

Committee Application

Development Management Report	
Application ID: LA04/2019/0463/F	Date of Committee: 17 November 2020
Proposal: Revision of previously approved application (Z/2012/0645/RM) and erection of 10no semi-detached dwellings and associated site works	Location: Plots 36-45 (total 10no Units) of residential development to lands south of 25 Harberton Park Belfast as approved under reference number Z/2012/0645/RM (total 140no units)
Referral Route: Councillor referral	
Recommendation: APPROVAL	
Applicant Name and Address: HBH Developments c/o Blue Horizon 551-555 Lisburn Road Belfast	Agent Name and Address: Dimensions Architects 1 Montgomery House 478 Castlereagh Road Belfast
<p>Executive Summary:</p> <p>The proposal is for the 'Revision of previously approved application Z/2012/0645/RM and erection of 10 No. semi-detached dwellings and associated site works'.</p> <p>The proposed development is in substitution for 10 units previously approved, which consisted of 8 No. semi-detached dwellings and 2 No. detached dwellings granted under planning reference Z/2012/0645/RM.</p> <p>The main issues to consider are:</p> <ul style="list-style-type: none"> • Impact on parking and road safety. • Impact on character of the area. • Layout and design • Residential amenity • Drainage issues. <p>27 objections were received in respect of the proposed development, relating to a number of issues, primarily parking, road safety, overall design concept and drainage, in addition to issues regarding the existing built development.</p> <p>The site is not zoned for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.</p> <p>The proposed buildings are generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered that the pattern of development is generally in keeping with the overall character and environmental quality of the established area.</p> <p>Many of the objections relate to existing parking and proposed parking on site. DFI Roads have informally advised that they are content with the proposal. At the time of writing this report, they advised that the Private Streets Determination Drawings were awaiting final sign off. An update will be provided in the late items Report to Committee.</p>	

The design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal. Potential issues with drainage and sewage infrastructure have been addressed following consultation with DFI Rivers Agency and NI Water.

It is considered that the proposal is on balance acceptable and is recommended for:

Approval subject to Conditions

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for the 'Revision of previously approved application Z/2012/0645/RM and erection of 10 No. semi-detached dwellings and associated site works'.
1.2	The proposed development is in substitution for 8 No. semi-detached dwellings and 2 No. detached dwellings previously approved under planning reference Z/2012/0645/RM.
1.3	<p>The proposed dwellings are a mix of house types:</p> <ul style="list-style-type: none"> • 6 of the dwellings are semi-detached with a ridge height of 10.1 metres (2.5 storeys). The front elevation of the overall building has two gable projections on either side of the building with ground floor bay windows. There are two roof dormers on the front and a small window at the top of the gable projection. Chimneys are projected on both sides of the building. The proposed gable width is 12.9 metres and there is a 2 storey rear return with roof space conversion (9.1 m to ridge). Juliet balconies are proposed at first floor level at the rear. These 6 proposed dwellings are the northernmost dwellings on the site. • 4 of the dwellings are semi-detached with a ridge height of 10.1 metres (2.5 storeys). The front elevation of the overall building has two gable projections on either side of the building with ground floor bay windows. There are two roof dormers on the front and a small window at the top of the gable projection. Chimneys are projected on both sides of the building. The proposed gable width is 12.9 metres and there is a single storey rear extension proposed. There are dormers located on the rear of the building.
2.0	Description of Site
2.1	The site of this housing development (currently under construction) is on lands previously owned by the Royal Agricultural Society at the King's Hall complex. It is a flat site located between Harberton Park (residential) and Balmoral Golf Club. The proposed site is located along the western boundary of the overall residential development site and measures 0.365 Ha. Balmoral Golf Club is located immediately to the west of the site. The western boundary is defined by a metal palisade fence, with a mix of coniferous and deciduous trees providing a buffer between the development and the adjacent golf club. The trees are on land controlled by the Golf Club. The surrounding land use is defined by residential development, both existing and in construction.



Planning Assessment of Policy and other Material Considerations

3.0 Site History

<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p> <p>3.9</p> <p>3.10</p>	<p>An outline planning application (Z/2003/1697/O) for the demolition of the existing buildings and erection of a residential development comprising 140 units was approved in 2009. A reserved matters application (Z/2012/0645/RM) for the same proposal was then granted planning permission in 2014.</p> <p>There have also been six planning approvals granted for amendments to Z/2012/0645/RM:</p> <p>LA04/2015/0358/F - Amendments to previous planning approval (Z/2012/0645/RM) to include changes to house types and modification to plot arrangements including garages, landscaping and related site and access works for the first phase of development comprising 19 dwellings.</p> <p>LA04/2016/0200/F - Erection of 48 No. Dwellings including garages and landscaping (amendments to Z/2012/0645/RM).</p> <p>LA04/2017/0157/F - Revision of previous approved application (Z/2012/0645/RM) and erection of 12 no. detached dwellings, 4 no. semi-detached dwellings, 3 no. townhouses and 18 no. apartments (in total 37 units) and associated works.</p> <p>LA04/2017/2331/F – Erection of 13 dwellings comprising 3No. detached dwellings, 6No. semi-detached dwellings & 4No. apartments and associated site works.</p> <p>LA04/2017/2383/F - Revision of previously approved application Z/2012/0645/RM and erection of 2 No. detached dwellings (in total 2 No. units) and associated works.</p> <p>LA4/2018/0969/F - Change of house type to that approved under Z/2012/0645/RM to include extension - Plot 128, Harberton Park, Belfast</p> <p>One recent planning application in relation to the overall site (site immediately to the north) has been withdrawn:</p> <p>LA04/2020/0117/F - Revision of previously approved application (Z/2012/0645/RM) and erection of 6no. apartments and associated site works - Approximately 25 metres west of 39 Harberton Crescent (Withdrawn)</p> <p>Furthermore, there are currently two other applications under consideration in relation to the overall residential development:</p> <p>LA04/2018/2682/F – Revision of previously approved application (Z/2012/0645/RM) and erection of 2 no. semi-detached dwellings and 5 no. apartments (in total 7 no. units) and associated site works - Plots 32, 33, 34 and 35 (total 4 no. units) of residential development to lands south of 25 Harberton Park.</p> <p>LA04/2020/0119/F – Revision of plot 45 (Dunleath hall) to previously approved application LA04/2017/2331/F and erection of 6 No. apartments and associated site works - 15 metres west of No.20 Harberton Crescent</p>
<p>4.0</p>	<p>Policy Framework</p>
<p>4.1</p>	<p>Belfast Urban Area Plan (BUAP)</p>
<p>4.2</p>	<p>Draft Belfast Metropolitan Plan 2015 (Draft BMAP)</p>
<p>4.3</p>	<p>Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking</p>

	PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection / awaiting final PSDs
5.2	NIEA – No objection, subject to condition
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to condition
6.2	NI Water – No objection
6.3	Rivers Agency – No objection
7.0	Representations
7.1	<p>27 objections were received in respect of the proposed development. 9 individual residents made representations with regard to the proposal. More recently, 10 residents have formed 'Harberton Crescent Residents Group', which has made the latest representations. The objections relate to the following issues:</p>
7.2	<ul style="list-style-type: none"> • Existing residents are being forced to park on the road, as widths of existing driveways do not allow 2 cars to be parked. Photographs have been provided showing this on separate occasions. • Existing vehicles are being damaged whilst parked on the street. Proposal will exacerbate this issue. • Proposal will have a detrimental impact on road safety and congestion. Proposal introduces approximately 25 cars to the 90 degree bend, exacerbating existing issues. • Proposal will create road safety issues for pedestrians, cyclists and children playing. • Proposal will exacerbate existing issues regarding ease of access for emergency vehicles and service vehicles (such as bin lorries and delivery vans). • Proposed triple back to back parking within proposed dwellings is not practical / unworkable. • Reduction in parking provision of plot 36. • Proposed visitor parking within driveways is not a workable solution. • An adjacent dwelling has not been built in accordance with the approved plans, thereby exacerbating the parking issues. • Proposal does not comply with published 'parking standards'. • Technical issues with proposed PSD Drawings – <ul style="list-style-type: none"> - Proposed visitor parking outside plots 35 & 36 is not 15 m from road bend. - Proposed visitor parking outside plots 41 & 42 is not 15 m from road junction. - Plot 113 & 112 show 3 parking spaces, however only 2 in situ. - Plot 129 access is shown in wrong location. - Proposed 90 degree road bend has not been widened, in accordance with 'Creating Places'. • Issues with equivalence of the overall development. Concerns that there is an uneven distribution of green space in the overall development. • No 3D visuals, street sections / elevations have been submitted.

	<ul style="list-style-type: none"> • Proposed dwellings have been increased in height from the extant approval. • Proposed number of bedrooms far exceeds the number of bedrooms from the extant approval. • Proposal results in overdevelopment / intense development. • Submitted drainage details are limited. • NI Water response raises concerns that proposed development will impact detrimentally on existing infrastructure. • Impact on wellbeing of existing residents. • Developer should provide a survey of the existing 'as built' development to indicate actual dimensions on the ground. • Inaccuracies raised regarding the submitted 'as built' drawings. • Issues with neighbour notification. • Residents Group have requested an opportunity to meet with the developer.
8.0	Assessment
8.1	<p><u>Development Plan context</u> 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 2014 (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 for a use within BUAP, draft BMAP 2004 or the unlawfully adopted version of BMAP 2015.</p>
8.3	<p><u>SPPS</u> 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 aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. It also encourages sustainable forms of development, good design and balanced communities. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings.</p>
8.4	<p><u>Character / Layout / Design</u> The proposed dwellings are semi-detached dwellings, with a ridge height of 10.1 metres and a gable depth of 12.8 metres. The proposed external wall materials are a mix of red clay facing brick and off white painted / self-coloured render.</p>
8.5	<p>Whilst the gable widths are relatively large, this is generally characteristic of the surrounding development and similar gable widths were included on 4 of the previously approved dwellings. Furthermore, there are existing dwellings located in Harberton Crescent with gable depths of 12.45 metres. With regard to the ridge height, the proposed dwellings are higher</p>

	<p>than all of the existing approved dwellings in this part of the site, as well as the existing nearby dwellings located in Harberton Crescent. However, the increase in ridge height is relatively marginal and is not considered a major concern given the surrounding context. Furthermore, it is noted that the overall existing development includes a number of dwellings taller than that proposed. The dwellings with the 2 storey rear returns will result in a degree of bulkiness, however, there are no public views of the rear returns and on balance, the arrangement is considered acceptable.</p> <p>With regard to the proposed materials and detailing of the proposed dwellings, they are considered to represent a betterment than the extant approval, as the proposal is more in keeping with the existing built development.</p>
8.6	<p>The proposal represents a betterment of the previously approved development with regard to building line, with a stronger building line now evident.</p>
8.7	<p>It is considered that the proposed density is not significantly higher than the existing density. Furthermore, there is no net increase in residential units when compared to the extant approval.</p>
8.8	<p>For the reasons outlined above, it is considered that the proposed buildings are generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established area and on balance is acceptable.</p>
8.9	<p><u>Access / Parking</u> Several objections have been received, with regard to existing parking and proposed parking on site. These issues have been summarised in para 7.2 above.</p>
8.10	<p>Objections raised concern regarding the width of driveways within a number of existing properties in Harberton Crescent. It appears that the constructed driveways are not wide enough to accommodate 2 vehicles parking at the same time, therefore putting pressure on on-street parking. The objectors have been advised that this issue relates to previously approved development and is outside the red line boundary of this application.</p>
8.11	<p>The proposed development includes in curtilage parking for 2 vehicles within each dwelling and 7 on-street visitor parking spaces.</p>
8.12	<p>DFI Roads have informally advised that they are content with the proposal. At the time of writing this report, they advised that the Private Streets Determination Drawings were awaiting final sign off. An update will be provided in the late items Report to Committee.</p>
8.13	<p><u>Movement Pattern / local facilities</u> The proposed development is too small for the provision of local neighbourhood facilities, however the site provides easy access for vehicles, pedestrians and cyclists to Harberton Park and nearby public transport facilities.</p>
8.14	<p><u>Amenity space / Landscaping</u> Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. The proposed landscaping assists with integration and softens the visual impact of the proposal. The proposal does not impact on any existing trees along the western boundary.</p>
8.15	<p>As this proposal relates to 10 dwellings, there is no requirement for public communal amenity space. However, public amenity space was previously approved and has been provided in accordance with the details of Z/2012/0645/RM.</p>

	<p><u>Residential amenity</u></p> <p>It is considered that the design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal.</p>
8.16	The proposed development includes windows on the side wall of the rear returns at first floor level on 6 of the dwellings. These windows originally gave rise to overlooking concerns, however drawings were amended to show these windows would be opaque glazed. The proposal also includes windows at the rear within these rooms, therefore there will be no detrimental impact on outlook for potential occupiers.
8.17	
	<p><u>Boundary treatments</u></p> <p>The proposed boundary treatments include timber fencing, red brick walls and post and wire fencing. It is considered that the proposed boundary treatments are acceptable and are respectful of the surrounding context.</p>
8.18	
	<p><u>Drainage / Sewage infrastructure</u></p> <p>As the proposal is for over 10 dwelling units, a drainage assessment was submitted in accordance with policy FLD 3 of PPS 15. DfI Rivers provided comment, advising that they accept the logic of the Drainage Assessment and have no reason to disagree with its conclusions. Rivers Agency also advised that responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer.</p>
8.19	
	NIEA Water Management Unit have concerns that the proposal has potential to adversely affect the surface water environment and advised consultation with NI Water to determine if WWTW capacity is available. NI Water have provided clarification that existing capacity is available.
8.20	
	An objection raised concerns that the lack of a surface water sewer within 20 m of the site would impact detrimentally on existing infrastructure. NI Water have advised that the developer may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse. The Drainage Assessment confirms that the developer proposes to construct new storm sewers to serve the development.
8.21	
	<p><u>Contamination</u></p> <p>BCC EHO provided comment on the submitted Contamination Remediation Strategy and offered no objection, subject to a pre-occupation condition requesting a verification report. NIEA Land and groundwater team are content that the proposal has no unacceptable risk to the water environment. Conditions have been provided relating to contamination risks that are encountered during construction.</p>
8.22	
	<p><u>Other issues</u></p> <p>There are no negative impacts on features of the archaeological or built heritage and it is not considered that any security or personal safety issues will arise as a result of the proposal.</p>
8.23	<p>The agent is not required to submit 3D images of the proposed development. However, following an objection, a contextual elevation was submitted to show the overall proposal when viewed from the street scene.</p> <p>Original drawings submitted raised concerns regarding dimensions of the site. Further to this, objectors raised several concerns regarding dimensions on site. A topographical survey was submitted by the agent to show that the proposed development could be accommodated within the application site. In addition to this, the Council raised this issue with DFI Roads</p>

8.24	Private Streets officer, who advised that the constructed roads, footways etc. had been built in accordance with the approved PSD plans.
8.25	<u>Process Route - Councillor Referral</u> Councillor Nicholl and McAteer requested that the application is presented to the Planning Committee in relation to the issues raised by objectors as set out above.
8.26	
8.27	
9.0	Summary of Recommendation: APPROVAL
9.1	The proposal is recommended for approval subject to Conditions
9.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.
10.0	Conditions
10.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
10.2	If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.3	After completing any remediation works required under condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Department. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.4	Prior to the occupation of the proposed development, the applicant shall provide to Belfast City Council, for written approval, a Verification Report. This report must demonstrate that the

	<p>contaminated land remediation measures outlined in the following reports have been implemented:</p> <p>RSK report '<i>Additional Environmental Site Assessment - Lands South of 25 Harberton Park, Belfast</i>', Report reference number 601161-1(00), dated June 2015; RSK letter report '<i>Lands south of Harberton Park, Belfast</i>' Report reference number 610238, dated 11th September 2014; RSK letter report entitled - '<i>Plots No 35, 36, 37, 38, 39, 40, 41, 42, 43 and 44 (total of 10 No. units) residential development to lands south of Harberton Park, Belfast; Revision of previously approved application (Z/2012/0645/RM) and erection of 8 No semi-detached dwellings and 2 no detached dwellings (in total 10 no units) and associated site works</i>' Reference 601161_LR2200119, dated 6th February 2019</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.</p> <p>In particular, this Verification Report must demonstrate that all affected soils in gardens and landscaped areas are capped with appropriate material demonstrably suitable for end use (Residential) to a minimum depth of 600mm and a minimum of 200mm top soil in the designated areas as outlined in Figure 1 of the RSK letter report Reference 601161_LR2200119, dated 6th February 2019</p> <p>Reason: Protection of human health.</p> <p>10.5 Prior to occupation of the dwellings, hereby permitted, all boundary treatments shall be completed in accordance with the approved Drawing No's 07B and 08 uploaded to the Planning Portal on 5th October 2020 and 10th April 2020 respectively.</p> <p>Reason: To safeguard the privacy and amenity for prospective residents.</p> <p>10.6 The materials to be used in the construction of the external surfaces of the dwellings hereby permitted, shall be as stipulated on the approved Drawing No's 04A and 5A uploaded to the Planning Portal on 27th August 2019 and Drawing No. 10 uploaded to the Planning Portal on 10th April 2020.</p> <p>Reason: In the interest of visual amenity and to ensure the proposal is in keeping with the surrounding dwellings.</p> <p>10.7 Notwithstanding the provisions of Article 3 and Schedule - Part 1 Classes A, B, C, D, E, I, Part 2 Classes C, D, F, and Part 3 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any legislation revoking that Order and re-enacting those provisions) no extensions, alterations, hardstanding, decking, minor alterations to or construction of any means of enclosure or the provision of renewable energy including stand-alone solar panels, ground or water source heat pumps and containers for the storage of biomass fuel shall take place within the curtilage of the dwellings hereby approved, including the formation of vehicular / pedestrian accesses, without the written permission of Belfast City Council.</p> <p>Reason: To preserve the integrity of the design and layout of the development and in the interests of residential amenity.</p>
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10.8	<p>All proposed planting indicated within Drawing No. 06A uploaded to the Planning Portal on 10th April 2020 shall be planted prior to completion of the hereby approved development.</p>
	<p>Reason: To ensure the provision and establishment a high standard of landscape within the site.</p>
10.9	<p>Prior to any work commencing protective (herras) or similar fencing 2.5 metres in height will need to be installed based on the root protection area (RPA) on existing trees to be retained adjacent to the proposed site works within the site. Fencing must be in place prior to any works taking place. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p>
	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p>
	<p>If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over.</p>
10.10	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.</p>
	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds or offices within the RPA of trees within the site and adjacent lands.</p>
10.11	<p>Reason: To avoid compaction within the RPA.</p>
	<p>Where necessary careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.</p>
10.12	<p>Reason: To avoid root severance</p>
10.13	<p>DFI Roads conditions TBC</p>

Notification to Department (if relevant)

Representations from Elected members:

Cllr McAteer
 Cllr Nicholl
 Cllr Lyons