

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 October 2016	
Application ID: Z/2013/0095/F	
Proposal: Residential development of 32 dwelling houses and 8 apartments.	Location: 730-760 Shore Road
Referral Route: More than 4 dwellings	
Recommendation:	Approval subject to Conditions
Applicant Name and Address: St Mary's Parish Church Greencastle 824 Shore Road Newtownabbey BT36 7DG	Agent Name and Address: The Boyd Partnership LLP 1 River's Edge 73 Ravenhill Road Belfast BT6 8DN
<p>Executive Summary: The application seeks full planning permission for a residential development consisting of 40 units in total with 32 dwelling houses and 8 apartments.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The acceptability of housing at this location • Loss of open space and Loss of mature trees • Contamination • Flooding • Traffic Movement and Parking • Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest • Archaeology <p>The site is located on unzoned whiteland within the development limits of Belfast as designated in the Belfast Metropolitan Area Plan. The site is located on a part of the Shore Road with no strong defining built character and a mix of domestic scale residential properties and high rise apartment blocks. The dwellings to the front of the site respect the built form displayed on adjacent road frontage properties, whilst the three storey apartment block is located on a similar position to the previous two storey youth club located on the lower roadside part of the site. The elevated greenfield part of the site shall offer a mix of tenure, at a medium density, and providing two pockets of open space. The development respects the adjoining land uses and should not adversely affect the character of the area.</p> <p>NIEA and the Shared Environmental Services Team have considered the impact of the proposal on the Belfast Lough Special Protection Area and Area of Special Scientific Interest and have offered no objections.</p> <p>Rivers Agency, NI Water, NIEA Historic Monuments Unit, NIEA Natural Environment Division and Belfast City Council's Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.</p>	

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.

Committee is requested to delegate the final wording of the conditions to the Director of Planning and Place.

Recommendation

Approve subject to conditions set out in the case officer report below.

Case Officer Report

Site Location Plan





1.0	<p>Description of Proposed Development Development consists of 32no dwelling houses and 8no apartments. 2 detached dwellings and a three storey apartment block are located in the roadside brownfield part of the site while the remainder of the units (predominantly semi-detached) are located in the elevated section of the site set around a loop road and including two areas of communal open space.</p>
2.0	<p>Description of Site The site is located on unzoned whiteland. The site has two distinctive areas: a brownfield area on lands adjacent to the main road and an elevated greenfield area bound by mature vegetation to the west. The site is dissected by a heavily treed embankment.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
3.0	<p>Site History</p>
3.1	<p>No relevant planning history on site</p>
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Metropolitan Area Plan 2015</p>
4.2	<p>SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Belfast Metropolitan Area Plan 2015 Planning Policy Statement 1 - General Principles</p>

	<p>Planning Policy Statement 2 - Natural Heritage</p> <p>Planning Policy Statement 3 - Access, Movement and Parking</p> <p>Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7 - Quality Residential Environments</p> <p>Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation</p> <p>Planning Policy Statement 15 (Revised) - Planning and Flood Risk</p>
5.0	<p>Statutory Consultees</p> <p>NI Water – No objections</p> <p>Transport NI – Approval subject to conditions</p> <p>NIEA – Approval subject to conditions</p> <p>Rivers Agency – No objections</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – Approval subject to conditions</p>
7.0	<p>Representations</p> <p>One letter of objection received. The following issues were raised:</p> <ul style="list-style-type: none"> - The school lane included in the proposal is vested to DENI. - The proposal does not address entrance improvements to the school. - No safe crossing point provided at the entrance on Shore Road. - Proposed houses with gable windows close to school may create child protection issues.
8.0	<p>Other Material Considerations:</p> <p>Creating Places</p>
9.0	<p>Assessment</p>
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> - The acceptability of housing at this location - Loss of open space - Loss of mature trees - Contamination - Flooding - Traffic Movement and Parking - Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest - Archaeology
9.2	<p>Principle of Redeveloping the Site & Height, Scale, Mass and Design and open space provision</p> <p>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 sporadically located off either side of the Shore Road with some established road frontage houses and a number of vacant sites. In terms of the residential character there is a mix of two and two and a half storey terraced and semi-detached dwellings fronting onto the Shore Road to the north of the site with two storey and single storey semi-detached to the south. A much higher density apartment development is located further south. To the other side of the road there are fewer residential developments with a large Church directly across from the site, a terraced housing development to its south and derelict lands to its north.</p>
9.3	<p>The proposal seeks to create a frontage onto the Shore Road with the introduction of a pair of detached dwellings to the north of the access point. The roadside dwelling, with its dual frontage aspect, has a building line similar to that of the adjacent detached and terraced dwellings to the north of the site. This provides a quality streetscape onto Shore Road and addresses the site entrance.</p> <p>There is little by way of a strong residential character to the eastern side of the Shore</p>

	Road with the large Whitehall Metropolitan Tabernacle Church dominating the street-scene with substantial areas of hard standing evident to its north and a two storey Housing Executive development (Shore Crescent) set back off the road to its south. For this reason the proposed apartment block, on what is a brownfield part of the site, with the steep embankment behind as a backdrop should not have a detrimental impact on the character of the area, certainly given the set back from the road and in comparison to the prominent roadside apartments a short distance south of the site on the same side.
9.4	The elevated backland part of the site offers a mix of two storey semi-detached dwellings and two and three storey townhouses. The terraces of four dwellings, the middle two of which are three storey, offer a diversity in house-types, with Nos. 37-40 helping frame the open landscaped area (marked B on the proposed layout), with the communal parking to the front of these blocks broken up by informal garden areas and in-curtilage parking at each end ensuring larger front gardens soften the landscaping and provide a much-needed visual break. At the end of the main access road running west through the site the dwellings at sites 29 and 30 help terminate the vista and create a sense of place. Whilst the area of open space along the northern boundary enhances the quality of approach into the elevated part of the site, emphasising a significant reduction in density, whilst subtly paying homage to the site's former greenfield status. This also will help ensure the visual appreciation and retention of the three mature trees, identified for retention on the northern boundary, is not compromised.
9.5	Private gardens have been defined to the rear of each dwelling with rear garden depths averaging approximately 9m in depth, with ample private amenity levels throughout the development apart from the dwellings at sites 33 and 36. The private amenity provision on these two sites has been compromised with the need to provide suitably located in-curtilage parking a safe distance from main junctions. Given the quality and level of private amenity elsewhere in the development this deviation from standards is acceptable and will not compromise the overall quality of the scheme.
9.6	In terms of potential impact on neighbouring amenity the closest residential properties to the site are those located to the immediate north in Grays Court. The closest dwelling to any built form is No. 32 which site gable onto the north-west corner of the site. Although these single storey properties are located at the bottom of an embankment which defines the northern boundary, with a finished floor level are the same as the proposed dwelling at No. 32. Given this, a separation distance of approximately 25.5m, with an existing area of communal open space between the site and the rear garden of these dwellings, should ensure there should be no significant impact on neighbouring amenity.
9.7	For the most part the proposed development works with the existing site levels but given the nature of the topography quite a change in levels of 9 m between the front and rear sections of the site cutting in is inevitable if the site is to achieve the development. This in turn has lead to the introduction of a 1m high retaining wall to either side of the main road through the site, until it reaches the more uniform levels to the rear adjacent to site No. 11. The visual impact of the wall shall be softened with proposed tree planting to either side and along the northern boundary which should ensure a high visual quality on the approach to the elevated part of the site. As stated previously a retaining wall is also being introduced to the rear of the proposed apartment block. This wall will be set into the existing embankment and is approximately 3m high. Views of this wall shall be minimal and transient with proposed planting to its rear along the embankment helping to negate any adverse visual impact and provide a high quality landscaped backdrop to the three storey apartment block.
9.8	The proposal has also been assessed against policy OS2 of Planning Policy Statement 8. The policy requires that where the number of units in a proposed residential scheme is

	<p>greater than 25 there is an expectation that 10% of the overall site area should be designated as public open space. In this instance the total site area is 1.42 (14,200 square metres) hectares so at least 1,420 square metres of integral open space is required. The proposed open space (including the communal open space around the apartment block) totals approximately 1500 square metres.</p>
9.9	<p>Loss of Open Space</p> <p>The proposal includes a flat greenfield area in the western portion of the site. Whilst this could be seen as a recognisable area of open space, the field is not defined as open space in the Belfast Metropolitan Area Plan and the site represents an obvious gap in the established urban grain. The proposal therefore represents a natural 'rounding off' of development within the settlement limits.</p>
9.10	<p>Loss of Mature Trees</p> <p>A number of mature trees will be removed from the site as a result of the development. It is worth noting at this point that the trees are not protected by a Tree Preservation Order. 7 trees are to be removed to the right hand side of the existing laneway leading to St. Marys School, located to the south of the site. Two of the trees along this section are to be retained. 6 trees are to be removed along the planted embankment which bisects the site, largely as a result of the apartment block to the east of these trees and the cutting in of the embankment to facilitate its construction. Each removed tree is to be replaced with three new heavy standard trees. This will be conditioned and planting should be carried out prior to occupation of any part of the development.</p>
9.11	<p>Contamination</p> <p>The Site is a vacant lot mainly covered with hard standing, lately the site of a Youth Club. The site was historically undeveloped until the development of the youth club. Environmental Services Department of Belfast City Council have stated that records held by them indicate that the site of the proposed development is located adjacent to a land use type that has the potential to contaminate land and pose a risk to human health. These land use types are known to include domestic waste landfill and a former petrol station. Subsequently there exists the possibility that this land may present a risk to human health if the development proceeds without proper consideration of these risks. This Unit therefore requests that the applicant submits a Contaminated Land Risk Assessment that addresses these concerns in full.</p>
9.12	<p>NIEA Land and Resource Management Unit have recognised that ME have identified potential off site sources of contamination as a petrol filling station located to the north of the site (distance not reported), railway land to the east, oil leaks from nearby residential properties, and leachate from Dargan Road landfill. Potential onsite sources are reported as possible asbestos from demolition of former building, heating oil /vehicle fuel leaks, and made ground.</p> <p>Pathways have been identified as; human health, dermal contact with dusts waters soils, inhalation of dusts/vapours, ingestion. Environmental, leaching from soils into underlying aquifer, migration of groundwater offsite, runoff to surface water.</p>
9.13	<p>Mason Evans Partnership Ltd (MEL) subsequently provided a generic quantitative risk assessment (GQRA) informed by intrusive site data in support of this application. No unacceptable risks to the water environment have been identified. Waste management (WM) Unit have no objection to the proposed development and advise that the conditions are attached to any Planning Decision Notice, should approval be granted. These conditions are detailed below.</p>
9.14	<p>In light of this report Environmental Protection Unit are also content with the proposal in principle. They have however requested that a condition be attached to any planning</p>

	<p>permission granted to ensure that any unidentified contamination is dealt with appropriately. This condition is detailed below.</p>
9.15	<p>Flooding</p> <p>The proposal has been assessed against Policy FLD1 of the Revised Planning Policy Statement 15 Rivers Agency has stated that there are two watercourses designated under the terms of the Drainage (Northern Ireland) Order 1973 at this location. The Parkmount Stream flows in an easterly direction approximately 100m to the south of the site, and the Fortwilliam Stream flows in a generally easterly direction adjacent to its northern boundary. They have gone on to state that the eastern part of the site (at the entrance from the Shore Road) is situated within the coastal floodplain of the Belfast Lough. A Flood Risk Assessment was therefore requested. A finalised Flood Risk Assessment was received on 23rd March 2015 and reviewed by Rivers Agency. Rivers Agency agreed with the conclusions of the report and consequently determined the site to fall outside the 1 in 100 year fluvial or 1 in 200 year coastal floodplain and offered no further objections to the proposal.</p>
9.16	<p>Traffic Movement and Parking</p> <p>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 detailed below.</p> <p>A response from Transport NI remains outstanding on the submitted Private Streets layout, however the previous Private Streets drawing for the original layout was found acceptable and the main roadways through the development remain unchanged.</p>
9.17	<p>Impact on Belfast Lough Special Protection Area and Area of Special Scientific Interest</p> <p>The proposal has been assessed against Policy NH 3 - Sites of Nature Conservation Importance - National</p> <p>NIEA Natural Heritage have indicated that the site contains an abandoned sports pitch with semi-improved land surrounded by mature trees and an area of hard standing ground to the east where an old building has been demolished. The site is hydrologically connected to Belfast Lough Special Protection Area (SPA)/Area of Special Scientific Interest (ASSI).</p>
9.18	<p>They have welcomed the retention of trees on site and the native planting.</p> <p>NIEA, Natural Heritage went on to state that they are unable to complete a Habitats Regulations Assessment on the potential impacts of this proposal on the designated site until the following information is obtained:</p> <ol style="list-style-type: none"> 1. Potentially unacceptable risks to human health have been identified and recommendations have been made that an intrusive site investigation is carried out to support a revised conceptual site model and Quantitative Risk Assessment (QRA). Land and Resource Management Unit (LRM) agree that additional site investigation is required. NIEA, Natural Heritage requires LRM's response to this additional information. 2. Rivers Agency response to the Flood Risk Assessment (29/05/13). 3. A detailed drainage design to include all silt management/Sustainable Urban Drainage Systems and pollution prevention measures to prevent contamination of Belfast Lough.
9.19	<p>This information has now been received. NIEA Waste Management Unit has noted that the Quantitative Risk assessment provided by the agent has identified no unacceptable risks to the water environment. Waste Management Unit has no objections to the proposal.</p>

9.20	Rivers Agency has offered no objections to the proposal in light of the contents of a Drainage Assessment submitted in support of the application.
9.21	The drainage assessment outlines in detail the geology of the site; rainfall data; site hydrology; surface water run-off calculations; assessment of pre development and post development run-off rates; the management of surface water run-off; flood mitigation measures and implementation of SUDs.
9.22	<p>The report also confirms that infiltration will be used primarily for drainage with soft landscaped areas included to maximise infiltration rates on site.</p> <p>The report also outlines a combination of SuDs to be adopted as part of a SuDs management train to provide effective treatment against effluent build up and to reduce surface water runoff. Given the nature of the proposed development and consideration that plans propose only a small increase in surface runoff, implementation of SuDS is considered good practice.</p>
9.23	The Shared Services Team, a specialist team now dealing specifically with applications which trigger assessment under the Habitats Regulations, were set up during the course of this application and have taken over from NIEA. This team were consulted with all the relevant details.
9.24	<p>This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.</p> <p>Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the necessary mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site. This condition is detailed below at 11.3.</p>
9.25	<p>Archaeology</p> <p>The proposal has been assessed against Policy PPS6 Policy BH 3 'Archaeological Assessment and Evaluation'.</p> <p>NIEA Protecting Historic Monuments initially indicated that this application site is located to the south of the site of a Medieval fortification known as Greencastle. Limited archaeological excavation was undertaken of the castle site in 1978; and no evidence for a Medieval structure was found and the site of the castle remains. Given the proximity, there is potential for below-ground archaeological deposits associated with the Medieval site of Greencastle to survive within the boundary of the application site. Subsequently NIEA requested that an archaeological evaluation is carried out as per Policy BH 3 of PPS 6. However NIEA have subsequently confirmed that the application site is c. 100m distant from the supposed location of the castle and if they had been consulted on a new application at this site would now ask for the archaeology to be dealt with through conditions. As such, NIEA are happy for this application to be dealt with via conditions as detailed at 11.4 and 11.5 below.</p>
9.25	<p>Consideration of issues</p> <p>The following issues were raised in the objection letter received on 27th February 2013:</p> <ul style="list-style-type: none"> - The school lane included in proposal is vested to DENI. - This is a legal matter and ultimately falls outside the remit of planning. - The proposal does not address entrance improvements to the school. - Transport NI is satisfied with proposed shared access arrangement.

	<ul style="list-style-type: none"> - No safe crossing point provided at the entrance on Shore Road. - TransportNI have offered no objection in terms of pedestrian safety. - Proposed houses with gable windows close to school may create child protection issues. - The gable windows are in the first floor landing so there will be no direct overlooking from any
10.0	Summary of Recommendation:
10.1	Residential development on unzoned lands within the development limits of Belfast. The proposed density and design are in keeping with the character of the area, with two distinctive areas being created, providing a sense of place and a high quality residential environment. Satisfactory level of public open space provided. All consultees now have no objections (subject to Transport NI response).
10.2	Statutory and non-statutory consultees have offered no objections to the proposal, whilst a TA Form and Travel Plan have been submitted to address issues raised by TransportNI.
11.0	Conditions
11.1	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.
11.2	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. Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.3	After completing all remediation works under Condition 2 and prior to the 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.
11.4	A Construction Environmental Management Plan (CEMP) must be submitted to Belfast City Council Planning Department by the appointed contractor for agreement prior to any works commencing. This should include detail of all construction and earthworks to be undertaken and pollution prevention measures to be employed on site during construction works to prevent contamination/pollution entering the watercourse adjacent to the Northern Boundary of the site that could then enter Belfast Lough SPA/Ramsar and Belfast Lough Open Water SPA/ East Coast (NI) Marine pSPA. Reason: To ensure that the appointed contractor undertaking the work is well informed of

	<p>all the risks associated with the proposal and is aware of the mitigation measures to be put in place during the construction phase. It will also ensure that the final CEMP has Council approval prior to any works commencing, thus preventing any indirect adverse impacts on Belfast Lough SPA/Ramsar and Belfast Lough Open Water SPA/East Coast Marine pSPA conservation objectives/features.</p>
11.5	<p>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
11.6	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>
	<p>Informatives</p> <p>In the event that any contamination not previously considered within the submitted risk assessment and remediation plan is encountered during the approved development of this site, then development on the site shall cease. A further submission of a written report in line with Model Procedures for Management of Contaminated Land (CLR11) shall be submitted to the Planning Service for approval. Should unacceptable risks be identified a remediation strategy shall be agreed with the Environmental Protection Unit of Belfast City Council prior to the recommencement of any works.</p> <p>Public water supply within 20m of your proposal, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.</p> <p>Foul sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served.</p> <p>Surface water sewer within 20m of your proposal, consultation with NIW is required to determine how your proposal can be served. Application to NIW is required to obtain approval to connect.</p> <p>The water requirements for you proposal may be eligible for the provision of a public watermain if it will serve more than 1 property and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.</p> <p>The sewers within your proposal may be eligible for consideration for adoption under Article 161 of the above order if they meet the criteria as set out in the current Sewers for Adoption specification.</p> <p>The applicant is advised to contact NIW through its Customer Relations Centre on 08457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas</p>

	<p>of concern. Application forms and guidance are also available via these means.</p> <p>If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Customer Relations Centre on 08458 770002.</p> <p>The public sewer or watermain can only be accessed through private property. The applicant is required to obtain permission from the land owner to lay the service pipe through the land to the public sewer or watermain. Formal consent is required with NIW for the connection.</p> <p>Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how your proposal may be served.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None
Neighbour Notification Checked Yes	

ANNEX	
Date Valid	29th January 2013
Date First Advertised	15th February 2013
Date Last Advertised	15th February 2013
Details of Neighbour Notification (all addresses) 9, 10, 11, 12, 20, 21 Grays Court Green Castle Belfast 9, 10, 11, 12, 13, 14, 15 Greencastle Place, Green Castle, Belfast, Antrim, BT15 4HB, 316 Shore Crescent, Green Castle, Belfast, Antrim, BT15 4JU, K McGarry, St Mary's Star of the Sea PS 730-760, 762, 837-869 Shore Road Green Castle Fortwilliam Golf Club, Downview Avenue, Belfast Co Antrim Star-Of-The-Sea Youth Club 746 Shore Road Green Castle	
Date of Last Neighbour Notification	6th February 2013
Date of EIA Determination	5th February 2013
ES Requested	No
Drawing Numbers and Title 01, 02/F, 04, 05, 06/A, 07, 08/A, 10/B, 12, 13, 14, 15	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	