

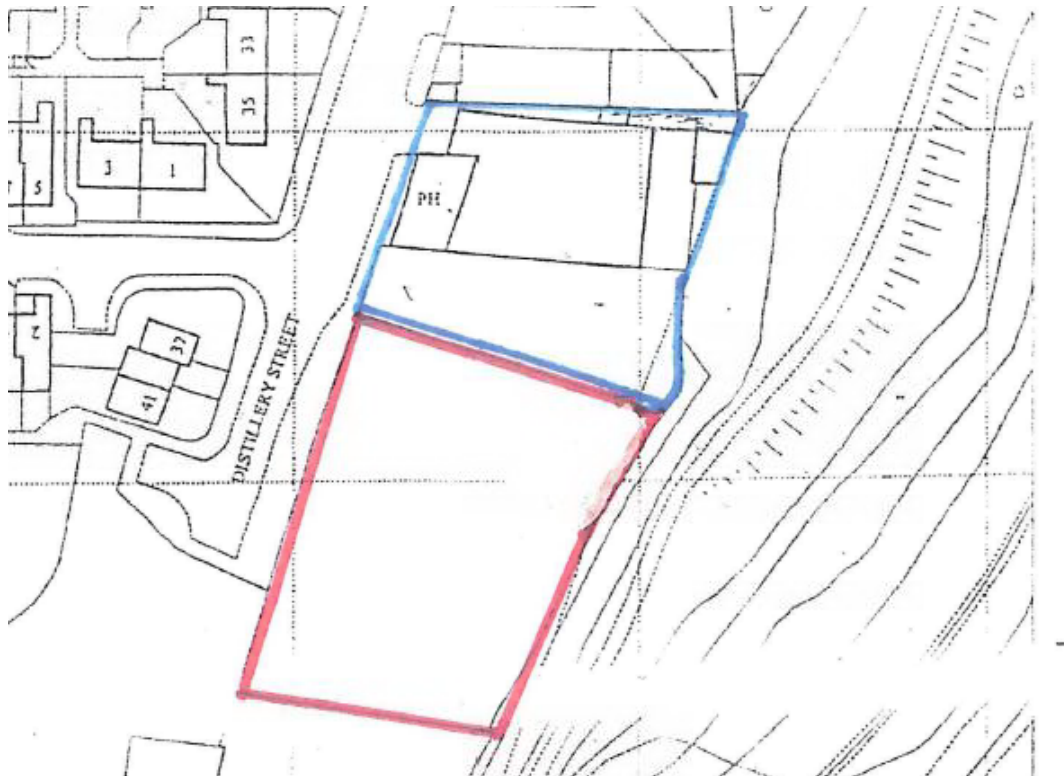
## Development Management Officer Report Committee Application

| <b>Summary</b>   |   |
|--|---|
| <b>Committee Meeting Date: 20 June 2017</b>  |   |
| <b>Application ID:</b> LA04/2016/1538/F  |   |
| <b>Proposal:</b><br>Erection of residential development comprising 9 dwellings, site access and all associated works.  | <b>Location:</b><br>Lands adjacent and south of 60 Distillery Street<br>Belfast BT12 5BJ    |
| <b>Referral Route:</b> Cllr Beattie has asked for this case to be heard by the Planning Committee.   |   |
| <b>Recommendation:</b>   | <b>Refuse</b>   |
| <b>Applicant Name and Address:</b><br>Dixons Contractors Ltd<br>143 Tullaghans Road<br>Dunloy<br>Ballymena<br>BT44 9EA   | <b>Agent Name and Address:</b><br>TSA Planning<br>29 Linenhall Street<br>Belfast<br>BT2 8AB |
| <p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for 9 dwelling units, made up of 5 houses -2 semi-detached pairs of houses and a detached house; and an apartment block consisting of 4 apartments; site access and all associated works.</p> <p>The main issue to be considered is;</p> <ul style="list-style-type: none"> <li>(i) residential amenity, in-particularly noise levels as a result of the site being adjacent to the Westlink/M1 corridor.</li> </ul> <p>The site is located within Belfast's development limits as designated in the BUAP 2001 and Draft BMAP 2015. The site is not zoned. The application has been assessed against the development plan, BUAP and draft BMAP, the Strategic Planning Policy Statement (SPPS), and relevant policies, including PPS3: Access, Movement and Parking, PPS7 Quality Residential Environments.</p> <p>All relevant neighbours were notified and the proposal was advertised in the local press. No objections were received. The agent forwarded a representation including a number of letters of support, including elected representatives and the Northern Ireland Housing Executive (NIHE) supports the application as there is a need for social housing in the area.</p> <p>TransportNI (TNI) &amp; Northern Ireland Water (NIW) were consulted and raised no objections. Environmental Health has raised concerns with regard to noise implications resulting from the proximity of the Westlink.</p> |   |

It is recommended that the application is refused for the reason set out in the report.

## Case Officer Report

### Site Location Plan







**Representations:**

|   |                                       |
|---|---------------------------------------|
| Letters of Support                              | 2 letters from agent(with appendices) |
| Letters of Objection                            | None Received                         |
| Number of Support Petitions and signatures      | No Petitions Received                 |
| Number of Petitions of Objection and signatures | No Petitions Received                 |

**Characteristics of the Site and Area**

**1.0 Description of Proposal**

The proposed development involves the erection of residential development consisting of 9 dwellings (comprising an apartment block of 4no. 2 bedroom apartments; 2 pairs of 4 bedroom semi-detached houses and 1no detached 4 bedroom house). The layout provides for 17 car parking spaces and landscaping. Vehicular access is from Distillery Street.

**2.0 Description of Site**

The application site is a brown-field site, located within a mixed residential/commercial area adjacent to the West Link. The Westlink is to the south and east of the site. To the north is a fuel distribution centre (formerly part of the 'Economy Fuels' site) and to the west is an area of high density housing. The land immediately to the south of the site is owned by NI Water. The site is rectangular in shape, relatively flat with gravel hard surface. It is enclosed by railings of approximately 2m on three sides and by landscaping/shrubbery and the Westlink on the eastern boundary of the site.

**Planning Assessment of Policy and Other Material Considerations**

**3.0 Site History**

**Z/2008/1884/F & Z/2011/1409/F**

Both these applications for social housing schemes of 20 and 18 houses respectively were withdrawn. The sites sit adjacent to this site.

**Z/1995/2177/F** – Area of open space, 2m wall and railings, turning head for adjacent development and associated landscaping. This is an adjacent site. Planning permission was granted 27<sup>th</sup> July 1995.

There is no specific site history for this exact site.

**Other Relevant History**

**Z/2009/1408/F** – Construction of 10 two-storey dwellings at ‘vacant land at Devonshire Street, off Cullintree Road, Belfast’. This application was approved in August 2010.

**4.0 Policy Framework**

Belfast Urban Area Plan 2001 (BUAP), Statutory Development Plan  
Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP)  
Strategic Planning Policy Statement (SPPS)  
Core Planning Principles set out in paragraphs 4.1- 4.22 of and Good Design Principles, paragraphs 4.23-4.30 are relevant.

Planning Policy Statement (PPS) 3 Access, Movement and Parking

PPS7 Quality Residential Environments

**5.0 Statutory Consultees**

TNI - raised no objection to the proposal subject to the inclusion of a number of conditions  
NIW- raised no objection to the proposal subject to the inclusion of a number of conditions  
NIHE – NIHE stated ‘There is social housing need in this area. Social Housing is provided through registered Housing Associations’. The agent has submitted supporting letter indicating that the contractors ‘Dixons’ have been supplying social housing to Housing Associations throughout Northern Ireland for the past 30 years and that the houses will be social housing. The description of the application as submitted does not make reference to social housing and the applicant is not a housing association.

**6.0 Non Statutory Consultees**

In terms of air quality and land contamination issues, Environmental Health (EH) are satisfied that the proposal can be made acceptable through appropriate mitigation. In terms of noise levels, the proposed site is unacceptably affected by noise from the adjacent Westlink.

Environmental Health (EH) has advised that the noise levels inside and outside of the dwellings are predicted to be above the relevant standards. EH advised that there is provision to relax the standard by 5db if the development is considered ‘necessary or desirable’. It is considered that family housing on the site, subject to high levels of noise, is neither necessary nor desirable.

**7.0 Representatives**

Neighbours were notified by Council and the proposal was advertised by the Council in the local press. No objections were received.

The agent submitted a number of documents of support from local community groups. The South West Action Team – a partnership initiative engaging Roden Street Community Development Group, Blackie River Community Group, South City Resource Centre, Male Care, Frank Gillen

Centre and GVRT support the application for a number of reasons;

1. improve the physical appearance of the area
2. the site is adjacent to an area which has traditionally faced anti community activity:- the development will significantly assist in decreasing this problem creating a 'lived in 'space rather than the current situation which has resulted in loitering
3. there is a substantial waiting list for housing in the Grosvenor estate with demand outstripping supply. The area has a stable community infrastructure and high levels of positive engagement. The opportunity for more people to avail of homes in the Grosvenor area will assist positive community development
4. The site is located near the interface (adjacent to the Westlink motorway). The 'back fields' at Roden Street and Distillery Street have witnessed historically some instances of negative interface activity particularly during the summer months. A new housing development will improve the site and its surroundings, lessen loitering and help eradicate bonfire building
5. The site is located near the Westlink motorway, however, there is a clear precedent established in the surrounding locale for homes near the motorway in terms of factors to mitigate against road noise, including Distillery Street, Roden Street (both Village and Grosvenor sides) and at Devonshire.
6. The site will help to further the aims of existing housing and environmental improvement proposals for the Grosvenor area and compliments locally and driven strategies related to provision of quality homes for families.
7. Similar developments in and around Grosvenor estate, such as Arundel (fold housing) have worked exceptionally well and contributed to the existing housing stock and owner occupiers quality of lives by creating a vibrant and diverse estate.
8. The site inhabitants will benefit from existing support networks at Grosvenor Community Centre, local schools and service providers,
9. Research undertaken by Grosvenor Community Centre (door to door surveys, survey monkey needs analysis undertaken quarterly, onsite housing and policy launches), have consistently indicated the highest priority as more access to housing opportunities and ability to reside directly in the Grosvenor estate.
10. The site will compliment other initiatives such as 'building successful communities', Grovetree House, the Belfast transport Hub, contributing to internal estate improvements along wider City Centre and Grosvenor Road physical development strategies,
11. The South West Action Group are happy to host any further engagement events related to proposed housing and work closely with NIHE and housing associations including representation on the Greater Falls Housing Providers Forum and Housing Consumer Panel.

Other Supporting organisations include;

Grosvenor Community Centre  
Roden Street Residents and Tenants Group  
Filipino Community Forum  
Roden Street Youth Sub Group  
Greater Falls neighbourhood Partnership

St. Josephs primary School

## 8.0 Other Material Considerations

Z/2009/1408/F – Construction of 10 two-storey dwellings at ‘vacant land at Devonshire Street, off Cullingtree Road, Belfast’. This application was approved by the DOE in August 2010. Although EH highlighted a concern about noise levels on this site, it was considered that on the basis of a submitted noise impact assessment, the planning permission should include mitigation conditions.

## 9.0 Assessment

### Development Plan

Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, Draft BMAP remains a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker in each particular case.

In the BUAP the site is not subject to any zonings or designations and the plan is silent on the proposal. In Draft BMAP a small triangular portion at the north-west corner of the site falls within an area zoned as an area of existing employment. The majority of the site is un-zoned (white land). It is considered that the proposal is in keeping with Draft BMAP and the small overlap with the zoning will not prejudice the retention of the zoned land for industrial use.

With regard to **SPPS** one of the core principles in decision making is to support a key priority of improving health and well-being. For the purposes of the SPPS, the World Health Organisation (WHO) defines health as ‘a state of complete physical, mental and social well-being and not merely absence of disease or infirmity’. It is considered that the development is contrary to the core planning principles set out in the SPPS as noise levels at the site exceed those recommended by WHO and the British Standard (BS 8233:2014).

### External Noise

The level of external noise in the rear gardens of the proposed development is 63-68 decibels (dB) and exceeds the levels recommended by the WHO. The WHO guidance for external amenity space is 50-55dB.

English Planning Policy Guidance document (PPG24) referred to by the Environmental Health states that above 55dB, noise levels should be taken into consideration when determining planning applications.

Draft Professional Guidance on Planning and Noise produced by the Institute of Acoustics, ANC (Acoustics and Noise consultants) and The Chartered Institute of Environmental Health advise the following:

50-63dB – low risk of adverse effect on health and quality of life.

63-69 dB there is a medium risk with a significant adverse effect on health and quality of life

Evidence submitted as part of this application indicates that on Tuesday 5<sup>th</sup> April 2016 between 10.15 and 14.20hrs external noise level at the site were 63-68 dBs, these figures exceed day time recommended levels by 13 - 18dB externally.

The site plans submitted indicate that a noise barrier 2.4m acoustic barrier along the northern and southern boundary of the site; acoustic engineers ‘Lester Acoustics’ suggest extending the fence to also screen the gardens from traffic noise. EH remain concerned that ‘the noise levels

within the outside garden space is extremely high and that potential mitigation to improve the external noise climate for families occupying these four bedroomed houses has not been adequately explored'. EH has advised that extending and augmenting an existing fence along the boundary of the site would not reduce the external noise levels to an acceptable level.

#### Indoor daytime living space

Lester acoustics report 68dB at ground floor and 73 dB at first floor based on the daytime external noise levels. Lester Acoustics advised that appropriate mitigation measure by way of specialist acoustic glazing, an enhanced acoustic ceiling and an appropriate ventilation system would be introduced. A ventilation system would be necessary as the rear windows would require to be sealed shut. Thus indoor daytime noise levels would be reduced to 40dB and 35dB at night.

Expert guidance (WHO and British Standards (BS)) recommend night time noise levels in the bedroom should not exceed 30dB between 2300-0700hrs. 'Where development is considered necessary or desirable despite noise levels above WHO guidelines, internal target levels can be relaxed by up to 5dB and reasonable internal conditions still achieved, levels exceeding by 5dB or more are considered 'unreasonable'.

Essentially, if the proposal is deemed 'necessary or desirable', internal levels of 35dB & 40dB may be considered to be a 'reasonable standard'. For this target to be achieved, extensive mitigation including acoustically sealed rear windows would be required. It is considered that the application site is not a sustainable location for family housing. The proposal is not specified as social housing although it is suggested that it will be social housing. The site is not zoned as a social housing site and is not required to be social housing in planning terms. It is proposed that the development is necessary and desirable in that it could potentially provide social housing in an area of social housing need. No evidence has been provided that this specific site is necessary to deliver social housing need in the area. It was not zoned for social housing in Draft BMAP. A new LDP is being prepared and social housing need and site identification will be undertaken as part of the plan preparation process. This would include a consideration of a site's suitability for housing. It remains the view that this site would not provide an acceptable living environment for family housing regardless of whether it is for private or social housing.

It is suggested that the development of the site would reduce anti-social behaviour. The site is currently secured by a tall metal fence. It is considered that the development of the site may increase supervision of adjacent vacant land but this benefit is not considered to outweigh the adverse impact on the residential amenity of proposed occupiers of the dwellings.

**PPS3** TransportNI are satisfied the proposal is acceptable with regards to access movement and parking.

#### **PPS7** Quality Residential Environments Policy QD1

The proposal is in keeping with most elements of policy QD1,

- A) the development respects the surrounding context and is appropriate to the site in terms of layout, scale, proportions and massing and appearance of buildings, structures and landscaped and hard surfaced areas,
- B) features of the built environment and landscape features are protected and integrated into the scheme
- C) there is adequate provision for public and private open space, boundaries will be landscaped and rear gardens are of an acceptable size. There is sufficient amenity space also for the apartment development to the north of the site,
- D) the development is not big enough to require the developer to contribute to local neighbourhood facilities
- E) TransportNI are satisfied that the scheme promotes a movement pattern that supports walking and cycling



- F) Again TransportNI are satisfied adequate provision has been made for parking
- G) Materials and detailing are satisfactory
- H) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking loss of light, over shadowing, noise or other disturbance; Environmental Health are of the opinion that noise from the Westlink/M1 corridor will be detrimental to residential amenity of proposed residents of the development and on this basis the proposal is considered contrary to Policy QD1.
- I) The development is designed to deter crime and promote personal safety.

The proposal meets all criteria except with regard to noise (h).

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

It is considered that this development is not desirable on the basis of unacceptable noise levels affecting the site. Although it is indicated that the housing will meet social housing need, it is considered the site provides an unacceptable living environment for family housing due to traffic noise from the Westlink which runs adjacent to the site would be detrimental to the residential amenity of those living here.

Planning approval was granted for a social housing scheme at Devonshire Street in 2010. This was adjacent to the Westlink Corridor, but it was approved prior to the current British Standard published in 2014. It is also considered that this site has a different context in that the rear gardens of these houses are immediately behind a high block wall which provides acoustic mitigation.

On the basis of the above, it is recommended that planning permission should be refused. .

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD1 of Planning Policy Statement 7, 'Quality Residential Environments' in that, if approved, the amenity of prospective residents would be adversely affected by noise and disturbance from road traffic noise.

**Notification to Department (if relevant)**

**N/A**

**Representations from Elected members:**

Email of support from Fra McCann, MLA  
Request for referral to committee from Cllr Beattie

| <b>ANNEX</b>  |                  |
|---|------------------|
| <b>Date Valid</b>   | 18th July 2016   |
| <b>Date First Advertised</b>  | 12th August 2016 |
| <b>Date Last Advertised</b>   |                  |
| <b>Details of Neighbour Notification</b> (all addresses)<br>The Owner/Occupier,<br>11A Riverside Way, Town Parks, Belfast, Antrim, BT12 5RH,<br>The Owner/Occupier,<br>37 Distillery Street, Town Parks, Belfast, Antrim, BT12 5BJ,<br>The Owner/Occupier,<br>39 Distillery Street, Town Parks, Belfast, Antrim, BT12 5BJ,<br>The Owner/Occupier,<br>41 Distillery Street, Town Parks, Belfast, Antrim, BT12 5BJ,   |                  |
| <b>Date of Last Neighbour Notification</b>  | 3rd August 2016  |
| <b>Date of EIA Determination</b>  |                  |
| <b>ES Requested</b>   | No               |
| <b>Planning History</b><br><br>Ref ID: LA04/2016/1538/F<br>Proposal: Erection of residential development comprising 9 dwellings, site access and all associated works.<br>Address: Lands adjacent and south of, 60 Distillery Street, Belfast, BT12 5BJ,<br>Decision:<br>Decision Date:<br><br>Ref ID: Z/2011/1409/F<br>Proposal: Erection of 18 No. semi-detached social housing units and associated site and access works (additional information).<br>Address: Distillery Street, Belfast, BT12,<br>Decision: WITHDRAWN<br>Decision Date: 22.11.2012<br><br>Ref ID: Z/2008/1884/F<br>Proposal: Erection of 20 No. semi-detached and terraced houses for social housing.<br>Address: Distillery Street, Belfast BT12<br>Decision: WITHDRAWN<br>Decision Date: 05.10.2009 |                  |

Ref ID: Z/1977/0348

Proposal: ERECTION OF BUILDING FOR INDUSTRIAL USE

Address: 58-60 DISTILLERY STREET

Decision:

Decision Date:

**Summary of Consultee Responses**

**Drawing Numbers and Title**

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department: