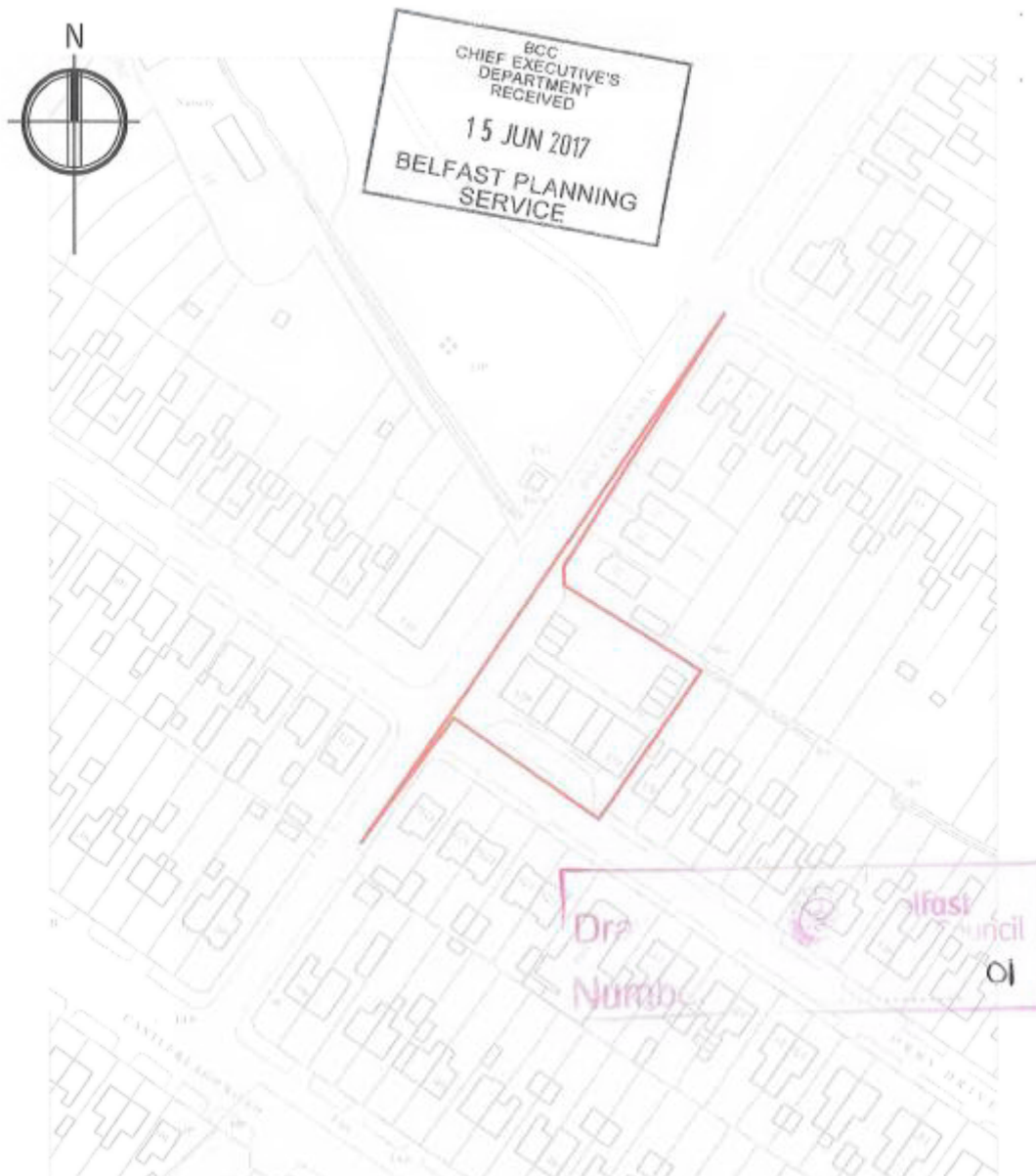


Committee Application

Development Management Report	
Application ID: LA04/2017/1447/O	Date of Committee: 12 June 2018
Proposal: Development of 19 No. 2 bedroom apartments with associated site works (renewal of Z/2013/0841/O)	Location: 120-128 Orby Drive Belfast BT5 6BB
Referral Route: Proposal is for over 12 dwellings with representations that conflict with the Case officer recommendation.	
Recommendation: APPROVAL	
Applicant Name and Address: Orby Properties 12 Ballymenoch Road Holywood BT18 0HH	Agent Name and Address: AMD Architectural Design 8 Canvy Manor Drumnacanvy Portadown BT63 5LP
<p>Executive Summary:</p> <p>The proposal is for 'Development of 19 No. 2 bedroom apartments with associated site works (renewal of Z/2013/0841/O)'.</p> <p>The application site is located within the settlement development limits of Belfast but not within any BUAP or draft BMAP designation.</p> <p>The principle of residential development in this location was previously approved under reference Z/2013/0841/O which was approved on 25/9/14. The current application was validated on 29/6/17 and it is considered that the present application for renewal was submitted prior to the expiry of Z/2013/0841/O.</p> <p>Case officer has concerns with the proposed development with regards to massing and height of the proposed building, the subsequent impact on the character of the area and the increased residential density relative to the established residential area.</p> <p>These matters can be further considered at reserved matters stage and are balanced against other considerations, such as the extant planning approval on the site and the aims of the SPSS to encourage an increase in housing density and the recycling of land for residential development.</p> <p>On balance, given the extant planning approval is a material planning consideration and the renewal application is for the same proposals within the same policy context as the previous approval it is recommended that this application is approved having regard to the local development plan and the other material considerations.</p>	

Site Location Map



Characteristics of the Site and Area

<p>1.0</p>	<p>Description of Proposed Development The proposal is for 'Development of 19 No. 2 bedroom apartments with associated site works (renewal of Z/2013/0841/O)'.</p>
<p>2.0</p>	<p>Description of Site The site is located at 120-128 Orby Drive on a corner site, adjacent to Orby Drive and Houston Park. There is a row of two storey red brick terrace buildings on site at present. The ground floor units are a mix of retail and service providers and the upper floor units are apartments. There is an enclosed hard surfaced area to the rear which is enclosed by fencing. There are single storey garages situated in this area too. The site is defined by a range of fencing and mature vegetation at the rear. Whilst the existing site is commercial in nature, the area is characterised primarily by residential development, with semi detached two storey dwellings particularly prevalent.</p>

Planning Assessment of Policy and other Material Considerations

3.0	Site History Z/2007/2027/F - Redevelopment comprising 15 No. 1 bed apartments and 6 No. 2 bedroom apartments with associated site works (Approved 19/8/08). Z/2013/0841/O - Proposed development of 19no 2 bedroom apartments with associated site works (Approved 25/9/14). Surrounding History: Z/2014/1443/F - Conversion of vacant unit to gym and physiotherapy centre – 118 Orby Drive (Approved 13/5/15). <i>Construction was ongoing at time of site visit.</i>
4.0	Policy Framework
4.1	Belfast Urban Area Plan Draft Belfast Metropolitan Area Plan 2015
4.1.1	White Land in both plans
4.2	Strategic Planning Policy Statement (SPPS) PPS3 - Movement, Access and Parking PPS7 - Quality Residential environments PPS 7 Addendum – Safeguarding the Character of Established Residential Areas PPS12 - Housing in settlements PPS 15 – Planning and Flood Risk DCAN 8 - Housing in existing Urban Areas Creating Places
5.0	Statutory Consultees Responses
5.1	NIEA – Water Management Unit, Land & Groundwater Team, Natural Environment Division
5.2	DFI Roads
5.3	NI Water
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health
6.2	Rivers Agency
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press.
7.2	6 objections to the proposal have been received. The objections related to the following issues: <ul style="list-style-type: none"> • Proposal is out of keeping with the character of the area. • Traffic issues – negative impact on car parking, congestion, pedestrian safety and access for emergency services. • Impact on the sewage system. • Existing Newsagent is a valuable community facility.

8.0	Assessment
8.1	Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development 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. The proposed site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.
8.2	The application site is located within the settlement development limits of Belfast but not within any BUAP or draft BMAP designation.
8.3	This principle of residential development in this location was previously approved under reference Z/2013/0841/O which was approved on 25/9/14. This approval was subject to a condition that a reserved matters application would be submitted within 3 years and the development should be begun by expiry of 5 years of the date of the permission or the expiry of 2 years from the date of approval of the last reserved matters, whichever is the latest. This application was validated on 29/6/17 and it is considered that the present application for renewal was submitted prior to the expiry of Z/2013/0841/O.
8.4	The previous application was assessed against the same policy that is presently considered. The previous case officer advised that the proposed development was acceptable and recommended approval.
8.5	The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS aims to increase housing density without town cramming and encourages sustainable forms of development, good design and balanced communities. The SPPS states that more urban housing should be accommodated through the recycling of land and buildings and should be located in sustainable locations that facilitate a high degree of integration. The SPPS also states that a variety of house types, sizes and tenures is fundamental to the building of more balanced communities.
8.6	The character of the surrounding area is defined primarily by medium density residential development, primarily semi detached dwellings. This is mixed with some small scale commercial development, with units located on the application site, including a newsagent. A gym and physiotherapy centre is currently under construction on land adjacent to the site. Concept plans submitted with the proposal show the proposed building with a maximum height of 11.4 metres on the Orby Drive elevation and a maximum height of 11.8 metres on the Houston Park elevation. The level of Houston Park falls as one travels in a Northerly direction. The concept shows the roof level of the proposal stepping down along this elevation. The concept plan shows adjacent ridge heights of dwellings between 8 and 9 metres. The proposal generally respects the surrounding context of the site in terms of topography and layout, however there are concerns with the scale and massing of the building and the proposed height. It is therefore considered that the proposal is not entirely sensitive to the existing character of the area.
8.7	The site is not located within proximity of archaeological remains or listed buildings. No open space has been allocated as part of the outline application, however this can be dealt with

	<p>at reserved matters stage. Furthermore, the site is located approximately 50 metres from the entrance to a public park. The concept proposal includes provision for cycle storage and pedestrian access to the street. A lift is included within the building to aid people with impaired mobility. Adequate provision has been made for parking on the lower level of the site. It is considered that the proposal will not have an unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and there are no issues in relation to crime or personal safety.</p>
8.8	<p>Policy LC1 of PPS 7 Addendum provides further criteria to protect local character, environmental quality and residential amenity in established residential areas. The prevailing residential density of the surrounding area is approximately 25 – 40 dwellings per Hectare. The proposed development has a residential density of 127 dwellings per Hectare. It is considered that this is significantly higher than the prevailing density found in this established residential area. With regard to space standards, there are no details at outline stage and these matters will be reserved in the event of approval.</p>
8.9	<p>PCP 1 of PPS 12 advises that care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded in established residential areas and that proposed density, together with form, scale, massing and layout respect that of adjacent housing and safeguard the privacy of existing residents. PCP1 also advises that an increase in housing density should be promoted in locations with high accessibility to public transport facilities. It is noted that the site is located approximately 85 metres from the Castlereagh Road, an arterial route designated in draft BMAP. PPS 12 also encourages sustainable forms of development, good design and balanced communities in line with the SPPS.</p>
8.10	<p>NIEA Natural Environment Division have concerns with the potential impact on bats. Bat re-emergence surveys to NIEA specifications are requested. Given the extant approval on the site, it was agreed that the submission of surveys are negatively conditioned in the event of approval. There were no objections to the proposal from Water Management Unit or Land & Groundwater Unit.</p>
8.11	<p>DFI Roads consider the application acceptable, subject to conditions relating to access, parking, Residential travel plan and Service management plan. NI Water have confirmed that there is available capacity within Waste Water Treatment works. BCC Environmental Health have no objection to the proposal, subject to informatives.</p>
8.12	<p>The proposal is for over 10 dwelling units therefore a drainage assessment was required in accordance with policy FLD 3 of PPS 15. Furthermore, a very small portion of the site lies within the 1:100 year floodplain. The Rivers Agency consultation response advised that all finished floor levels should be placed at a minimum of 600 mm above the 100 year fluvial flood level. The concept building footprint is located approximately 15 metres away from the floodplain zone. The Rivers Agency case officer clarified that this is a recommendation for the developer and is not subject to policy FLD 1. It is also noted that the lower ground level will be used for parking and cycle storage, with residential accommodation on the upper floors (including ground level). Rivers Agency clarified comments in relation to FLD 3 advising they were content with the drainage assessment and had no reason to disagree with the findings of the assessment but advised that the onus is on the applicant to ensure no drainage issues arise from the development.</p>
9.0	Summary of Recommendation: Approval

	<p>It is acknowledged that there are concerns with the proposed development with regards to massing and height of the proposed building, the subsequent impact on the character of the area and the increased residential density relative to the established residential area.</p> <p>This is balanced against other considerations, such as the extant planning approval on the site and the aims of the SPPS to encourage an increase in housing density and the recycling of land for residential development.</p> <p>On balance, given the extant planning approval is a material planning consideration and the renewal application is for the same proposals within the same policy context as the previous approval it is recommended that this application is approved having regard to the local development plan and the other material considerations.</p>
<p>10.0</p>	<p>Conditions</p> <p>10.1 Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-</p> <ul style="list-style-type: none"> i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> <p>10.2 Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>10.3 Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Department and shall be carried out as approved.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>10.4 The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-</p> <p>Siting; the two dimensional location of buildings within the site.</p> <p>Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.</p> <p>External appearance; the colour, texture and type of facing materials to be used for external walls and roofs.</p>

	<p>Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.</p> <p>Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.</p> <p>Flooding; Details of flood alleviation measures to include flood warning system.</p> <p>Reason: To enable the Department to consider in detail the proposed development of the site.</p>
10.5	<p>The detail plans submitted with any reserved matters application shall be based broadly on the concept plans Drawing Nos 02 and 05, date stamped 15th June 2017.</p>
10.6	<p>Reason: To ensure the delivery of a quality and sustainable residential environment.</p> <p>No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.</p>
10.7	<p>Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed development</p> <p>No part of the development hereby permitted shall be occupied until full engineering details of the vehicular access onto Houston Park have been submitted to and approved by the Department at Reserved Matters stage.</p> <p>The detail design drawings of the access onto Houston Park will be as indicated generally on Drawing No. 02 'Concept Block Plan' bearing the Belfast City Council Planning date stamp 15 June 2017.</p>
10.8	<p>REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.</p> <p>At Reserved Matters Stage details of parking provision and servicing shall be agreed with the Department in accordance with the requirements of Creating Places and the Department's current published Parking Standards as indicated generally on Drawing No. 03 'Concept Building Plans & Parking Arrangement Including Preliminary Drainage Requirements' bearing the Belfast City Council Planning date stamp 15 June 2017.</p>
10.9	<p>REASON: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.</p> <p>The development hereby permitted shall not become operational until a Residential Travel Plan has been submitted to, and approved by, the Department at Reserved Matters stage to promote alternative modes of transport. DfT guidance can be found at: http://travl.org/downloads/Publications/Useful%20Documents/Making%20Residential%20Travel%20Plans%20Work.pdf</p>

