

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 12 December 2017	
<b>Application ID:</b> LA04/2016/2531/F	
<b>Proposal:</b> Residential development of 47 dwelling units comprising 7 townhouses and 40 apartments, landscaping, car parking and all associated site works including the part demolition, retention and change of use of no. 163 Ormeau Road from offices to 2No. apartments	<b>Location:</b> Lands at 163 Ormeau Road Belfast BT7 1SP
<b>Referral Route:</b> Residential development in excess of 12 units with objections	
<b>Recommendation:</b>	Approval Subject to Conditions
<b>Applicant Name and Address:</b> H & J Martin 163 Ormeau Road Belfast BT7 1SP	<b>Agent Name and Address:</b> TSA Planning 29 Linenhall Street Belfast BT2 8AB
<b>Executive Summary:</b>  This application seeks full planning permission for a residential development of 47 dwelling units comprising 7 townhouses and 40 apartments, landscaping, car parking and all associated site works including the part demolition, retention and change of use of no. 163 Ormeau Road from offices to 2 apartments. The proposal includes the provision of two areas of bicycle and bin storage.  The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Height, scale, massing, layout and design;</li> <li>• Provision of parking and access;</li> <li>• Provision of amenity space;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on Area of Townscape Character;</li> <li>• Other environmental factors.</li> </ul> The site is located within the development limit of Belfast as per the draft Belfast Metropolitan Area Plan 2015 and BUAP and is identified as whiteland and therefore is not subject to any particular zonings.  Four representations have been received objecting to the proposal raising issues regarding parking provision, impact on traffic volume, the proposed residential use and impact on surrounding residential amenity.  Consultees included Environmental Health, NIEA Natural Heritage, Rivers Agency, NI Water, Historic Environments Division and the Conservation Area Officer raised no objections subject to the attachment of conditions. Transport NI have verbally confirmed no objection in principle – awaiting formal confirmation.	

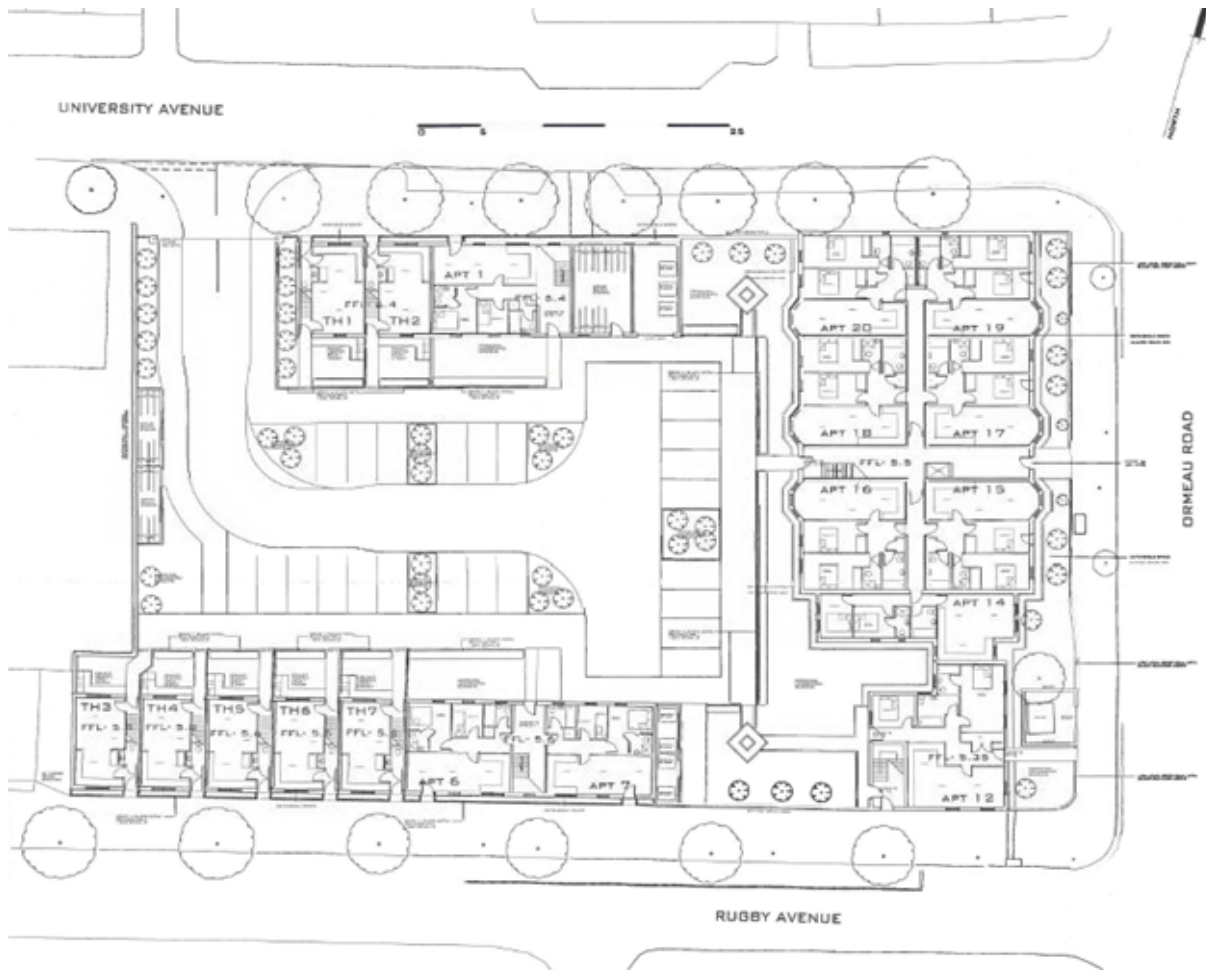
Having had regard to the development plan, relevant planning policies and all other matters raised by consultees and third parties it is concluded that on balance, the proposal would constitute an acceptable development at this location. The proposal would deliver the regeneration of a brownfield site in the urban environment.

Recommendation – Approval

It is recommended that this application be approved with the attachment of conditions and it is requested that Committee delegate authority to the Director of Planning and Place to agree the final wording of those conditions.

Case Officer Report

Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The proposal is for full planning permission for a residential development of 47 dwelling units comprising 7 townhouses and 40 apartments, landscaping, car parking and all associated site works including the part demolition, retention and change of use of no. 163 Ormeau Road from offices to 2No. apartments. The proposal includes the provision of two areas of bicycle and bin storage.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The site is located at 163 Ormeau Road, Belfast. The site is currently in use as construction company offices. Within the site is an existing two storey building located in the eastern corner of the site, fronting on to the Ormeau Road and Rugby Avenue. The building is finished in facing red brick with stone detailing grey mortar and a hipped roof covered in dark grey slates. The windows timber framed painted white. The site is relatively level throughout and is bounded by red facing brick wall ranging, approximately 2 -3m in height. Currently on the site is an existing two storey building located parallel to Rugby Avenue and a single storey building and Portakabin located parallel to the Ormeau Road. The remainder of the site is in hardstanding car park for staff.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site history</b></p> <ul style="list-style-type: none"> <li>• Z/1977/0109 – Rebuilding of workshop and store – Granted</li> <li>• Z/2007/0004/F - Proposed development of 9No. 3 storey townhouses, 31 apartments/maisonettes, 2 ground floor retail units, off street parking and associated site works - Granted</li> </ul>
<b>4.0</b>	<p><b>Policy Framework</b></p> <p>4.1 Regional Development Strategy</p> <p>4.2 Belfast Urban Area Plan 2001</p> <p>4.3 Draft Belfast Metropolitan Area Plan 2015</p> <p>4.4 Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>4.5 Planning Policy Statement 2: Natural Heritage</p> <p>4.6 Planning Policy Statement 3: Access, Movement and Parking</p> <p>4.7 Planning Policy Statement 4: Planning and Economic Development and Guidance Note – Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses</p> <p>4.8 Planning Policy Statement 7: Quality Residential Environments</p> <p>4.9 Planning Policy Statement 12: Housing in Settlements</p> <p>4.10 Planning Policy Statement 15: Planning &amp; Flood Risk</p>
<b>5.0</b>	<p><b>Statutory Consultees Responses</b></p> <p>5.1 Transport NI were re-consulted with an amended layout and PSD drawings. Transport NI has verbally confirmed no objection in principle awaiting formal confirmation.</p> <p>5.2 Rivers Agency were consulted and have no objection to the proposal.</p> <p>5.3 NI Water Strategic Applications has no objection to the proposal.</p>
<b>6.0</b>	<p><b>Non Statutory Consultees Responses</b></p> <p>6.1 Environmental Health had no objection and recommended the attachment of negative conditions.</p>

<p>6.2</p> <p>6.3</p> <p>6.4</p>	<p>Historic Environments Division (HED) – Archaeology and Built Heritage had no objection advised they had no comment to make</p> <p>NIEA Natural Heritage and Conservation Areas had no objection and recommended the attachment of informatives.</p> <p>The Conservation Area Officer was consulted and had no objection to the proposal.</p>
<p><b>7.0</b></p> <p>7.1</p> <p>7.2</p>	<p><b>Representations</b></p> <p>The application has been advertised in the local press and re-neighbour notified, four representations have been received. The issues raised are outlined below;</p> <ul style="list-style-type: none"> <li>• Parking provision;</li> <li>• Increase in volume of traffic in the area;</li> <li>• Accuracy of Transport Assessment Form;</li> <li>• Lack of pedestrian crossings and cycle lanes on Ormeau Road;</li> <li>• Intervals between public transport on the Ormeau Road;</li> <li>• 24hr access for prospective residents, creating disturbance and vehicular movements for residents of The Cloisters Development;</li> <li>• Drawings provided at 1:200 scale instead of 1:50 or 1:100;</li> <li>• Parking provision within the Cloister’s Development.</li> </ul> <p>Following re-neighbour notification after the submission of amended plans, one representation was received. The issues raised are outlined below;</p> <ul style="list-style-type: none"> <li>• Reduction in parking provision;</li> <li>• Travel cards and bicycle storage provision will not alleviate parking and congestion concerns;</li> <li>• Exacerbate an existing issue with parking provision in the area.</li> </ul>
<p><b>8.0</b></p>	<p><b>Other Material Considerations</b></p> <p>Creating Places          Development Control Advice Note 8: Housing in Existing Urban Areas          Development Control Advice Note 15: Vehicular Access Standards</p>
<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p>	<p><b>Assessment</b></p> <p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>- Principle of development and use;</li> <li>- Height, scale, massing, layout and design;</li> <li>- Provision of parking and access;</li> <li>- Provision of amenity space;</li> <li>- Impact on residential amenity of neighbours;</li> <li>- Impact on Area of Townscape Character;</li> <li>- Other environmental factors.</li> </ul> <p><u>Principle of Development and Use</u></p> <p>The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area. The site is un-zoned white land and has a previous history for residential granted under planning reference Z/2007/0004/F, therefore the use of the site for residential has previously been established.</p> <p>Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development</p>

9.3	<p>Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p>
9.4	<p>As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.</p>
9.5	<p>The site is designated as white land and an Area of Townscape Character under the draft Belfast Metropolitan Area Plan 2015. The site is located on arterial route AR 01/12 the Ormeau Road.</p>
9.6	<p>Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is deemed that this proposal will not result in demonstrable harm to the residential amenity of neighbours.</p>
9.7	<p><u>Loss of Employment</u></p> <p>The residential use of this site was previously established under previous planning permission Z/2007/0004/F. This site is not zoned in the development plan but is currently in economic development use. This proposal will result in the loss of economic/employment use on this site and would not normally be granted planning permission. However the existing employees of H&amp;J Martin at this site, are being relocated to the new Lagan Construction Headquarters following an amalgamation of the two companies in 2015. A new Lagan Construction Headquarters was granted under planning reference LA04/2015/0689/F at Sydenham Road, Belfast to which all staff will be relocated. Therefore, it is considered that the loss of this land for economic development use is acceptable as it will not result in the loss of employment but in relocation through consolidation. The proposed site is now surplus to requirements and forms part of the company's asset management scheme. The proposed residential use on this site is acceptable and compatible with the adjacent existing residential developments.</p>
9.8	<p><u>Height, Scale, Massing, Layout and Design</u></p> <p>The proposed development is to be constructed in three blocks in a 'U' shape with a block located along the Rugby Avenue, Ormeau Road and University Avenue frontages to form a courtyard area for parking and domestic and open space. The existing two storey building located along the Ormeau Road frontage is to be retained and converted into two apartments and will be linked to the proposed three storey apartment block adjacent to it fronting on to the Ormeau Road.</p>
9.9	<p><i>Rugby Avenue Frontage</i> - The proposed block will be three storey and consists of 5 townhouses, four apartments and a bin storage area. The building is to have a ridge height of 11.8m from finished floor level, a width of 7.8m and 46.8m long. The walls and chimneys are to be finished in smooth clay facing brick with stone detailing in grey mortar. The roof is to be pitched and covered in dark grey slates. Windows are to be painted white frames and doors are to be black.</p>
9.10	<p><i>Ormeau Road Frontage</i> – The proposed block will be four storey and consist of 30 apartments. The building will be linked to the existing two storey building to be retained and converted into apartments. The proposed building is to have a ridge height of 16m</p>

	<p>from finished floor level, a width of 18.8m and 35m long. The length of the proposed building and the existing two storey building to be retained and converted will be 47.2m.</p>
9.11	<p>The proposed new four storey building will integrate with the existing streetscape and the two storey building to be retained. Amendments were sought that enabled the proposed building to visually link the two buildings by an increase in the height of the ground floor apartments floor to ceiling height and the continuation of a band of brick detail carried through the proposed Ormeau Road elevation and a two storey link not exceeding the eaves height of the two storey building being retained. The proposed scale and massing of the building is acceptable and is not out of keeping with character of the area.</p>
9.12	<p><i>University Avenue</i> – The proposed block will be three storey and consist of 2 townhouses, 5 apartments, bicycle and bin storage area. The proposed building is to have a ridge height of 11.8m from finished floor level, a width of 7.8m and a length of 30m. Finishes to be as per proposed for the Rugby Avenue and Ormeau Road blocks.</p>
9.13	<p>The buildings are to be constructed in a ‘U’ shape layout to create an internal courtyard. This proposed layout to create an internal courtyard is in keeping with the existing layout of the business currently located on the site and the neighbouring residential development ‘The Cloisters’. The southern (University Avenue block), western (Ormeau Road block) and northern (Rugby Avenue block) elevations will be viewed from within the courtyard area and the adjacent residential development to the west. The northern elevation of the Rugby Avenue block will be viewed from the access to the site located on University Avenue. The applicant has provided a bicycle store and boundary planting which will screen the bicycle store, to ensure the Rugby Avenue block when viewed from the public realm of University Avenue is not disrupted or obscured by the bicycle store.</p>
9.14	<p>The northern (University Avenue block), eastern (Ormeau Road block) and the southern elevation (Rugby Avenue block) elevations are those which will be most visible from the public realm. Each of the proposed buildings have been set back from the public foot path to provide definition between the public and private realms by the facilitating of small plots bounded by red brick walls with black metal railings on top, measuring a maximum of 1.6m in height. This provides accesses along the frontages of all the blocks, whilst providing defensible space.</p>
9.15	<p>The layout of the development is acceptable and provides four communal landscaped garden areas for the occupants of apartments and private garden areas to the 7 townhouses, along with areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding, assisting with the integration of the development to the surrounding area.</p>
9.16	<p>In terms of outlook those units within the Rugby Avenue and University Avenue blocks will outlook on to the public street. Those apartments on the eastern side of the Ormeau Road block will outlook on to the main Ormeau Road. Although those apartments located within the western side of the Ormeau Road Block will outlook on to the private realm, in the form of the courtyard, parking area and communal gardens. The provision of communal gardens and landscaping provides an acceptable and attractive outlook for prospective residents.</p>
9.17	<p>The architectural approach is modern yet sympathetic to its context, taking clues from the architecture in the context of the area. The proposed design and architectural treatment and materials are considered to be acceptable and the scheme is considered to be of a higher quality than that previously approved under application Z/2007/0004/F.</p>

9.18	<p><u>Parking Provision and Access</u></p> <p>In respect of the proposed parking provision, 24 spaces have been provided within the development. This was reduced from 27 to facilitate the addition of landscaping into the development to soften the visual appearance and outlook for prospective residents. Transport NI were re-consulted and advised verbally that the amended layout would potentially impact on the amenity of neighbours as a result of the loss of 3 spaces for landscaping and result in displacement on to the public street. However it is considered that the site is located on an arterial route with convenient access to public transport, bicycle storage provision at two locations within the development and is within walking distance to the city centre. PPS 3 states that reduced parking provision may be acceptable in locations which are highly accessible and well served by public transport and any other measures proposed to promote alternative transport modes. Therefore it is considered that the proposal site is located at a sustainable location and reduced parking provision is acceptable as the development supports movement by residents walking, cycling and use of public transport.</p>
9.19	<p><u>Provision of amenity space</u></p> <p>The applicant has provided a total of 359m<sup>2</sup> of communal space for the 40 apartments and 20.8m<sup>2</sup> of private amenity space for each of the 7 townhouses. This is marginally short of the recommended 10m<sup>2</sup> per apartment as set out in Creating Places, providing 8.9m<sup>2</sup> per apartment. This does not include the provision of two bin storage and two secure bicycle storage areas. The private amenity space for the 7 townhouses is below the minimum requirement of 40m<sup>2</sup> per dwelling as set out in Creating Places. However, on balance, considering the provision for bicycle storage that has been demonstrated, landscaping and the site being accessible to public open space including;</p> <ul style="list-style-type: none"> <li>• Lagan Towpath – 3 minute walk;</li> <li>• Ormeau Park – 4 minute walk;</li> <li>• Botanic Gardens – 11 minute walk.</li> </ul>
9.20	<p>The site is within a 5 minute walk to two public open space areas, and therefore the provision of amenity space within the development is considered acceptable providing adequate amenity space and areas of planting to soften the visual impact of the development and visual breaks between areas of hardstanding and assisting with the integration of the development to the surrounding area.</p>
9.21	<p><u>Impact on Residential Amenity</u></p> <p>The proposed development is located adjacent to the existing residential development at 'The Cloisters' to the west. The proposed residential use and the design and layout of the development will not create conflict with the adjacent residential use. The proposed development will not result in unacceptable overlooking to the residents of 'The cloisters' as no windows are proposed on the side elevations of the Rugby Avenue or University Street Blocks and the adjacent properties in 'The Cloisters' also do not have any windows in the side elevations. In terms of overshadowing the development is bounded by three roads. Considering this, the sun path and the orientation of the development, the proposal will not result in unacceptable overshadowing or loss of light. An issue raised by objectors is the impact on the residential amenity of neighbours in 'The Cloisters'. The objector raised concern that the change from a business which operates between 7am and 6pm to residential use, meant the introduction of a 24 hour use adjacent to existing dwelling</p>



	<p>resulting in disturbance. Residential use adjacent to one another is considered compatible and acceptable, and will not result in detrimental impact to the residential amenity of neighbours.</p> <p><u>Impact on Area of Townscape Character</u></p> <p>9.22 It is considered that the proposed demolition of an existing two storey building, a single storey building and a Portakabin is acceptable. An existing two storey building which is considered by the Conservation Area Officer to be of historic interest, making a positive contribution to the special architectural and historic interest of the area is to be retained and incorporated into the development proposal, ensuring the material contribution the building makes to the distinctive character of the area is retained. The proposal complies with Policy ATC 2 – New Development within an Area of Townscape Character. In respect of the proposed buildings the proposal respects the hierarchy of place principle, with the four storey building located along the Ormeau Road section of the site and the two three storey buildings located along the Rugby Avenue and University Avenue frontages. The addition of genuine accesses along the Ormeau Road frontage would be in keeping in respect of character, historic grain and urban design. The proposal maintains and enhances the overall character and respects the built form of the area.</p> <p><u>Other Environmental Factors</u></p> <p>9.23 Rivers Agency, NIEA (Drainage and Water, Land, Soil and Air and Natural Heritage and Conservation Areas) and Environmental Health were consulted. Rivers Agency advised of no objection in respect of flooding, and therefore the proposal complies with PPS 15. NIEA were consulted and requested the submission of a Preliminary Bat Roost Appraisal which was submitted and NIEA re-consulted with and commented that they had no objection to the proposal and recommended the attachment of an informative in relation to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). Therefore the proposal complies with PPS2. Environmental Health have recommended the attachment of negative conditions in respect of Land Contamination and Noise Insulation.</p>
<p><b>10.0</b></p> <p>10.1</p>	<p><b>Consideration of Representations</b></p> <p>The Occupiers of no's 1, 87 and 91 'The Cloisters' and 'The Cloisters' Management (NI) Limited c/o Charterhouse Property Management raised the following issues;</p> <ul style="list-style-type: none"> <li>• <b>Parking provision and increase in volume of traffic in the area</b>- Transport NI have considered the proposal and advised that the reduction in car parking may impact on the amenity of neighbouring residents. Planning considered the proposal and given the location of the site on an arterial route and located within walking distance to the city and close to local amenities, the reduced parking provision is acceptable as this sustainable location;</li> <li>• <b>Accuracy of Transport Assessment Form</b> - Transport NI have considered the proposal and raised no issue in regards to the accuracy of the information provided on the Transport Assessment Form;</li> <li>• <b>Lack of pedestrian crossings and cycle lanes on Ormeau Road</b> – Transport NI are the authority that manages road and is outside of the remit of planning;</li> <li>• <b>Intervals between public transport on the Ormeau Road</b> – This is a matter to be raised with Translink;</li> <li>• <b>24hr access for prospective residents, creating disturbance and vehicular movements for residents of The Cloisters Development</b> – The use as residential</li> </ul>

	<p>is acceptable and compatible alongside existing residential use;</p> <ul style="list-style-type: none"> <li>• <b>Drawings provided at 1:200 scale instead of 1:50 or 1:100</b> – The drawings submitted at 1:200 scale which is acceptable;</li> <li>• <b>Parking provision within ‘The Cloisters’ Development</b> – This application is considering the parking provision for the proposed development. Parking provision within the Cloisters Development is not a matter for consideration under this planning permission.</li> </ul>
<p><b>11.0</b></p> <p>11.1</p>	<p><b>Summary – Approval Subject to Conditions</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered on balance, to be acceptable and planning permission is recommended subject to conditions.</p>
<p><b>12.0</b></p>	<p><b>Conditions</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the operation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 9.0 of the Remediation Strategy by RPS reference IBR0947/November 2016 for Proposed Development Lands at Ormeau Road, Belfast have been implemented. This verification report shall specifically address the following ;-</p> <ul style="list-style-type: none"> <li>• The structural barrier of the floor slab.</li> <li>• Ventilation measures.</li> <li>• Gas resistant membrane.</li> <li>• VOC resistance membrane.</li> <li>• Soil sampling of landscaped areas and all other areas hard standing</li> <li>•</li> </ul> <p>Reason: The protection of human health.</p> <p>3. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that gas protection measures in accordance with CIRIA C665 Characteristic Situation 2 and CIRIA C748 for VOC barriers have been installed throughout the building footprint of the proposed development. Furthermore verification or integrity testing shall be in accordance with the provisions of CIRIA C735 and CIRIA C748.</p> <p>Reason: The protection of human health.</p> <p>4. In the event that contamination not previously considered is encountered during the approved development of this site the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.</p>

Reason: The protection of human health.

5. The sound insulation of the windows, window frames and structure of the development t will be designed to provide sound reduction of a minimum Rtra of 42dB in compliance with BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings, BSI).

The ventilation to the development to be designed acoustically with attenuated trickle vents to also ensure a sound reduction in compliance with BS 8233:2014 (Guidance on sound insulation and noise reduction for buildings, BSI).

Reason: In the interest of residential amenity.

6. Prior to development commencing, the Construction Noise Management Plan as detailed in Section 5 outlines the methods to be employed to minimise any noise and vibration impact of demolition and construction operations demonstrating 'best Practicable means' shall be followed. The plan has had due regard to BS 5228:2009 Noise and Vibration Control on Construction and Open sites 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.

Reason: In the interest of residential amenity.

7. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

8. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health

9. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

### **Informatives**

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. THE WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997

The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the

<p>responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.</p> <p>4. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.</p> <p>5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.</p> <p>6. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.</p> <p>7. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.</p> <p>8. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.</p> <p>9. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:</p> <ul style="list-style-type: none"> <li>a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;</li> <li>b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;</li> <li>c) Deliberately to disturb such an animal in such a way as to be likely to;             <ul style="list-style-type: none"> <li>(i) affect the local distribution or abundance of the species to which it belongs;</li> <li>(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or</li> <li>(iii) Impair its ability to hibernate or migrate;</li> </ul> </li> <li>d) Deliberately to obstruct access to a breeding site or resting place of such an animal;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>e) To damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency,          Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605</p> <p>10. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:</p> <ul style="list-style-type: none"> <li>• kill, injure or take any wild bird; or</li> <li>• take, damage or destroy the nest of any wild bird while that nest is in use or being built;</li> </ul> <p>or</p>
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	<ul style="list-style-type: none"> <li>• at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or</li> <li>• obstruct or prevent any wild bird from using its nest; or</li> <li>• take or destroy an egg of any wild bird; or</li> <li>• disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or</li> <li>• disturb dependent young of such a bird.</li> </ul> <p>Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.</p> <p>It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1<sup>st</sup> March to 31<sup>st</sup> August, unless pre-clearance surveys show an absence of breeding birds.</p>
<p><b>13.0</b></p>	<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>
<p><b>14.0</b></p>	<p><b>Representations from Elected members:</b></p> <p>Meeting held with Alderman Rodgers</p>
<p><b>Neighbour Notification Checked</b> <span style="float: right;">Yes</span></p>	
<p><b>Summary of Recommendation:</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>	

<b>ANNEX</b>	
<b>Date Valid</b>	5th December 2016
<b>Date First Advertised</b>	16th December 2016
<b>Date Last Advertised</b>	24th February 2017
<b>Details of Neighbour Notification</b> (all addresses)	
<p>Fintan McAleer            1, The Cloisters, Belfast, Antrim, Northern Ireland, BT7 1GD            The Owner/Occupier,            132 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,            The Owner/Occupier,            134 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,            The Owner/Occupier,            134 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,            The Owner/Occupier,            136 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,            The Owner/Occupier,            138 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,            The Owner/Occupier,            1A Rutland Street, Malone Lower, Belfast, Antrim, BT7 2FH,            The Owner/Occupier,            29 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GD,            The Owner/Occupier,            83 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,            The Owner/Occupier,            85 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,            The Owner/Occupier,            86 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            87 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,            The Owner/Occupier,            87 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            88 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            89 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,            The Owner/Occupier,            89 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            90 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            91 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,            The Owner/Occupier,            91 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            Brian Jones            91, The Cloisters, Belfast, Antrim, Northern Ireland, BT7 1GQ            The Owner/Occupier,            92 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,            The Owner/Occupier,            93 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,</p>	

The Owner/Occupier,  
 93 The Cloisters, Malone Lower, Belfast, Antrim, BT7 1GQ,  
 The Owner/Occupier,  
 97 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,  
 The Owner/Occupier,  
 99 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,  
 The Owner/Occupier,  
 Apartment 1, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 10, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 11, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 12, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 13, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 14, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 2, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 3, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 4, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 5, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 6, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 7, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 8, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 The Owner/Occupier,  
 Apartment 9, 140 University Avenue, Malone Lower, Belfast, Antrim, BT7 1GZ,  
 Niall McAleer  
 Cloisters Management (NI) Limited, c/o Charterhouse Property Management, 422 Lisburn  
 Road, Belfast, BT9 6GN  
 The Owner/Occupier,  
 Flat 1, 95 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,  
 The Owner/Occupier,  
 Flat 2, 95 Rugby Avenue, Malone Lower, Malone Lower, Belfast, Antrim, BT7 1RE,

<b>Date of Last Neighbour Notification</b>	21st November 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

**Planning History**

Ref ID: Z/1977/0109  
Proposal: REBUILDING OF WORKSHOP AND STORE  
Address: 163 ORMEAU ROAD  
Decision: Granted

**Summary of Consultee Responses**

No objections subject to conditions