



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 23 April 2015	Item Number: 7 i
Application ID: Z/2014/1263/F	Target Date:
Proposal: 5 social dwellings	Location: Site at 40 Torrens Crescent Belfast BT14 6HS
Referral Route: Falls outside delegated scheme	
Recommendation:	Approval
Applicant Name and Address: Fold Housing Association Fold House 3 Redburn Square Holywood BT14 6HS	Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT7 1DT
Executive Summary: <p>The application seeks full planning permission for 5 two storey dwellings (one detached and four terraced). The main issues to be considered in this case are:</p> <ul style="list-style-type: none">• The principle of housing at this location;• The potential impact on neighbouring amenity; <p>The site is located on unzoned land within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan 2015.</p> <p>The proposal was assessed against planning policy QD1 of PPS7 and complies.</p> <p>Consultees offered no objections subject to conditions relating to contamination investigation and appropriate mitigation.</p> <p>It is recommended that the application is approved with conditions.</p>	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Roads - Hydebank	No objection subject to conditions
Non Statutory	Env Health Belfast City Council	No objection subject to conditions
Non Statutory	NI Water - Multi Units East - Planning Consultations	No objection
Non Statutory	NIEA - Land and Resource Management	No objection subject to conditions

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues N/A	

Characteristics of the Site and Area

Backland, brownfield site located to rear of semi-detached and terraced dwellings. Formerly the site of a community centre. Land rises from Torrens Crescent towards the rear of the dwellings off Torrens Drive with a drop of approximately 2m to the rear of dwellings off Torrens Road. The main portion of the site is relatively flat and accessed from the south via an existing turning head. A 2m high fence defines the boundaries of the site.

Site is located in a residential area with established traditional two storey housing and more contemporary two storey semi-detached and terraced housing. All dwellings are set a short distance back from the main roads, all with a common frontage and uniform building line onto Torrens Crescent. A row of established single storey terraced dwellings are located to the immediate east of the site.

The site is located on unzoned lands within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan 2015.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy

Belfast Metropolitan Area Plan 2015

Planning Policy Statement 1 - General Principles

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

Planning Policy Statement 12 - Housing in Settlements

Area Plan designation/ Principle of Development:

The site is located within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan. The presumption is therefore in favour of development subject to the planning considerations detailed below.

PPS1

Contamination:

The Environmental Services Unit of Belfast City Council has received and reviewed the following: 'Contamination Assessment Site at Torrens Crescent, Belfast for Gilligan and Partners Ltd/Fold Association' Pentland Macdonald Ltd Report No.PM14-1043 dated August 2014.

The desk study / Preliminary Risk Assessment identified several potential contaminated sites that may cause potential risk to human health including layer of made ground, former RUC Station and builders yard. It also recommended that intrusive site investigation is carried out.

The reports submitted by the applicant show that all 4 soil samples analyse fell below the Generic Assessment Criteria (GAC) for residential (with plant uptake). As a result the report concluded that the soils at this site do not pose an unacceptable risk to further residents.

The report identifies that groundwater on the site to be shallow and flow towards the northeast with elevated levels of indeno (123-cd) perylene and benzo (ghi) perylene and pH levels. However the report concluded that shallow groundwater is not of significantly reduced quality and does not pose any unacceptable risks to human health.

The GQRA report determined that the risk posed to human health by ground gas is very low risk. The report concluded that the site does not pose any potentially unacceptable risks to future site residents and or construction workers.

Based on the information provided by the applicant in support of this application, BCC have requested that in the event planning permission is granted a number of conditions are attached to ensure that should any unidentified contamination be found during construction that it is adequately dealt with. These conditions are detailed below.

Similarly NIEA Waste Management Unit have no objections to the proposal based on the information submitted in the report by Pentland McDonald Ltd and have advised that the conditions, as detailed below, are attached to any Planning Decision Notice.

PPS3

Parking/ Access provision:

TransportNI are satisfied with the level of parking provision and have no objections to the proposal subject to the conditions detailed below.

The proposal provides both pedestrian and vehicular access links to the wider road network and associated public transport links.

PPS7 - Policy QD1

Visual Amenity/Impact:

Given the fact the surrounding context is predominantly that of two storey semi-detached and terraced dwellings, I am of the opinion that in terms of the overall scale and massing the proposal is in keeping with, and will not harm the character of the area. Arguably the main impact in terms of streetscape will be the point at which the site meets the public street at Torrens Crescent, given the back-land nature of the remainder of the site. The proposed detached dwelling fills what is essentially a gap site on Torrens Crescent. An amendment was requested to move the dwelling forward in the site by approximately 2m to ensure the dwelling maintains a uniform building line along Torrens Crescent.

Given the stepped nature of the site from Torrens Crescent to the higher level on the main body of the site it is inevitable that some ground retention will be required. A 2m high retaining wall has been proposed along the North-Western boundary of the site where it abuts No. 42 Torrens Crescent, this rises to 2.6m to the rear of the proposed detached dwelling. Although not ideal I would argue given the positioning of most of the retaining wall behind the building line there is limited impact on the character of the area. A small section projects beyond the front of the dwelling, however this is only 1m high and I do not feel it would have an adverse visual impact. Given the significant change in levels there would be no feasible way to otherwise address the streetscape on Torrens Crescent without cutting into the existing slope to this extent. A similar arrangement exists to the side of No. 36-38 Torrens Crescent to the immediate North-East of the site where an area of parking and bin storage has been provided by cutting into the slope with a stepped retaining wall to the side rising to a wall of approximately 2.5m to the rear, all of which is visible from the street.

The back-land element of the site with the four terraced dwellings is served by a car-parking bay with some soft landscaping to either end of the terrace and around the car parking. Although the parking bay arrangement may not be as visually or practically appealing as in-curtilage parking it is important to note that this section of the site is entirely backland with little in the way of public interest. I also feel that the addition of some planting around the area of hard-standing will help improve the visual aspect of the scheme and add to the overall quality. Given the elevated nature of this section of the site some concerns were initially raised regarding the potential impact on the three lower-lying dwellings to the South-East. This has been addressed through a repositioning of the block which has increased the separation distance. This will be discussed further below.

Public/ Private open space provision:

Given the scale of the proposal (under 25 units) there is no policy requirement for communal open space provision. However a small area of planted open space has been provided on the approach

into the site to either side of the entrance to the back-land part of the site. This may not have much recreational value but will certainly provide some visual relief and improve the overall quality.

In terms of the proposed finishes, the red facing brick on the external walls and the grey/ black concrete roof tiles will certainly be sympathetic to the character of the established housing stock and the more contemporary dwellings to the south.

Residential Amenity/Impact including privacy, light, noise/disturbance:

Given the change in levels throughout the site, and the difference in levels between the main part of the site and the dwellings to the south and south-east concerns were initially raised with regard to the potential impact on neighbouring amenity. This impact will arguably be greatest to the east where there are three single storey dwellings with a finished ground level approximately 1m lower to the south-east and almost 2m lower further north to the rear of No. 1 Torrens Road. Initially the separation distance was 16.8m. The agent was contacted with concerns with regard to potential overlooking and overbearing. As a result the lay-by car parking and footpath were removed from the front of the dwellings enabling the row of dwellings to be pulled further from the boundary with 1-3 Torrens Road (drawing No. 02/A). Given a TransportNI requirement of a footpath and ramp at the access point the first dwelling, and hence the row, had to be pushed back again slightly by approximately 0.5m. This still ensures a back to back separation distance of approximately 20.2m. It is important to note that this is a high density inner urban area and it is inevitable that some overlooking into adjacent properties will occur however and a rear garden depth of approximately 11.2m should ensure there will not be a significant impact on amenity. Similarly, there will certainly be an awareness of the two storey massing but I do not feel that it will result an unduly significant level overbearing/ dominance.

Given the location and orientation of the four dwellings in relation to the three dwellings on Torrens Road there should be no significant loss of light from the rear of the existing dwellings. The introduction of a 1.8m close boarded fence to the rear of the proposed dwellings will help screen the proposed dwellings. It could be argued that this will have an impact on the amenity of the existing dwellings however there are railings and planting along this boundary which already have an impact, there is also a planning gain issue with introducing private rear gardens along this boundary instead of a vacant plot of land.

The relocation of the row of dwellings further west in the site has inevitably brought them closer to the rear of the adjacent property at No. 42 Torrens Crescent. Not only did this raise concerns with regard to direct overlooking to the rear of No. 42 from first floor windows it also created an internal issue with regard to the quality of the outlook from the proposed dwelling at the end of the row of four. To address this the footprint of the dwelling was 'flipped' to ensure the first floor bedroom window did not look directly over the rear garden of No. 42, with the door now located at the northern most point of the dwelling and the window relocated to provide a better outlook from ground floor for the future residents. In response to the concerns the agent has also advised that the applicant (Fold Housing Association) owns the said property at No. 42 and has shown the relocation of the rear fence to further improve the internal arrangement and further minimise any potential for direct overlooking from first floor windows.

Buffer planting along the western boundary and a tree adjacent to proposed dwelling No. 4 shall help add not only to the internal quality but shall also reduce the visual impact of the scheme when viewed from the rear of adjacent properties. The planting along the western boundary will also minimise any potential impact on amenity as a result of the 7 parking spaces both visually and in terms of general noise and/ or disturbance.

Small railings and gates have been placed to the front of the building line of the four terraced dwellings which shall provide a defensible space and will ensure there is no direct access from the public realm to the front doors or windows.

Neighbour Notification Checked:

Yes

Summary of Recommendation:

Modest housing scheme in established residential area. Scale, massing and design in keeping with both the established and modern housing stock in the vicinity. Issues regarding potential impact on amenity of adjoining properties have been addressed through the submission of amended plans. TransportNI, NIEA Waste Management Unit and Environmental Services Department of Belfast City Council have offered no objections to the proposal subject to a number of conditions.

Conditions:

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Heavy standard trees shall be planted in accordance with the approved plan 02/B and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwellings hereby approved.

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

3. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Department, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Department gives its written consent to any variation.

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

4. If during the development works, contamination and new risks are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. A no development area will be agreed and this new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and a written report detailing the nature of this contamination and its management must be submitted to Belfast City 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 environmental receptors to ensure the site is suitable for use.

5. After completing any remediation works required under Condition 4 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Department. 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 risks and achieving the remedial objectives.

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

6. The vehicular access to Dwelling 5, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 14-03 Rev B dated by Planning 26/3/15, prior to the occupation of that dwelling.

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

7. No dwelling hereby approved shall be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

8. The access gradient to dwelling No.5 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.

9. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in (verges/service strips) determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

10. 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:14-03 Rev B dated by Planning 26/3/15 bearing the TransportNI determination date stamp 31/3/15.

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

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

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

12. The development hereby permitted shall not be commenced until any 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.

Informatives:

1. The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to

provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.

2. The purpose of Conditions 4 and 5 is to ensure that risk assessment and remediation work is undertaken to a standard that enables safe development and that the site is suitable for use such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
3. Comments provided by NIEA in regards to this application area are without prejudice to any further statutory control which may be required under Part III or any other future environmental legislation.
4. The applicant should ensure that the management of all waste are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. This should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk>)
5. The onus is on the developer to find out if there is existing water and sewer infrastructure within their property
6. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water.
7. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service.
8. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full cost, company overheads, etc.
9. It is the responsibility for the developer / house builder to find out about the nearest public watermain, foul sewer and storm sewer / watercourse that has the capacity to service the proposed development. Copies of existing water and sewer records can be obtained from NI Water. There is a nominal charge for this service.
10. Guidance can be given to developers / house builders about how the proposed development can be served by a public watermain or sewers. To find out how proposed development can be serviced with water and sewer infrastructure, developers and house builders can submit a Pre-Development Enquiry.
11. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NIW Water to extend the public watermain or foul / storm sewer system to service your development.
12. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers.

13. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-ordination Team.
14. Copies of our Application Forms can be obtained by contacting the Developers Services Business Line 08458770002 or by downloading from our web page www.niwater.com/servicesfordevelopment.asp and Forms.
15. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
16. .This permission does not confer title. It is the responsibility of the developer to ensure that the controls all the lands necessary to carry out the proposed development.
17. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
18. 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.
19. Separate approval must be received from TransportNI in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.
20. 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, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.)
21. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's 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 the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Belfast North Section Office, 148-158 Corporation Street, Belfast BT1 4DH. A monetary deposit will be required to cover works on the public road.
22. All construction plant and materials shall be stored within the curtilage of the site.
23. .It is the responsibility of the developer to ensure that: - surface water does not flow from the site onto the public road; the existing roadside drainage is accommodated; no water flows from the public road onto the site; surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.
24. Pedestrian crossing points including tactile paving to be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".
25. Developers should be aware of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001 which came into effect on 01 May 2001.
26. Design for any Street Lighting schemes will require approval from TransportNI's Street Lighting Central Design Unit, Hydebank, 4 Hospital Road, Belfast BT8 8JL, telephone (028) 9025 3256.

27. The Private Streets Order (Northern Ireland) 1980. Before any work is commenced on the construction of adoptable roads and sewers, the developer must notify the Private Streets Officer at DRD TransportNI, Hydebank, 4 Hospital Road Belfast BT8 8JL, (Tel 028 90 253000).
28. It is a TransportNI 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.

Signature

Date: