Development Management Officer Report Committee Application

Summary				
Committee Meeting Date: 15 August 2017				
Application ID: Z/2014/1408/F				
Proposal: Proposed housing development of 51 no. residential units comprising 46 no. semi- detached and 5 no. detached dwellings with associated access, landscaping/open space and site works	Location: Single field to north of Lyndhurst View Park off Ballymagarry Lane Belfast			
Referral Route: Major application < 50 reside	ntial units			
Recommendation: Approval				
Applicant Name and Address: S Crowther, Designs Matter 8 Wellington Park Belfast BT9 6DS	Agent Name and Address: TSA Planning 29 Linenhall Street Belfast BT2 8AB			
Executive Summary: The application seeks full planning permission for a housing development of 51 no. residential units comprising 46 no. semi-detached and 5 no. detached dwellings with associated access, landscaping/open space and site works The main issues to be considered in this case are: - The acceptability of residential development at this location - Impact on Site of Local Nature Conservation Interest - Impact on neighbouring amenity - Traffic Movement and Parking				
 Traffic Movement and Parking Drainage A total of 3 letters of objection have been received, with one petition of objection. Raising issues including: Impact on character of the area and on residential amenity, Inappropriate design Overdevelopment and Loss of recreational land Traffic generation				
Principle The site is located within the settlement limits of Belfast and on a housing zoning within the Belfast Urban Area Plan and in the Draft Belfast Metropolitan Area Plan. The principle of residential development on this site was established under a previous application granted in December 2009 for 86 dwellings.				
The proposal, has been amended from 86 units to 51 and now represents a more appropriate density and form of development at this urban/ rural location at the edge of Belfast's settlement limits.				

Impact on Amenity

The separation distances proposed range from 19 to 27metres and are considered acceptable and taking account of the difference in levels, along with the proposed landscape buffer to the north-east and retention of existing planting along south-eastern boundary there will not be any significant impact on the amenity of neighbouring properties.

Consultees - Traffic, Parking and Flooding

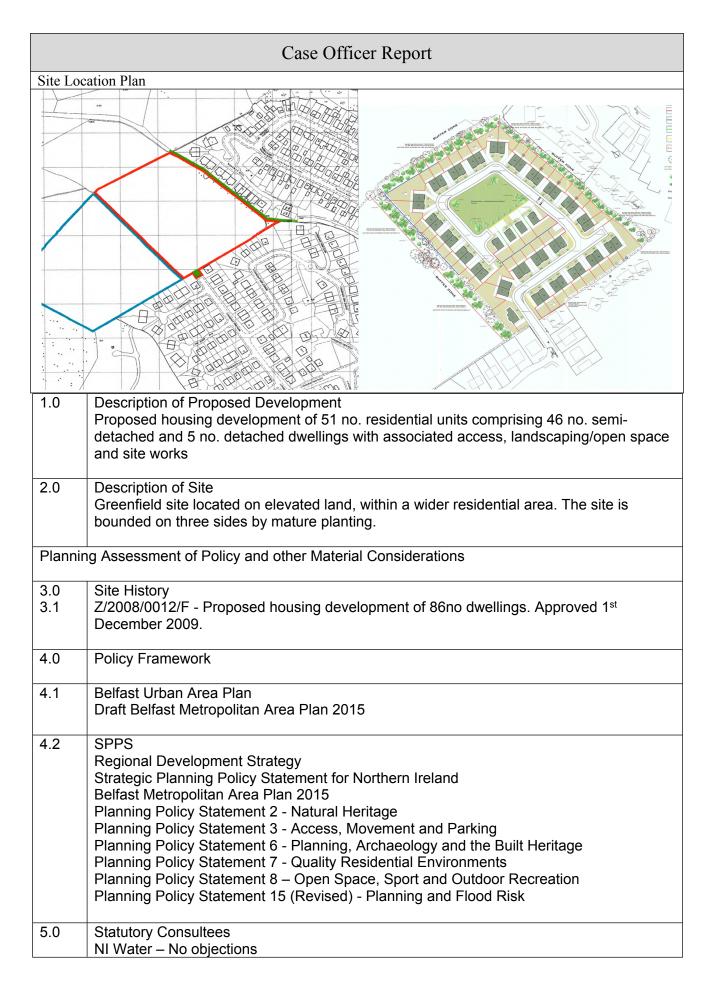
NIWater, Belfast City Council's Environmental Protection Unit and Rivers Agency have offered no objections to the proposal in principle and standard conditions are to be applied.

TransportNI offers no objections to this proposal subject to the inclusion of conditions.

NIEA – Natural Environment Division – the site is a designated site of local conservation importance and NED are content with the proposal subject to an informative in respect of wildlife is recommended

Recommendation

Having had regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved subject to conditions.



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 Overdevelopment Loss of recreational land 	
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BMAP, the extant development plan is	
the Draft BMAP had reached pre-	
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a matter of judgement for the decision	
P (the extant plan) and within	
t Metropolitan Area Plan. This housing	
a number of key site requirements:	
sity of 20 dwellings per hectare and a	
per hectare;	
2.14Ha site gives a density of	
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0.1m to 0.6m with the layout working	
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	 All existing trees, shrubs and hedgerows within the site and on the boundaries shall be retained, unless the Department determines that such vegetation is not of a quality to merit retention or is required to be removed to facilitate a safe means of access to the site. All boundary trees and hedges are to be retained. The south-eastern boundary is to be augmented with An 8-10 metres wide landscape buffer of trees and hedges of native species shall be provided entirely within and adjacent to the Belfast City Development Limit, along the north-western and south-western boundaries of the site and outside the curtilage of any dwelling. This is to provide screening for the development and help assimilate and soften its impact on the countryside. Details of establishment, maintenance and long term management shall be formally agreed with the Department. A 10m planted buffer has been provided along the northern and western boundaries of the site onto the countryside. A Flood Risk Assessment of the watercourses within and adjacent to the site shall be carried out and submitted to the Department to inform proposals for the development of the site; and A Drainage Assessment has been submitted with the proposal, as requested by Rivers Agency. Rivers Agency have confirmed that the site lies outside the 1 in 100 year fluvial flood plain. This demonstrates that there will be no residual flood risk due to surface water discharge for storms with a return period of 100 years or less. Oversized pipes will be incorporated in the design, with attenuation by means of a hydro parket to greenfield runoff rates. This will ensure that post development flow regime will replicate the pre-development flow regime in accordance with the principles of sustainable drainage. Site layout and topography allow the implementation of a positive drainage system to an existing 600mm diameter storm culvert at the eastern corner of the site. Rivers Agency have subsequently of
9.4	The proposal has been assessed against Policy QD1 of Planning Policy Statement 7. The site is located in an area where there is a mixed character with a number of housing developments from a number of eras in the vicinity. The proposal offers a mix of detached and semi-detached two storey dwellings, predominantly semi-detached.
9.5	Given the significant change in levels across the site it is noted that the lower density enables the built form to work with the existing levels and has kept any retention of land to a minimum. The semi-detached dwellings step down the slope, the built form itself being staggered to ensure there is no significant retaining structures required between each dwelling or pair of dwellings. The existing vegetation along the boundaries of the site is being retained in its entirety and help aggrandize the proposed landscape buffers along three of the site's boundaries.
9.6	The proposed density sits comfortably with the existing built context with the mix of detached and semi-detached dwellings on modest plots reflecting the mix provided in

Lyndhurst View Park, Lyndhurst Row and Lyndhurst View Avenue to the south. The Westway development to the north-east has something of a higher density with some townhouses and a tighter built form in smaller plots.

- 9.7 The layout offers a communal landscape area as a central feature with most of the development fronting onto it, helping create a sense of place with a mix of red brick and render finishes ensuring a diversity in the overall character and avoiding a monotony given what is essentially a development consisting of two main house types.
- 9.8 Given the change in levels across the site the use of retaining walls is almost inevitable, with the site levels rising from 118m in the eastern corner to 137m in the western corner. However where these are proposed they range in height from 0.1m to 0.6m with the layout working with the sloping site with some cutting in and infilling to create the desired levels. This level of retention, given the sloping nature of the site, is acceptable and as sympathetic as possible.
- 9.9 The overall quality of the proposed scheme is enhanced by the boundary treatments and proposed planting. Trees and informal grass areas are proposed to the front of all dwellings with 0.9m high railings at various points in front of the building line including along the southern edge of the communal landscaped area. A brick wall with coping stone is proposed to the side of the rear garden at site 51 to ensure a higher quality on the main approach into the site with all 1.8m high fencing kept to the rear of the building lines. The landscape buffer around the site will also add to the overall quality and reflect the sites edge of city location, ensuring the transition between urban and rural is a smooth one.

Impact on Site of Local Nature Conservation Interest

9.10 The application site is within Belfast Hills SLNCI which is of local importance. Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions. NED have highlighted that the site was ecologically assessed in 2014 and were content that there loss of ecological integrity would be minimal.

Impact on Neighbouring Amenity

9.11 Given the location of the nearest residential properties to the north-east and south-east, there will be no significant impact on neighbouring amenity, in terms of overshadowing, overlooking or noise and/ or general disturbance. Separation distances are in the region of 25-27m to properties to the north-east and 19-21m to properties to the south-east. It should be noted however that dwellings to the northeast in Westway Hill sit approximately 5m lower than the finished floor level of the nearest proposed dwellings, with the differences in levels to the existing dwellings to the south-east being much lower with a maximum difference of approximately 1m. Given these separation distances, and taking account of the difference in levels, along with the proposed landscape buffer to the north-east and retention of existing planting along south-eastern boundary there should not be any significant impact on the amenity of neighbouring properties.

Traffic Movement and Parking

9.12 The proposal has been assessed against policy AMP7 and AMP9 of Planning Policy Statement 3. Transport NI offers no objections to this proposal. A number of conditions have been recommended for inclusion in any planning decision notice issued. These are set out below at 11.4-11.11.

9.13	Contamination A Preliminary Risk Assessment (PRA) prepared by RSK and submitted in support of the above proposal and has been appraised by the Environmental Protection Unit of Belfast City Council. The PRA has concluded that unacceptable risks to human health do not exist on the proposed development site. However due to the history of quarrying and infilling in the wider area the EPU have requested that the condition detailed below at 11.2 is attached should planning permission be granted to ensure any unidentified contamination is adequately dealt with.	
9.14	Flooding The Flood Map (NI) indicates that the site lies outside the 1 in 100 year fluvial flood plain, however Policy <i>FLD3 - Development and Surface Water</i> of Planning Policy Statement 15 states that a Drainage Assessment will be required for residential development comprising 10 dwelling units or more.	
9.15	A Drainage Assessment has been submitted which demonstrates that there will be no residual flood risk due to surface water discharge for storms with a return period of 100 years or less. Oversized pipes will be incorporated in the design, with attenuation by means of a hydro brake to greenfield runoff rates. This will ensure that post development flow regime will replicate the pre-development flow regime in accordance with the principles of sustainable drainage. Site layout and topography allow the implementation of a positive drainage system to an existing 600mm diameter storm culvert at the eastern corner of the site. Rivers Agency have subsequently offered no objections.	
9.16	 Consideration of issues: (It should be noted that the objections were raised to the previous proposal for 86 units) Impact on character of the area The proposal, now reduced by 25 units, displays a density much more akin to the character of the surrounding area. Impact on neighbouring amenity As discussed in detail above at 9.11, the amended scheme, with ample separation distances and retention and augmentation of existing boundary planting, should have no significant impact on the amenity of adjoining premises. 	
	 Overdevelopment The reduction in numbers from 86 to 51 has created a scheme of detached and semi-detached dwellings on ample plots which in terms of density is certainly in keeping with the character of the area and could not be considered as overdevelopment of the site. Loss of recreational land The site is zoned for housing and is located within the settlement limits. The loss of this land to housing is not a matter of concern. 	
	 Traffic generation TransportNI have offered no objections in principal Inappropriate design The design of the dwellings are very much in keeping with the surrounding suburban area. The design has changed substantially since the original proposal and is now more reflective of the edge of settlement location. Impact on wildlife and trees 	
	 NIEA have offered no objections to the proposal. NED have highlighted that the site was ecologically assessed in 2014 and were content that there loss of ecological integrity would be minimal. All boundary trees are to be retained and landscape buffers are proposed along three of the four site boundaries. Impact on public services such as drainage 	

	 Confirmation has been requested from NIWater that the foul drainage from the development can be connected to the existing foul sewer within Westway Hill.
10.0 10.1	Summary of Recommendation: Relatively low density residential development on lands zoned for housing in both the BUAP and Draft BMAP. The density is very much in keeping with the surrounding area and the layout respects the levels and contours of the site. The proposal represents a significant improvement from the previously approved housing development on the site and with a reduction of 35 units brings a density which is certainly more appropriate given the site's location at the edge of the settlement limits.
10.2	Statutory and non-statutory consultees have offered no objections to the proposal and a TA Form and Travel Plan have been submitted to address issues raised by TransportNI.
11.0 11.1	Conditions 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.
11.2	If during the development works, contamination is encountered, works shall cease and the Council be notified immediately. This 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.
11.3	Unless otherwise agreed in writing with the Department, no part of the development hereby approved shall be commenced until the appropriate consent to discharge and maintenance way leave for the storm drain to the north east of the site has been provided.
	Reason: To ensure satisfactory discharge of the storm drainage system.
11.4	The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No's . 161202-C01A bearing the date stamp 3 rd July 2017, prior to the occupation 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.
11.5	The access gradient(s) to the dwelling(s) 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.

11.6 The development hereby permitted shall not be commenced until any highway structure or retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges. Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges. 11.7 The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 11.8 Any existing street furniture or landscaping within the visibility splays as conditioned above shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 11.9 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department 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. 161202-C01A bearing Department for Infrastructure Determination date stamp 31st July 2017. Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980. 11.10 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development. Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling. 11.11 The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No. 161202-C01A bearing Department for Infrastructure Determination date stamp 3rd July 2017, to provide for parking 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 adequate provision has been made for parking and traffic circulation within the site. Informatives: The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger

(*Meles meles*). It is also an offence to intentionally or recklessly: damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection; damage or destroy anything which conceals or protects any such structure; disturb a badger while it is occupying a structure or place which it uses for shelter or protection. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works must cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland

Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

• kill, injure or take any wild bird; or

• take, damage or destroy the nest of any wild bird while that nest is in use or being built; or

• at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or

• obstruct or prevent any wild bird from using its nest; or

• take or destroy an egg of any wild bird; or

• disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or

• disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August, unless pre-clearance surveys show an absence of breeding

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building, the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department, to make the roads and sewers in accordance with the Private Streets Construction Regulations.

Separate approval must be received from DfI, Roads in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.

Before commencing any works associated with the area determined for adoption by the Department for Infrastructure, the developer must notify the relevant Private Streets Officer at Dfl, Roads, Hydebank, 4 Hospital Road, Belfast,BT8 8JL.

Developers should be aware of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001 which came into effect on 1st May 2001. Design for any street lighting schemes will require approval from DfI, Roads Street Lighting Consultancy, Hydebank, 4 Hospital Road, Belfast, BT8 8JL.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud or debris deposited on the road must be removed immediately by the contractor.

	Notwithstanding the terms and conditions of the Department of Environment's approval so out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure, Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding th site. The consent is available on personal application to the Dfl, Roads Section Engineer whose address is: Belfast North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH.	
	A monetary deposit will be required to cover works on the public road.	
	All construction plant and materials shall be stored within the curtilage of the site.	
	It is a Dfl Roads, requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.	
12.0	Notification to Department (if relevant) N/A	
13.0	Representations from elected members: None	
Neighl	bour Notification Checked Yes	

ANNEX		
Date Valid	20th October 2014	
Date First Advertised	7th November 2014	
Date Last Advertised	5th May 2017	
Details of Neighbour Notification (all addresses)10 Westway Hill Ballymagarry BelfastStuart Verner8 – 18b Westway Hill, Belfast, Antrim, Northern Ireland, BT13 3NZ18 – 19 Lyndhurst Path Ballymagarry Belfast18 Lyndhurst View Avenue Ballymagarry Belfast20 – 28 Lyndhurst View Avenue Ballymagarry Belfast3 - 7Westway Hill Ballymagarry Belfast3 Lyndhurst View Park Ballymagarry Belfast8 Lyndhurst View Road Ballymagarry Belfast9th May 2017		

Date of EIA Determination	3 rd November 2014
ES Requested	No
Drawing Numbers and Title 01/1, 02/1, 31/1, 41-72	
Notification to Department (if relevant)	
Date of Notification to Department: Response of Department:	