

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA04/2016/0967/F	Target Date:
Proposal: Proposed erection of a seven storey residential development comprising 88 apartments with car parking, amenity space and associated site works.	Location: 55-71 Ormeau Road Belfast BT7 1EB
Referral Route: Major Application	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Barnett Developments 20 Portland Square Bristol BS2 8SJ	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: The application seeks full planning permission for an eight storey residential development comprising 88 apartments with car parking, amenity space and associated site works.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> ○ The principle of this residential development at this location; ○ Impact on the setting of 3 nearby listed buildings ○ Visual Amenity; ○ Impact on residential amenity; and ○ Traffic Movement and Parking ○ Contamination ○ Pre-application Community Consultation ○ Consideration of Representations <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 similar approval and the fact that it does not conflict with area plan designations. The residential use is acceptable, with the site bordering on an established residential area.</p> <p>The proposal has been assessed against the following Policies – Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3: Access Movement and Parking, Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, Planning Policy Statement 7: Quality Residential Environments.</p> <p>NIEA Historic Environment Division 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 nearby listed buildings (Rose Cottage, 2A Coyle Place, the Former Presbyterian Church, 159-161 Donegal Pass and Meter</p>	

House, Belfast Gas Works). However substantial weight must be attached to the planning history on the site whereby a similar proposal, in terms of scale and massing, was approved under Z/2010/0245/F which is still live, it would therefore be unreasonable to refuse the proposal on these grounds.

The proposal will no doubt have an impact on the residential amenity of residents in Coyle Place and Walnut Court. The developer has however made amendments to the rear elevation from that previously approved under Z/2010/0245/F, with the central part of the building set back over 6 floors, which will significantly reduce any impact on the properties to the rear. The developer has also expressed a willingness to enter into a Section 76 Agreement to mitigate against any impact on residential amenity by way of local environmental improvements.

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.

One letter of objection was received and one representation.

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.

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

The Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

The proposal is recommended for Approval subject to conditions and subject to the completion of an Agreement under Section 76 of the Planning Act (Northern Ireland) 2015 in respect of developer contributions . If Committee is minded to agree with that recommendation, it is requested that authority be delegated to the Director of Planning & Place, in consultation with the Town Solicitor, to negotiate and enter into the said Agreement on behalf of the Council.

Signature(s):

Case Officer Report

Site Location Plan



PROPOSED EAST ELEVATION (ORMEAU ROAD)

1.0

Description of Proposed Development

The application seeks full planning permission for an 8 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

2.0	Description of Site Cleared brown-field corner site located off Ormeau Road. 3m high fence along all boundaries
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).
3.3	Z/2010/0245/F - 7 storey mixed use development, 83 No. apartments with associated parking at ground and mezzanine level, 5 No. retail units (approved 18.12.2015).
4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	SPPS Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 - Access, Movement and Parking Planning policy statement 5 – Retailing and Town Centres Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 12 – Housing in Settlements
5.0	Statutory Consultees Transport NI – Await comment NIEA Historic Buildings Unit – Recommended refusal NIEA Historic Monuments Unit – No objection NIEA Water Management Unit – No objection
6.0	Non-Statutory Consultees Environmental Health BCC – No objection
7.0	Representations One letter of objection received raising the following concerns: <ul style="list-style-type: none"> - Proximity to Havelock House and potential noise impact during construction phase. - Excavation and potential impact on underground cables. - Impact of dust during construction phase. - Potential obstruction of Ormeau Street and Coyle's Place A representation was received from RSPB in relation to nesting bricks being provided to facilitate Swift nesting. This has been noted and passed to the planning agent for consideration.
8.0	Other Material Considerations Creating Places Development Control Advice Note 8- Housing in existing urban Areas
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> o The principle of this residential development at this location; o Impact on the setting of nearby listed buildings

	<ul style="list-style-type: none"> ○ Visual Amenity; ○ Impact on residential amenity; ○ Traffic Movement and Parking ○ Contamination ○ Pre-application Community Consultation ○ Consideration of Representations
9.2	<p>Principle of Redeveloping the Site & Height, Scale and Mass</p> <p>A key consideration in the assessment of this proposal is the planning history on the site, and namely the recent approval Z/2010/025/F, approved in December 2015. This approval is seven storeys high. It has a maximum ridge height of 24m, a frontage of 51.2m and a depth of 33.2m.</p>
9.3	<p>The current proposal is a storey higher, albeit of similar height, with a maximum ridge height of 23.5m, a frontage of 49.5m and a depth of 32.8m. The height, scale and massing shall be discussed further at 9.9-9.13.</p>
9.4	<p>Listed Buildings and Historic Monuments</p> <p>The proposal has been assessed against Policy BH4 and BH11 of PPS6. The application site (55-71 Ormeau Road, Belfast, BT7 1EB (Ref: LA04/2016/0967/F)) impacts upon a number of listed buildings:</p>
9.5	<ol style="list-style-type: none"> 1. Rose Cottage 2A Coyles Place (HB 26/30/099), 2. Former Presbyterian Church, 159-161 Donegall Pass (HB26/30/012), 3. Meter House, Belfast gas works (HB26/30/010), 4. The Klondyke Building, Gas works (HB 26/30/001A), 5. The Gas Office, 4-14 Cromac Quay (HB 26/30/001C) <p>which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011.</p>
9.6	<p>Historic Environment Division: Historic Buildings (HED:HB) has considered the impacts of the proposal on the setting of the listed buildings and considers the proposal fails to satisfy the policy requirements of BH11 (Development affecting the setting of a listed building), PPS6.</p>
9.7	<p>HED:HB considers the development would, if permitted, adversely affect the setting of several buildings by reason of its detailed design, which is out of keeping with the listed buildings in terms of scale, form, massing, height and material finishes.</p> <p>1. HB26/30/099 Rose Cottage</p> <p>Rose Cottage is a B+ listed building, constructed around 1860. The second survey description notes:</p> <p><i>The cottage sits comfortably within a courtyard development and creates an element of architectural distinction in an otherwise ordinary housing development.</i></p> <p>HED:HB considers that an eight storey block to the rear and side of this dwelling does not respect the setting of this listed building in terms of scale, height and massing.</p> <p>2. HB26/30/012 Former Presbyterian Church</p> <p>The former Presbyterian Church has been second surveyed and is designated as a Grade B2 listed building. The second survey description makes reference to the existing setting:</p> <p><i>'Open to street with paved parking to front. Rear is partially enclosed by concrete block wall.</i></p> <p><i>Directly to rear of the building is an alleyway separating a mid-twentieth century Housing</i></p>

	<p><i>Executive (NIHE) estate comprising two-storey red-brick terraced houses.'</i> HED:HB considers that an eight storey block to the rear of the former church does not respect its setting in terms of scale, height and massing.</p> <p>3. HB26 30 010B Meter House Belfast gas works, Ormeau road Belfast HED:HB acknowledge that this B+ listed building is more removed from the site. It does however sit within a planned setting of the gasworks. The modern buildings in its immediate context have been carefully designed to take into consideration previous buildings on the site and the history and development of the gas works site. We would note that the character and overall height of the buildings in this immediate area do not exceed four storeys. HED: HB is content on review that this particular building would not be adversely affected by the proposal.</p> <p>4. HB 26/30/001A The Klondyke Building, Gas works Building Park This B1 listed building is opposite the development site and frames the roadway along the Ormeau Road, particularly appreciated as a feature building at the bridge. Aside from Carrickfergus Gasworks, this is the only retort house remaining in the Province, and the only surviving one in Ireland associated with a water gas plant. HED:HB considers that this proposal does not respect the setting of this listed building in terms of scale, height and massing and detailed design.</p> <p>5. HB 26/30/001C The Gas Office 4-14 Cromac Quay This grade A listed building has a striking feature clock tower and is a key focal building on the junction with the Ormeau road and Gas works site. The application site falls between this building and The Klondyke Building, Gas works Building Park. HED:HB considers that this proposal does not respect the present setting of the Gas Office building in terms of scale, height, massing, detailed design and material finish (particularly the proposed north elevation) and would act as a competing focus to the listed building).</p> <p>9.8 It is acknowledged that NIEA have raised major concerns with regard to the impact of the proposal on the setting of a number of listed buildings in the area. However as stated earlier, significant weight must be attached to the planning history on the site, more notably the recent planning approval Z/2010/0245/F, for a structure almost identical in terms of overall scale and massing.</p> <p>9.9 Visual Amenity 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. However given the planning history on the site it would be unreasonable to refuse the application on these grounds. Significant determining weight must be attached to the planning history.</p> <p>9.10 The proposal is also contrary to criterion (b) in that the settings of the listed buildings in the vicinity of the site are not adequately respected. This is set out in more detail under paragraph 9.3.</p> <p>9.11 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 have an impact upon the residential amenity of these properties through dominance, overshadowing and overlooking. However for reasons stated below at 9.14, the proposal represents a significant improvement from the outlook offered with the live approval on the site (Z/2010/0245/F).</p>
--	--

9.12	<p>In terms of design a major material consideration are the previous approvals on the site. The most recent of these was Z/2010/0245/F, a seven storey structure which incorporated the entire application site as opposed to Z/2006/1773/F which only occupied the northern half of this application site. Z/2007/2723/F was approved between these applications, this seven storey structure also encompassed the entire site.</p>
9.13	<p>The scale and massing is certainly out of keeping with the area in terms of the two storey residential properties to the rear and less significantly in terms of the Ormeau Road frontage. In terms of design there are similar contemporary style buildings further south along the Ormeau Road but these are of a much smaller scale. However the site is located at the edge of the city centre, where the built form is noticeably higher and of a grander scale. Given this factor and the planning history on the site it would be unreasonable to refuse the application on the rounds of scale and design.</p>
9.14	<p>Impact on amenity</p> <p>The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. Environmental Services Department have offered no objections to the proposal. Again an important consideration is the planning history on the site, and in particular the recent approval Z/2010/0245/F. The dwellings which would suffer the greatest impact in terms of amenity are those to the rear (western side) off Coyle Street and Coyles Place. The top six floors of the building have been set back by 15.6m. The setback is 21.8m wide. This represents a significant improvement in terms of outlook for the properties at 9 and 11 Walnut Court. The previous approval (Z/2010/0245/F) had a narrower setback (18m wide) over the top three floors, as opposed to six floors. The stepping in of the building is less significant in the current proposal, 15.6m deep as opposed to 21.6m. Having said this the fact that the stepping in occurs over six floors significantly outweighs this reduction in the depth of the setback and will no doubt be beneficial to the amenity of the dwellings to the rear of the site.</p>
9.15	<p>Traffic and Parking</p> <p>The proposal has been assessed against Policies AMP7, 8 and 9 of PPS3. TransportNI are satisfied with the proposed layout and have sought minor changes including indication of cycle stands. A revised layout was submitted. Awaiting TransportNI approval.</p>
9.16	<p>Contamination</p> <p>An updated preliminary and generic quantitative risk assessment (PRA and GQRA) report has been provided in support of this application. The report includes site investigation data from 2008, updated with recent groundwater and ground gas monitoring data. No unacceptable risks to environmental receptors have been identified at the site.</p>
9.17	<p>Waste Management (Land and Groundwater Team) have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended. These are detailed below, the condition at 11.2.</p>
9.18	<p>Pre-application Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.19	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN</p>

	(LA04/2016/0021/PAN) was submitted to the Council on 24 th December 2015.
9.21	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.21	A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:
9.22	The first Public Event took place in the Clayton Hotel, Ormeau Avenue on 24 th February 2016. This event was advertised in the Belfast Telegraph and Irish News on 17 th February 2016 and in the News Letter on 18 th February 2016. An invitation leaflet containing details of the public event was distributed to 443 properties in the local area as well as advertised on social media. Direct invites were also issued to a number of Councillors in the South Belfast area as well as a copy of the PAN being sent to a number of local community groups.
9.23	Initial consultation had been undertaken with the local community by Barnett Developments in support of the previous application on the site (Z/2010/0245/F). A community led meeting was held on 26 th August 2015 and representatives from Barnett Developments met with individual residents of Walnut Court. Issues raised at this stage included the possibility of social housing on the site, parking provision, impact on Walnut Court and potential impact on 'buffer' between Donegal Pass and Lower Ormeau. Further discussions took place on 14 th September and 23 rd September 2015.
9.24	A total of four members of the public registered attendance at the event on 24 th February 2016. Two of three completed feedback forms indicated that they did not welcome the proposal.
9.25	In response to the concerns raised by the local community the agent advised that amendments had been made from the previous approval (Z/2010/0245/F). These are as follows: <ul style="list-style-type: none"> - Removal of 5 retail units and replacement with duplex apartments. Some Donegal Pass residents had raised concerns that the retail units could result in additional anti-social behaviour. - The rear profile of the building has been amended to 'step back' the upper floor apartments to ensure a greater separation distance. This was roundly welcomed in the feedback that was gathered.
9.26	It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.27	<u>Developer Contributions</u> In this case it is considered appropriate that any planning approval should be subject to the developer entering a legal agreement with Belfast City Council to provide contributions to local environmental improvements.
9.28	In this case it is considered that this should primarily take the form of public realm improvements to the streetscape around the building. The sum of monies / works to be undertaken are to be agreed with the developer / landowner and the developer has expressed a willingness and commitment to provide satisfactory contributions.

<p>9.29</p> <p>9.30</p>	<p>Consideration of Objections Environmental Protection Unit of BCC have acknowledged the letter of objection and in relation to potential disturbance during construction phase have recommended a condition , 11.3, requiring a Construction Noise management Plan is submitted prior to commencement of development, detailing noise mitigation measures and evidence of neighbour liaison.</p> <p>Any obstruction of a public right of way is ultimately a traffic control issue which would fall beyond the remit of planning.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation: Residential proposal in a highly accessible city centre location is considered acceptable. Previous planning approval on the site including storey mixed use development, 83 No. apartments with associated parking at ground and mezzanine level, 5 No. retail units (approved 18.12.2015). This approval is still live.</p> <p>The proposal may not comply with relevant policies from PPS 6 and 7 with regard to residential character and the setting of listed buildings however the planning history is a major determining factor on a site, with a history of similar approvals. The planning history is one of a number of material considerations to which determining weight is given, subsequently the proposal should be approved subject to conditions detailed below.</p>
<p>11.0</p> <p>11.1</p> <p>11.2</p> <p>11.3</p>	<p>Conditions 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.</p> <p>Reason: Time Limit.</p> <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> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>Prior to commencement of development, a Construction Noise Management Plan shall be developed and submitted for review and approval by Belfast City Council. This Plan should outline the methods to be employed to minimise any dust, noise and vibration impact of demolition and construction operations demonstrating ‘best practicable means’. The Plan should pay due regard to <i>BS 5228:2009 Noise and Vibration Control on Construction and Open Sites</i> and include a detailed programme for the demolition/construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison.</p> <p>Reason: In the interests of public amenity.</p> <p>Informatives The applicant should be informed that it is an offence under the Water (Northern Ireland)</p>

	<p>Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.</p> <p>The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.</p> <p>The purpose of the Condition 2 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site 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</p> <p>The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.</p> <p>NIEA Waste Management recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment</p>
12.0	Notification to Department (if relevant) N/A
13.0	<p>Representations from elected members:</p> <p>None</p>
Neighbour Notification Checked Yes	
Signature(s)	
Date:	

ANNEX	
Date Valid	4 th May 2016
Date First Advertised	27 th May 2016
Date Last Advertised	5 th August 2016
Details of Neighbour Notification (all addresses) 11 Walnut Court, Malone Lower, Belfast, Antrim, BT7 1EP, 18 Walnut Court, Malone Lower, Belfast, Antrim, BT7 1EP, 55 Ormeau Road, Malone Lower, Ormeau, Belfast, Down, BT7 1DY, 57 Ormeau Road, Malone Lower, Ormeau, Belfast, Down, BT7 1DY, 59 Ormeau Road, Malone Lower, Ormeau, Belfast, Down, BT7 1DY, 7 Cromac Avenue, Malone Lower, Belfast, Antrim, BT7 2JA, 7 Walnut Court, Malone Lower, Belfast, Antrim, BT7 1EP, 8 Ormeau Road, Malone Lower, Ormeau, Belfast, Down,, 9 Walnut Court, Malone Lower, Belfast, Antrim, BT7 1EP, Gavyn Smyth Clyde Shanks, 5 Oxford Street, Belfast, BT1 3LA Forest Education Centre, 1, Belvoir Drive, Belfast, Down, Northern Ireland, BT8 7QT Havelock House, 1 Havelock Place, Malone Lower, Ormeau, Belfast, Antrim, BT7 1EB,	
Date of Last Neighbour Notification	27 th May 2016
Date of EIA Determination	
ES Requested	No
Drawing Numbers and Title	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	