

**Development Management Officer Report
Committee Application
Addendum Report**

Summary	
Committee Meeting Date: 18 August 2015	Item Number:
Application ID: Z/2010/0245/F	
Proposal: 7 storey mixed use development, 83 No. apartments with associated parking at ground and mezzanine level, 5 No. retail units.	Location: 55-71 Ormeau Road, Belfast. BT7 1DY
Referral Route: Major Application	
Recommendation: Approval	Approval
Applicant Name and Address: Liberante Developments Ltd C/O Agent	Agent Name and Address: Gregory Architects 4 Crescent Gardens Belfast BT7 1NS
<p>Executive Summary:</p> <p>The application seeks full planning permission for a 7 storey mixed use development consisting of 5 No. retail units on the ground floor, 83 apartments above with associated car parking on ground floor and mezzanine level.</p> <p>The application was presented to the Town Planning Committee on 5th February 2015 with an opinion to refuse and was subsequently deferred by the applicant. Members are directed to the full detailed planning report on the planning portal under application reference Z/2010/0245/F. The recommendation to refuse was on a single reason for refusal – lack of information to address a contaminated land issue.</p> <p>A deferred office meeting was held on 25/3/2015 and it was clarified that the only issue to be addressed was the outstanding information on contamination. Based on this advice, a new developer purchased the site and submitted the necessary information. NIEA Waste Management and BCC Environmental Health were consulted and have no objection subject to conditions.</p> <p>This application was on the agenda for Planning Committee on 16th June 2015 with an opinion to approve but was withdrawn from the agenda before the meeting in light of members concerns about potential impact on adjacent housing and impact on listed buildings.</p> <p>The main planning issues in this case are:</p> <ul style="list-style-type: none"> • The principle of this mixed use development at this location; • Impact on the setting of 3 nearby listed buildings • Visual Amenity; and • Impact on residential amenity; <p>The current application was submitted on 2 March 2010 and is effectively an alternative to a very similar scheme approved on the same site under ref: Z/2007/2723/F "Erection of 7 storey mixed</p>	

development, 86 apartments with associated parking at basement and ground levels and 6 retail units", approved on 15/1/2010 (i.e. the current application was submitted within 2 months of the previous approval). The principal of the development is considered acceptable given the planning history on the site.

NIEA, Historic Buildings Unit was consulted and advised by response dated 29/3/2010 that it considered the proposal to be contrary to Policy BH11 as the proposal is out of keeping with adjacent listed buildings (Rose Cottage, 7 Walnut Court, Former Presbyterian Church, Donegall Pass and Meter House, former Belfast gas works, Ormeau Road) in terms of scale form massing and height. These comments were provided without knowledge of the previous approval. NIEA was not consulted under Z/2007/2723/F.

NIEA was re-consulted with the approved plans for Z/2007/2723/F and expressed concern that they were not consulted and stood by the original consultation reply.

As permission Z/2007/2723/F remained extant and was clearly a 'fall back' position, the applicant was not required to amend the proposal to address NIEA concerns. The assessment of the application was very protracted because of a need to provide contaminated land reports. Ultimately the applicant's agent failed to provide adequate information and hence the opinion to refuse on lack of information. The case office recommendation was made on 29/1/2015. The previous full permission only expired on 15/1/2015.

Since the application was withdrawn from the agenda for the 16/6/2015 Planning Committee meeting, the applicants have submitted a report addressing the potential impact on listed buildings. Belfast Planning Service has also assessed the potential impact on the setting of the listed buildings and does not agree with the view of NIEA.

The Meter House is located approximately 90m NE of the site, on the opposite side of the Ormeau Road, within the former gas works site surrounded by modern buildings. Given its location it is considered that the proposal will not adversely impact on its setting.

The former Presbyterian Church is now a restaurant and is within a built frontage on Donegall Pass. Its current setting comprises a mix of modern commercial buildings varying in height from 3 to 4.5 storeys. The application site is about 30m to the south of the former church. The proposal will be visible to the rear of the Church, however, this is not considered unacceptable given the inner city location and the mix of buildings in the area.

Rose Cottage is located about 20m west of the application site. It is a two storey cottage located within a modern housing development. The setting also includes Havelock House which is a large 3 storey modern building.

As none of listed buildings has an historic setting, the proposed building is considered acceptable in this inner city context.

The potential impact on residential amenity was considered and judged acceptable under ref: Z/2007/2723/F. Furthermore, post deferral, the current application has been amended with a revised rear elevation to break up the rear facade treatment, reduce the amount of glazing and create a visual break at ground floor level in order to reduce potential over-dominance to residential properties in Walnut Court.

The applicant's solicitor submitted a letter dated 2/7/2015. The letter expresses concern that the Council is re-opening the consideration of the application when it had been agreed that the sole issue to address was a lack of information. The developer purchased the site and commissioned the report and amended plans on this basis.

Apart from NIEA Historic Buildings Unit, other consultees have no objections.

The application was advertised and neighbours notified and to date no objections have been received. The case officer received a telephone call from a neighbour on 1/7/2015 that had concerns about the potential impact of the development on her dwelling. She indicated that she would submit an objection but no objection was received.

Summary

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved given the planning history on the site.

It should be noted that the application will require notification to the Department of the Environment given the NIEA view regarding potential impact on the listed buildings.

Development Management Officer Report Committee Application

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Recommendation: Approval	Approval
Applicant Name and Address: Liberante Developments Ltd C/O Agent	Agent Name and Address: Gregory Architects 4 Crescent Gardens Belfast BT7 1NS
<p>Executive Summary:</p> <p>The application seeks full planning permission for a 7 storey mixed use development consist 83 No. apartments with associated parking at ground and mezzanine level, 5 No. retail units on the ground floor, 83 above with associated car parking and ground floor and mezzanine level. The main issues to be considered in this case are:</p> <p>The application was presented to the Town Planning Committee on 5th February 2015 with an opinion to refuse and was subsequently deferred by the applicant. Members are directed to the full detailed planning report on the planning portal under application reference Z/2010/0245/F.</p> <p>The application was recommended to council with refusal reason relating a lack of information in regard to contamination issues.</p> <ul style="list-style-type: none"> • The principle of this mixed use development at this location; • Impact on the setting of 3 nearby listed buildings • Visual Amenity; and • Impact on residential amenity; <p>The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within the Shaftesbury Square Character Area (Designation CC013). The principle of development is acceptable given the site's planning history for a very similar approval and the fact that it does not conflict with area plan designations.</p> <p>The proposal has been assessed against the following Policies - Planning Policy Statement 1: General Principles, Planning Policy Statement 3: Access Movement and Parking, Planning Policy Statement 6: Planning, Archaeology and the Built Environment Planning Policy Statement 7: Quality Residential Environments.</p> <p>NIEA Historic Buildings Unit was consulted and stated that the scheme was contrary to Policy BH 11 of Planning Policy Statement 6 in that it adversely affected the setting of 3 nearby listed</p>	

buildings (Rose Cottage, 2A Coyle Place, the Former Presbyterian Church, 159-161 Donegal Pass and Meter House, Belfast Gas Works). However substantial weight must be attached to the planning history on the site whereby a very similar proposal was approved under Z/2007/2723/F which was still extant at the time this application was submitted, and it would be unreasonable to refuse the proposal on these grounds.

The proposal adversely impacts on the residential amenity of residents in Coyle Place and Walnut Court through dominance, overshadowing and overlooking. Again, determining weight must be attached to the planning history on the site given the fact that there have been no policy changes in the intervening period.

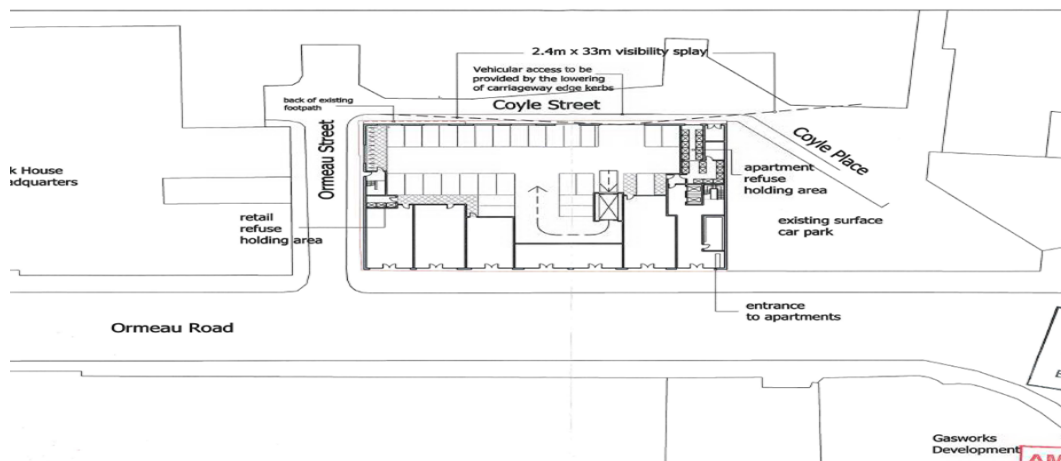
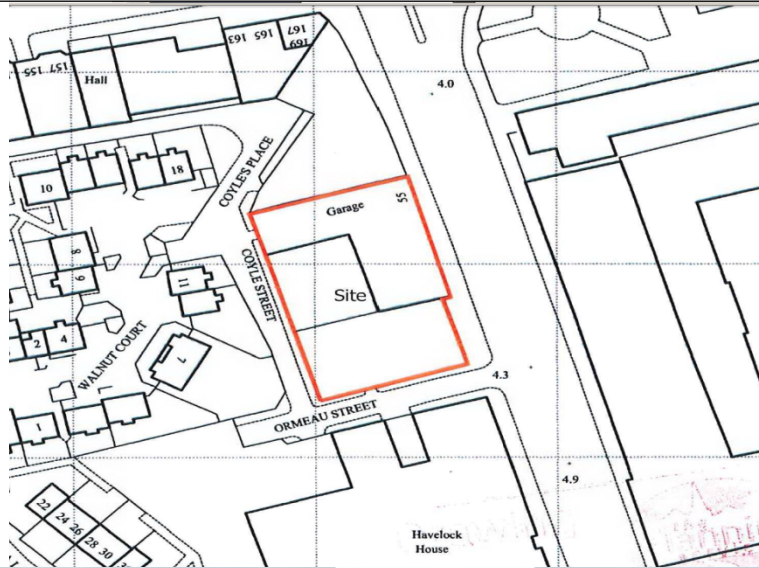
NIWater, Waste Management Unit, Transport NI and Belfast City Councils Environmental Protection Unit have offered no objections to the proposal and standard conditions are to be applied.

No objections have been received to date.

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved given the planning history on the site.

Case Officer Report

Site Location Plan



1. Description of Site

Brownfield corner site located off Ormeau Road. 3m high fence along all boundaries

2. Description of proposed development

The application seeks full planning permission for a 7 storey mixed use development consist 83 No. apartments with associated parking at ground and mezzanine level, 5 No. retail units on the ground floor, 83 above with associated car parking and ground floor and mezzanine level

Planning Assessment of Policy and Other Material Considerations

Addendum Report

There were no public objections to the proposal.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 Z/2007/2723/F - Erection of 7-storey mixed development, 86no. apartments with associated parking at basement and ground level, and 6no. retail units. (approved 15.01.2010).

3.2 Z/2006/1773/F - 7 storey mixed use development comprising basement car-park, ground floor retail (Class A1)/ restaurant unit, 10 no. office units over two floors and 40 no. apartments over four floors (approved 20.10.2007)

4.0 Policy Framework

4.1 Belfast Metropolitan Area Plan 2015

- Belfast City Centre
- Shaftesbury Square Character Area (Designation CC013)

4.2 Planning Policy Statement 1(PPS1): General Principles

4.2.1 Paragraph 59

4.3 Planning Policy Statement 3: Access, Movement and Parking

4.3.1 AMP

4.3 Planning Policy Statement 6: Planning Archaeology and the Built Environment

4.3.1 BH 11- Development affecting the setting of a listed building

4.4 Planning Policy Statement 7(PPS 7): Quality Residential Environments

4.3.1 Policy QD 1

5.0 Statutory Consultee Responses

5.1 Transport NI- No objections subject to conditions;

5.2 NIWater- No objections;

5.3 NIEA- Historic Buildings Unit- Recommending refusal;

5.4 NIEA- Waste Management- No ~Objections Subject to conditions;

6.0 Non Statutory Consultee Responses

6.1 Belfast City Council EH- No Objections Subject to conditions

7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. No letters of objection have received.

8.0 Other Material considerations

8.1 Development Control Advice Note 8- Housing in existing urban Areas

9.0 Assessment

9.1 The site is located within the Belfast City Centre as designated in the Belfast Metropolitan Area Plan. It is also within the Shaftesbury Square Character Area (Designation CC013). The principle of development is acceptable given the site's planning history for a very similar approval and the fact that it does not conflict with area plan designations

9.2 The key issues in the assessment of the proposed development include:

- The principle of this mixed use development at this location;
- Impact on the setting of 3 nearby listed buildings
- Visual Amenity;
- Impact on residential amenity; and
- Traffic Movement and Parking

9.3 The proposal fails to meet criteria (a) and (c) of Policy BH 11 of PPS 6, a view shared by NIEA- Historic Buildings Unit. The scale, height and massing of the proposed development will dominate and disrupt keys views of the 3 nearby listed buildings (Rose Cottage, 2A Coyle Place, the Former Presbyterian Church, 159-161 Donegal Pass and Meter House, Belfast Gas Works). Whilst NIEA- Historic Buildings Unit was not consulted on the previous planning approval and would have certainly objected if consult, it is considered that it would be unreasonable to recommend refusal on this application given the strong similarities of the two schemes. In this instance determining weight should be attached to the planning history.

9.4 The proposal has been assessed against QD 1 of PPS 7 and fails to meet criteria (a) The bulk, scale and massing of the proposal fails to respect the 2 storey residential properties in Coyle Street and Walnut Court. Critical views of the site ravelling along the Ormeau Road in both directions and from within Coyle's Place and Walnut Court demonstrate that is out of character and fails to respect the surrounding context. However given the planning history on the site and as detailed under paragraph 9.3 it would be unreasonable to seek amendments or refuse the application on these grounds. Again determining weight is attached to the planning history.

9.4	The proposal is also contrary to criterion (b) in that the built heritage features (3 listed buildings) in the vicinity of the application site are not adequately protected. This is set out in more detail under paragraph 9.3.
9.5	The proposal is contrary to criterion (h) of PPS 7. Having regard to the 2 storey domestic scaled dwellings in Coyle's Places, Coyle Street and Walnut Court it is considered that the proposal will cause unacceptable damage to the residential amenity of these properties through dominance, Overshadowing and Overlooking
	<p>In terms of design a major material consideration are the previous approvals on the site. The most recent of these was Z/2007/2723/F which incorporated the entire application site as opposed to Z/2006/1773/F which only occupied the northern half of this application site.</p> <p>A seven storey design was approved under Z/2007/2723/F with a maximum height of 23.5m; this stepped down to 5 storeys towards the middle of the site with a height of 17.4m. I am of the opinion that the scale and massing is certainly out of keeping with the area. In terms of design there are similar contemporary style buildings further south along the Ormeau Road but these are of a much smaller scale to what is proposed here.</p>
Neighbour Notification Checked	Yes
10.0	Summary of Recommendation:
10.1	Although the proposal does not comply with relevant policies from PPS 6 and 7 with regard to residential character and the setting of listed building the planning history is a determining factor on a site with a history of similar approvals. In light of this the planning history outweighs the policy concerns and the proposal should be approved subject to conditions.
11.0	Conditions
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, 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 Council in writing, and subsequently implemented and verified to its satisfaction.
	Reason: In the interests of public health and environmental protection.
11.3	No development or piling (including sheet piling) work should commence on this

site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention' available at <http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

Reason: In the interests of public health and environmental protection.

- 11.4 The vehicular access shall be provided in accordance with Drawing No. SK28
Reason: To ensure there is a satisfactory means of access and in the interests of road safety and convenience of road users.

- 11.5 No apartment shall be occupied until hard surfaced areas have been provided for parking in accordance with approved plans. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

- 11.6 No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plans. These facilities shall be permanently retained.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

- 11.7 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. SK28 Revision 3 bearing the date stamp 18th June 2010.

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

Details of Neighbour Notification:

The Owner/Occupier

1 Ormeau Street, Malone Lower, Belfast, BT07 1EG

The Owner/Occupier

11 Walnut Court, Malone Lower, Belfast, BT07 1EP

The Owner/Occupier

16 Walnut Court, Malone Lower, Belfast, BT07 1EP

The Owner/Occupier

163&165, Donegall Pass, Malone Lower, Belfast, BT07 1DT

The Owner/Occupier

167&169, Donegall Pass, Malone Lower, Belfast, BT07 1DT

The Owner/Occupier

18 Walnut Court, Malone Lower, Belfast, BT07 1EP
The Owner/Occupier

2 Coyle'S Place, Malone Lower, Belfast, BT07 1EL
The Owner/Occupier

45 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

47 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

49 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier,

5 Outram Street, Malone Lower, Belfast, BT07
The Owner/Occupier

51 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

53 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

55 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

59 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

61 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

63 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

65 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

67 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier

69 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier,

7 Outram Street, Malone Lower, Belfast, BT07
The Owner/Occupier

7 Walnut Court, Malone Lower, Belfast, BT07 1EP
The Owner/Occupier

71 Ormeau Road, Malone Lower, Belfast, BT07 1DY
The Owner/Occupier,

9 Outram Street, Malone Lower, Belfast, BT07
The Owner/Occupier

9 Walnut Court, Malone Lower, Belfast, BT07 1EP
The Owner/Occupier,
Car Park, C/o UTV Havelock House, Belfast, BT07
The Owner/Occupier,
UTV Havelock House, Malone Lower, Belfast, BT07

ANNEX	
Date Valid	2nd March 2010
Date First Advertised	26th March 2010
Date Last Advertised	26th March 2010
Drawing Numbers and Title	
Drawing Nos 01, 02/A, 03/A, 04/A, 05/A, 06/A, 07/A, 08/A.	
Notification to Department (if relevant)	
Date of Notification to Department: Response of Department:	