

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date: 19 February 2019</b>	
<b>Application ID:</b> LA04/2018/2378/F	
<b>Proposal:</b> Public realm improvements comprising the re-surfacing of existing footways and on-street parking areas with natural stone, granite and asphalt; granite kerbs; boundary enhancements; new/replacement street trees and furniture; realignments to existing pedestrian crossings; minor junction improvements at Century Street and Manor Street; advisory cycle lanes on Lower Oldpark Road, and all associated site and access works.	<b>Location:</b> Lands adjacent to 2-480 Oldpark Road 5-521 Oldpark Road 223 245 Cliftonville Road 286-296 Cliftonville Road
<b>Referral Route:</b>	<b>Major application.</b>
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Department Of Communities (DFC) Belfast Regeneration Directorate Lighthouse Building Gasworks Business Ormeau Road Belfast	<b>Agent Name and Address:</b> RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ
<b>Executive Summary:</b>  The application seeks full permission for public realm improvements consisting of the re-surfacing of existing footways and on-street parking areas; boundary enhancements; new/replacement street trees and furniture; realignment of existing pedestrian crossings; advisory cycle lanes on Lower Oldpark Road; minor site improvements at Century Street and Manor Street, including all associated site and access works.  The main issues considered in this application are: <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- The potential upgrade of the facility on residential amenity.</li> <li>- Impact on the setting of Listed Buildings</li> <li>- Impact on visual amenity</li> </ul> The application site lies within the development limits for Belfast and complies with the Development Plan and relevant policy.  HED, NIEA, NI Water and the BCC Tree and Landscape Team were consulted in relation to the proposal and have offered no objections.	

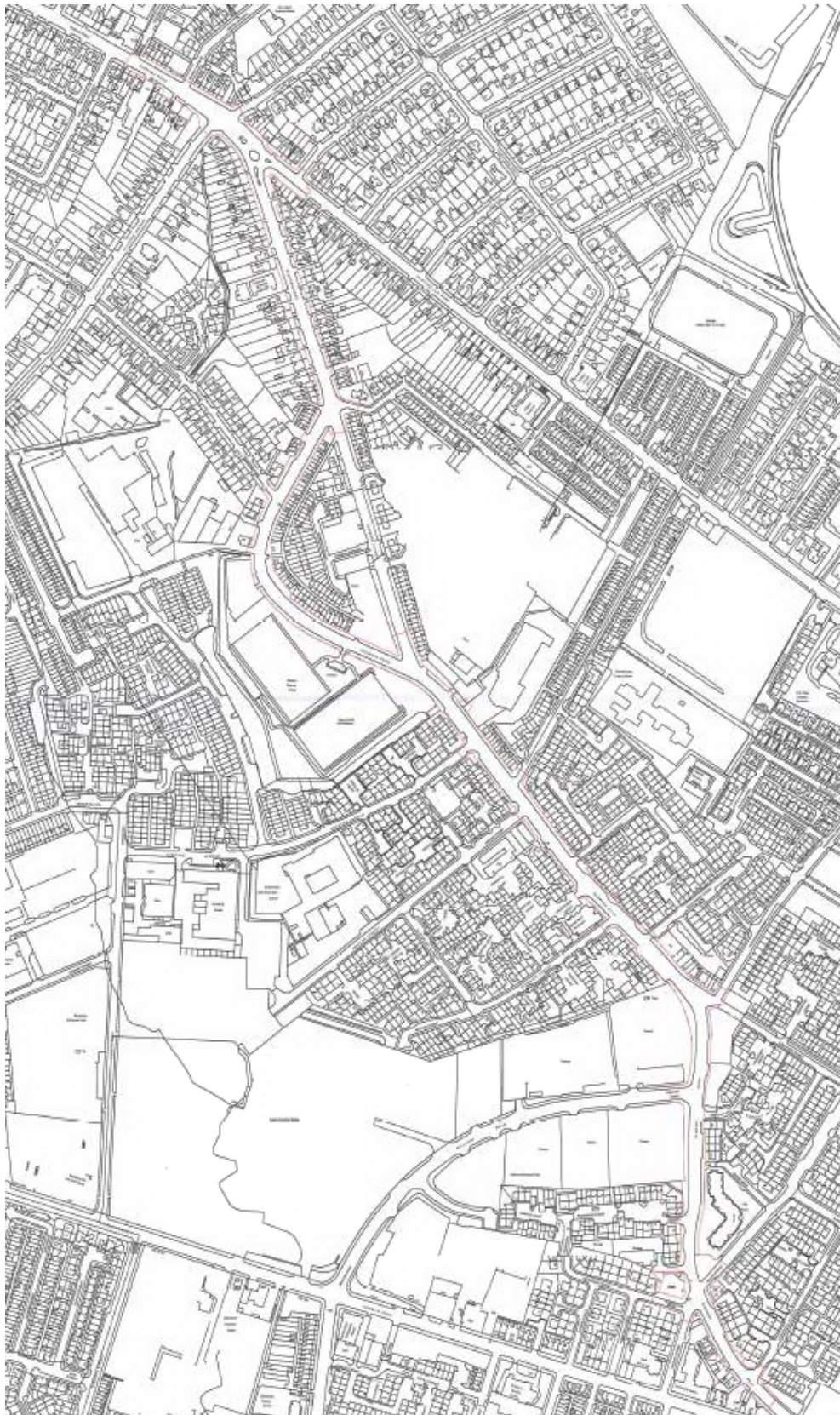
DFI Roads response is outstanding following submission of amended plans submitted to address technical issues raised by Roads in their initial response dated 29.10.2018.

One objection was received in relation to an unsafe tree located outside the property at 399 Oldpark Road. This tree is to be removed as part of the proposals.

Recommendation –Approval pending DFI Roads response. It is requested that authority is delegated to the Director of Planning and Building Control to finalise the wording of conditions.

**Case Officer Report**

**Site Location Plan**



**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Hydebank	Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Hydebank	
Statutory	NIEA	Content
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
<p>The main issues considered in this application are:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- The potential upgrade of the facility on residential amenity.</li> <li>- Impact on the setting of Listed Buildings</li> <li>- Impact on visual amenity</li> </ul>		

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Site</b>
<b>1.1</b>	The site is located along Oldpark Road in North Belfast. The surrounding area is mainly residential in nature with houses extending the extent of the site boundary. There are two listed buildings adjacent to the site boundary, Cliftonville Moravian Church located at 424 Oldpark Road to the North of the site and the library at 46 Oldpark Road to the South of the site. The site encompasses lands adjacent to 2-480 Oldpark Road; 5-521 Oldpark Road; 223 245 Cliftonville Road; 286-296 Cliftonville Road; 2 Westland Road; 89 Torrens Crescent; 93-99 Torrens Avenue; 1-13 Torrens Avenue; 2 Ardoyne Avenue; 10 Century Street; 17 Albertville Drive; 1a Deerpark Road and 175-155 Crumlin Road.
<b>2.0</b>	<b>Description of Proposed Development</b>
<b>2.1</b>	Public realm improvements comprising the re-surfacing of existing footways and on-street parking areas with natural stone, granite and asphalt; granite kerbs; boundary enhancements; new/replacement street trees and furniture; realignments to existing pedestrian crossings; minor junction improvements at Century Street and Manor Street; advisory cycle lanes on Lower Oldpark Road, and all associated site and access works.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	None relevant
<b>4.0</b>	<b>Policy Framework</b>
4.1	Strategic Planning Policy Statement Draft Belfast Urban Area Plan Belfast Urban Area Plan Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Historic Environment Division
	DFI Roads
	NIEA
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	NI Water – no objection
6.2	BCC Tree and Landscape Officer – no objection
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. An objection was received from the occupier of 399 Oldpark Road relating to an existing street tree which he believes to be unsafe and would like it to be considered in relation to this application. The objector believes that the tree in question will present a danger to pedestrians, parked cars, road users and buildings within the immediate vicinity in the future and suggests removal to prevent injury or damage. The objector also notes that the tree blocks a significant amount of light from entering his property.
7.2	In response to this objection and communication with the Council, the application has been amended to remove this street tree outside no. 399 Oldpark Road, as shown on drawing 05B.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	None relevant
<b>9.0</b>	<b>Main Issues</b>
	<ul style="list-style-type: none"> <li>- Principle of development</li> <li>- The potential upgrade of the facility on residential amenity.</li> <li>- Impact on the setting of Listed Buildings</li> <li>- Impact on visual amenity</li> </ul>
<b>10.0</b>	<b>Assessment</b>
<b>10.1</b>	<b><u>Policy Context</u></b>
10.2	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the version of BMAP purported to be adopted still carry weight and are a material consideration in the

	determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
<b>11.0</b>	<b>Principle of Development</b>
<b>12.0</b>	<b>Design</b>
12.1	The proposal is considered to make a positive contribution to the character and appearance of the area and will enhance it. The street furniture and tree planting will improve the visual amenity and streetscape of the area. The addition of new street furniture such as litter bins are considered acceptable and will promote the maintenance of a cleaner environment at and around the site.
12.2	The proposed environmental improvements are not considered to have a detrimental impact on existing neighbours or character of the area.
12.3	The proposal includes the use of asphalt surfaced footpaths with granite chipping along Oldpark Road including a mixture of large Caithness stone paving and medium Caithness stone paving in certain areas. The parking bays will be finished in asphalt surfacing with red coloured chippings as demarcation and there will be 400x400mm granite tactile paving to uncontrolled (buff) and controlled pedestrian crossings (red). The proposal also includes the realignment of pedestrian crossings, junction improvements at Century Street and Manor Street and advisory cycle lanes on Lower Oldpark Road. DFI Roads consultation response is outstanding on these matters.
<b>13.0</b>	<b>Trees and landscape</b>
13.1	Following internal communication with BCC Senior Woodland and Recreation Officer, RPS have been liaising directly with Trevor McClay from DFI Roads Section Office in relation to the proposed trees on the site and have amended their drawings accordingly in relation to both his and DFI Roads concerns. A final response to these amendments is outstanding.
13.2	The tree located at no. 399 Oldpark Road is to be removed and the proposal sees the retention of 38 existing trees and plant 56 new trees which are semi-mature in size (4.5m in height at the time of planting). The BCC Trees and Landscape Officer was consulted and has stated that there is no objection to the proposal as these new trees will integrate into the surrounding landscape as they establish over time.
13.3	The proposed retention/ planting of these street trees will help improve the amenity of immediate area and assist in the local environmental setting for future years.
<b>14.0</b>	<b>Listed Buildings</b>
<b>14.1</b>	The library to the southern end of the site located at 46 Oldpark Road is a Listed Building and is located within the site boundary. There is also a Listed Building at the northern side of the site located outside the site boundary (Cliftonville Moravian Church, 424 Oldpark Road). HED were consulted regarding the potential impact of the proposal on the setting of the Listed Buildings. HED concluded that the proposal satisfies SPPS paragraph 6.12 <i>Development Proposals impacting on the Setting of a Listed Building</i> and BH 11 of PPS 6 <i>Development affecting the setting of a Listed Building</i> . Additionally, there were no concerns raised regarding Historical Monuments.
<b>14.2</b>	The nature of the proposal is considered to respect the character of the setting of the Listed Buildings and will not degrade the landscape setting but will contribute positively to the character of the area.
<b>15.0</b>	<b>Summary of Recommendation:</b>
	<b>Approval</b>

<p><b>16.0</b></p>	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. All landscaping works shall be carried out in accordance with approved details as per drawings date stamped 05 February 2019. The works shall be carried out prior to the completion of the scheme unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</li> </ol> <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> <li>3. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan (“TPP”) to BS5837:2012 has been submitted to and approved in writing by the Council. The TPP shall detail the methods of tree protection during construction and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.</li> </ol> <p>Reason: To safeguard existing tree(s) in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.</p> <ol style="list-style-type: none"> <li>4. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837:2012 (section 6.2) on any trees/ hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</li> </ol> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p> <ol style="list-style-type: none"> <li>5. If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over.</li> </ol> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees/ hedging.</p> <ol style="list-style-type: none"> <li>6. Careful hand digging will be employed within the RPAs with extreme care being taken not to damage roots and root bark.</li> </ol> <p>Reason: To avoid root severance.</p>

	<p>7. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p> <p>Informatives</p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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.</li> <li>3. Public water supply within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.</li> <li>4. There is no foul sewage discharge from this proposed development.</li> <li>5. Applicant proposes to discharge surface water to existing gullies. (Note: A formal sewer application must be made in respect of this proposal)</li> </ol>
<b>Notification to Department (if relevant)</b>	<b>N/A</b>
<b>Representations from Elected members:</b>	<b>None</b>



<b>ANNEX</b>	
<b>Date Valid</b>	26th September 2018
<b>Date First Advertised</b>	19th October 2018
<b>Neighbours notified:</b> 436 neighbours notified	
<b>Date of Last Neighbour Notification</b>	11th October 2018
<b>Date of EIA Determination</b>	31 <sup>st</sup> January 2019
<b>ES Requested</b>	No
<b>Summary of Consultee Responses</b>	
<p>DFI Roads – outstanding            DAERA – no objection            NI Water – no objection            HED – no objection            Trees – no objection with conditions</p>	
<b>Drawing Numbers and Title</b>	
<p>Drawing no. 01 – Location Map            Drawing no. 02a – General Arrangement Plan (sheet 1 of 12)            Drawing no. 03a - General Arrangement Plan (sheet 2 of 12)            Drawing no. 04a - General Arrangement Plan (sheet 3 of 12)            Drawing no. 05a - General Arrangement Plan (sheet 4 of 12)            Drawing no. 06a - General Arrangement Plan (sheet 5 of 12)            Drawing no. 07a - General Arrangement Plan (sheet 6 of 12)            Drawing no. 08a - General Arrangement Plan (sheet 7 of 12)            Drawing no. 09a - General Arrangement Plan (sheet 8 of 12)            Drawing no. 10a - General Arrangement Plan (sheet 9 of 12)            Drawing no. 11a - General Arrangement Plan (sheet 10 of 12)            Drawing no. 12a - General Arrangement Plan (sheet 11 of 12)            Drawing no. 13a - General Arrangement Plan (sheet 12 of 12)            Drawing no. 14a – Line Marking (Sheet 1 of 12)            Drawing no. 15a - Line Marking (Sheet 2 of 12)            Drawing no. 16a - Line Marking (Sheet 3 of 12)            Drawing no. 17a - Line Marking (Sheet 4 of 12)            Drawing no. 18a- Line Marking (Sheet 5 of 12)            Drawing no. 19a - Line Marking (Sheet 6 of 12)            Drawing no. 20a - Line Marking (Sheet 7 of 12)            Drawing no. 21a - Line Marking (Sheet 8 of 12)            Drawing no. 22a - Line Marking (Sheet 9 of 12)            Drawing no. 23a - Line Marking (Sheet 10 of 12)            Drawing no. 24a - Line Marking (Sheet 11 of 12)            Drawing no. 25a - Line Marking (Sheet 12 of 12)            Drawing no. 26a – Construction Details</p>	