

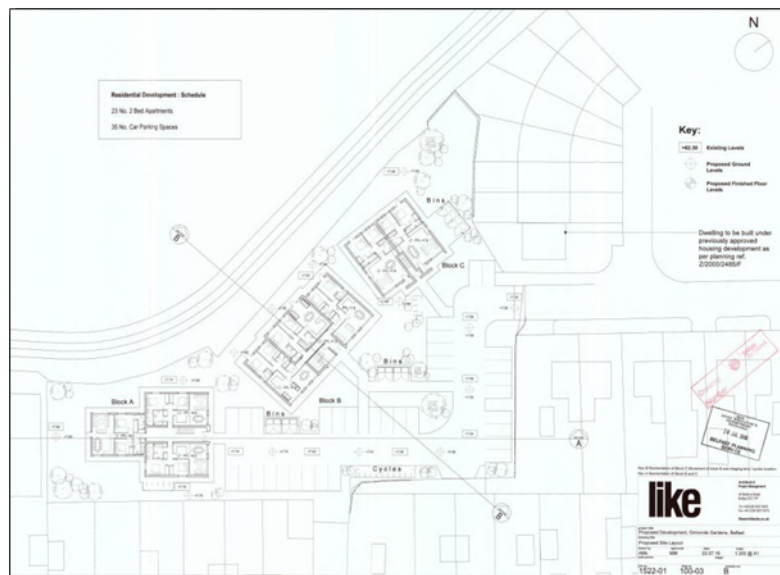
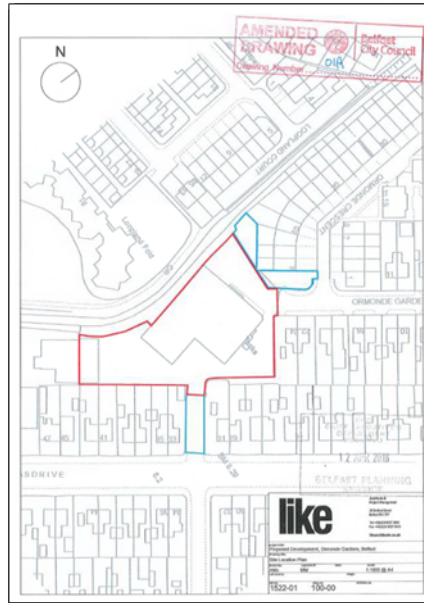
**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 13th December 2016	
Application ID: Z/2015/0326/F	
Proposal Erection of twenty three apartments (in 3 blocks) and all other associated site works	Location Lands at Ormonde Gardens Belfast BT6 9FL
Referral Route: The application is for more than four residential units.	
Recommendation:	Approval
Applicant Name and Address: H & J Martin No address supplied	Agent Name and Address: TSA Planning 29 Linenhall Street Belfast BT2 8AB
<p>Executive Summary:</p> <p>The application seeks the construction of twenty three apartments in three blocks and all other associated site works.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Traffic intensification and safety • Parking and Access • Siting of bin stores close to the boundary of properties at Ladas Drive • Reduced planting • Flood Risk • Overlooking • Not all neighbours notified • Dominance/Loss of light • Detrimental to the character of the neighbourhood by way of density • Land contamination • Loss of employment land • Amenity space • Amount of waste storage • Planning History • Inclusion of Swift Boxes on buildings • Demolition <p>The site is located adjacent to the Loopland River, to the rear of Ormonde Crescent, Ormonde Gardens and Ladas Drive. It is not located within any BMAP designation. The proposal has been assessed against the SPPS, Planning Policy Statement 3, 4, 7, 7 Addendum, 12, 15 (Revised), and supplementary planning guidance - Creating Places, Parking Standards, DCAN 8 and 15.</p> <p>This site was granted planning permission (Z/2006/2472/F) in 2009 for the development of twenty five apartments in three blocks. Since the approval in 2009 Planning Policy Statements 4 and 7 Addendum have been published.</p>	

Having regard to the policy context, objections and other material considerations above, the proposal is deemed to be acceptable and planning permission is recommended for approval.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	No objection
Statutory	NI Water	No objection
Non Statutory	Belfast City Council Environmental Health	No objection

Statutory	Transport NI	No objection
Statutory	NIEA Water Management Unit	No objection
Statutory	NIEA Waste Management	No objection
Statutory	Belfast City Council Building Control (Waste Storage)	No objection
Non Statutory	Belfast City Council Tree Officer	No objection
Representations:		
Letters of Support	None Received	
Letters of Objection	66: There are two types of standard objection letters (60 in total), and six independent objection letters	
Number of Petitions of Objection and signatures	1 petition with 33 signatures	
Representations from Elected representatives	None Received	
Characteristics of the Site and Area		
1.0	Description of Proposed Development	
	The proposal is for the erection of twenty three apartments (in three blocks) and all other associated site works. The scheme has been reduced from twenty five apartments.	
2.0	Description of Site and Area	
2.1	The former site of H & J Martin (now part of Lagan Construction Group) containing industrial warehousing and offices is located at the end of Ormonde Gardens (off Castlereagh Road), to the rear of properties on Ladas Drive, and adjacent to the Loop River. The flat site is in a medium to high density residential area and does not form part of any BMAP designation. Other commercial business premises are located along Ladas Drive. A second entrance is located between 31 and 33 Ladas Drive.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
3.1	A planning application (Z/2006/2472/F) was granted approval in 2009 for the development of twenty five apartments in three blocks.	
4.0	Policy Framework	
4.1	<ul style="list-style-type: none"> • Belfast Metropolitan Area Plan 2015, site is located within the development limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limits • Strategic Planning Policy Statement for Northern Ireland • Planning Policy Statement 3 – Access, Movement and Parking • Planning Policy Statement 4 – Planning and Economic Development • Planning Policy Statement 7 – Quality Residential Environments • Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas • Planning Policy Statement 12 – Housing in Settlements • Planning Policy Statement 15 (Revised) – Planning and Flood Risk • Development Control Advice Note 8 – Housing in Existing Urban Areas • Development Control Advice Note 15 – Vehicular Access Standards • Supplementary Planning Guidance - Creating Places • Supplementary Planning Guidance – Parking Standards 	

5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Rivers Agency – No objection subject to informatives • Transport NI – No objection subject to conditions and informatives • NI Water – No objection subject to informatives • NIEA Waste Management – No objection subject to informatives • NIEA Water Management Unit – No objection subject to informatives
6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – no objection subject to conditions and informatives. • Belfast City Council Building Control Waste Storage – No objection
7.0	Representations
7.1	<p>The planning application was neighbour notified and advertised in the local press. There were 66 letter of objection received: there are two types of standard objection letters (60 in total), and six independent objection letters. A petition of concern was also received with a total of 33 signatures.</p> <p>The key issues raised by way of objection are:</p> <ul style="list-style-type: none"> • Traffic intensification and safety • Parking and Access • Siting of bin stores close to the boundary of properties at Ladas Drive • Reduced planting • Flood Risk • Overlooking • Not all neighbours notified • Dominance/Loss of light • Detrimental to the character of the neighbourhood by way of density • Public health issue regarding land contamination <p>There was one letter of response from RSPB in respect of this planning application requesting consideration be given to integrating nesting opportunities into the development for The Common Swift (<i>Apus apus</i>).</p>
8.0	Other Material Considerations
	<p>A planning application (Z/2006/2472/F) was granted approval in 2009 for the development of twenty five apartments in three blocks.</p>
9.0	Assessment
9.1	<p>The property is located within the Settlement Development Limits of Belfast and not on land designated as part of BMAP.</p>
9.2	<p>The issues to be examined when determining this planning application are:</p> <ul style="list-style-type: none"> • Traffic intensification and safety • Parking and Access • Siting of bin stores close to the boundary of properties at Ladas Drive

- Reduced planting
- Flood Risk
- Overlooking
- Not all neighbours notified
- Dominance/Loss of light
- Detrimental to the character of the neighbourhood by way of density
- Land contamination
- Loss of employment land
- Amenity space
- Amount of waste storage
- Planning History
- Inclusion of Swift Boxes on buildings
- Demolition

9.3 **Strategic Planning Policy Statement for Northern Ireland**

The purpose of planning is to prevent proposals which would unacceptably affect amenity and the existing use of land. Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

9.4 **Environmental Impact Assessment**

The proposed development is within Category 10 (b) (Urban Development Project) – the area of development exceeds 0.5ha) of Schedule 2 of the Planning (Environment Impact Assessment) Regulations (Northern Ireland) 2015. It was determined that an EIA is not required as the scheme is unlikely to have any significant environmental impact, and any issues will be dealt with through the development management process.

9.5 **Planning History**

A planning application (Z/2006/2472/F) was granted approval in 2009 for the development of twenty five apartments in three blocks. That development was very similar to the initial submission in this planning application. As such precedence has been set for the density and style of development at this location. PPS 7 Addendum – Safeguarding the Character of Established Residential Areas has been published since the approval of Z/2006/2472/F.

9.6 **Land Contamination**

A contaminated land risk assessment was requested as Belfast City Council Environmental Health records indicated that the site of the proposed development is located on grounds that were used previously as a petrol station and a food preparation site. The site is also in close proximity to a body repair premise and a petrol station. These current and past land uses have the potential to contaminate land and pose a risk to human health. Belfast City Council Environmental Health reviewed both the Preliminary Risk Assessment (PRA) and the Environmental Site Assessment and Generic Quantitative Risk Assessment. The PRA identified potential risks to future site users via inhalation of volatiles from soil and groundwater pathways, inhalation of ground gases and direct contact with soil. These pollutant linkages were further assessed by the targeted intrusive site investigation within the site and subsequent laboratory analysis of sub-soils and groundwater. Exceedances of the GAC for the heavy metal compounds Lead and Arsenic and a risk to human health from asbestos were identified. The RSK GQRA report recommended remedial works to break the identified pollutant linkages. As such a condition is to be attached to ensure the submission

	<p>of a Verification Report prior to occupation of the proposed development. In particular it must confirm that all garden/landscaped areas have been capped by demonstrably suitable materials – this shall comprise a minimum of 600mm of suitable material including a capillary break layer and > 200mm of top soil. An objection letter raised concerns regarding the public health issue of land being disturbed.</p>
9.7	<p>Flooding</p> <p>In compliance with PPS 15 Policy FLD 3 a Drainage Assessment was requested. Schedule 6 Consent has been received to carry out drainage works at the site, discharging 5 l/s of storm water to the Loop River. River Agency has reviewed the proposals and is content that they will not materially increase flood risk. Objection letters raised concerns about flooding at this site and the amount of landscaping. The site does not currently have any landscaping therefore this proposal will be an improvement and help aid water uptake.</p>
9.8	<p>Demolition</p> <p>The site is not located within an Area of Townscape Character or a Conservation Area, and as the buildings are not of any historical or architectural value the principle of demolition is accepted.</p>
9.9	<p>Loss of Employment Land</p> <p>Although a previous planning approval was granted in 2009, PPS 4 Policy PED 7 is now applicable. On un-zoned land a proposal resulting in the loss of existing Class B2, B3 or B4 use or land last used for such purposes will only be permitted whereby:</p>
9.9.1	<p>(d) The present use has a significant adverse impact on the character or amenities of the surrounding area.</p> <p>The H & J Martin site was used as both Class B1 (office) and B4 (storage and distribution). It can be argued that in a residential area this business type does have a negative impact on the character and amenity of the immediate vicinity. A housing development has been constructed on land zoned (EB 02/50) immediately adjacent at Ormonde Crescent further emphasising the residential nature of the area. Residential development immediately adjacent to the Loop River would be of substantial long term benefit to the area, as opposed to a derelict business use.</p>
9.9.2	<p>(e) The site is unsuitable for modern industrial, storage or distribution purposes.</p> <p>The applicant has stated that the adjacent housing development has compromised the long term viability of the site for business/employment use. Primarily the site comprised of office accommodation for H & J Martin Facilities Management and associated storage workshops. The office accommodation is now defunct with the staff moved to premises on the Ormeau Road. It is the intention to bring all office staff together with Lagan Construction Group at Rosemount House, Old Channel Road (current application LA04/2015/0689/F). Alternative premises are being sought for the storage element of the business.</p>
9.10	<p>Traffic</p> <p>Objections raised concerns regarding traffic intensification, safety, insufficient car parking and access difficulties. Transport NI was consulted and offered no objection to the development proposal. Creating Places states that thirty five car parking spaces should be provided for twenty three apartments (two-bed). The shortfall of one space (34 proposed) is acceptable as the development is in a highly accessible location well served by public transport – Castlereagh Road Arterial Route. Cycle provision has been included as part of the proposal and access to the public road will not prejudice road safety. The visual impact</p>

	<p>of the proposed car parking has been softened by an acceptable landscaping plan. As such the proposed development is compliant with PPS 3, PPS 7, Creating Places, Parking Standards and DCAN 15.</p>
9.11	<p>Density</p> <p>In accordance with PPS 7 (a) the scale of the proposed development should be in keeping with the surrounding context and the site. PPS 7 Addendum Policy LC1 (a) elaborates that the proposed density should not be significantly higher than the established residential area. The immediate vicinity of the site at Ormonde Gardens is a mixture of medium density – semi-detached dwellings with front and rear gardens; and, high density terraces within small curtilages. As such twenty three apartments constructed in three blocks would be acceptable in this location.</p>
9.12	<p>Dominance and Overlooking</p> <p>In accordance with PPS 7 (h) the design and layout of the development must not create conflict with surrounding land uses by way of dominance/loss of light or overlooking. Objections letters raised concerns regarding these issues.</p>
9.12.1	<p>Block A is to be located 18.5m from the rear of 37/39 Ladas Drive at a height of 6.4m, and 24m from 41 Ladas Drive at a height of 9m. Creating Places stipulates twenty metres as an acceptable separation distance. Windows facing the rear of properties on Ladas Drive are higher level (1.5m above floor level and bathroom windows are opaque). The boundary has been supplemented by extra heavy standard trees to screen the development from existing houses. There will be no overlooking between Block A and Block B as the latter has only opaque WC windows on the side elevation. As such Block A is considered acceptable.</p>
9.12.2	<p>Block B is in excess of 20m from the Loopland Fold (across the Loop River) and properties on Ladas Drive and Ormonde Gardens. As such it is considered acceptable.</p>
9.12.3	<p>Block C is in excess of 20m from the Loopland Fold and properties on Ormonde Gardens. The side elevation of Block C ranges from 6m to 20m separation distance from the rear boundary of 4-8 Ormonde Crescent. A separation distance of between 6.5m and 15m is proposed between the front elevation (right side) and the rear boundary of 2 Ormonde Crescent (not yet built under Z/2000/2485/F). As a previous approval has been granted planning permission the following mitigation measures have been incorporated into the design of Block C:</p> <ul style="list-style-type: none"> • Re-orientation of Block C • High level windows on the side elevation – all floors • WC windows are opaque glass – all floors • Reduced window size • Extra heavy standard trees and shrub planting along the rear boundary of properties on Ormonde Crescent • Half metre extension of side elevation closest to the rear of Ormonde Crescent properties
9.13	<p>Design</p> <p>Objections have been received regarding the proposed apartment construction being detrimental to the character of the neighbourhood. In accordance with PPS 7 (g) the development should be constructed with the best form, materials and detailing. The site is not located within a Conservation Area or an Area of Townscape Character. As such the</p>

	<p>proposed materials of render (off white), red brick, grey laminate board panels, gun metal grey uPVC windows, and solid timber painted doors is deemed to be acceptable and does not diminish the quality of the established residential area. The design of the three apartment blocks would be an improvement to the site as it exists.</p>
9.14	<p>Space Standards</p> <p>The proposed apartments meet the space standards detailed in Annex A of PPS 7 Addendum (70/75sqm for two bed-four people apartments). As such the proposed development is compliant with Policy LC1 (c).</p>
9.15	<p>Waste Storage</p> <p>Belfast City Council City and Neighbourhood Department state that the proposed bin storage for the site is adequate. Objections raised concerns about the location of bin stores along the rear boundaries of properties on Ladas Drive. These have been relocated and surrounded with landscaping to soften the visual impact and outlook for prospective residents. The bin store associated with Block C has a vegetative buffer between it and the rear of 4 Ormonde Crescent.</p>
9.16	<p>Amenity Space</p> <p>Creating Spaces states that communal open space is acceptable in the form of landscaped areas ranging between 10sqm to 30sqm per unit. The proposed development exceeds the minimum requirement and as such is compliant with PPS 7 (c), Creating Places and DCAN 8.</p>
9.17	<p>Boundary Treatment</p> <p>The proposed boundary treatment to the rear of properties on Ladas Drive, side of 24 Ormonde Gardens and to the rear of 2 Ormonde Crescent (not built) is to be a 1.8m close boarded fence. The existing wall to the rear of the apartment blocks and adjacent to the Loop River is to be reduced to 1.8m (rendered and concrete coping added). The existing fence to the rear of 4-10 Ormonde Crescent is to be retained.</p>
9.18	<p>Landscaping</p> <p>The proposed landscaping scheme is considered acceptable by the Belfast City Council Tree Officer. In accordance with PPS 7 Policy QD1 (c) planted areas and groups of trees along the site boundaries will help to soften the visual impact of the development and assist in its integration with the surrounding area.</p>
9.19	<p>Neighbour Notification</p> <p>Objections raised concerns that not all neighbours had been notified. This planning application has been neighbour notified in accordance with The Planning (General Development Procedure) Order (Northern Ireland) 2015: paragraph 8 (b) serve notice of the application to any identified occupier on neighbouring land in accordance with paragraph 2 (Neighbouring land means land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width).</p>
9.20	<p>Swift Boxes</p> <p>The RSPB requested that the developer give due to consideration to the inclusion of swift boxes into the development. The request was declined by the developer as it was</p>

	considered that inclusion of such boxes would have a negative effect upon the marketability of the apartments by way of vermin attraction/bat nesting and facade/ground soiling by the birds.
10.0	<p>Conclusion</p> <p>Precedence has been set for the same density and style of development at this location under planning approval Z/2006/2472/F in 2009. As the existing buildings are not of any architectural merit and not within an ATC or Conservation Area demolition is accepted. Issues pertaining to flooding and land contamination have been successfully addressed and the statutory consultees have no objections. Transport NI has assessed the development proposal and the objection letters received and offer no objection. The proposed density will not be significantly higher than the established residential area, and the separation distance between the proposed apartments and existing premises will not cause any concerns regarding dominance/loss of light. Mitigation measures have been incorporated into the Design of Block C to prevent overlooking into the rear of 2-8 Ormonde Crescent and the scheme includes boundary planting for added screening. Having regard to the policy context, the previous planning approval, objection letters and other material considerations above, the proposal is deemed to be acceptable and recommended for approval.</p>
11.0	<p>Summary of Recommendation</p> <p>Approval subject to conditions</p>
12.0	<p>Conditions</p> <ol style="list-style-type: none"> 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 2. The materials to be used in the construction of the external surfaces of the apartment blocks A, B and C hereby permitted, shall be as stipulated on drawings 17A, 19A, 20A, 22A, date stamped 12 April 2016, and drawings 24B, 26B, date stamped 28 July 2016. Reason: In the interest of visual amenity. 3. All boundary treatments shall be completed in accordance with the approved drawing 38C date stamped 28 July 2016. Reason: To safeguard the privacy and amenity for prospective residents. 4. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Planning Service, for approval, a Verification Report. This report must provide confirmation that the remedial works identified in section 8 of the RSK Ireland (RSK) "Environmental Site Assessment and Generic Quantitative Risk Assessment. No 26 Ormonde Gardens, Belfast", September 2015. Report Ref.601228 – R2 (00) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use (residential without home grown produce). It must be demonstrated that contaminant-pathway-target linkages between any contamination and end users are effectively broken. The Verification Report must be in accordance with current best practice and guidance as outlined by the Environment Agency.

In particular, this Verification Report must confirm that:

- a. All garden/landscaped areas have been capped by demonstrably suitable materials. (This shall comprise a minimum of 600mm of suitable material including a capillary break layer and >200mm of top soil)

Reason: Protection of human health.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawing, prior to the commencement of any other works or other development hereby permitted.

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

6. No dwelling 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.

7. No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plan. 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.

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

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.

9. All hard and soft landscape works shall be completed in accordance with the approved drawing 42A date stamped 28 July 2016, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.

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

10. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

	<p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>11. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Department seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Department gives its written consent to any request for variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representation from elected member: Enquiries made by Sammy Douglas MLA and Councillor Rodgers.

ANNEX	
Date Valid	20 March 2015
Date First Advertised	08 May 2015
Date Last Advertised	12 August 2016
Details of Neighbour Notification (all addresses)	
<p>Ciaran McLarnon 1 Forest Education Centre Belvoir Drive 1 Ormonde Crescent Ballyrushboy Belfast 1 Ormonde Gardens,Ballyrushboy,Belfast,Down,BT6 9FL, 10 Loopland Court Ballymaconaghy Belfast 2,3, 10, 11, 12, 13, 14, 15, 16,17, 18, 19, 20, 22, 24, 26 - 40 Ormonde Crescent Ballyrushboy Belfast 10 Ormonde Gardens,Ballyrushboy,Belfast,Down,BT6 9FL, 11, 12 Loopland Court Ballymaconaghy Belfast 2,3, 11, 12, 14, 16, 18, 20, 22, 24 Ormonde Gardens,Ballyrushboy,Belfast,Down,BT6 9FL, 21, 23, 25, 27, 29, 31, 33, 35, 37 , 39, 41, 43, 45, Ladas Drive,Ballyrushboy,Belfast,Down,BT6 62 - 79 Loopland Gardens Ballymaconaghy Belfast 7 Loopland Court Ballymaconaghy Belfast</p>	

Flat s Loopland Fold 81 Loopland Gardens	
Date of Last Neighbour Notification	10 August 2016
Date of EIA Determination	06 August 2015
Notification to Department (if relevant)	N/A