

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/1537/F	<b>Date of Committee:</b> 15 September 2020
<b>Proposal:</b> Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works.	<b>Location:</b> 28 Piney Lane, Belfast, BT9 5QS.
<b>Referral Route:</b> Councillor referral <b>Reason:</b> To afford applicant opportunity to address Committee with respect to road layout / traffic	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Tony Jordan 28 Piney Lane Malone Upper Belfast	<b>Agent Name and Address:</b> McGurran Associates Ltd 551-555 Lisburn Road Belfast BT9 7GQ
<p><b>Executive Summary:</b></p> <p>The proposal is for 'Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works'.</p> <p>The key issues to consider are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Impact on character of the area</li> <li>• Impact on amenity</li> <li>• Impact on road safety</li> <li>• Impact on the Lagan Valley AONB</li> </ul> <p>No representations were received in respect of the proposed development.</p> <p>The proposal includes the subdivision of one existing residential plot into two plots for residential dwellings and utilises a shared access and parking area for both dwellings. On balance, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p> <p>There are no residential amenity concerns, acceptable private amenity space is proposed and proposed landscaping assists with integration and softening of the proposed development. With regard to the surrounding residential context, the proposal is sympathetic to the character of the Lagan Valley AONB. Proposed parking arrangements are considered acceptable, whilst an acceptable movement pattern is proposed, including pedestrian and cycle access to Piney Lane.</p> <p>However, following consultation with DFI Roads, it is considered that the proposed access is unacceptable due to the potential impact on road safety.</p> <p>Case officer recommendation is therefore Refusal.</p>	

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	<p>The proposal is for 'Replacement of existing dwelling with 2no. detached dwellings and new access onto New Forge Lane with associated landscape works'.</p> <p>The proposed dwellings utilise a shared access and parking area. Vehicular access is taken from New Forge Lane with proposed pedestrian access to and from Piney Lane. The proposed dwellings are 2 storey in height and are finished in white render, slate roof and grey uPVC windows. House type B includes a one storey flat roofed side extension.</p>
<b>2.0</b>	<b>Description of Site</b>
2.1	<p>The site is located within the urban area of Belfast. There is currently one large two storey detached dwelling and garage located on the site, located at the end of a cul de sac. There are two accesses into the site, one via Piney Lane and another via Newforge Lane. The dwelling sits on a site between two existing dwellings, No. 26 and No. 37. The party boundary with No. 37 is partly defined by mature hedgerow and shrubbery and partly undefined due to ongoing construction works at No. 37. The boundary with No. 26 and the rear boundary of the site are defined by mature hedging and shrubbery.</p>
2.2	<p>The surrounding area is characterised primarily by residential development. The majority of dwellings are detached, with generous plot sizes. There is a business park located approximately 300 metres to the south of the site, further along Newforge Lane.</p>
	
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>

3.1	LA04/2019/0293/F - Demolition of existing house and construction of two new houses - Withdrawn.
3.2	LA04/2017/1133/F - Erection of 2 dwellings with first floor terrace. Vehicular access from Newforge Lane and Piney Lane - Refused 22/9/17.
3.3	Z/2000/2121/F - Alterations and first floor extension to dwelling, with new vehicular access to rear - Granted 30/10/00.
3.4	Z/1989/0446/F - Extensions to dwelling and construction of rear access - Granted.  <b>Surrounding Planning History:</b>
3.5	Z/2011/0749 - Erection of new dwelling to the rear of 35 Piney Lane with associated parking and landscaping - 35 Piney Lane, Belfast – Granted.
3.6	Z/2014/1557/F – 4 No. Detached dwellings with associated car parking and landscaping - 20 Piney Lane, Belfast – Granted.
3.7	Z/2012/0770/F - Demolition of existing dwelling and proposed 4no detached dwellings - 4a Newforge Lane, Belfast – Granted.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2004 (Draft BMAP)
4.3	Draft Belfast Metropolitan Plan 2015 (Draft BMAP)
	4.1.1 Lagan Valley Area of Outstanding Natural Beauty (AONB)
4.3	Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – Objection to the proposed access
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection
6.2	NI Water – No objection
<b>7.0</b>	<b>Representations</b>
7.1	No representations were received in respect of the proposed development.
<b>8.0</b>	<b>Assessment</b>

8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.2	<p>The site is not zoned within either BUAP or draft BMAP. The site is however located within the Lagan Valley Area of Outstanding Natural Beauty (AONB). A Design &amp; Access statement has been submitted in accordance with the requirements of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS advises that within established residential areas, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents. The SPPS also encourages sustainable forms of development, balanced communities and good design.</p>
8.4	<p><u>Character / layout</u></p> <p>The proposal includes the subdivision of one existing residential plot into two plots for residential dwellings and utilises a shared access and parking area for both dwellings. The existing site has dual access points to the single dwelling from Piney Lane and New Forge Lane, with the Piney Lane access used primarily. Proposed access to the two dwellings is taken directly from Newforge Lane.</p>
8.5	<p>The site is located within the existing Piney Hills residential development, with a general characteristic of detached dwellings in generous sized plots. The general characteristic of residential development along Newforge Lane is similar, primarily detached dwellings in generous sized plots however there are also a number of apartment developments. It is acknowledged that the surrounding area displays an eclectic mix of house types in terms of design and materials.</p>
8.6	<p>The proposed site has a frontage onto Newforge Lane measuring approximately 41 metres, whilst the frontage towards Piney Lane only measures approximately 8.5 metres. The dwelling immediately to the north of the site, No. 26 Piney Lane is similar to the application site in that it has a larger frontage to Newforge Lane, however it is accessed from Piney Lane, albeit with a pedestrian access from Newforge Lane. The applicant has referred to a previous planning approval relating to No. 35a Piney Lane (Z/2011/0749) and identified similarities with this proposal. The previous approval related to a subdivision of the plot of No. 35 Piney Lane to include an additional dwelling in the side garden. No. 35 Piney Lane also occupies a corner site within the Piney Hills development resulting in a larger frontage to Newforge Lane at the rear in comparison to the frontage with Piney Lane. The approved dwelling under Z/2011/0749 included access from Newforge Lane. This dwelling is currently under construction.</p>

8.7	The application site measures approximately 1100 square metres, which generally compares favourably with existing development in terms of plot size. It is acknowledged the site is one of the larger plots within the locality.
8.8	The surrounding area is relatively low residential density. The proposed subdivision of the plot is at odds with the traditional layout of the Piney Hills and Newforge Lane developments, however it is important to consider the current context and recent planning approvals in the locality. The aforementioned application to subdivide the plot at No. 35 Piney Lane is comparable to the application site in that they are both corner sites and they are two of the larger sites within the Piney Hills development, albeit the site at No. 35 is slightly larger. Furthermore, 4 No. detached dwellings were previously approved at No. 20 Piney Lane under ref. Z/2014/1557/F. This development has now been constructed. The sites are generally smaller than neighbouring dwellings, however it is considered that they respond positively to the surrounding character.
8.9	It is important to consider the proposed parking area when assessing the impact on character of the surrounding area. The proposal includes a communal parking area at the front of the dwelling and a shared access. This arrangement is at odds with the surrounding character of the Piney Hills development, however the site access is proposed from Newforge Lane. There are a number of apartment developments located on Newforge Lane, where a similar arrangement is apparent. A shared access for 4 detached dwellings was also previously approved under ref. Z/2012/0770/F at No. 4A Newforge Lane. This development has now been constructed.
8.10	Whilst it is acknowledged that the proposal does not follow the traditional layout of the residential development, it is considered that the surrounding context has been altered through the approval of subsequent planning applications for residential development. Furthermore, the site has unique characteristics which enable the appropriate subdivision of the site into two residential units. On balance, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.
8.11	<p><u>Design</u></p> <p>The proposed dwellings are two storey, with a ridge height of 8.1 metres. The proposed dwellings are slightly smaller in height than the existing dwelling. House type B proposes a flat roofed side extension. It is considered the proposed design draws upon the best local traditions of form, materials and detailing.</p>
8.12	<p><u>Residential Amenity</u></p> <p>It is considered that the design and layout will not create conflict with adjacent land uses.</p>
8.13	The two storey element of House type B is located at least 6.5 metres from the party boundary with No. 26 and approximately 12.5 metres from the single storey side extension of No. 26. The gable of the two storey element runs at an angle away from No. 26, therefore the front of the gable is located approximately 10.5 metres from the party boundary and 18.6 metres from the side extension of No. 26. The flat roof side extension of House Type B is located near to the party boundary. There will be no overlooking impact from House type B towards No. 26. Although the proposed dwelling is located to the south of No. 26, it is considered that the design of House type B will negate any potential impact regarding overshadowing or loss of light.
8.14	House Type A is located closer to the party boundary with No. 37 than the existing dwelling. The proposed dwelling will be located approximately 5 metres from the gable of No. 37, whilst the existing dwelling currently sits approximately 7.8 metres from this gable elevation. The gable elevation of No. 37 has a lounge window and a garage window at ground floor and an

	<p>upper floor window which appears to be a hall or bedroom. Due to the orientation of the proposal, there should not be a major overshadowing impact on these windows. It is also noted that the lounge has an additional larger window at the rear. It is not considered that the proposal will give rise to a significant loss of light on No. 37. There are two proposed windows on the gable elevation of House type A facing No. 37, however they are for bathroom and ensuite, therefore there are no concerns with overlooking. It is considered that there is no unacceptable adverse impact on residential amenity as a result of the proposal.</p>
8.15	<p><u>Private amenity / landscaping</u></p> <p>Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. Following consultation with the Tree officer, it is considered the proposed landscaping assists with integration and softens the visual impact of the proposal.</p>
8.16	<p><u>Access / parking / movement pattern / proximity to facilities</u></p> <p>The agent submitted a supporting document entitled 'Traffic Speed Survey &amp; Sight Lines'. This document advances that sightlines of 2 m x 33 m would be required for this proposal and that this arrangement would be a betterment of the existing scenario. DFI Roads have assessed the proposed access and advised that sightlines of 2 m x 45 m would be required.</p>
8.17	<p>The agent has raised inconsistencies between the DFI Roads approach to this application and a similar application for a dwelling at No. 35 Piney Lane (ref. LA04/2016/1796/F). The DFI Roads case officer has advised that the applications differ in that the approved access for LA04/2016/1796/F is at a point exclusively within a private (unadopted) road, which is different to the proposal. It is therefore considered that the proposed access is unacceptable due to the potential impact on road safety and planning permission should be refused for this reason.</p>
8.18	<p>Proposed parking arrangements are considered acceptable, whilst an acceptable movement pattern is proposed, including pedestrian and cycle access to Piney Lane. Due to the nature of the proposal, there is no requirement to provide local facilities.</p>
8.19	<p><u>Area of Outstanding Natural Beauty</u></p> <p>The site is located within the Lagan Valley AONB therefore the proposal should comply with the tests of Policy NH 6 of PPS 2. As previously considered within the report, on balance, the proposed dwellings are acceptable in terms of design size and scale. The site is located within a residential area and with regard to this surrounding context, the proposal is sympathetic to the character of the AONB and it is respectful of features of importance to the character, appearance or heritage of the landscape.</p>
8.20	<p><u>Heritage / crime &amp; safety</u></p> <p>There are no concerns with the impact of the proposal on features of archaeological and built heritage, nor are there any concerns with potential crime or personal safety issues.</p>
8.21	<p><u>Other Issues</u></p> <p>BCC Environmental Health records do not indicate potential land contamination associated with past land-use on or in close proximity to this proposed development, therefore they offer no objection to the proposal. NI Water have confirmed that there is available WWTW capacity to facilitate the development.</p>
8.22	<p><u>Councillor referral</u></p> <p>Councillor Lyons requested that the application is presented to the Planning Committee in relation to road layout / traffic and that the applicant is afforded his right to address the committee.</p>

<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p> <p>9.3</p>	<p><b>Summary of Recommendation: REFUSAL</b></p> <p>On balance, it is considered that the proposed two dwellings are appropriate to the surrounding character and context of the site. The proposal includes an acceptable provision of private open space and there are no residential amenity concerns.</p> <p>However, DFI Roads have advised the Council that visibility splays of 2 m x 45 m would be required to facilitate this development, however 2 m x 33 m splays have been proposed. The agent has provided supporting information, however DFI Roads advise that this is not acceptable.</p> <p>It is considered that the proposal does not comply with Policy AMP 2 of PPS 3 in that the proposed access will prejudice road safety. Refusal is therefore recommended.</p>
<p><b>10.0</b></p> <p>10.1</p>	<p><b>Reasons for Refusal</b></p> <p>The proposal is contrary to Policy AMP 2 of PPS 3 'Access, Movement and Parking' in that the proposed access will prejudice road safety by reason that the development would be served by an access with substandard visibility.</p>
<p><b>Notification to Department (if relevant)</b></p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr Lyons</p>	