addresses)	
<p>Damian Curran 10, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Damien Curran 10, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>The Owner/Occupier, 11 Waterloo Park North, Belfast, Antrim, BT15 5HW,</p> <p>Anne Quinn 11, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Liam and Anne Quinn 11, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Liam Quinn 11, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Liam Quinn 11, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>The Owner/Occupier, 598 Antrim Road, Belfast, Antrim, BT15 5GN,</p> <p>Kieran Mooney 598, Antrim Road, Belfast, Antrim, Northern Ireland, BT15 5GN</p> <p>K Mooney 598, Antrim Road, Belfast, Antrim, Northern Ireland, BT15 5GN</p> <p>The Owner/Occupier, 6 Waterloo Park North, Belfast, Antrim, BT15 5HW,</p> <p>The Owner/Occupier, 8 Waterloo Park North, Belfast, Antrim, BT15 5HW,</p> <p>Julia Stella 8, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Julia Stella 8, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>The Owner/Occupier, 9 Waterloo Park North, Belfast, Antrim, BT15 5HW,</p> <p>Harold Jacobs 9, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Harold Jacobs 9, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Harold Jacobs 9, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Harold Jacobs JP 9, Waterloo Park North, Belfast, Antrim, Northern Ireland, BT15 5HW</p> <p>Nigel Dodds Constituency Office, 39 Shore Road, Belfast, BT15 3PG</p> <p>Nigel Dodds Nigel Dodds MP Advice Centre, 39 Shore Road, Belfast, BT15 3PG</p> <p>Anne and Liam Quinn</p>	

Date of Last Neighbour Notification	24 TH May 2019
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
Drawing No. 01C (drawing ref: A419-P02C) and 02C (drawing ref: A419-P01C) Type: Proposed landscaping plan and streetscape elevation	
Drawing No. (drawing ref: A419-P01C) Type: Site location map, proposed site block plan, floor plans and elevations	