

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/0896/F	<b>Date of Committee:</b> 2 <sup>nd</sup> July 2019
<b>Proposal:</b> Proposed demolition of vacant bank and erection of a mixed use development - 1 No. retail unit and 1No. café/restaurant unit, 8 apartments, landscaping and associated site and access works.	<b>Location:</b> 423-427 Ormeau Road Belfast
<b>Referral Route:</b> Demolition of main building in an ATC	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> PWD Developments Aisling House 50 Stranmillis Embankment Belfast BT9 5FL	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<p><b>Executive Summary:</b> This application seeks full planning permission for the demolition of the existing bank building and the construction of a three storey mixed use development containing one retail unit, one café/restaurant unit on the ground floor and 8 apartments on the upper floors, landscaped courtyard to the rear and associated site and access works.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Retail Impact</li> <li>• Design, Impact on character and appearance of the area including Draft ATC</li> <li>• Impact on amenity</li> <li>• Access, Movement and Parking</li> <li>• Flooding</li> <li>• Infrastructure Capacity</li> </ul> <p>The application site is unzoned whiteland within the development limits of Belfast as designated in the BUAP. In Draft BMAP, it falls within a designated shopping and commercial area along the arterial route of the Ormeau Road. Overall, the proposal would help to reinstate the role and function of the arterial route through the restoration of a gap site in accordance with the SPPS and Draft BMAP. The replacement scheme would enhance the overall character and respect the built form of the draft Ormeau Area of Townscape Character over and above the exiting building to be demolished. The proposed development would not cause unacceptable harm to the amenity of existing or future occupiers. The proposal is unlikely to have a significant impact on the local road network in terms of traffic, road safety and parking.</p> <p>DFI Roads and Rivers Agency offered no objection to the proposal. Whilst there are outstanding consultation responses from Environmental Health and NI Water, these present no issues of principle and it is considered that any technical matters can be dealt with via conditions.</p> <p>1 letter of objection has been received from No 27 Primrose Street, citing concern with the following:</p> <ul style="list-style-type: none"> <li>- How the site will be accessed when building work commences, disruption and noise pollution;</li> </ul>	

- Where waste management and recycling facilities will be, rodent infestation;
- Would like reassurance that the limited parking existing on the street will not be affected.

These matters are addressed in the main body of the report.

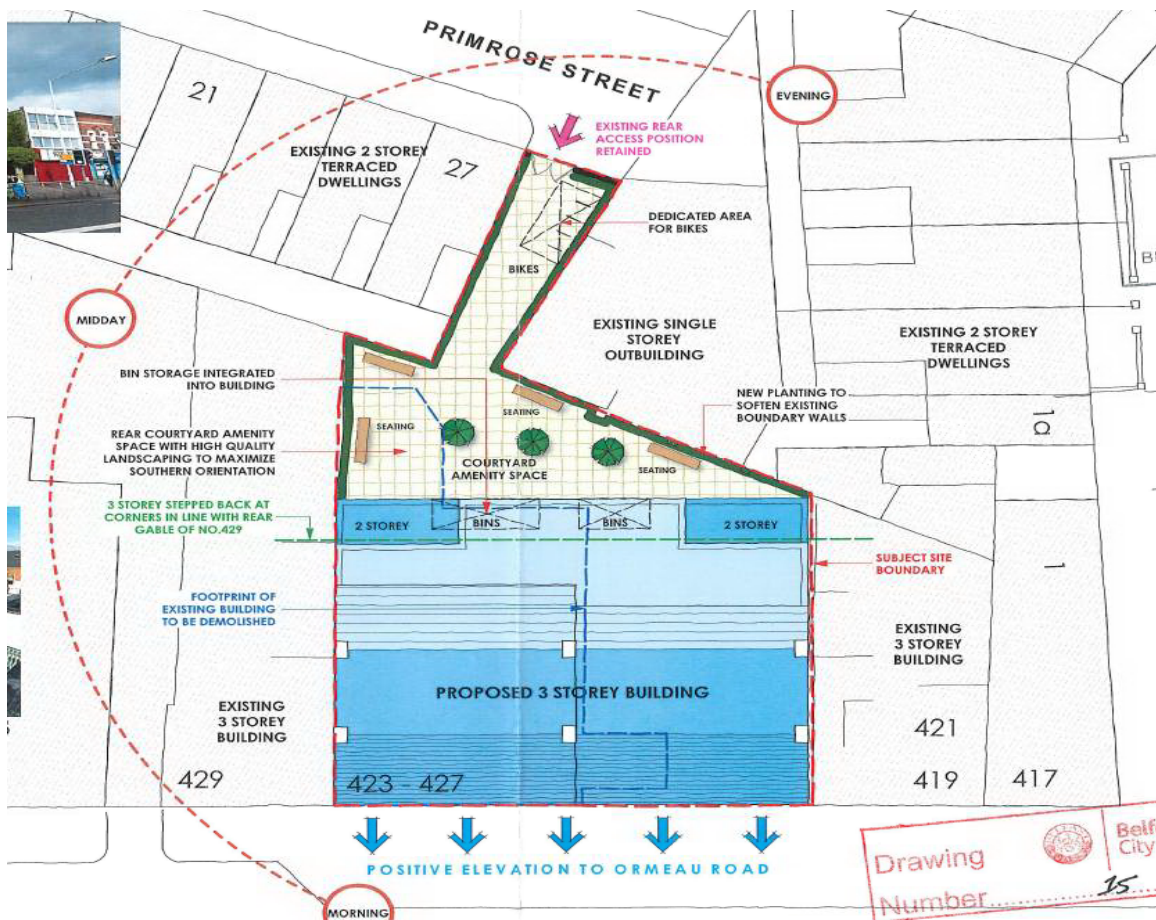
The proposal has been assessed against, and is considered to comply with, the SPPS, BUAP, Draft BMAP, PPS3, PPS6, PPS7, PPS12 and PPS15. Having regard to the development plan, relevant planning policies, and other material considerations including the third party representation and consultee responses, it is recommended that the proposal should be approved subject to conditions.

**Recommendation - Approve subject to conditions**

It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of 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>This application seeks full planning permission for the demolition of vacant bank building and the construction of a mixed-use development containing one retail unit and one café/restaurant unit, 8 apartments (6 x 2 bedroom and 2 x 1 bedroom), rear courtyard with landscaping, covered bike shelter and associated site and access works.</p> <p>The scheme has been amended following a previously withdrawn application under ref: LA04/2018/1517/F.</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application site comprises of a vacant bank building and its associated yard area to the side and rear. The site fronts onto the Ormeau Road and there is rear access via Primrose Street.</p> <p>The surrounding area is defined by a mix of commercial, retail and residential uses along Ormeau Road and two storey terraced dwellings to the west.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>LA04/2018/1517/F - Demolition of vacant bank and erection of Mixed use development - 1 retail, 1cafe/restaurant at ground floor, 8 No apartments, landscaping, cycle bays and associated works – Withdrawn 12.11.2018</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	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 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.
	4.2.1 Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits
	4.2.2 Policy SETT 3 Arterial Routes
	4.2.3 Policy R4 Arterial Routes and Local Centres
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015 (SPPS)
4.5	<p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6 (Addendum): Areas of Townscape Character</p> <p>Planning Policy Statement 7: Quality Residential Environments</p> <p>Planning Policy Statement 12: Housing in Settlements</p> <p>Planning Policy Statement 15: Planning and Flood Risk</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Transport NI – No objection subject to condition
5.2	NI Water – No response received, will be reported as an update to committee
5.3	Rivers Agency – No objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No response received, will be reported as an update to committee

<b>7.0</b>	<b>Representations</b>
7.1	<p>The application was neighbour notified on the 17<sup>th</sup> May 2019 and advertised in the local press on the 14<sup>th</sup> May 2019.</p> <p>1 letter of objection has been received (27 Primrose Street), summarised as:</p> <ul style="list-style-type: none"> <li>Concerns over how the site will be accessed when building work commences, disruption and noise pollution; <i>Officer Response: A construction management plan condition has been recommended to minimise any potential disruption to neighbouring properties. Noise during construction would be subject to separate environmental legislation.</i></li> <li>Concerns as to where waste management and recycling facilities will be, rodent infestation and having waste refuse close to my home; <i>Officer Response: The bin store is enclosed and integrated into the proposed building. A condition is also recommended for a waste management plan to ensure that waste is appropriately managed on bin collection days. In addition, Environmental Health have powers to investigate complaints regarding environmental issues associated with waste.</i></li> <li>Would like reassurance that the limited parking existing on the street won't be affected.</li> </ul> <p>These matters raised are either directly addressed above or in the main body of report below.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	<p>Parking Standards DCAN 4: Restaurants, Cafes and Fast food outlets DCAN 15: Vehicular Access Standards Creating Places Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland The Belfast Agenda</p>
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Retail Impact</li> <li>- Design, Impact on character and appearance of the area including Draft ATC</li> <li>- Impact on amenity</li> <li>- Access, Movement and Parking</li> <li>- Flooding</li> <li>- Infrastructure Capacity</li> </ul>
9.3	<p><u>Principle of development/ Retail Impact</u></p> <p>The site is unzoned land within the development limits as designated in the BUAP. In Draft BMAP, it falls within a designated shopping and commercial area along the arterial route of the Ormeau Road. There were no objections received in the relation to the specific designations at these locations at the examination stage. In addition, the general approach to the arterial routes and zonings was accepted by the Planning Appeals Commission and the detailed recommendations made by Inspector were endorsed by the Department and as such, it is considered that these policies can still be afforded weight in the determination of the application.</p>
9.4	Draft BMAP seeks to promote the regeneration of arterial routes by allowing an appropriate scale of retail and office use within commercial nodes and allowing appropriate housing developments. The principle of retail, cafe/ restaurant and residential uses is therefore

	considered acceptable at this location subject to the material considerations set out below.
9.5	<p><u>Retail Impact</u></p> <p>The proposal would result in the creation of a retail unit with a maximum gross floorspace of 108m<sup>2</sup>. In this instance, the proposal is for retailing within a designated shopping and commercial area and for the purpose of the sequential test, this has been passed. The proposed development would help meet a local need in an established residential area and would be within the floorspace thresholds set out in Policy R4. The retail development is limited in scale and would not prejudice the vitality and viability of nearby centres. The proposal would accord with the SPPS and Draft BMAP in this regard.</p>
9.6	<p><u>Design, Impact on character and appearance of the area including Draft ATC</u></p> <p>The site is located within the Ormeau Area of Townscape Character (ATC) within Draft BMAP. There were no objections to this designation at examination and the Commissioner recommended no change to the plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP is lawfully adopted. The proposed ATC designation is therefore a material consideration.</p>
9.7	<p><u>Demolition in Draft ATC</u></p> <p>The application involves the demolition of the rundown bank building, which is of no particular architectural merit and is considered to make no material contribution to the distinctive character of the area. Consequently, there is no objection to the demolition of the building in accordance with Policy ATC1 of PPS6 Addendum and the SPPS.</p>
9.8	<p><u>Replacement Scheme</u></p> <p>The proposed density of development would be in keeping within the density parameters already established along this arterial route. The proposed replacement building would be 3 storeys at a maximum height of 11.5 metres which is appropriate for its location along the arterial route and having regard to the heights of adjoining buildings. The height is reduced at the rear to respect the lower residential scale of properties to the west.</p>
9.9	<p>The stepped ridge along the roofline, having two different blocks with smaller units at ground floor level and a traditional / regular fenestration arrangement, successfully breaks up the scale and massing of the building. The proposed development forms a strong edge with the street and would provide a continuous and active frontage along the Ormeau Road.</p>
9.10	<p>The proposed development has been designed as a modern interpretation of the sites context, with a traditional pitched roof along Ormeau Road and palette of materials including red brick and slate.</p>
9.11	<p>The proposal would enhance the overall character and respect the built form of this Draft ATC and therefore accords with the SPPS, Policy ATC2 of PPS6 and Policy QD1 of PPS7, Draft BMAP, Creating Places and Living Spaces: An Urban Stewardship and Design Guide for Northern Ireland.</p>
9.12	<p><u>Impact on amenity</u></p> <p>Each apartment would have direct access from the Ormeau Road and the main outlook from the primary living areas would be to the street ensuring that future occupants would be afforded an adequate degree of light and outlook. A landscaped communal courtyard is provided to the rear with an area of approximately 127 square metres, which would meet the standards set out in Creating Places for this inner urban location.</p>
9.13	<p>An Acoustic Assessment, Odour Assessment and Air Quality Assessment have been provided in support of the proposal, which is currently being reviewed by Environmental Health. A number of mitigation measures are proposed to protect the amenity of existing and future</p>

	<p>occupants. These matters present no issues of principle and can be adequately controlled via conditions. It is therefore requested that Committee delegate authority to the Director of Planning and Building Control to impose any conditions.</p>
9.14	<p>The scale and massing of the building has been reduced from the previously withdrawn application LA04/2018/1517/F to include subservient elements at the rear including a flat roof with two storey corners. This increases the separation distances to the nearest residential properties along Primrose Street (e.g. No 27 approx. 13 – 16 metres) and Haywood Avenue (e.g. No 3 approx. 8 – 10 metres). Having regard to this relationship, the positioning of the properties to the west of the site, the orientation of buildings which create oblique views between properties and this inner urban location, it is not considered that the proposal would result in an unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing and overbearing impact.</p>
9.15	<p>In light of the above, it is considered that an adequate level of residential amenity would be maintained for future and existing occupiers in this inner urban location in accordance with Policy QD1 of PPS7 and the SPPS.</p>
9.16	<p><u>Access, Movement and Parking</u> The application is submitted by a Transport Assessment Form and Parking Statement. A zero level of car parking is proposed which falls short of the recommended parking standard. However, justification is provided for this reduced standard due to the site's highly sustainable location along an arterial route in close proximity to a wide range of local amenities and public transport links which reduces the reliance on the private car in line with the main objectives of the SPPS and Draft BMAP. Provision has been made on site for covered cycle parking. In addition, the car parking survey carried out shows there is spare capacity to accommodate any overspill from the site without having an adverse impact on street car parking, highway safety and the convenience of local residents.</p>
9.17	<p>DFI Roads were consulted and they have confirmed that 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. On this basis, the proposal is considered to accord with Policy QD1 of PPS7, PPS3, SPPS and Draft BMAP.</p>
9.18	<p>Satisfactory provision has been made within the building for the storage of waste. Conditions have been recommended to cover this and a waste management plan.</p>
9.19	<p><u>Flooding</u> The site is not located within the fluvial flood plain, however it is located within an area of historical surface water flooding. A Drainage Assessment has been submitted which demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the proposed development and ensure that flood risk will not be increased elsewhere. This has been reviewed by Rivers Agency who have cited no objection. As such, the proposed development would comply with Policy FLD3 of PPS 15 and the SPPS.</p>
9.20	<p><u>Infrastructure Capacity</u> No response has been received to date from NI Water. However, no objection was raised in the previous application LA04/2018/1517/F and owing to the scale and nature of development proposed, it is not considered that proposed development would have a significant impact on existing infrastructure and as such, there are no issues of principle. In addition, connections to the water and foul sewer system are covered by separate legislation.</p>
<b>10.0</b>	<p><b>Summary of Recommendation:</b> Having regard to the policy context and other material considerations raised by consultees</p>

	and a third party, it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission.
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: Time Limit.</li> <li>2. The development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations and hard standing surfaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.  Reason: To protect the visual amenities of the area.</li> <li>3. Prior to the first prior occupation of the development hereby permitted, the bin storage facilities shall be provided in accordance with the approved plans and shall be permanently retained thereafter for use at all times.  Reason: In the interests of amenity and to ensure the appropriate provision of infrastructure.</li> <li>4. The development hereby permitted shall not be occupied until a Waste Management Plan including details of bin collection arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in full prior to the first occupation of the development and maintained thereafter for use at all times.  Reason: In the interests of amenity and to protect the character and appearance of the area.</li> <li>5. Prior to the first occupation of the development hereby permitted, the covered cycle parking shall be provided in accordance with the approved plans. The cycle parking and any associated facilities shall thereafter be permanently retained for use by the occupants of and visitors to the development at all times.  Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.</li> <li>6. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by, the Local Planning Authority. The Management Plan shall provide for: <ol style="list-style-type: none"> <li>i) the parking of vehicles of site operatives and visitors;</li> <li>ii) loading and unloading of plant and materials;</li> <li>iii) storage of plant and materials used in constructing the development;</li> <li>iv) measures to control the emission of dust and dirt during construction;</li> <li>v) measures to control noise and vibration during construction.</li> </ol> <p>The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.</p> </li> </ol>



	<p>Reason: In the interests of public safety and amenity.</p> <p>7. Prior to the first occupation of the development hereby permitted, the noise mitigation measures specified in the Acoustic Assessment dated 4<sup>th</sup> April 2019 (ref MRL/1238/L03) prepared by Lester Acoustics shall be installed and permanently retained thereafter.</p> <p>Reason: To the environment and amenities of future occupants.</p> <p>8. The development hereby permitted shall be carried out in accordance the mitigation specified in the submitted Air Quality Impact Assessment dated 4<sup>th</sup> April 2019 (ref NI2013) and prepared by RPS Group.</p> <p>Reason: To the environment and amenities of existing and future occupants.</p> <p>9. Prior to the commencement of the development hereby permitted, a scheme for the installation of equipment to control emissions from the premises shall be submitted to, and approved in writing by, the Local Planning Authority. These measures shall be implemented fully in accordance with the approved scheme prior to the commencement of the café / restaurant use hereby permitted. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details and retained as such thereafter.</p> <p>Reason: To protect the environment and amenities of existing and future occupants.</p> <p>10. The café/ restaurant use hereby approved shall be restricted so that no shallow or deep fat frying of food shall take place on the premises.</p> <p>Reason: To protect the environment and amenities of existing and future occupants.</p>
<p><b>Notification to Department (if relevant):</b> N/A</p>	
<p><b>Representations from Elected members:</b> N/A</p>	
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>25 Primrose Street, Ormeau, Belfast, Down, BT7 3FT</p> <p>26 Primrose Street, Ormeau, Belfast, Down, BT7 3FT</p> <p>27 Primrose Street, Ormeau, Belfast, Down, BT7 3FT</p> <p>28 Primrose Street, Ormeau, Belfast, Down, BT7 3FT</p> <p>3 Haywood Avenue, Belfast, BT7 3EU</p> <p>417a , Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ</p> <p>5 Haywood Avenue, Belfast, BT7 3EU</p> <p>7 Haywood Avenue, Belfast, BT7 3EU</p> <p>9 Haywood Avenue, Belfast, BT7 3EU</p> <p>Abbey Insurance, 302 - 304 Ormeau Road, Belfast, BT7 2GE</p> <p>Apartment 1, 2 Raby Street, Belfast, BT7 2HG</p> <p>Apartment 10, 2 Raby Street, Belfast, BT7 2HG</p>	

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Apartment 9, 2 Raby Street, Belfast, BT7 2HG  
Bank Of Ireland, 306 Ormeau Road, Belfast, BT7 2GE  
District, 300 Ormeau Road, Belfast, BT7 2GE  
First Floor Office 1, 429 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ  
McMillans One Stop, 417 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ  
Oasis Amusement Centre, 429 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ  
Winemark Ltd, 419-421 , Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ

