

**Addendum  
Development Management Officer Report  
Committee Application**

| <b>Summary</b>   |  |
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| <b>Committee Meeting Date:</b> Tuesday 18 <sup>th</sup> August 2020  |  |
| <b>Application ID:</b> LA04/2018/2876/F  |  |
| <b>Proposal:</b><br>Residential development comprising 16 units (10 semi-detached and 6 detached), associated landscaping access and car parking.  | <b>Location:</b><br>Lands opposite 13, 15, 17 and 32 Somerdale Park, Belfast.  |
| <b>Referral Route:</b> At the request of the City Solicitor  |  |
| <b>Recommendation:</b>   | Refuse   |
| <b>Applicant Name and Address:</b><br>Conway Estates Ltd<br>58 Moneymore Road<br>Magherafelt<br>BT45 6HG   | <b>Agent Name and Address:</b><br>Gravis Planning<br>1 Pavilions Office Park<br>Kinnegar Drive<br>Holywood<br>BT18 9JQ |
| <p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 21<sup>st</sup> July 2020. The application was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. Member should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>A site visit for elected members took place on Wednesday 12<sup>th</sup> August 2020.</p> <p>No further additional information or letters of representation have been received following the previous Planning Committee meeting.</p> <p><b><u>Summary</u></b></p> <ul style="list-style-type: none"> <li>The site visit by members has taken place.</li> </ul> <p>In conclusion, the recommendation remains as set out in the case officer's report and this addendum.</p> <p><b><u>Recommendation</u></b></p> <p>The proposal is recommended for refusal. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.</p> |  |

**Development Management Officer Report  
Committee Application**

| <b>Summary</b>   |  |
|--|--|
| <b>Committee Meeting Date:</b> Tuesday 21 July 2020  |  |
| <b>Application ID:</b> LA04/2018/2876/F  |  |
| <b>Proposal:</b><br>Residential development comprising 16 units (10 semi-detached and 6 detached), associated landscaping access and car parking.  | <b>Location:</b><br>Lands opposite 13, 15, 17 and 32 Somerdale Park, Belfast.  |
| <b>Referral Route:</b> At the request of the City Solicitor  |  |
| <b>Recommendation:</b>   | Refuse   |
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| <p><b>Executive Summary:</b><br/>The proposal is for full planning permission for a housing development of 16 dwellings, to consist of 10 semi-detached and 6 detached dwellings.</p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Impact on Open Space;</li> <li>• Layout; Parking, access;</li> <li>• Residential Amenity – Outlook, Streetscape, Safety &amp; Surveillance</li> <li>• Height, scale and design;</li> <li>• Other environmental factors.</li> </ul> <p>Under the adopted Belfast Urban Area Plan 2001 the site is zoned as open space and recreation. The 2004 version of Draft Belfast Metropolitan Area Plan also designated the site as lands reserved for open space and recreation. At the public inquiry to draft BMAP 2004 version the PAC recommended the site be re-designated as housing land, which the Department of Environment carried through to 2015 version of Draft Belfast Metropolitan Area Plan 2015 which was unlawfully adopted and subsequently quashed.</p> <p>Therefore, there is a conflict between the statutory adopted BUAP 2001 and the draft BMAP 2015 version. Section 6 (3) of the Planning Act for Northern Ireland 2001 states;<br/><i>'If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved'.</i></p> <p>Significant weight is afforded to the adopted BUAP 2001 and its designation as open space and the draft BMAP 2004 version which also designates the site as existing open space. The 2015 version remains a material consideration however does not carry greater weight than the existing adopted plan the Belfast Urban Area Plan 2001 despite its vintage.</p> <p>Whilst a previous planning application was granted in 1996 for a residential use at this location, this was a decision of the previous Authority, the Department of Environment, a Central Government decision by which the Council is not bound by and was also within a different</p> |  |

policy context, pre the introduction of Planning Policy Statement 8 – Open Space and Recreation.

The applicant was afforded the opportunity to submit a PPS 8 statement to address policy OS 1 but it was not submitted, and the statement that was submitted did not address the policy tests of OS 1 and focused on a reliance on the status of the draft BMAP 2015 version instead and the weight that should be afforded to the site's designation as housing land under the purported to be adopted 2015 version of draft BMAP. This has been considered and addressed in this report. The applicant has failed to address the policy context and therefore the proposed land use for housing is considered unacceptable in principle.

The proposed design, architectural treatment and materials are acceptable. However, the scheme results in overdevelopment as the number of units create a layout dominated by parking, minimal or no front gardens, retaining structures and others with rear gardens backing onto the front access laneway resulting in a safety and surveillance concern at a sensitive interface. The scheme is not reflective of the character of the area, fails to consider the unique location and fails to provide a quality residential environment and is considered to be contrary to policies QD1 of PPS 7 and LC1 of Addendum to PPS7.

Neighbours have been notified and no objections have been received.

Consultees - Environmental Health, NIEA and BCC Local Development Plan NI Water, Rivers Agency, DFI Roads offer no objection to the proposal, subject to conditions.

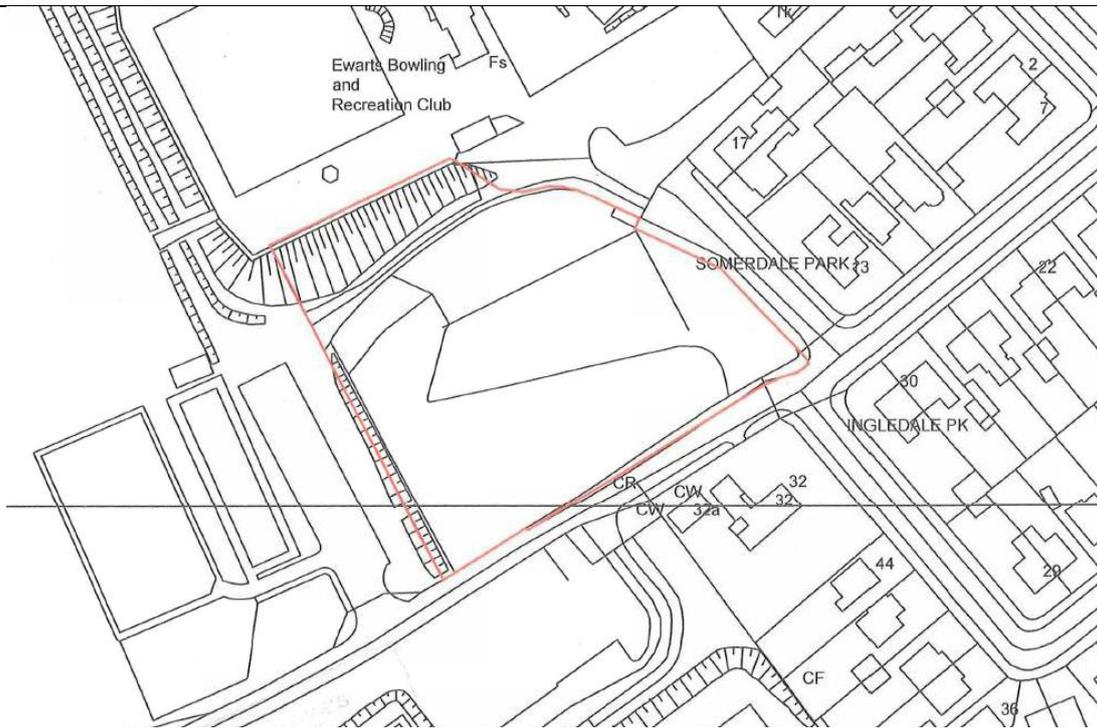
Recommendation:

**Refuse**

Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in paragraph 11 below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Proposed Site Layout



| <b>Consultations:</b>                           |  |                               |
|---|--|-------------------------------|
| <b>Consultation Type</b>                        | <b>Consultee</b>                                     | <b>Response</b>               |
| Statutory                                       | NI Water - Multi Units East - Planning Consultations | Consultation reminder letter  |
| Statutory                                       | DFI Roads - Hydebank                                 | Advice                        |
| Statutory                                       | Historic Environment Division (HED)                  | Content                       |
| Statutory                                       | NI Water - Multi Units East - Planning Consultations | Consultation reminder letter  |
| Statutory                                       | NIEA   | Advice                        |
| Statutory                                       | Rivers Agency  | Advice                        |
| Non Statutory                                   | Env Health Belfast City Council                      | Add Info Requested            |
| Non Statutory                                   | Env Health Belfast City Council                      | Add Info Requested            |
| Statutory                                       | Rivers Agency  | Consultation reminder letter  |
| Non Statutory                                   | NI Water - Multi Units East - Planning Consultations | No objection                  |
| Non Statutory                                   | Env Health Belfast City Council                      | Add Info Requested            |
| Non Statutory                                   | Env Health Belfast City Council                      | Substantive Response Received |
| Statutory                                       | DFI Roads - Hydebank                                 | Advice                        |
| Statutory                                       | DFI Roads - Hydebank                                 | Advice                        |
| Statutory                                       | Rivers Agency  | No objection                  |
| Statutory                                       | DFI Roads - Hydebank                                 | No objection                  |
| Non Statutory                                   | BCC Local Development Plan Team                      | No objection                  |
| Statutory                                       | Rivers Agency  | No objection                  |
| <b>Representations:</b>                         |  |                               |
| Letters of Support                              | None Received  |                               |
| Letters of Objection                            | None Received  |                               |
| Number of Support Petitions and signatures      | No Petitions Received                                |                               |
| Number of Petitions of Objection and signatures | No Petitions Received                                |                               |

| <b>Characteristics of the Site and Area</b>                            |  |
|--|--|
| <b>1.0</b>   | <b>Description of Proposed Development</b>   |
| 1.1  | The proposal is for full planning permission for a housing development consisting of 16 dwellings, to consist of 10 semi-detached and 6 detached dwellings.  |
| <b>2.0</b>   | <b>Description of Site</b>   |
| 2.1  | The site is located at lands opposite 13, 15, 17 and 32 Somerdale Park, Belfast. The site is a green field site that has been cleared of vegetation. The site gently falls from the north west to the south east and from the north east to the south west. The site is bounded by approximately 2m metal fencing along all of the site boundaries with a gate providing access to the site from Somerdale Park, north of the existing laneway which provides pedestrian and service vehicle access to Clarendon Park and playing fields.  |
| 2.2  | The area is characterised by two storey semi-detached and detached residential dwellings with front and rear gardens with incutillage parking. Dwellings are finished in red brick, with render detail with pitched slate roofs. To the west of the site is Clarendon Park and playing fields and to the north Ewatts Bowling and Recreation Club.   |
| <b>Planning Assessment of Policy and other Material Considerations</b> |  |
| <b>3.0</b>   | <b>Site History</b>  |
| 3.1  | Z/1995/2859 - Land opposite no 17 Somerdale Park, Belfast, BT14 - Housing development (17 dwellings) - amended layout - Permission Granted   |
| 3.2  | Z/1987/1679 - Land adjacent to Clarendon Park Playing Fields, Somerdale Park, Crumlin Road, Belfast BT14 7HD - Housing development - Permission Granted  |
| 3.3  | Z/1982/1535 - Somerdale Park, Crumlin Road, BT14 - Erection of 16 old persons dwellings - Permission Granted   |
| <b>4.0</b>   | <b>Policy Framework</b>  |
| 4.1  | Belfast Urban Area Plan 2001   |
| 4.2  | Draft Belfast Metropolitan Area Plan 2015 (2004 Version)   |
| 4.3  | Draft Belfast Metropolitan Area Plan 2015  |
| 4.4  | <ul style="list-style-type: none"> <li>4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>4.4.2 Planning Policy Statement 3: Access, Movement and Parking</li> <li>4.4.3 Planning Policy Statement 7: Quality Residential Environments</li> <li>4.4.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas</li> <li>4.4.5 Planning Policy Statement 8: Open Space and Recreation</li> <li>4.4.6 Planning Policy Statement 12: Housing in Settlements</li> <li>4.4.7 Planning Policy Statement 15: Planning and Flood Risk</li> <li>4.4.8 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas</li> <li>4.4.9 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards</li> </ul> |

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|            | 4.4.10 Creating Places  |
| <b>5.0</b> | <b>Statutory Consultees Responses</b>   |
| 5.1        | DFI Roads – No objection subject to conditions  |
| 5.2        | NI Water Multi Units East – No objection  |
| 5.3        | Rivers Agency – No objection  |
| 5.4        | NIEA were consulted and advised of the following; <ul style="list-style-type: none"> <li>• Drainage and Water provided standing advice;</li> <li>• Land, Soil and Air has no objection to the proposal subject to conditions;</li> <li>• Natural Heritage and Conservation Areas has no objection.</li> </ul>   |
| <b>6.0</b> | <b>Non Statutory Consultees Responses</b>   |
| 6.1        | BCC Environmental Health - No objection subject to conditions.  |
| 6.5        | BCC Planning – Local Development Plan team – No objection   |
| <b>7.0</b> | <b>Representations</b>  |
| 7.1        | The application has been neighbour notified and advertised in the local press; no representations from neighbours have been received.   |
| <b>8.0</b> | <b>Other Material Considerations</b>  |
| 8.1        | The adopted Belfast Urban Area Plan 2001 designates the site as lands reserved for landscape, amenity or recreation use.  |
| 8.2        | Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as lands reserved for open space and recreation.   |
| 8.3        | Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site was designated as housing land WB 04/02.   |
| 8.4        | Living Places an Urban Stewardship and Design Guide for Northern Ireland.   |
| <b>9.0</b> | <b>Assessment</b>   |
| 9.1        | The Key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Impact on Open Space;</li> <li>• Layout; Parking, access;</li> <li>• Residential Amenity – Outlook, Streetscape, Safety &amp; Surveillance</li> <li>• Height, scale and design;</li> <li>• Other environmental factors.</li> </ul>                  |
| 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. The site is located within the settlement development limit for Belfast in the adopted and both draft versions 2004 and 2015 of BMAP. |

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| 9.3  | <p>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.</p>   |
| 9.4  | <p>Section 6 (3) of the Planning Act for Northern Ireland 2001 states;<br/> <i>'If to any extent a policy contained in a local development plan conflicts with another policy in that plan the conflict must be resolved in favour of the policy which is contained in the last development plan document to be adopted or, as the case may be, approved'.</i></p>  |
| 9.5  | <p>Under the adopted Belfast Urban Area Plan 2001 the site is zoned as lands reserved for landscape, amenity or recreation use. Under the 2015 version of Draft Belfast Metropolitan Area Plan 2015 which was unlawfully adopted and subsequently quashed, the site was zone for housing land. This was an amendment from the 2004 version of Draft Belfast Metropolitan Area Plan which designated the site as lands reserved for open space and recreation. The designation of the site within the LLPA was the subject of objection 2209 of dBMAP 2004.</p>  |
| 9.6  | <p>At the public enquiry the PAC report referred to the granting of housing on the site in 1997 and that the PAC had been informed by the Department that consultees had no objections and Belfast City Council did not require the land as open space. The PAC report stated that Belfast City Councils position had not changed since and given the adjoining parks, that this was understandable. The Department maintained that the site should be retained as open space and that the introduction of PPS 8 marked a change in circumstances since the previous approval. However the PAC stated in the report that they did not necessarily agree with this proposition as BUAP 2001 designated the site as an area reserved for landscape, amenity and recreational use and Policy R1 referred to the protection of existing open spaces; the 1997 permission was allowed within this context.</p> |
| 9.7  | <p>The PAC report stated that the site was fenced off for many years, had no public access, limited amenity value and the large parks adjacent to the site and that Belfast City Council had no interest in the site. It was on this basis that the PAC recommended the exclusion of the site from the Local Landscape Policy Area BT 125 (dBMAP 2014), the recommendation was accepted by the Department and it was instead zoned for housing (WB 04/02 – marked as WB 04/14 in error on map) in the 2015 version of draft BMAP which was unlawfully adopted.</p>  |
| 9.8  | <p>The PAC, in recent decisions, have afforded no weight to the unlawfully adopted BMAP – now the 2015 draft version of BMAP.</p>   |
| 9.9  | <p><i>'The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan (2015) (BMAP) to be unlawful on 18<sup>th</sup> May 2017. I therefore attach no weight to the unlawfully adopted version of BMAP. A consequence of this Court of Appeal judgement is that the Belfast Urban Area Plan 2001 (BUAP), despite its vintage, operates as the statutory local development plan (LDP) for the proposal'.</i> (PAC decision 2018/A0102)</p>  |
| 9.10 | <p>Given the stage to which the Plan had progressed, prior to the Court of Appeal decision, Council do afford weight in their decision making process however, given the stance of the PAC, it is considered that lesser weight can be afforded than that which is afforded to the 2004 version of draft BMAP and the adopted BUAP 2001. Considering that the site is designated as an area reserved for landscape, amenity or recreation use as per the adopted BUAP</p>   |

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|      | 2001 Policy R1 of BUAP 2001 and Policy OS1 of PPS 8 must therefore be considered and the application assessed accordingly.   |
| 9.11 | <p><b><u>Policy R1 – Protection of Existing Open Spaces – BUAP 2001</u></b></p> <p>Policy R1 – Protection of Open Spaces in the Belfast Urban Area Plan 2001 aim to maintain the overall level of recreation provision of both public and private open spaces within the built up area will be retained. Policy R1 states that in exceptional circumstances, the Authority may permit development on open space where it is satisfied that it is in the public interest taking into account several factors including;</p> <ul style="list-style-type: none"> <li>• The level of public recreation provision available within the locality and in adjoining neighbourhoods;</li> <li>• Alternative recreation facilities accessible to the local population or users of the particular facility;</li> <li>• The impact on the amenity of the surrounding area;</li> <li>• Alternative needs for recreation or open space use;</li> <li>• The achievement of other objectives of the plan.</li> </ul> |
| 9.12 | The policy states that it may be necessary in some localities to allow a minor part of existing open space to be developed to meet pressing community needs such as sheltered housing, community centres or church-based schemes. The proposal is not for any of those community needs and therefore fails to comply with policy R1 on this basis.   |
| 9.13 | The applicant has failed to demonstrate the exceptional circumstances under which the Authority would permit the loss of the space under policy R1. The site has been fenced with no public access so does not impact on the level of available recreation provision and is adjacent to Clarendon Park. However, in terms of the impact on the amenity of the surrounding area, the site consists an area of 0.57ha, which if lost would detrimentally impact on the surrounding area as there will be a net loss of open space available in the area by replacing it with built form and will not maintain the overall level and therefore the proposal fails the requirements of policy R1.  |
| 9.14 | <p><b><u>Principle of development and use</u></b></p> <p>Whilst the previous planning applications granted residential use at this location, they were granted in excess of 25 years ago and have expired long ago. They were Department of Environment (DOE), Central Government decisions by which the Council is not bound and were taken within a different policy context, pre the introduction of Planning Policy Statement 8 – Open Space and Recreation.</p>   |
| 9.15 | It is acknowledged that the PAC stated in their public inquiry report that they did not necessarily agree with the Department of Environments stance that the previous housing approvals were pre the introduction of PPS 8 and therefore a different policy context. The PAC stated that Policy R1 of BUAP 2001 referred to the protection of existing open spaces. However this application must be considered under the current policy context which includes policy PPS 8. The key difference between policy R1 of BUAP 2001 and policy OS1 of PPS 8, is that the policy test requires the applicant to provide an alternative open space provision to offset the loss of open space from the proposal site. Without a PPS 8 statement as discussed at 9.22 in this report, which addresses the policy tests as set out in policy OS1, the applicant has failed to meet the policy requirements and therefore the proposal is contrary to policy OS 1 – Protection of Open space of PPS 8.       |
| 9.16 | <p><b><u>Impact on Open Space</u></b></p> <p>The Court of Appeal declared the adoption of BMAP to be unlawful on 18 May 2017. A consequence of this Court of Appeal judgement is that the BUAP, despite its vintage, as</p>  |

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|      | <p>already referred to above, operates as the LDP for the area. A further consequence of the judgement is that the draft BMAP, published in 2004, is a material consideration in the determination of planning applications. Draft BMAP 2004 version retains the proposal site as lands reserved for landscape, amenity or recreation use.</p>   |
| 9.17 | <p>BCC Local Development Plan (LDP) team were consulted and commented in regards to the PACs report into the public inquiry of draft BMAP 2004 and previous housing approvals. BCC LDP advised that given that draft BMAP 2015 was at its most advanced stage, that its designation as zoned housing land was a material consideration that merits considerable weight and that it was reasonable to treat the site as suitable for housing from a policy perspective. However, as previously mentioned at 9.9 in this report, a lesser weight is afforded to the draft BMAP 2015 version which was purported to be adopted and subsequently quashed. With greater weight afforded to the BUAP 2001 designation for landscape, amenity and recreation use and the draft 2004 version of BMAP 2015 in which the site was existing open space. PPS8 is therefore a material consideration.</p> |
| 9.18 | <p>Annex A of PPS 8 defines the typology and functions of open space. The proposal site, prior to clearance of the site, in respect of typology the site would have fallen within natural and semi-natural urban green space – woodland. However, the woodland on the site has been cleared and the typology has changed to amenity green space. In terms of the functions the proposal site serves as a strategic function – separating the urban area with Clarendon Park and playing fields acting as green lungs and a landscape buffer; urban quality – providing visually attractive green space close to where people live; visual amenity – despite no public access to the site, the site provides a positive outlook and provides variety in the urban landscape.</p>  |
| 9.19 | <p>Policy OS 1 of PPS 8 states that development that will result in the loss of existing open space will not be permitted irrespective of its physical condition and appearance. Exception will only be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. A further exception is where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area, and where the site is an open space of 2 hectares or less, alternative provision is made by the developer, which is at least as accessible to current users and at least equivalent in respect of size, usefulness, attractiveness, safety or quality.</p>   |
| 9.20 | <p>A PPS 8 statement was requested to address the requirements of policy OS 1 as set out above. The agent subsequently submitted a statement of case for the proposal which did not address the policy tests as set out in policy OS 1 of PPS 8 and refers to an Appeal decision (2018/A0137). This appeal decision was considered and considered not to be comparable to the proposal site and involved a piece of land mapped in error in dBMAP. The agent was advised that the tests in PPS 8 had not been addressed and the proposal was contrary to policy OS 1 – Protection of Open Space.</p>   |
| 9.21 | <p>The Strategic Planning Policy Statement for NI (SPPS) defines open space as;<br/> <i>'Open space is taken to mean all open space of public value, including not just land, but also inland bodies of water such as rivers, canals, lakes and reservoirs which offer important opportunities for sport and outdoor recreation and can also act as a visual amenity'.</i></p>   |
| 9.22 | <p>Paragraph 6.200 of the SPPS reiterates PPS 8 that open space whether or not there is public access to it is important for its contribution to the quality of urban life by providing important green lung, visual breaks, wildlife habitats in built up areas and can enhance the character of the residential areas.</p>   |

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| 9.23 | <p>The SPPS sets out a presumption against the loss of open space irrespective of its physical condition and appearance in paragraph 6.205, with exception to this being only where it has been demonstrated that redevelopment of the site would bring substantial community benefit that outweighs the loss of open space. A further exception is where, it is demonstrated that the loss of open space will have no significant detrimental impact. Without the submission of a PPS 8 statement which specifically responds to the policy requirements, the applicant has failed to demonstrate that the proposal would not have a significant detrimental impact.</p> |
| 9.24 | <p><b><u>Height, Scale, Massing and Design</u></b><br/>The proposed development includes:</p>   |
|      | <p><b>House Type A – Semi - Detached – Plot 7-10</b><br/>Two storey, 3 bedroom, 5 person dwelling<br/>Height – 8.6m from FFL<br/>Eaves – 5.2m from FFL<br/>Gable Depth – 10.1m<br/>Length – 5.7m<br/>Floor space – 94.25m<sup>2</sup> approx.</p>   |
| 9.25 | <p><b>House Type B – Semi-detached – Plot 13</b><br/>Two storey, 3 bedroom, 5 person dwelling<br/>Height – 8.2m from FFL<br/>Eaves – 5.3m from FFL<br/>Gable Depth – 11.6m<br/>Length – 6.2m<br/>Floor space – 117.00m<sup>2</sup> approx.</p>  |
| 9.26 | <p><b>House Type C – Detached - Plots 1, 2, 3 &amp; 16</b><br/>Two storey, 3 bedroom, 5 person dwelling<br/>Height – 8.3m from FFL<br/>Eaves – 5.3m from FFL<br/>Gable Depth – 7.3m<br/>Length – 8.8m<br/>Floor space – 103.63m<sup>2</sup> approx.</p>   |
| 9.27 | <p><b>House Type D – Semi-detached – Plots 11, 12, 14 &amp; 15</b><br/>Two storey, 3 bedroom, 5 person dwelling<br/>Height – 8.6m from FFL<br/>Eaves – 5.2m from FFL<br/>Gable Depth – 10.4m<br/>Length – 12.4m<br/>Floor space – Left Side semi -106.10m<sup>2</sup> approx.<br/>Right Side semi -103.56m<sup>2</sup> approx.</p>  |
| 9.28 | <p><b>House Type E – Detached – Plot 6</b><br/>Two storey, 3 bedroom, 5 person dwelling<br/>Height – 8.6 m from FFL<br/>Eaves – 5.2m from FFL<br/>Gable Depth – 10.1m<br/>Length – 5.9m<br/>Floor space – 94.05m<sup>2</sup> approx.</p>  |
| 9.29 | <p><b>House Type G – Semi-Detached – Plots 4 &amp; 5</b><br/>Two storey, 3 bedroom, 5 person dwelling</p>   |

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|      | <p>Height – 8.6m from FFL<br/> Eaves -5.3m from FFL<br/> Gable Depth – 8.1m<br/> Length – 13.3m<br/> Floor space – 88.68m<sup>2</sup> approx.</p>   |
| 9.30 | <p>The proposed height, design and finishes of the proposed dwellings are considered to be acceptable and in keeping with adjacent residential dwellings which are a mix of red brick and render finishes. The architectural approach is modern yet sympathetic to its context, following the design code from the architecture in the local area.</p>  |
| 9.31 | <p><b><u>Layout</u></b><br/> The area of Somerdale and surrounding streets displays a traditional form and layout with detached and semi - detached dwellings set in traditional plots with front and rear gardens and side driveways set out in uniform streets with footpaths. Policy QD 1 of planning policy Statement 7 – Quality Residential Environments also considers the impact of the proposal on the character of the area. It is considered that the proposal fails to take account of the area in its general layout characteristics and does not reflect the best of local tradition and form which includes front gardens, a generally uniform building line, footpaths and generous rear gardens. The proposed level of hardstanding for the provision of car parking is considered to be excessive resulting in an unacceptable layout, impacting on the amenity of prospective residents.</p>   |
| 9.32 | <p>In terms of density, the proposed density is higher when compared to the area in which the site is located. The proposal would also be out of keeping with the pattern of development in the area. This is demonstrated, by the open plan layout and the smaller plot sizes with gardens which are smaller in comparison to existing dwellings in the area; the ‘hemming in’ of the proposed dwellings at plots 4 and 5 by retaining walls, the lack of provision of front garden areas or minimal garden areas for plots 1, 2, 4, 5, 11, 12, 14, 15 and 16 as well as the extensive hardstanding required to provide the necessary parking for the number of dwellings proposed. The outlook for Plots 11 and 12 is unacceptable, as they will look directly out onto parking spaces.</p>   |
| 9.33 | <p>The site has an open plan layout which is not characteristic of the area, the type of units would indicate family homes yet the proposed layout does not include the provision of a 2m wide footpath and therefore the car will dominate the layout. In addition the provision of 8 on street parking spaces to meet parking requirements leaves no scope for facilitating a footpath within the development and will detrimentally impact on the quality of the environment.</p>  |
| 9.34 | <p><b><u>Provision of amenity space</u></b><br/> All of the 16 proposed dwellings exceed the minimum requirement of 40m<sup>2</sup> and the recommended 70m<sup>2</sup> private amenity space as set out in creating places. Due to the sloping nature of the site, the applicant proposes to cut into the site and to construct retaining structures around the north, west and eastern boundaries. In addition, retaining structures will be formed inside the garden areas, to the rear of each dwelling, to enable the provision of more level and useable private amenity spaces for the proposed dwellings. Given the orientation of the dwellings along the north western and north eastern boundaries of the site the rear gardens will be north facing and therefore will not benefit from light during the majority of the day. In the morning and evening time the retaining structures may result in some shadow to the ground floor of the proposed dwellings.</p> |
| 9.35 | <p>The side of dwelling 4 and 6 will be dominated visually by a double retaining wall as will the rear of dwellings 4 and 5 resulting in narrow raised garden areas exacerbated by the fact that</p>  |

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|      | they are north facing, resulting in poor amenity and poor outlook. All of these are symptoms of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate.   |
| 9.36 | Therefore, the proposed layout is unacceptable and if permitted would detrimentally impact, on the local character and environmental quality if the area and is considered to be contrary to criterion (a), (e), (g), (h) and (i) of policy QD 1 of PPS 7 and criterion (a) and (b) of Policy LC 1 of the Addendum to PPS 7.  |
| 9.37 | In terms of the required minimum space standards, private amenity provision and parking provision, the proposed dwellings meet and exceed the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas and therefore is in accordance with criterion (c ) of policy LC 1.   |
| 9.38 | <b><u>Residential Amenity – Streetscape, Safety &amp; Surveillance</u></b><br>The site is located at a sensitive interface location and fronts Somerdale Park, at this point the roadway narrows and is divided by a security turnstile and gate across the entire width of the laneway. This presents a unique situation and potential conflict. The lane allows access for pedestrians through a turnstile and service vehicles to Clarendon Park from the Crumlin Road end and to pedestrians from Ballygomartin and Glencairn across Forthriver Bridge.   |
| 9.39 | Creating Places advises that rear gardens should never be orientated to face out onto the public road, dwellings should front the street. The rear gardens of dwellings 11, 12 and 13 are orientated to back on to the laneway to Clarendon Park and Forthriver Bridge. They do not front the laneway or provide a continuation of the existing streetscape. Instead a 1.6m/ 1.8m high brick wall and railing is to bound almost the entire frontage of the site.   |
| 9.40 | As the proposed dwellings do not front Somerdale Park but back on to the lane, this will not allow for sufficient surveillance and will impact on the actual or perceived safety and security for prospective residents. This is a further demonstration of overdevelopment of the site. Paragraphs 4.14 -4.16 of PPS 7 states, that <i>'the design or house types and other buildings, the relationship between them, their relationships to streets and the spaces created around them will all strongly influence the character of the overall site and its surroundings and contribute significantly to the quality and identity of the new residential environment'</i> . Para.4.15 specifically refers to properties <i>'backed onto nearby roads or other public areas and creating unsightly views'</i> and failing to provide an attractive outlook from the proposed dwellings and views of the proposed dwellings from public areas. Para. 4.16 states <i>'All buildings should be located and orientated to front onto existing and proposed roads to present an attractive outlook... with particular regard for corner sites'</i> . |
| 9.41 | The proposed layout would result in the frontage of the site being effectively sub-divided by the existing turnstile and railing resulting in a layout where houses do not address the front of the street and this combined with the turnstile railing would also result in three of the houses backing onto the lane which has the potential to compromise safety and surveillance. PPS 7 Policy QD1 (h) requires personal safety to be considered in housing layouts amplifying text at para 4.39 advises that "The design of new developments should seek to provide a feeling of security and a sense of vitality in all parts of the layout. To enhance security from crime, the back gardens of dwellings should be enclosed and back onto each other. Public areas such as open spaces, pedestrian routes and cycle linkages should be overlooked by the fronts of dwellings and other buildings to provide maximum surveillance. Narrow, potentially unfrequented or unsupervised routes for pedestrians and cyclists will not be acceptable".   |
| 9.42 | Further guidance is contained in Living Places. A physical barrier exists at the front boundary and 'no man's land' to the south of the site demarcates a boundary within the neighbourhood.  |

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|      | <p>Living Places document states that in the context of continued efforts to jointly resolve such complex issues, that the provision of 'neutral' urban space will remain especially important. However, the unique setting of the proposal site, north and immediately adjacent to an interface and the turnstile dissecting the front boundary of the site, combined with the proposed layout and orientation of the dwellings raises concerns in terms of the safety and surveillance for prospective residents. There are no plans for the turnstile and gates to be removed, therefore there is also potential for the traffic through the gates to be a nuisance for prospective residents. The proposed layout does not provide a neutral urban space between the two communities and may pose a risk to a safe environment as a place to live. This could however could have potentially been addressed by an amended layout dealing with the issues raised. The applicant was afforded an opportunity to amend the scheme but chose not to and in its current form the proposal is considered contrary to the guidance set out in the Living Places document.</p> |
| 9.43 | <p>In this instance, it is the relationship between the proposed development, with the adjacent lane and existing security gates combined with the over development of the site which is resulting in an unacceptable relationship between the two and would fail to create a quality residential environment for prospective residents. It is considered, that the proposal is contrary to criterion (i) of policy QD 1.</p>  |
| 9.44 | <p><b><u>Impact on Neighbouring Residential Amenity</u></b></p> <p>In terms of the residential amenity of existing residents, given the sufficient separation it is considered that the proposed residential development will not result in negative amenity impacts. In terms of overlooking and overshadowing the proposal will not result in significant detrimental impact to the residential amenity of existing nearby dwellings. The existing Somerdale Park, access road to the Ewarts Bowling and Recreation Club and laneway to Clarendon Park provide sufficient separation distances, a minimum of 17m between the site and existing dwellings.</p>  |
| 9.45 | <p><b><u>Parking Provision and Access</u></b></p> <p>Transport NI were consulted and have no objection to the proposal. Incurtilage parking for two cars is provided for each of the dwellings and an additional 10 visitor parking spaces. Whilst DFI Roads are satisfied, the level of hard standing required to deliver this is considered excessive and is a result of over development.</p>   |
| 9.46 | <p><b><u>Other Environmental Factors</u></b></p> <p>NI water were consulted and have no objection to the proposal.</p>   |
| 9.47 | <p>Environmental Health were consulted and requested the submission of a Preliminary Risk Assessment, Generic Quantitative Risk Assessment (GQRA), noise impact assessment and an updated site and development-specific Remediation Strategy. Following the submission and consideration of these, Environmental Health has no objection to the proposal.</p>  |
| 9.48 | <p>NIEA was consulted and provided standing advice in relation to drainage and water. NIEA Land, Soil and Air recommended the attachment of conditions.</p>  |
| 9.49 | <p>NIEA Natural Heritage advised prior to the clearance of the site the woodland would have likely conformed to PPS 2 NH5 – other natural heritage feature worthy of protection and the likelihood that protected and priority species were supported by the site and therefore may have been disturbed and displaced by the site clearance.</p>   |
| 9.50 | <p>Rivers agency has no objection to the proposal.</p>   |

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| 9.51  | <p><b><u>Recommendation</u></b><br/>The proposal is considerable to be unacceptable and refusal of planning permission is recommended.</p>  |
| 9.58  | <p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended. Delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>   |
| <b>10.0</b>                                     | <b>Summary of Recommendation: Refusal</b>   |
| <b>11.0</b>                                     | <p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.205 and Policy OS1 of Planning Policy Statement 8 - Open Space, Sport, and Outdoor Recreation, in that the development, if permitted, would result in the loss of existing open space and the applicant has failed to demonstrate exceptional reasons to decisively outweigh the loss of open space.</li> <li>2. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout through the overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of prospective residents as the layout will be dominated by parking and retaining structures, resulting in a poor quality living environment.</li> <li>3. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, not be in keeping with the overall character and environmental quality of the established residential area. If permitted would result in an over developed site and pattern of development which would introduce to the location a density and uncharacteristic layout which will result in negative impact on the street scene to the detriment of the quality of the area.</li> <li>4. The proposal is contrary Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments, paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement (SPPS) for Northern Ireland and Living Places in that if permitted would result in a layout that is not designed to promote safety and security and has the potential to detrimentally impact on the residential amenity of prospective residents.</li> </ol> |
| <b>Notification to Department (if relevant)</b> |   |
| N/A   |   |
| <b>Representations from Elected members:</b>    |   |
| N/A   |   |

| <b>ANNEX</b>   |                    |
|--|--------------------|
| <b>Date Valid</b>  | 4th December 2018  |
| <b>Date First Advertised</b>   | 21st December 2018 |
| <b>Date Last Advertised</b>  | 21st December 2018 |
| <b>Details of Neighbour Notification</b> (all addresses)<br>13 - 19 Somerdale Park, Belfast, Antrim, BT14 7HD<br>21 Somerdale Park, Belfast, Antrim, BT14 7HD<br>29 Somerdale Park, Belfast, Antrim, BT14 7HD<br>30 Somerdale Park, Belfast, Antrim, BT14 7HD<br>32 Somerdale Park, Belfast, Antrim, BT14 7HD<br>32a , Somerdale Park, Belfast, Antrim, BT14 7HD                 |                    |
| <b>Date of Last Neighbour Notification</b>   | 8th January 2019   |
| <b>Date of EIA Determination</b>   | N/A                |
| <b>ES Requested</b>  | No                 |
| <b>Drawing Numbers and Title</b><br><br>Drawings 01-08, 3129-PL03, 3129-PL08 and 3129-PL09.<br>Site Location Map, Existing and Proposed Site Layout Plan, Proposed Elevations and Floor Plans, Existing and Proposed Site Sections, Proposed Road Sections, Private Streets Determination Drawings, Proposed Retaining Wall Details – Boundaries A, B, C, D and private gardens. |                    |