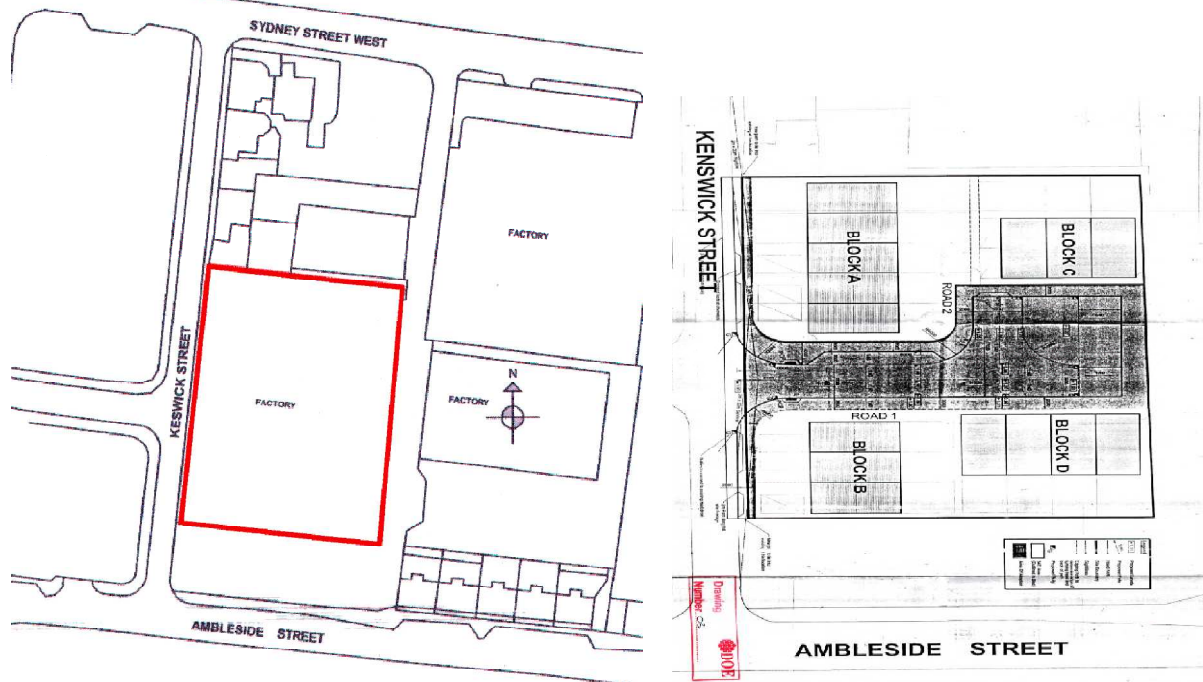


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 30 July 2015	Item Number: 19
Application ID: Z/2014/1162/F	
Proposal: Demolition of existing factory and construction of 15no townhouses in 4 blocks.	Location: 30C Sydney Street West Town Parks Belfast BT13 1RQ
Referral Route: Committee – Development of more than 4 dwelling units	
Recommendation:	Approval
Applicant Name and Address: G & E Dargan Unit 5 Mallusk View Central park Newtownabbey BT36 4FS	Agent Name and Address: Bryson Architects LTD Lynden Gate 50 Knockbreda Road Belfast BT6 0JB
<p>Executive Summary:</p> <p>The application seeks full planning permission for Demolition of existing factory and construction of 15no townhouses in 4 blocks.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Acceptability of housing on the site • Contamination • Impact on Residential amenity <p>The site is located on unzoned land within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan. The principle of residential development has been established on the site through the granting of planning approval Z/2007/2650/F. The current proposal is an identical layout to that approved previously. This permission was extant until 11th November 2014. This application was submitted on 4th September 2014</p> <p>The proposal has been assessed against the following Policies - Planning Policy Statement 1: General Principles, Planning Policy Statement 3: Access Movement, Parking and Planning Policy and Planning Policy Statement 7 – Quality Residential Environments.</p> <p>NIEA Waste Management Unit and Environmental Protection Unit of BCC have been consulted with regard to environmental information submitted, it is considered that the issues can be dealt with by way of conditions.</p> <p>It is recommended that the application is approved with conditions.</p>	

Case Officer Report

Site Location Plan



**PROPOSED FRONT ELEVATION OF WALLS
AND RAILINGS TO FRONT OF BLOCK D**

1.0 Description of Proposed Development

Demolition of existing factory and construction of 15no townhouses in 4 blocks.

2.0 Characteristics of the Site

Established factory building occupies site. Site accessed of Kenswick Street to the west and backs onto narrow laneway to the east. The walls of the factory are located on the site boundary with no existing circulation space beyond the building within the red line.

3.0 Planning History

3.1 Z/2001/1873/O Site for housing development. PERMISSION GRANTED 17.06.2002

3.2 Z/2002/0615/F Proposed new build, mixed tenure, residential housing development (131 houses & shop with apartment over). PERMISSION GRANTED 26.11.2002

3.3 Z/2007/2650/F Removal of existing factory unit & the construction of 15 No. dwellings. PERMISSION GRANTED 16.11.2009

4.0 Policy Framework

4.1 Belfast Metropolitan Area Plan 2015

- 4.2 Planning Policy Statement 1 - General Principles
- 4.3 Planning Policy Statement 3 - Access, Movement and Parking
- 4.4 Planning Policy Statement 4 – Planning and Economic Development
 - 4.4.1 Policy PED7
- 4.5 Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
- 4.6 Planning Policy Statement 7 - Quality Residential Environments
 - 4.6.1 Policy QD1
- 4.7 Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas
- 4.8 Creating Places

5.0 Statutory Consultees Responses

- 5.1 NI Water – No objection
- 5.2 Transport NI – Approval subject to conditions
- 5.3 NIEA Waste Management Unit – Approval subject to conditions

6.0 Non Statutory Consultees Responses

- 6.1 BCC Environmental Health – Approval subject to conditions

7.0 Representations

- 7.1 The application has been neighbour notified and advertised in the local press. No comments have been received.

8.0 Other Material Considerations

- 8.1 None

9.0 Assessment

- 9.1 The key issues in the assessment of the proposed development include:

- Acceptability of housing in the site
- Contamination
- Impact on Residential amenity
- Traffic Movement and Parking

- 9.2 The site is located on unzoned land within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the considerations below. It should be noted that the principle of residential development has been established on the site through the granting of planning approval Z/2007/2650/F. This is an identical layout to that which is proposed. This permission was live until 11th November 2014. This application was submitted on 4th September 2014.

9.3 CONTAMINATED LAND

Preliminary and Generic Quantitative Risk Assessments (PRA and GQRA) have been provided by Pentland Macdonald in support of this application. Intrusive site investigations have been undertaken in support of the GQRA. A remedial strategy is proposed for the risks identified.

NIEA - Waste Management Unit recommend that the risks to environmental receptors be further investigated from the former fuel storage tanks at site and that all unacceptable risks identified are addressed through a remedial strategy for the development. WM proposes Conditions below for inclusion in any Planning Decision Notice to ensure the appropriate remediation is agreed.

Health and Environmental Services Department have stated that the report outlines the remediation measures required for the proposed development site to be determined suitable for the end use (residential with gardens) and outlines in section 6.6 steps to be taken to

ensure robust verification that the necessary remediation measures and been incorporated into the build.

On the basis of the information submitted and in the event that planning permission is to be granted Health and Environmental Services Department have requested conditions are attached to ensure the appropriate remediation of the identified risks. These conditions are set out below.

9.4 The proposal has been assessed against policies AMP1, AMP2, AMP7 and AMP9 of PPS3. TransportNI has no objections to the proposed development, have agreed a private streets layout and recommended approval subject to conditions.

9.5 Given the previous use on the site the proposal has been assessed against Policy PED7 which deals with the loss of an existing B2, B3 or B4 use. However in light of the planning history on the site, with an extant approval on the site on the date the current proposal was submitted, it would be unreasonable to raise any loss of employment land as an issue.

9.6 The proposal has also been assessed against policy QD1 of PPS7. The proposal is for two storey red bricked terraced housing in an area characterised by red bricked terraced and semi-detached dwellings. The two blocks in the western part of the site create a frontage onto Kenswick Street which is to be welcomed.

An identical scheme was approved on 16th November 2011, an approval which was extant when this current proposal was received. In terms of any potential impact on residential amenity it must be noted that a substantial building exists on site which will have a greater overbearing/ overshadowing impact on the adjacent dwellings. These existing dwellings were also present when the previous approval was granted.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Identical proposal previously approved on the site. This approval was live when this current application was submitted. Transport NI satisfied with PSD layout and parking provision. Environmental Protection Unit of BCC and NIEA Waste Management Unit have recommended approval subject to conditions.

Approval subject to conditions.

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. No development shall commence until the applicant has submitted evidence in writing to the Council for its agreement demonstrating that the risks to groundwater and other environmental receptors due to on-site contamination of the ground and groundwater have been effectively assessed. This evidence should include:
 - Recent groundwater quality monitoring data to identify and delineate any impacts on groundwater quality from former fuel storage tanks,
 - Quantitative risk assessment to investigate the risks to receptors from any contamination identified,
 - If unacceptable risks to receptors are identified provision of remedial criteria as soil and groundwater concentrations that would not pose a risk to receptors. The remedial

criteria are required to be derived through quantitative risk assessment based on the conceptual site model.

If unacceptable risks to receptors are identified a remediation strategy will be required to address those risks.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 2 and in Pentland Macdonald report titled Updated Contamination Assessment and Remedial Strategy, Ref. No. PM14-1203 dated February 2015. This revised strategy must be submitted in writing and agreed with the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

4. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 3 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed from the site prior to the commencement of development, in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 3 will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. After completing the remediation works under Conditions 4 and 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Council. 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.

7. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

Reason: In the interests of environmental protection.

8. Prior to the occupation of the proposed development, the applicant shall provide to Belfast City Council, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report titled

Updated Contamination and Remediation Strategy, 30C Sydney Street West, Belfast (dated February 2015 and referenced PM14-1203) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Residential with Plant Uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

- a. The final site layout is as per the K.A. Dean and Associates proposed development plan dwg no: 602:D03 rev A as illustrated in Appendix VI of the submitted report (referenced PM14-1203) dwg no.
- b. all identified on site fuel storage tanks and associated infrastructure should be decommissioned and removed from site in accordance with PPG27 'Installation, Decommissioning and Removal of Underground Storage Tanks' and PPG2 'Above Ground Oil Storage Tanks'.
- c. validation sampling has been conducted for remaining soils following removal of the fuel storage tanks and associated pipe-work including an assessment of the sample results and details of any further remediation recommendations;
- d. excavation of shallow soils to proposed garden areas to a depth of c.1m below finished ground level, emplacement of a capillary layer comprising 300mm of granular material, overlain by 700mm of material demonstrably suitable for the residential with plant uptake end use;
- e. excavation of shallow soils to proposed landscaped areas to a depth of c.0.5m below finished ground level and backfilled with 500mm of material demonstrably suitable for landscaping;
- f. gas protection measures are in accordance with Gas Characteristic Situation 2 of the CIRIA Report No C665 guidance. These measures must include as outlined in the PM14-1203 report:
 - a re-enforced concrete cast in-situ floor slab (suspended, non-suspended or raft) with at least 1200g DPM or a beam and block or a pre-cast concrete slab with a minimum 2000g DPM/reinforced gas membrane.
 - Evidence that the gas resistant membrane has been installed and certified by a specialist contractor under CQA and have all service entrance points, joints and penetrations sealed;
 - A passively ventilated under floor void.

Reason: Protection of human health

9. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 6864-710 Rev P2 bearing the Belfast Planning Service date stamp 12/5/15, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

10. Any house within Blocks A & B, indicated as having incurtilage parking, shall not be occupied until the parking for that house has been provided.

Reason: To ensure acceptable parking facilities on the site.

11. The access gradients to the dwellings in Blocks A & B hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of

slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

12. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The DRD hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:6864-710 Rev P2 bearing the TransportNI determination date stamp 17/6/15.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

13. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of TransportNI.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.