

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 March 2019	
Application ID:	LA04/2017/2780/F
Proposal: Erection of a seven storey residential development comprising 38 apartments with car parking, amenity space and associated site works.	Location: Lands between 55-71 Ormeau Road and 163-169 Donegall Pass Belfast
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: BDV Pacific Limited 9 Portland Square Bristol BS2 8ST	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
<p>Executive Summary: The application seeks full permission for the erection of a seven storey residential development comprising 38 apartments with car parking, amenity space and associated site works.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - principle of use on the site - design - access, movement, parking and transportation, including road safety - impact on built heritage - flood risk - other environmental matters <p>The site is located within the development limits of Belfast within the city centre.</p> <p>The proposal has been assessed against and is considered to comply with the SPPS, BUAP, Draft BMAP, PPS3, PPS6, PPS7, PPS15, Creating Places and Parking Standards.</p> <p>No objections have been received from consultees, however two objections were received from the Donegall Pass Community Forum and the other from the Cromac Regeneration Initiative. The issues raised are set out and considered in the main report.</p> <p>It is recommended that planning permission is granted subject to conditions and it is requested that committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0 Description of Proposed Development

Erection of a seven storey residential development comprising 38 apartments with car parking, amenity space and associated site works.

2.0 Description of Site

The application site is located between 55-71 Ormeau Road and 163-169 Donegall Pass, Belfast. The site was last used as a surface level car park and defined on all sides at present by security fencing due to construction works adjacent. The area is a mixed use area with commercial, residential and retail in the vicinity. The adjacent building under construction was approved under LA04/2016/0967/F for "Proposed erection of an eight storey residential development comprising 88 apartments with car parking, amenity space and associated site works." Which was approved on 10/03/17. The site is in the vicinity of a number of listed buildings also. The site is unzoned as

designated within (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP).

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 There is no relevant planning history on the site itself however there is, as mentioned previously, relevant history adjacent under application reference LA04/2016/0967/F for "Proposed erection of an eight storey residential development comprising 88 apartments with car parking, amenity space and associated site works." which was granted permission on 10/03/17. Construction work is underway on this site.

4.0 Policy Framework

4.1 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP)

4.2 Strategic Planning Policy Statement (SPPS)

4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking

4.4 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage

4.5 Planning Policy Statement (PPS) 7: Quality Residential Environments

4.5 Planning Policy Statement (PPS) 15: Planning and Flood Risk

5.0 Statutory Consultees

5.1 DFI Roads Service– No objection subject to conditions

5.2 Northern Ireland Water Ltd - No objection

5.3 DFI Rivers Agency – No objection

5.4 DFI HED Historic Buildings – No objection subject to conditions

5.5 DAERA Regulation Unit – No objection subject to conditions

5.6 DAERA Water Management Unit – No objection

6.0 Non Statutory Consultees

6.1 BCC Environmental Health – No objection subject to conditions

6.2 BCC Urban Design Officer – awaiting final response

7.0 Representations

The application has been neighbour notified and advertised in the local press. Two objections were received, one from the Donegall Pass Community Forum at 165-169 Donegall Pass and the other from the Cromac Regeneration Initiative. The issues raised were as follows:

- the planning report incorrectly notes the size of the site
- the planning report is misleading
- the proposals ignore BMAP which suggests storey heights of 5 storeys on Ormeau Rd
- no 3D views or photomontages had been provided
- the planning statement implies Dr Larmour's report for the adjacent proposal should be a material consideration for the current proposal
- no engagement or consultation was carried out by the applicant prior to submission
- it is not appropriate to the character of the area
- addresses not up to date for neighbour notification
- level 6 drawing no uploaded to the portal
- overdevelopment
- positions of car parking spaces and cycle stands as well as lack of parking
- a number of windows only receive light from a corridor
- overshadowing from 6 floors onto the CRI building

7.1 These issues will be considered through the report however a number of these issues were resolved throughout the assessment. Although the planning report contained an error regarding the size of the site this was correctly noted within the P1 form for application. Photomontages

were submitted throughout the assessment and the level 6 drawing was uploaded to the planning portal after receiving notice it was not published, as was the address of the objector. The applicant was not under a statutory duty to carry out Pre Application Community Consultation as this proposal, even at time of submission (49 apartments), was not a Major application. Each planning proposal received is assessed on its own merit, and any accompanying technical reports submitted apply to the proposal itself and not adjacent sites, such as Dr Larmour's previous report. With regard to the proposed building height this is assessed below.

8.0 Other Material Considerations

8.1 Parking Standards

8.2 Creating Places

9.0 Assessment

9.1 Following the recent Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 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. The site is located inside the development limits of Belfast as shown in the draft Belfast Metropolitan Area Plan 2015.

9.2 The site is unzoned as designated within (Draft) Belfast Metropolitan Area Plan (BMAP) 2015, but adjacent to land zoned for housing. The site is unzoned within Belfast Urban Area Plan 2001 (BUAP). The proposed development is for the erection of a seven storey residential development comprising 38 apartments with car parking, amenity space and associated site works. The proposal as originally submitted was for "the erection of a seven storey residential development comprising 49 apartments with car parking, amenity space and associated site works". There have been a number of amendments to the proposal since the initial submission and this report will solely assess the most recent set of plans.

9.3 The key issues are:

- principle of use on the site
- design
- access, movement, parking and transportation, including road safety
- impact on built heritage
- flood risk
- other environmental matters

9.4 Principle of demolition and change of use on the site

The site is within the development limits of Belfast in BUAP, Draft BMAP and the version of BMAP purported to be adopted. The site as already stated is occupied by a car park. The application site is unzoned land within the city centre boundary and within the Shaftesbury Square Character Area (CC 016 in Draft BMAP & CC 013 in the version of BMAP purported to be adopted). The principle of housing in this location would fulfil the main objectives of the SPPS which seeks to encourage city centre living. It is considered that the redevelopment of the site will represent a more productive use of the site subject to the consideration and resolution of planning and environmental matters.

9.5 Design

The proposed apartment block is a maximum of seven storeys and steps down to 4 storeys towards the northern boundary of the site. The urban design criteria for this character area states that development proposals shall take account of the height of adjoining buildings. In this case,

the site abuts an existing 8 storey apartment building. The proposed height is considered acceptable and helps the transition from the 8 storeys on the adjoining site to the scale of development immediately north of the site. The proposal will provide 38 apartments, ranging from 1 to 3 bedroom. These range in size from 50 sqm (smallest one bedroom apartment) to 60 sqm (smallest two bedroom apartment), to 76.5 sqm (three bedroom apartment). These are within acceptable space standards for dwelling such as these according to the Addendum to PPS7 although it is not applicable on this site.

9.6 The proposed building's footprint will take up most of the site. It fronts on Ormeau Road directly adjacent to the building under construction, Portland 88. There is a curved element to the northern elevation, facing the junction with Donegall Pass. There are two communal terraces, one on the top floor to the rear and one on the 4th floor facing north. A number of the apartments also have private terraces. The total communal amenity space is 217 sqm which is almost 6 sqm for each apartment. Although this is below the recommended level there are 17 apartments with amenity space, by means of terraces and balconies. This space totals 104.3 sqm which means a total of 321.3 sqm and therefore an acceptable level of amenity space for city centre living.

9.7 The proposed building is of a contemporary design stepping down to the rear of the site and also to the north. The proposed design takes on a modular look with 3 distinct areas with the aid of a wide palette of materials. This helps to break up the massing and is visually interesting. The proposed materials are grey facing brick, red facing brick, zinc cladding and accents of aluminium louvres. A number of windows show recessed brick features also. There are glass balustrades proposed to the terraces. At the time of writing the Urban Design Officer's comments are outstanding.

9.8 The design of the building appears to have taken architectural cues from the surrounding area especially in regard to the use of brick. There's a mix of fenestration, both vertical and horizontal. Access to the building is from the front directly from Ormeau Road. There is a secondary access from the rear at Coyle's Place. Bin storage is to the rear at Coyle's Place also.

9.9 With regards to residential amenity the closest part of the site to residential dwellings is the western boundary which is almost perpendicular to No 18 Walnut Court. This element of the building is stepped down and therefore is 5 storeys high. There is no unacceptable adverse effect on No 18 or the adjacent existing properties in terms of overlooking. There may be a slight loss of light in the morning to these properties but arguable no more than at present from the 8 storey building almost finished. There are no issues of overlooking or overshadowing onto private amenity space. There will be no overshadowing to an unacceptable level on the adjacent office fenestration for CRI, since the proposal steps down to 4 storeys (with a separation distance of 8m) at this northern point and is of a similar height to CRI's ridge line.

9.9 Access, Movement, Parking and Transportation

The proposed development shows 8 car parking spaces as well as cycle stands. Lack of car parking was raised by the objector as well as the positioning of car parking spaces and cycle stands. A Transport Assessment Form and Travel Framework Plan were submitted and DFI Roads Service responded to consultation stating they had no objections subject to a number of conditions. They also stated they are satisfied that parking on street is unlikely to have a significant impact on the local road network in terms of traffic and road safety.

9.11 Impact on Built Heritage

The application site is located within the vicinity of a number of listed buildings, namely Rose Cottage, Former Presbyterian Church, Meter House, The Klondyke Building and The Gas Office, and therefore HED Historic Buildings were consulted. Although HED initially expressed concerns, following a number of amendments they responded to consultation on 14/02/19 stating no objection subject to a number of conditions relating to materials.

9.12 Flood Risk

Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was submitted which determined the potential sources of flooding at the site and their associated risk to life and property, and sent to DFI Rivers Agency for comment. They responded on 04/04/18 with no objection. NI Water Ltd also stated no objection to the proposal.

9.13 Other environmental matters

A Preliminary Risk Assessment and Generic Quantitative Risk Assessment were submitted relating to the risk of contaminated land on the site. All soil and ground water samples analysed returned concentrations below the RSK derived GAC/GRac for residential end use. Ground gas monitoring showed that no protection measures will be required. An air quality assessment was also submitted which demonstrated the proposed development will not have an adverse impact on the air quality in the vicinity of the site. BCC Environmental Health raised concern regarding potential noise however for the future residents by means of traffic, and requested additional information. A noise impact assessment was submitted which addressed their concerns and suggested conditions regarding the submission of a noise verification report prior to occupation as well as a construction noise, dust and vibration management plan.

9.14 BCC Environmental Health and DEARA both responded with no objection to the proposal and suggesting conditions to be included should approval be granted relating to the submission of a verification report relating to any remediation works carried out.

9.19 Conclusion

The proposal is considered to be in compliance with the development plan.

9.20 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. Should members agree with the recommendation to approve, delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions.

10.0 Summary of Recommendation: Approval with conditions

Neighbour Notification Checked Yes

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to the occupation of the proposed apartments the applicant shall provide to Belfast Planning Service, for approval in writing a Noise Verification Report which demonstrates that the façade noise mitigation measures as outlined in table 4 and figures 8,9 and 10 of the FR Marks Noise Impact Assessment, entitled "Proposed Residential Development, Ormeau Road, Belfast" dated February 2019 have been implemented and so installed so as to ensure the internal noise levels within any proposed residential unit shall:

- Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;

- Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;
- Not exceed 45 dB LAmax for any single event on more than 10 occasions between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.

Reason: Protection of residential amenity

3. Prior to development commencing, a Construction Noise vibration and dust Management Plan must be developed and submitted for review and approval in writing by Belfast City Council. This Plan should outline the methods to be employed to minimise any noise, vibration and dust impacts of demolition and construction operations demonstrating 'best practicable means'. The Plan should pay 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 and dust mitigation methods and evidence of neighbour liaison.

Reason: Protection of residential amenity

4. No works shall be undertaken until samples of the red and grey brick have been submitted and agreed in writing by the Belfast Planning Service.

Reason: to ensure the use of sympathetic materials in the setting of a listed building

5. No works shall be undertaken until samples of the brick feature panels have been submitted and agreed in writing by the Belfast Planning Service.

Reason: to ensure the use of sympathetic materials in the setting of a listed building

6. Prior to any works commencing a window schedule and colour shall be submitted and agreed in writing by the Belfast Planning Service. Windows shall be aluminium.

Reason: to ensure the use of sympathetic materials in the setting of a listed building

7. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.

8. The vehicular accesses shall be provided in accordance with the approved plan, 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.

9. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

10. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

ANNEX

Date Valid	7th December 2017
Date First Advertised	29th December 2017
Date Last Advertised	21st December 2018
<p>Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Walnut Court,Belfast,Antrim,BT7 1EP, The Owner/Occupier, 55 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1DY, The Owner/Occupier, 57 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1DY, The Owner/Occupier, 59 Ormeau Road,Ormeau,Belfast,Antrim,BT7 1DY, The Owner/Occupier, Boys & Girls Clubs Of Northern Ireland,1-5 ,Coyles Place,Belfast,Antrim,BT7 1EL, Gerard Rice CRI Chair Cromac Regeneration Initiative,165-169 Donegall Pass,Belfast,BT7 1DT The Owner/Occupier, Deloitte Technology Studio,7 Cromac Avenue,Belfast,Antrim,BT7 2JA, Anne McAllister Donegall Pass Community Forum,2nd Floor, CRI Building,165-169 Donegall Pass,Belfast,BT7 1DT The Owner/Occupier, Home Start South Belfast,1-5 ,Coyles Place,Belfast,Antrim,BT7 1EL, The Owner/Occupier, Shelter (N I) Ltd,1-5 ,Coyles Place,Belfast,Antrim,BT7 1EL, The Owner/Occupier, South Belfast Economic Resource Centre Ltd,1-5 ,Coyles Place,Belfast,Antrim,BT7 1EL, The Owner/Occupier, St. Georges Youth & Community Development Ltd,1-5 ,Coyles Place,Belfast,Antrim,BT7 1EL,</p>	
Date of Last Neighbour Notification	19th February 2019
Date of EIA Determination	N/A
ES Requested	No
<p>Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department:</p>	