

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15th August 2017	
Application ID:	LA04/2016/1439/F
Proposal: Development of 24 No. semi-detached dwellings and associated car parking and landscaping with alterations to existing on-street car parking layout.	Location: Corner site to south of junction of Forthriver Road and Forthriver Way Belfast BT13 3SQ
Referral Route: More than 12 dwellings with objections	
Recommendation:	Approval
Applicant Name and Address: N B Housing 282-290 Crumlin Road Belfast BT14 7EE	Agent Name and Address: CEP Planning Ltd 2a Wallace Avenue Lisburn BT27 4AA
<p>Executive Summary:</p> <p>This application seeks full planning permission for a proposed residential development comprising 24 two storey semi-detached dwellings, with associated car parking, landscaping and alterations to existing on street parking layout.</p> <p>The site is not zoned in the Belfast Urban Area Plan 2001 (BUAP). The site is located within the settlement development limit of Belfast and the majority is zoned for housing (WB 04/02) and part unzoned as set out in the draft Belfast Metropolitan Area Plan 2015.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> (a) Principle of residential accommodation on the site (b) Loss of open space (c) Design and layout (d) Road safety and Parking (e) Impact of the proposal on the established residential area (f) Risk of flooding <p>11 letters of objection were received, from residents in the surrounding area raising the following issues:</p> <ul style="list-style-type: none"> (a) The local community do not want more houses and not on this site (b) Traffic and road safety (c) Loss of flora and fauna (d) Loss of wildlife (e) Proposed houses are not for people from the area (f) Increased litter and vermin (g) Loss of view (h) Noise from construction (i) Loss of area for children to play (j) Residents had thought originally the proposal was for 18 dwellings and not 24. 	

All issues of concern raised by objectors are considered in the case officer's report.

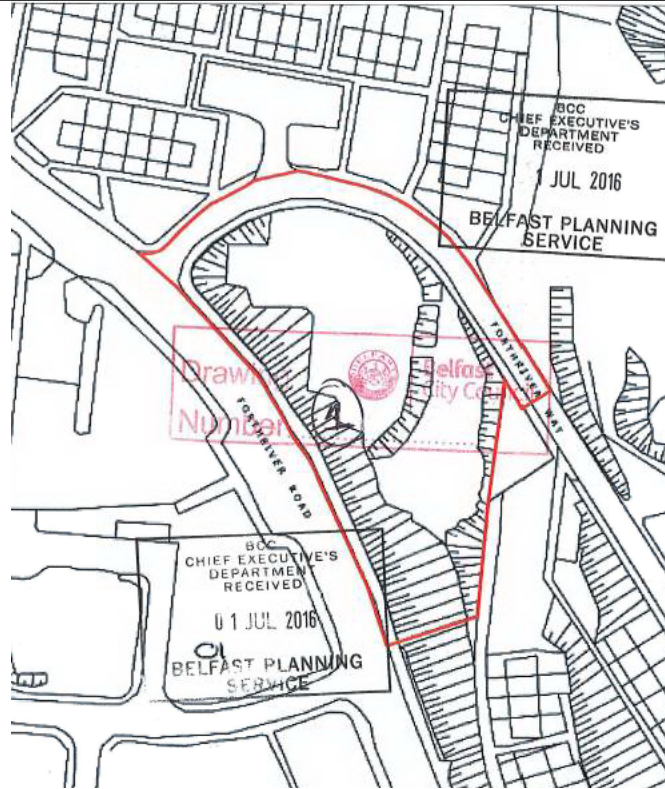
The principal of housing on the site is acceptable as the site is zoned in the Area Plan for housing. All other issues raised have been assessed and the proposal is considered to comply with the development plan context and relevant planning policy.

Consultees have no objections subject to conditions.

It is recommended that the application be approved subject to conditions as set out in the case officer report. It is requested that delegated powers are given to the Director of Planning and Place for the final framing of the conditions and to deal with any comments arising from the neighbour notification process.

Case Officer Report

Site Location Plan



Representations:	
Letters of Objection	11
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Letters from Elected Representatives	0
Characteristics of the Site and Area	
1.0 Description of Proposed Development	
1.1 Development of 24 No. semi-detached dwellings and associated car parking and landscaping with alterations to existing on-street car parking layout.	
2.0 Description of Site	
2.1 The site is located at the junction of Forthriver Way with Forthriver Road and is currently overgrown with some mature trees. The site slopes steeply from Forthriver Road in a north easterly direction towards Forthriver Way. The boundary which abuts Forthriver Way is undefined as is the SE boundary. The boundary abutting Forthriver Road displays a number of trees but largely undefined. There are also sporadic trees in the middle of the site. The site is within a predominantly residential area. The existing properties in the area are mainly terraced two storey red brick dwellings.	
Planning Assessment of Policy and Other Material Considerations	
3.0 Site History	
Z/2013/0470/F - Change of house type of 10no. proposed residential units from 3Bed/5Person to 2Bed/3Person – Permission Granted – 31/10/13	
Z/2010/1189/F - Erection of the proposed 18no residential units – Permission Granted – 12/10/12	
4.0 Policy Framework	
4.1 Belfast Metropolitan Area Plan 2015 (draft) and Belfast Urban Area Plan 2001	
4.1.1 Land zoned for Housing WB 04/02	
4.2 Strategic Planning Policy Statement (SPPS)	
4.2.1 Good design paras 4.23 – 4.30	
4.3 Planning Policy Statement (PPS) 2: Natural Heritage	
4.3.1 Policy NH 2 – Species Protected by law	
4.3.1 Policy AMP 1: Creating an Accessible Environment	
4.3.2 Policy AMP 2: Access to Public Roads	
4.4 Planning Policy Statement (PPS) 7: Quality Residential Environments	
4.4.1 Policy QD 1: Quality in New Residential Development	
4.5 Planning Policy Statement (PPS) 7 Addendum: Safeguarding the Character of Established Residential Areas	
4.5.1 Policy LC 1: Protecting Local Character, Environmental Quality and Residential Amenity	
4.6 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation	
4.6.1 Policy OS 1 – Protection of Open Space	
4.7 Planning Policy Statement (PPS) 12: Housing in Settlements	
4.7.1 Planning Control Principle 2: Good Design	
4.8 Planning Policy Statement (PPS) 15: Planning and Flood Risk	
4.8.1 Policy FLD 3: Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains	
5.0 Statutory Consultees	
5.1 Transport NI – No objection subject to conditions	

- 5.2 Northern Ireland Water Ltd - No objection
- 5.3 DAERA Natural Environment Division – No objection
- 5.4 DFI Rivers Agency – No objection

6.0 Non Statutory Consultees

- 6.1 BCC Environmental Health – No objection
- 6.2 BCC Tree Officer – No objection subject to conditions

7.0 Representations

The application has been neighbour notified and advertised in the local press and eleven representations were received all stating they were from residents of the area but unsigned. All issues of concern raised within these representations are fully considered against relevant planning policy and guidance throughout the assessment of the proposal.

The objections raised the following issues:

- (a) The local community do not want more houses and not on this site
- (b) Increased traffic and road safety concerns
- (c) Loss of flora and fauna
- (d) Loss of wildlife
- (e) Proposed houses are not for people from the area
- (f) Increased litter and vermin
- (g) Loss of view
- (h) Noise from construction
- (i) Loss of area for children to play
- (j) Residents had thought originally the proposal was for 18 dwellings and not 24.

A number of the concerns raised by objectors such as loss of view and the location from where prospective residents come from do not carry weight in this planning assessment. Letters of objection also referred to the proposal for 18 dwellings which relates to the previous approval on the site (Ref. Z/2010/1189/F).

The planning matters raised are considered in the assessment below.

8.0 Other Material Considerations

- 8.1 DCAN 15: Vehicular Access Standards
- 8.3 Creating Places

9.0 Assessment

Development Plan Context

9.1 Following the recent Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. 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.

9.2 The site is located within Belfast's development limits as designated in Belfast Metropolitan Area Plan 2015. The majority of the site is zoned for housing (WB 04/02) with a small portion not zoned comprising existing open space. The proposal is for development of 24 No. semi-detached dwellings with landscaping and associated car parking including alterations to existing on-street car parking layout. There is an extant approval on the site for the erection of the 18no dwellings.

9.3 The key issues to be considered are:

- (a) Principle of residential accommodation on the site

- (b) Loss of open space
- (c) Design and layout
- (d) Road safety and Parking
- (e) Impact of the proposal on the established residential area
- (f) Risk of flooding

Principle of Development/Loss of Open Space

9.4 The principle of residential development has been established on the site through the previous permissions two of which are extant. In addition the majority of the site is zoned for housing in BMAP and considerable weight is attached to this zoning. Part of the site is existing open space and falls to be assessed under Policy OS 1 of PPS8.

9.5 Justification for the loss of open space has been submitted by the applicant which states in terms of policy OS 1 in that the proposal will bring substantial community benefit and the loss of the open space will have no significant detrimental impact on the amenity, character or biodiversity of the area. NIHE have confirmed the site is located within an area of high social housing need, and Alderman Frank McCoubrey supplied a letter of support addressed to the Director of NB Housing Association during a community consultation exercise (dated 08/07/16). It is considered that substantial community benefit would accrue from the proposed development in that proposal is for the development of dwellings to meet a social housing need in an area of high demand. It is considered that the substantial community benefit outweighs the loss of open space. In conclusion the principle of residential development is considered acceptable

Road Safety and Parking

9.6 Eleven dwellings display incurtilage parking for two cars and 13 dwellings are served by 17 on street parking spaces along Forthriver Road. DFI Roads is the authoritative body on road safety and transport issues. Their consultation response dated 26/05/17 stated they had no objection to the proposal and suggested conditions to be included should approval be granted. Their initial consultations had requested a number of amendments which the agent submitted. The proposed accesses do not prejudice road safety nor inconvenience the flow of traffic and it is considered that the proposal complies with PPS 3.

Design and Layout

9.7 The proposal has been assessed against the criteria set out (see below) in Policy QD1 of PPS 7 which states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It also indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas.

- (a) In relation to the character of the area criterion (a) states that the development must respect the surrounding context and be appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The existing character of the area is defined by linear development, with off street car parking and front and rear garden spaces. The proposed layout replicates the pattern of development found in the area with two storey semi-detached dwellings laid out in a back to back form. Six of the dwellings are two storey semi-detached with pitched roofs and dormer window to the rear. These will serve as 5 person 3 bedroom dwellings with a floorspace of approximately 97.5 sqm which is acceptable. The remaining eighteen semi-detached dwellings are also two storey with pitched roofs. These are 3 person 2 bedroom dwellings and measure 84 sqm approximately internally which is also acceptable. 10 dwellings front onto Forthriver Way (six of which are the 5 person 3 bedroom units) and the remaining 14 front onto Forthriver Road. The bulk, scale and massing of the proposed buildings is in keeping with that found

in the surrounding area and acceptable for the site itself. Bin storage is to the rear of the proposed dwellings. The rear amenity space for each of the dwellings varies but the average is 76.8 sqm approximately which complies with Creating Places guidance.

As stated previously the site slopes steeply in a north easterly direction. There is a large retaining structure proposed through the middle of the site. Creating Places (para 2.17) advises that extensive land reshaping and use of prominent retaining structures will be unacceptable. The previous permission permitted split level dwellings on the site reducing the need for extensive retaining structures. The agent submitted a statement indicating the requirement of dwellings with level deck access for General Needs Housing, as outlined in The Lifetime Homes Design Guide. As such split level dwellings previously approved would fail to provide the required level deck access throughout the ground floor level of the dwellings. The finished floor levels for all the proposed dwellings is dictated by existing footpath levels, and all private paths, driveways, patios and gardens have been designed to a maximum acceptable gradient. The retaining structures are tiered with a maximum of 3 levels, to minimise the impact with substantial landscape buffer planting between each tier to mitigate against the visual impact.

It is accepted that proposed planting will take time to mature but taking into account the very limited public views when travelling along Forthriver Road and filtered views when travelling along Forthriver Way and the requirement of level access and usable rear gardens on balance the proposal is considered acceptable. The proposal therefore complies with criterion (a).

- (b) There are no features of archaeological and built heritage importance to be protected. There are a number of trees on the site, however none are afforded protection by tree preservation orders and the site is not within a conservation area.
- (c) A landscaping plan has been submitted showing amenity areas finished with grass, proposed new trees and planting and buffer planting on the gabion retaining structure. A maintenance schedule for the embankment was also submitted for consideration. Parking areas are to be finished in bitmac. All proposed species are native and will aid in visual screening and integration. BCC Tree Officer was consulted throughout the assessment of the proposal and requested a number of amendments which the agent provided to ensure adequate screening for the proposal. BCC Tree Officer has advised of appropriate conditions as set out below.
- (d) The proposed development is not such that would warrant local neighbourhood facilities to be provided within the development itself.
- (e) Criteria (e) stipulates that a movement pattern is provided that supports walking and cycling. The size of the site does not warrant paths throughout however there are footpaths adjoining the site to facilitate pedestrian links to the wider area. The site is also close to Metro bus routes.
- (f) Adequate parking provision has been indicated through evidence provided by the agent and DFI Roads has responded with no objection to the proposal.
- (g) The proposed external materials/finishes for the dwellings include red multi clay bricks, rendered blockwork, with blue/black concrete tiles which are acceptable for the area. Boundary treatments included brick walls and railings to the front of dwellings with a mix of close boarded fences and brick walls to define the side/rear of plots.
- (h) With regards to residential amenity criterion (h) requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing,

noise or other disturbance. There are no issues of overlooking or overshadowing onto private amenity space. Two reports which looked at the investigation of soils and groundwater underlying the site were submitted and forwarded to BCC Environmental Health and DARD Water Management Unit for consideration. These alleviated any concerns relating to the potential for contaminated land and they suggested conditions should approval be granted. BCC Environmental Health did not raise any concerns with regard to noise.

(i) The proposed layout seeks to deter crime with dwellings fronting Forthriver Road and Forthriver Way providing passive surveillance of these areas.

Impact of the proposal on the established residential area

9.8 The addendum to PPS 7 provides additional planning policies relating to the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements. The site is located within an established residential area as defined by Annex E of this Addendum. The pattern of development is in keeping with the overall character of the existing area and the proposed density is not significantly higher than that found in the area. All units are built to a size which complies with the space standards listed within Annex A of Addendum to PPS7 for units of this type. Therefore the proposal complies with LC 1 of Addendum to PPS7.

9.9 The proposal is considered to comply with Planning Control Principle 2 of PPS 12 in that it demonstrates a high quality of design and layout as previously considered in the report through assessment of QD 1 of PPS 7, LC1 of Addendum to PPS 7 and Creating Places.

Risk of Flooding

9.10 Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was submitted which determined the potential sources of flooding at the site and their associated risk to life and property. DFI Rivers Agency was consulted and responded on 05/10/16 with no objection. NI Water also indicated no objection to the proposal.

Other matters raised by Objectors

9.11 Objectors raised concerns regarding the loss of flor/fauna and protected wildlife such as bats and badgers. DAERA Natural Environment Division was consulted regarding the concerns raised and responded on 19/10/16 with no concerns.

9.12 Concerns were raised regarding the increase in vermin in the adjoining existing residential area if the site is developed. Belfast City Council Pest Control Unit provide a service for the control of vermin should this problem arise following development of the site.

Neighbour Notification Checked: Yes

Summary of Recommendation: Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions set out below. It is requested that delegated powers are given to the Director of Planning and Place for the final framing of the conditions and to deal with any comments arising from the neighbour notification process.

Conditions:

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.

2. The development hereby permitted shall not be occupied until the vehicular accesses have been constructed in accordance with approved Drawing No.10A bearing the date stamp Planning Service Received 02 May 2017.

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

3. No dwelling shall be occupied until hard surfaced areas including the extension to the lay-by on Forthriver Road, have been constructed in accordance with approved Drawing No. 10A bearing the date stamp Planning Office Received 02 May 2017, to provide adequate facilities for parking and manoeuvring within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

4. The development hereby permitted shall not be commenced until any legislative procedures deemed necessary in relation to the traffic calming works on Forthriver Way has been successfully completed.

Reason: To ensure the proposed traffic calming measures are provided on the adopted carriageway in the interests of road safety and the convenience of road users

5. The access gradient to the dwellings shall not exceed 8% (1 in 12.5) over the first 5.0m outside the road boundary. Where the vehicular access crosses footway, 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.

6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the retaining structure hereby permitted, have been submitted to and approved, in writing, by Belfast City Council. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to allow the Council to control the external appearance.

7. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast City Council, for approval, a Verification Report. This report must demonstrate the remedial measures as outlined in the Section 3.2 of the RSK Ireland Limited Remedial Strategy for Harry Rolston Architects Limited Forthriver Road Belfast.

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 the identified contaminant-pathway-target linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:

- Gas and vapour protection measures commensurate with Gas Characteristic Amber 1, have been designed and installed in accordance with BRE 414/CIRIA C665, BS 8485:2015 and Ciria C716 and their installation has been verified in line with Ciria C735.

- Ventilation on the sub- floor void should be designed to provide a minimum of one complete volume change per 24 hours
- All joints and penetrations sealed

Reason: Protection of human health.

8. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and current best practice. A written report detailing the nature of this contamination and its management must be submitted to the Council for approval. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

9. All hard and soft landscape works shall be completed in accordance with the approved drawing 09B, date stamped 25 July 2017, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.
All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

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

10. All trees indicated on approved Drawing No. 09B, date stamped 25 July 2017 shall be retained, any requests to remove any of the existing trees shall require written approval from the Council prior to any works being carried out on the trees. No retained tree shall be felled, uprooted, have tree surgery carried out on it, have roots cut or damaged, or have excavations carried out within the Root Protection Zone as defined in BS5837 : 2012 Trees in Relation to Design and Construction.

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

11. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless Belfast City Council gives its written consent to any request for variation.

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

12. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works). Within the fenced area no activities associated with

building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

13. Any excavation within tree protection areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

Notification to Department (if relevant)

Date of Notification to Department: N/A

Representations from Elected members:

Letter dated 08/07/16 from Alderman McCoubrey to the Director of Development for NB Housing Association indicating support for the development.

ANNEX	
Date Valid	1st July 2016
Date First Advertised	29th July 2016
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 103 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SE, The Owner/Occupier, 125 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SG, The Owner/Occupier, 127 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SG, The Owner/Occupier, 129 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SG, The Owner/Occupier, 131 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SG, The Owner/Occupier, 19 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 21 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 23 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 25 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 27 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 29 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 3 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 31 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 33 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3SQ, The Owner/Occupier, 38 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SJ, The Owner/Occupier, 70 Forthriver Road, Ballygomartin, Belfast, Antrim, BT13 3SL, The Owner/Occupier, 74 Forthriver Way, Ballygomartin, Belfast, Antrim, BT13 3UH, The Owner/Occupier, Corkey House, 1 Forthriver Crescent, Ballygomartin, Belfast, Antrim, BT13 3SR,	
Date of Last Neighbour Notification	7 th August 2017
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: Z/2010/1189/F Proposal: Erection of the proposed 18no residential units. Address: Corner site at Forthriver Road and Forthriver Way, Belfast, BT13 3SJ, Decision: PG Decision Date: 12.10.2012 Ref ID: Z/2003/0009/F Proposal: Proposed housing development consisting of 11 No. 2 storey family dwellings & 4 No. single storey dwellings. Access to be from Forthriver Way.	

Address: 119, 121 & 123 Forthriver Road, Belfast.

Decision:

Decision Date: 18.11.2004

Ref ID: Z/2013/0470/F

Proposal: Change of house type of 10no. proposed residential units from 3Bed/5Person to 2Bed/3Person.

Address: Site at Forthriver Road, Belfast, BT13 3SJ,

Decision: PG

Decision Date: 31.10.2013