

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2018/0009/F	<b>Date of Committee:</b> 11 December 2018
<b>Proposal:</b> Residential development comprising 15 dwellings - 5 no. detached and 10 no semi-detached, associated landscaping, access and car parking	<b>Location:</b> Lands at 35-37 Diamond Gardens, Belfast
<b>Referral Route:</b> Proposal is for over 12 dwellings with representations that conflict with the Case Officer recommendation.	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> Huxley Group Ltd 2 Lisleen Road East Comber BT23 5QB	<b>Agent Name and Address:</b> Gravis Planning 1 Pavilions Office Park Kinnegar Drive Holywood
<p><b>Executive Summary:</b></p> <p>The proposal is 'Residential development comprising 5 no. detached dwellings and 10 no semi-detached dwellings, associated landscaping, access and car parking'.</p> <p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on character and density of the surrounding area</li> <li>- Design, scale and massing</li> <li>- Impact on residential amenity</li> <li>- Impact on traffic and parking</li> <li>- Impact on flood risk and sewage infrastructure</li> </ul> <p>The site is not zoned or designated within the BUAP or dBMAP and is within an established residential area. Therefore the principle of developing the site for housing is acceptable.</p> <p>Six representations have been received raising objections including traffic, flooding and overdevelopment which are dealt with in the report below.</p> <p>Consultees raise no objections.</p> <p>It is considered that the design and layout will result in a quality residential environment for prospective residents and the scheme is appropriate to the character and topography of the site and surrounding area in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas, including parking and access.</p> <p><u>Recommendation</u></p> <p>Approval is recommended, subject to conditions. It is requested that final conditions are delegated to the Director of Planning &amp; Place.</p>	

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The proposal is for a 'Residential development comprising 5 no. detached dwellings and 10 no. semi-detached dwellings, associated landscaping, access and car parking'.</p> <p>Four detached dwellings are proposed facing the existing road, with a shared surface access road proposed to access the remaining 11 dwellings at the rear of the site. A detached dwelling is proposed in the north western corner of the site, with the semi-detached dwellings located on either side of the access road.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The site is located within the urban limits of Belfast. The site is rectangular in shape and is relatively flat, measuring approximately 0.40 Ha. It is bound to the south by the existing road, known as Diamond Gardens and bound to the north by an embankment and railway line. The boundary treatment along Diamond Gardens is defined by a wire mesh fence and gate, whilst the northern boundary treatment is defined by metal palisade fencing. To the east of the proposed site is a residential development, known as Diamond Grove, with the boundary treatment defined in part by a wall, timber fencing and temporary wire mesh fencing, with a portion of the boundary undefined. To the west of the site is further residential development with the boundary treatment defined wholly by a timber fence. The site is a brownfield site, previously used as a dairy storage depot. The site has since been cleared and is covered in clay and soil, with bits of timber and rock evident on the surface. Some vegetation, including trees, remains in situ within the site, particularly along the southern boundary.</p> <p>The surrounding area is characterised primarily by residential development, however a telephone exchange building is located approximately 20 metres to the east of the site. The character of the area is defined primarily by semi-detached and detached dwellings in medium sized plots.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>Z/2006/0295/F - Residential development of 46 apartment units with associated basement car parking and associated landscaping (Granted 22/5/08)</p> <p>Z/2004/2091/F - Proposed residential development comprising 15 No. townhouses &amp; 2 No. duplex apartments and 2 semi-detached dwellings (Granted at Appeal 19/12/05)</p> <p>Z/2003/1674/F - Redevelopment of the site to provide 22 residential dwellings (Refused)</p> <p>Z/2002/1947/O - Residential re-development. Two pairs of semi-detached houses and siteworks (Granted 25/11/02).</p> <p>Z/1990/0774 - Construction of distribution and storage depot (Refused)</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)

	4.1.1 4.1.2	White land - BUAP White land – dBMAP
4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum: Safeguarding the character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: Planning and Flood Risk	
4.3	Other Material Considerations: Creating Places Parking Standards DCAN 8 Housing in Existing Urban Areas	
<b>5.0</b>	<b>Statutory Consultees Responses</b>	
5.1	NIEA - No objection, subject to conditions	
5.2	DFI Roads – No objection to the proposal, however have requested additional details on PSD drawings (prior to conditions).	
5.3	NI Water – No objection	
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>	
6.1	BCC Environmental Health – No objection, subject to conditions	
6.2	Rivers Agency – No objection.	
6.3	BCC Tree Officer - No objection, subject to conditions	
<b>7.0</b>	<b>Representations</b>	
7.1	6 representations have been received, relating to the proposed development. 4 of the representations were received from the same address. The issues raised are summarised below:	
7.2	<ul style="list-style-type: none"> <li>- Concern that the proposal will contribute to further flooding in the area.</li> <li>- Existing fencing has collapsed and site is currently not secure.</li> <li>- Site is currently used for anti-social behaviour.</li> <li>- Proposed boundary treatments are inadequate (materials and height).</li> <li>- Concerns with landscaping proposals, including proximity of proposed trees to neighbouring dwelling contributing to a loss of light.</li> <li>- Concerns regarding traffic.</li> <li>- Overdevelopment of site.</li> <li>- Detrimental impact on character.</li> </ul>	
7.3	The issues raised are dealt with in the report below.	
<b>8.0</b>	<b>Assessment</b>	

8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Impact on character and density of the surrounding area</li> <li>- Design, scale and massing</li> <li>- Impact on residential amenity</li> <li>- Impact on traffic and parking</li> <li>- Impact on flood risk and sewage infrastructure</li> </ul>
8.2	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration. The site is not zoned or designated within the BUAP or dBMAP.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS introduces core planning principles, including 'improving health and well-being' and 'supporting good design and positive place making'. The SPPS also aims to increase housing density without town cramming and encourages sustainable forms of development, good design and balanced communities. The SPPS states that within established residential areas such as this, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents.</p>
8.4	<p><u>Character of Area</u></p> <p>The proposal is assessed against the policy tests of PPS 7 relating to Quality Residential Environments. The application site is located within an existing residential area, characterised primarily by detached and semi-detached dwellings in medium sized plots. The proposed detached and semi-detached dwellings therefore conform to this characteristic. It is noted that the adjacent development, Diamond Grove, is slightly different in that it is made up of a terrace and an apartment building. The front boundaries of surrounding dwellings are mainly defined by hedgerows. The proposed development includes hedgerows along the front boundaries of each dwelling. The proposed density of the development equates to approximately 35 dwellings per Hectare and generally corresponds with that found within the surrounding area. It is considered that the proposed development is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, landscaped and hard surfaced areas.</p>
8.5	<p><u>Amenity Space &amp; Landscaping</u></p> <p>Private Amenity space is proposed for each individual dwelling at an acceptable standard, in accordance with the provisions of 'Creating Places' (around 70 sq metre per dwelling or greater). BCC's Tree Officer has commented on the landscaping proposals and is content, subject to conditions. The landscaping proposals assist in integration of the development and also provide screening of the railway track along the northern boundary. A neighbouring occupier expressed concern that trees were proposed too close to his property and would</p>

	<p>impact on light. Consequently, the landscaping proposals were amended to move the trees further into the proposed gardens to lessen any potential impact. The proposed tree species is a 'Sorbus aucuparia', a medium sized tree and it is not considered that this will contribute to a loss of light to the neighbouring dwelling.</p>
8.6	<p><u>Residential Amenity</u></p> <p>A Noise Impact Assessment was submitted for the proposal; assessing the level of noise and vibration generated by the adjacent railway line given the proximity to the proposed dwellings. Following consultation with BCC EHO, there are no concerns with this aspect of the proposal, subject to conditions. Whilst several proposed dwellings back onto access roads to other developments, sites 9, 10 and 11 back onto existing properties. It is considered however that separation distances between dwellings is acceptable. Consequently, it is considered that the proposal does 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, overshadowing, noise or other disturbance.</p>
8.7	<p><u>Design &amp; Materials</u></p> <p>It is considered the proposed design is acceptable and draws upon the best local traditions of form. The materials proposed include off white painted render, rustic red clay facing brick, dark grey reconstituted slate or flat profile roof tiles and the detailing is in keeping. The proposed dwellings also provide adequate internal floorspace, in accordance with Annex A of PPS 7 Addendum.</p>
8.8	<p><u>Boundary treatments</u></p> <p>The proposed boundary treatments are acceptable. However, it is considered that the timber fence separating the development from the existing development at Diamond Grove should be double sided to enhance visual amenity.</p>
8.9	<p><u>Movement, Access &amp; Parking</u></p> <p>A shared surface access road is proposed, with a 2 metre service strip located adjacent to the access road. It is considered an acceptable movement pattern is proposed with access for cyclists, pedestrians and people whose mobility is impaired. The proposed development is connected to the existing footpath network. DFI Roads have indicated that they are content with the proposed layout and parking arrangement, with 38 parking spaces provided within the application boundary (including 6 for visitors). The submitted PSD drawings have to be amended to include additional detailing, prior to provision of conditions.</p>
8.10	<p><u>Local services and Safety</u></p> <p>The site is located in close proximity to services and facilities and there is no requirement to provide integral neighbourhood facilities. It is considered that the proposal is designed to deter crime and promote personal safety.</p>
8.11	<p><u>Drainage / Flooding</u></p> <p>In accordance with Policy FLD 3 of PPS 15, a Drainage Assessment was submitted for the proposal. DFI Rivers Agency accept the logic of the drainage assessment and have stated that they have no reason to disagree with the conclusions. The site is not located within a floodplain, therefore no Flood Risk Assessment was required.</p>
8.12	<p><u>Sewage</u></p> <p>NI Water have no objection to the proposed development, advising that there is available capacity within the existing Waste Water Treatment Works.</p>
8.13	<p><u>Contaminated land</u></p>

8.14	<p>The site is a brownfield site and a 'Generic Quantitative Risk Assessment' was submitted in support of the proposal. Following consultation with both NIEA and BCC EHO, there are no objections to the proposal subject to conditions.</p> <p><u>Ecology</u> A Preliminary Ecological Assessment (PEA) was submitted in support of the proposal. The PEA found no evidence of priority habitats or protected species on the site. Following consultation with NIEA Natural Environment, it is considered that the proposal does not conflict with the policy tests of PPS 2.</p>
8.15	<p><u>Statutory consultation</u> The planning application was advertised in the local press and 22 neighbours were notified of the proposal. As already discussed, 6 representations were received.</p>
<b>9.0</b>	<p><b>Summary of Recommendation: Approval</b></p> <p>It is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy, therefore approval is recommended. As DFI Roads have not yet provided conditions, it is requested that final conditions are delegated to the Director of Planning &amp; Place.</p>
<b>10.0</b>	<p><b>Conditions</b></p>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified in WYG's Updated Generic Quantitative Risk Assessment, Diamond Gardens, Belfast, reference A105040, dated November 2017. This strategy must be submitted in writing and agreed with the Planning Authority 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.).</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.3	<p>The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 2 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.4	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>

10.5	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under Conditions 1, 2 and 3; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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.</p>
10.6	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>The applicant, on completion of the approved works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG report titled "Diamond Gardens Updated Generic Quantitative Risk Assessment" report no A105040 dated November 2017 have been implemented. The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages as outlined in the WYG report 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:</p> <ol style="list-style-type: none"> <li>a. Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in accordance with BS 8485 and their installation has been verified in line with Ciria C735.</li> <li>b. The layer impacted with Diesel Range Organics (BHD) has been removed in line with section 6.1 Hot Spot removal of the WYG report. Validation samples will be taken from the base and four sides of the excavation. Any infill materials shall be demonstrably suitable for end use.</li> </ol>
10.7	<p>Reason: Protection of Human Health</p> <p>Prior to occupation of the proposed development, the applicant must submit, to the Council for approval, a noise Verification Report (VR) which demonstrates that the glazing and ventilation mitigation measures outlined in KRM Acoustics Noise Assessment titled "Erection of 15 detached and semidetached dwellings and associated site works. Site North west of Diamond Gardens Finaghy" dated 14<sup>th</sup> November 2017 and the KRM acoustic addendum report dated 12 March 2018 have been incorporated into the proposal so as to ensure that internal noise levels within any proposed residential unit shall:</p> <ul style="list-style-type: none"> <li>• Not exceed 35 dB <math>L_{Aeq,16hrs}</math> at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 30 dB <math>L_{Aeq,8hr}</math> at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 45 dB <math>L_{Amax}</math> more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;</li> </ul> <p>Prior to the occupation of the proposal a 1.8m high close boarded vertical timber boundary fence shall be erected as per stamped drawing no 15</p>

<p>10.8</p>	<p>Reason: Protection of Human Health</p> <p>All soft landscaping works shall be carried out in accordance with the approved details on drawing No. 16B, dated 25<sup>th</sup> October 2018. The works shall be carried out prior to the occupation of the first dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p>
<p>10.9</p>	<p>Reason: In the interests of the character and appearance of the area</p> <p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p>
<p>10.10</p>	<p>Reason: In the interests of visual amenity</p> <p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p>
<p>10.11</p>	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p> <p>If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.</p>
<p>10.12</p>	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p> <p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p>
<p>10.13</p>	<p>Reason: To avoid compaction within the RPA.</p> <p>All proposed boundary treatments on stamped approved Drawing No. 15A date stamped received 8<sup>th</sup> October 2018 shall be carried out prior to the occupation of the development hereby approved. Notwithstanding the details on this Drawing, Boundary Fence G should be double sided along the eastern boundary with Diamond Grove.</p> <p>Reason: In the interest of visual amenity.</p>



**Notification to Department (if relevant)**

**Representations from Elected members:**

None