

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Application ID:</b> LA04/2020/2258/F	<b>Committee Meeting Date:</b> 18 <sup>th</sup> May 2021
<b>Proposal:</b> Demolition of dwelling and outbuildings and construction of 2no detached two storey dwellings with parking and associated site access and landscaping works.	<b>Location:</b> 9 Cadogan Park Belfast
<b>Referral Route:</b> non-delegated proposal involves total demolition within Conservation Area	
<b>Recommendation:</b> The Members of the Committee are asked to recommend that, in accordance with the Council decision of 4 <sup>th</sup> May 2021, the Chief Executive exercises her delegated authority to approve the application, subject to conditions.	
<b>Applicant Name and Address:</b> Maria Developments Ltd 5 Lougherne Road Hillsborough BT26 6BX	<b>Agent Name and Address:</b>
<p><b>Executive Summary:</b> The application seeks full planning permission for the demolition of the existing dwelling and outbuildings, the erection of two new detached two storey dwellings with subsequent parking and landscaping</p> <p>The key issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>- Acceptability of demolition</li> <li>- Scale, Massing &amp; Design of replacement dwellings</li> <li>- Impact on the Surrounding Character</li> <li>- Impact on the Conservation Area</li> <li>- Impact on Amenity</li> </ul> <p>The site is located within Sub Area D “Cadogan” within the Malone Conservation Area Guide. Sub Area D abuts three other Sub Areas of the Lisburn Road, Malone Road and Marlborough. The Council has received no third-party comments.</p> <p>BCC Conservation and Heritage Team - Offered no objection to the proposal following amendments. BCC Environmental Services - no objection BCC Trees and Landscaping – generally content but raised a concern regarding potential impact on a street tree to facilitate new driveway access. Hand digging and the use of hand tools are to be conditioned. DfI Roads Service no objection NI Water – A PDE is required – a condition is recommended.</p>	

Amended plans received detailing reduction in footprint of dwellings to respect the spatial quality of the existing character of the conservation area and additional landscaping information was also received.

The demolition of the existing property is considered to be acceptable; the Conservation Officer has expressed the opinion that the building is of little merit and does not make a positive contribution therefore its removal is acceptable. With regards to Section 104(11) and development in Conservation Areas the proposal will preserve the character area.

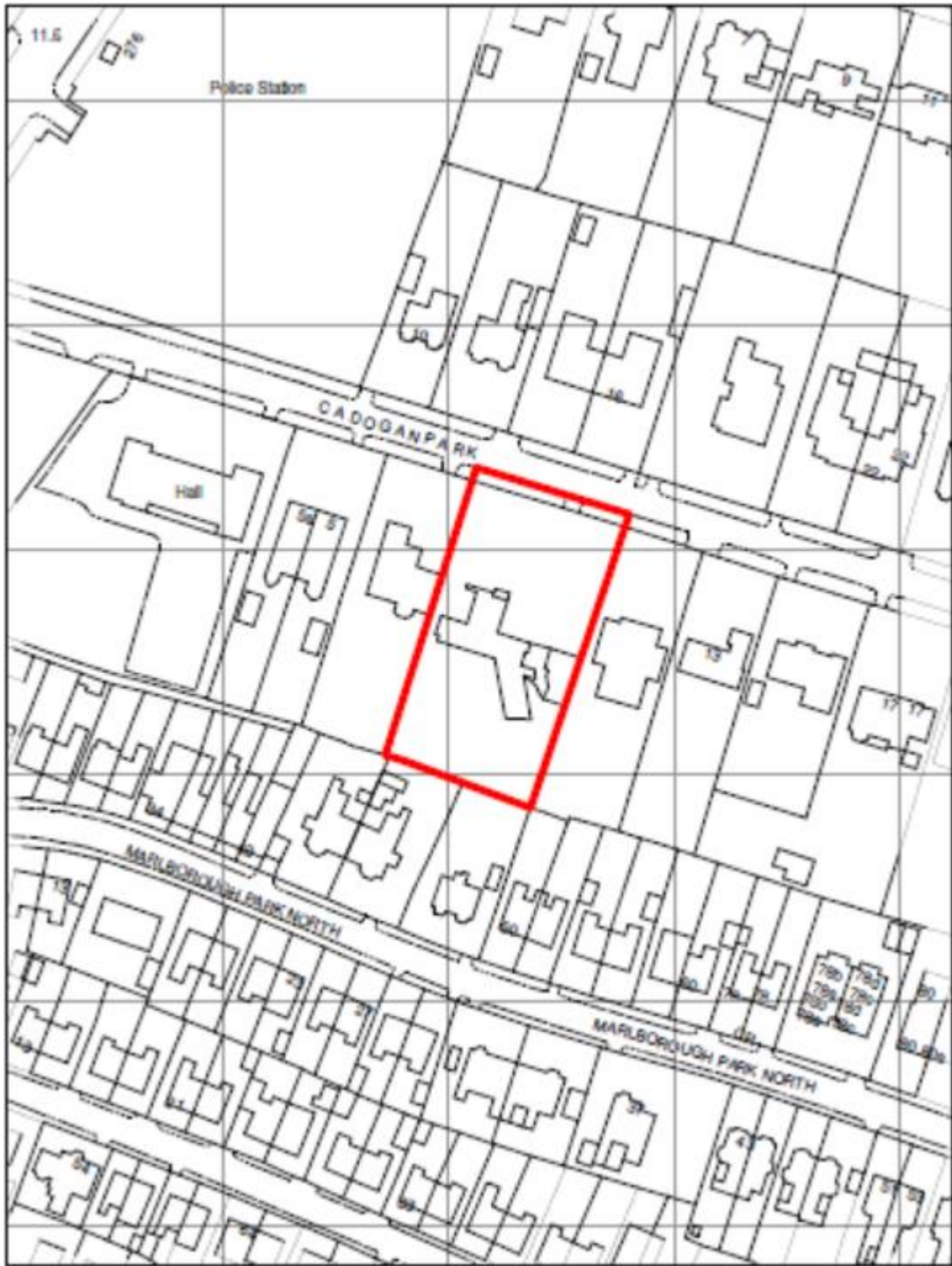
The proposed design, scale and massing is reflective of the wider context of the conservation area, reflecting traditional design and materials and whilst the plot is sub divided there are similar size plots in the area and of the same configuration.

**Recommendation**

It is considered that the proposed development complies with the tests of the legislation, Development Plan and retained planning policy, in particular those set out in PPS6 and the Malone Conservation Guide therefore, the recommendation is to approve, subject to conditions. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of conditions.

Case Officer Report

Site Location Plan





## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

1.1 Planning permission is sought for the demolition of dwelling and outbuildings and construction of 2no detached two storey dwellings with parking and associated site access and landscaping works.

### 2.0 Description of Site.

2.1 The site currently contains a large single storey dwelling that fills the full width of the plot. The plot is a basic rectangle shape defined by mature vegetation. The topography is relatively flat with a gentle slope from front to back. The site is located within Sub Area D "Cadogan" within the Malone Conservation Area Guide. Sub Area D abuts three other Sub Areas of the Lisburn Road, Malone Road and Marlborough. The Sub Area also abuts the Adelaide Park Conservation Area.

2.2 The general character of the Sub Area is of domestic scale rectangular plots laid in a linear formation with properties dating from the Edwardian period through to the 1930s. The landscaping and boundary treatment and the spatial quality between the dwellings all contribute to the existing character. The site and the surrounding properties follow the character for the conservation area.

## Planning Assessment of Policy and other Material Considerations

### 3.0 Planning History

3.1 Previous permissions for small scale extensions to the dwelling approved in the 1980s Z/2005/2547/F

3.2

	Planning permission granted for neighbouring dwelling @ no.7 for “Demolition of existing dwelling and erection of pair of semi-detached dwellings and associated site works including a new boundary wall along the eastern boundary”.
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p><u>Planning policy framework and guidance included:</u> Belfast Urban Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2004 &amp; 2015</p> <p>Following the Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p> <p>SPPS for Northern Ireland Planning for a Sustainable Environment Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning Archaeology and the Built Heritage Planning Policy Statement 7: Quality Residential Environments Addendum to PPS 7: Safeguarding the Character of Established Residential Areas DCAN 8 Housing in Existing Urban Areas Creating Places Malone Conservation Area Guide</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>DfI Road Service - no objection NI Water - no objection - applicant to clarify water/sewage requirements with NIW</p>
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
	<p>BCC Conservation Area team - no objection following amendments to scheme BCC Tree/Landscape team – concerns regarding impact on street trees BCC Environmental Health - no objection</p>
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No third-party representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
	Malone Conservation Area Guide
<b>9.0</b>	<b>Assessment</b>
9.1	<p><u>The key issues to be considered are:</u></p> <ul style="list-style-type: none"> <li>- Principle of Development</li> <li>- Acceptability of demolition</li> <li>- Design, Layout, scale and Massing</li> <li>- Impact conservation area</li> <li>- Impact on neighbouring amenity</li> <li>- Acceptable provision of amenity</li> <li>- Parking/traffic Issues</li> <li>- Environmental issues</li> <li>- Water &amp; sewage</li> </ul>
9.2	<u>Principle of development:</u>

	<p>The site is located within the established settlement limits for the city within the extant and draft area plans, therefore there is a presumption in favour of development. The site is designated with the Malone Conservation area thus elevating the level of management surrounding the design and other issues of development within the conservation area. The SPPS advises that planning permission ought to be granted for sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance, it also echoes the requirements of PPS 6 that the development should not harm the existing character and where possible should enhance the existing character.</p>
9.3	<p>With regards to development in Conservation Areas, Section 104(11) states that special regard must be had to the desirability of.</p> <p>(a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise.</p> <p>(b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise</p>
9.4	<p>The SPPS states that in managing development within a designated Conservation Area the guiding principal is to afford special regard to the desirability of enhancing its character or appearance when an opportunity to do so exists, or preserve its character or appearance where an opportunity to enhance does not exist</p>
9.5	<p>Par. 6.19 of the SPPS sets out the criteria which should be applied when determining such development.</p>
9.6	<p><u>Demolition:</u> The demolition of the existing property is considered to be acceptable; the Conservation Officer has expressed the opinion that the building is of little merit and does not contribute to the surrounding character therefore its removal is acceptable.</p>
9.7	<p><u>Design, Layout, scale and Massing</u> The design of the proposed dwellings draws upon traditional construction styling and materials within the conservation area the use of red brick and render within the wall construction and the use of natural slate to the roofs mirrors much of what is found in the conservation area. The use of painted timber windows and doors is in keeping with traditional building methods and materials. Other design features such as solid to void ratios and roof heights and chimney stacks are reflective of neighbouring properties. The layout, following amendments, is reflective of the surrounding area with clear definition between the proposed properties and also with neighbouring properties that allows an appreciation of gable depths and views to the rear lands that contributes to the spatial quality of the conservation area. The scale and massing of the proposed dwellings are quite different from the existing single storey dwelling on site and that also at no.7. However, the proposed designed scale and massing is reflective of the wider context of the conservation area.</p>
9.8	<p><u>Impact on existing conservation character and trees/landscaping:</u> The proposal is for two detached dwellings in the confines of a large plot within the Malone conservation area. The plot currently houses one large single storey bungalow and outbuildings that stretches the full width of the site. The proposal in its original form was considered unacceptable by the conservation team due to insufficient separation distances between the proposed dwellings and the neighbouring dwelling. The plans were amended to take account of the comments from the conservation team. Following consideration of amendments, the additional comments from the conservation team indicate that the proposal in its present form is acceptable.</p>

	<p>Given the comments from the conservation team it is considered that the proposed dwellings will make a positive contribution to the existing area and is therefore an acceptable form of development.</p>
9.9	<p>The tree and landscape officer is generally content with the proposal and its impact on trees and the additional planting to be done as part of the overall development. The officer did require an immature birch tree to be retained that is annotated on plans to be removed. The location of the tree, if retained, will be to a narrow side path to the new dwelling, as such, it is considered that it will only come into conflict with the proposed dwelling as it grows and is likely to have root damage from the excavations required for the development. It is also considered that the amenity value offered by the tree will be lost when the proposed dwelling is erected with the tree being sandwiched between the proposed dwelling and the dwelling at no.11.</p>
9.10	<p>The officer also spoke of concerns regarding street trees that could be affected by the development of an additional vehicular access point. The submitted information shows that the existing kerb is to be dropped by 25mm (from 75mm to 50mm). The officer was concerned that this may cause damage to the root structure of the street trees. It is considered unlikely that significant construction digging methods would need deploying to reduce the kerb and footpath height by 25mm. Therefore, it is unlikely that the dropping of the kerb and making good the footpath would cause significant damage to the root structure of the street trees; a planning condition requiring the use of hand tools only would suffice to protect the tree root structure.</p>
9.11	<p><u>Impact on neighbouring amenity:</u>  In terms of overlooking there is no significant issues that cannot be overcome with the inclusion of planning conditions. The proposed dwellings have a traditional outlook that mimics the surrounding area with windows to the front a rear elevation allowing views onto the Cadogan Park and over the rear garden. The proposal is also designed for each of the houses to have first and second floor windows to the gables. To one side of each dwelling a first-floor master bedroom and a guest bedroom have secondary windows the first and second floor windows to the opposite side serves bathrooms. It is considered that the inclusion of a planning condition requiring the master and guest bedroom secondary windows to be fitted with obscure glazing and retained thereafter would be sufficient to prevent any unacceptable loss of privacy. The proposed bathrooms, by convention, are normally fitted with obscure glazing therefore no need to be conditioned.</p>
9.12	<p>The orientation, direction of sun travel and the separation distances between the site and the neighbouring dwelling will prevent any significant loss of daylight or over shadowing. It is considered that the proposal will not result in significant harm to the amenity of neighbouring properties.</p>
9.13	<p><u>Amenity provision within the sites:</u>  The proposed dwellings respect the existing building line thus ensuring that the amenity area to the front of each dwelling is on a par with neighbouring properties. The rear amenity provision is circa 180sqm and is compatible with the surrounding area and more than the figure of 70sqm to be founded in planning guidance Creating Places.</p>
9.14	<p><u>Parking/traffic provision:</u>  DfI Roads Service was consulted on the proposal and after consideration of the proposal offered no objection. The amenity to the front of the proposed dwelling is compatible with the surrounding area therefore the curtilage parking space is of a similar quality.</p>
9.15	<p><u>Environmental issues:</u></p>

<p>9.16</p> <p>9.17</p>	<p>BCC Environment Health Service was consulted on the proposal having requested and receiving a contaminated land report offered no objection to the proposal. It is therefore considered that there is no significant environmental issue associated with the development.</p> <p><u>Water/Sewage issues:</u> NI Water was consulted on the proposal and as for other development within the south Belfast area has advised that there is a potential for the network to be overpowered by new developments. It is for the applicant to enter a Pre-Development Enquiry with NIW to resolve any outstanding water/sewage issues. A condition is recommended to ensure the dwellings will be adequately served.</p> <p><u>Conclusion:</u> It is considered that the proposal is acceptable the demolition will not result in the loss of a building that contributes to the surrounding character. The design of the proposed dwellings will also not detract from the surrounding character, drawing as it does, upon design characteristics from the surrounding built environment. Impacts on neighbouring amenity is limited and not significant, the inclusion of a planning condition can control any perceived concerns regarding overlooking from the gable windows at first and second floor levels. There are no outstanding parking or environmental issues impacting on the proposal. It is for the developer and NIW to overcome the issue around sewage capacity. Regarding impact on street trees it is considered that the works can be completed without a significant impact on the root structure of the trees with appropriate planning condition.</p>
<p><b>10.0</b></p> <p>10.1</p>	<p><b>Summary of Recommendation: Approval Subject to Conditions</b></p> <p>Having regard for the policy context and the considerations above, the proposal is deemed on balance, acceptable.</p> <p>Summary of Recommendation: Approval</p>
<p><b>11.0</b></p>	<p><b>Conditions and Informatives</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p> <p>3. The vehicular accesses shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. The first and second floor gable windows to the master and guest bedrooms, as annotated in, hereby approved, drawings</p>



19001-101-02, 19001-102-02, 19001-201-02 & 19001-202-02 published to the Planning Portal 26th March 2021 shall be fitted with obscure glazing and permanently retained thereafter.

Reason: to protect the privacy/amenity of neighbouring properties.

5. The dropping of the kerb stones and reduction in footpath level to facilitate the formation of the new vehicular access shall be carried out by hand digging.

Reason: to prevent unnecessary harm to the root structure of the nearby street trees.

6. All hard and soft landscaping shall be in accordance with, hereby approved, drawing L102 uploaded to the planning portal 26th March 2021. The landscaping, to each dwelling, shall be completed within six months of the dwelling being occupied

Reason: to ensure an acceptable level of landscaping is provided that will contribute to the existing high level of landscaping within the conservation area.

7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. No development shall commence on site until details of sewerage waste disposal have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure appropriate foul drainage of the site

**Informative:**

1. The developer is strongly advised to consider all consultees comments prior to commencing this proposal. All relevant comments from Consultees can be viewed on the planning portal NI quoting application reference number.



## ANNEX

<b>Date Valid</b>	13 <sup>th</sup> January 2021
<b>Date First Advertised</b>	29th January 2021
<b>Date Last Advertised</b>	
<b>Elected representative Interest:</b> None	
<b>Neighbours notified &amp; Advertised:</b> 8 Neighbours	
<b>Date of Last Neighbour Notification</b>	30 <sup>th</sup> September 2020
<b>Date of EIA Determination</b>	<b>N/A</b>
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01 – Site Location Plan 02 – Block Plan 03 – Existing Plans 04 – Existing & Proposed Elevations 05 – Proposed Plans	
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: N/A Response of Department:	