

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 30 July 2015	Item Number: 5
Application ID: Z/2010/0767/F	
Proposal: Proposed Nursing Home - reduced scheme to 45 bedrooms - specialist elderly mentally infirm unit with ancillary works including proposed package sewerage plant.	Location: 170 Upper Malone Road, Belfast, BT17 9EH
Referral Route: Committee - Purpose built nursing home (Major application) Previously deferred on 4 September 2014.	
Recommendation:	Approval
Applicant Name and Address: The Care Circle Group C/O Agent	Agent Name and Address: Turley Associates Hamilton House Joy Street Belfast
<p>Executive Summary:</p> <p>The application seeks full planning permission for a 45 bedroom nursing home - specialist elderly mentally infirm unit with ancillary works including a package sewerage plant at the site of a former Equestrian Centre.</p> <p>The application was presented as an approval to the Belfast City Council Town Planning Committee on 4 September 2014 and was subsequently deferred. See full detailed planning report on the Planning Portal under application reference Z/2010/0767/F.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of the re-development of this site at this location • The design and layout of the proposed building and ancillary development and the visual impact on the setting • Impact on residential amenity, including traffic <p>Representations</p> <p>Throughout the processing of the planning application 43 letters of objection, 5 comments and 1 petition of objection has been received in respect of this proposed scheme. The principle issues of concern were environmental impact, intensification of traffic, access and road safety, and the proposal being out of character for the area.</p> <p>Amended Scheme</p> <p>Following deferral, one representation was received from the agent for Longhurst Residents Association raising a range of issues including:</p> <ul style="list-style-type: none"> - Consideration of Policy / Consideration of long distance views 	

- Bat Survey
- Lighting & CCTV
- EIA screening
- The inclusion as part of the application of a suitable sewage treatment works and a landscaping plan

In May 2015 the following information was received:

- Amended forms and drawings to include the waste treatment works
- Amended plans to deal with land ownership issues

The principle of development is acceptable at this location as the built element of the proposal is to be sited within the development limits of Belfast, and is replacing the existing buildings of the former equestrian centre. The area of Longhurst is residential in nature, with a number of significant residential properties and a nursing home also located along the lane. The design and layout of the proposed buildings and ancillary development will have a limited impact on the setting within Lagan Valley Regional Park and AONB. The views from the towpath are intermittent and minimal, and the materials proposed would be a significant improvement on the existing structures. The nature of the topography is such that the building will be built into the landscape, and not form a dominant feature. Residential amenity will not be compromised within the area, and Transport NI are satisfied that there are no traffic issues, with sightlines capable of being provided within the confines of the existing verge at the junction of Upper Malone Road.

Having considered the revised scheme against prevailing planning policy, site specifics and consultation responses and taking account of all representations received it is considered that the amended scheme complies with planning policy.

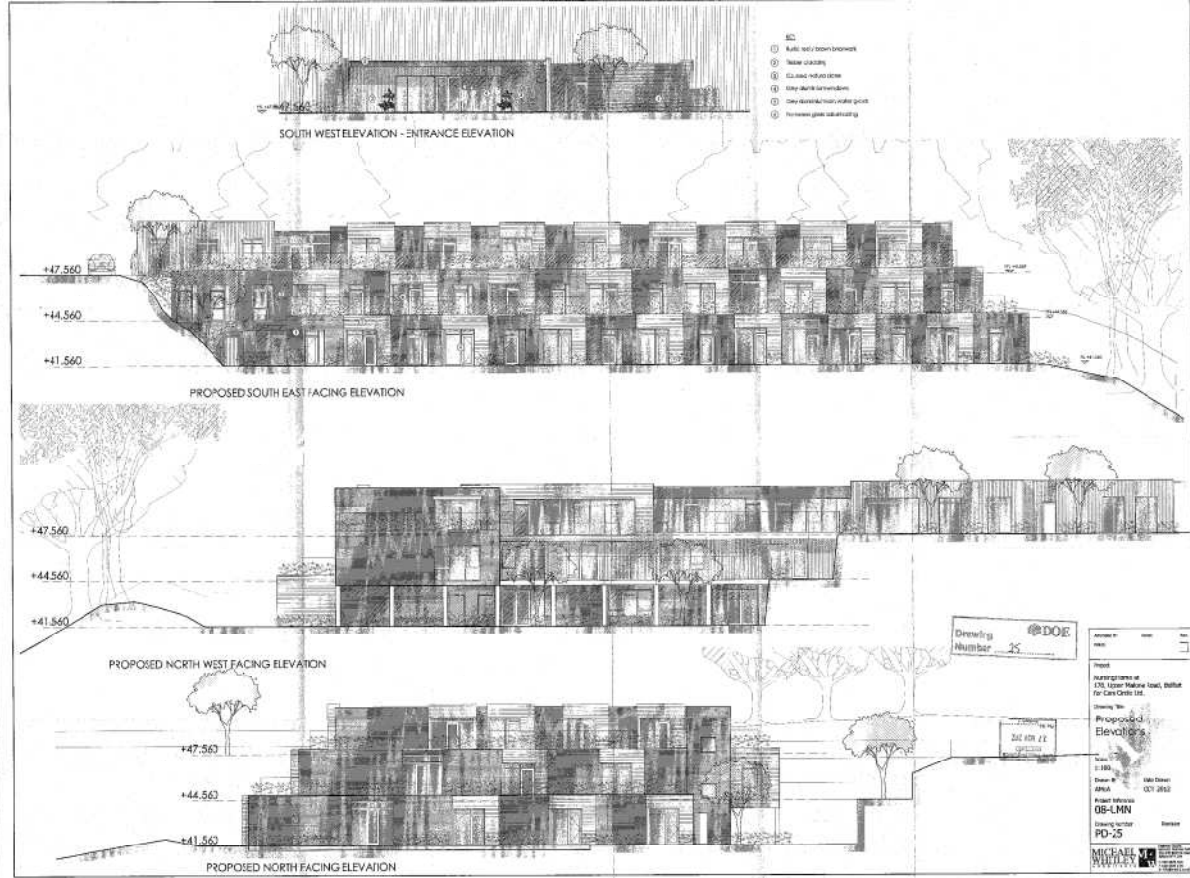
Consultation

NIEA Water Management Unit, Environmental Health (Belfast City Council), Rivers Agency & NI Water offers no objection.

Recommendation

The application is recommended for approval subject to conditions (set out in the report below).

Elevations



Consultations:

Consultation Type	Consultee	Response
Statutory	NI Transport - Hydebank	No objection, subject to conditions
Statutory	NI Water - Multi Units East - Planning Consultations	No objection
Statutory	Lagan Valley Regional Park	No objection
Statutory	NIEA Water Management Unit	No objection
Statutory	NIEA Natural Heritage	No objection, subject to conditions
Non Statutory	Environmental Health Belfast City Council	No objection
Statutory	NIE	No objection, subject to conditions
Statutory	Rivers Agency	No objection

Representations:	
Letters of Support	None Received
Letters of Objection	48
Number of Support Petitions and signatures	None Received
Number of Petitions of Objection and signatures	1 Petition Received
<p>Summary of Issues Issues raised in the objection letters and petition relate to environmental impact, intensification of traffic, access and road safety, and the proposal being out of character for the area, consideration of policy, consideration of long distance views, bat survey, lighting & CCTV, EIA screening, and the inclusion as part of the application of a suitable sewage treatment works and a landscaping plan.</p>	
<p><u>Addendum Report</u></p> <p>The application was presented to Belfast City Council on 4th September 2014, with an opinion to approve subject to conditions, on the basis that the scheme had been amended to be brought within the development limit and the outstanding matter around the access had been addressed. The scheme was considered acceptable and was in accordance with Planning Policy. The full report can be viewed on the Planning Portal under the application reference number Z/2010/0767/F. The amendments received and issues raised by the objectors following deferral are dealt with below.</p> <p>A deferred office meeting took place 16th September 2014 with a number of objectors representing Longhurst Residents Association and their agent. A representative from TransportNI also attended. The objectors submitted a further representation in writing on 2 October 2014 raising a range of issues.</p> <p><u>Characteristics of the Site and Area</u></p> <p>The site incorporates a former equestrian centre at 170 Upper Malone Road and associated land which extends from the site south east to the Lagan Towpath and north east to the Mary Peter's Track. The former buildings associated with the equestrian centre are largely dilapidated with only a few stables still in use.</p> <p>The site lies within an Area of Outstanding Natural Beauty (AONB) and also within the Lagan Valley Regional Park; with the buildings on site sitting just within the development limit of Belfast. This site together with 172 and 174 Upper Malone Road is the subject of a Tree Preservation Order.</p> <p>The site is accessed via a private (un-adopted) lane from the Upper Malone Road. Off the lane is residential in nature including a nursing home and is relatively low density with large detached dwellings set in generous plots.</p> <p><u>Description of the Proposal</u></p> <p>The application proposes a 45 bed Nursing Home for specialist elderly mentally infirm unit and ancillary works including a sewerage treatment package (as amended following deferral)</p>	

The site will be accessed from the lane leading from the Upper Malone Road. The existing roadway within the site is to be widened and will open up into a turning circle with a set-down point. Twenty parking spaces are proposed and a cycle store.

The proposed building is three storeys with the ground floor providing 9 en-suite bedrooms, the main reception area and medical care rooms; the upper ground floor and lower ground floor will provide 18 en-suite bedrooms each and medical care rooms. All floors will access out door space.

The proposed finishes include rustic red-brown brick, timber cladding, coursed natural stone, grey aluminium windows and rainwater goods and external frameless glass balustrades.

The amended drawings received include details of the proposed package sewerage plant. This incorporates a wider system of inlet piping from the proposed 45 bed nursing home to a multi chamber treatment tank (with access chamber covers), outlet piping to a reed bed system, and a further outlet pipe to the open watercourse adjacent to the site. The scheme also includes a control kiosk (green coloured prefabricated on a concrete plinth) measuring 1.46m wide at the front elevation x 1.34m at the rear elevation x 1.26m in height x 0.9m at the side elevation, and a blower kiosk (green coloured prefabricated on a concrete plinth) measuring 1.64m wide at the front elevation x 1.92m at the rear elevation x 1.82m in height x 0.9m at the side elevation. Natural resources to be used in the scheme are a reed bed system with further discharge into a watercourse. The capacity of the plant is envisaged to cope with a flow of 21m³ per day.

Planning Assessment of Policy and Other Material Considerations

Red Line

- There is no legal requirement to attach a red line boundary from the site to the public road in cases where it is proposed to use an existing access and there are no alterations to the access at the public road.
- During consideration of this application Transport NI had originally requested that visibility splays be put in place as part of the planning application. However, subsequently the applicant brought to the attention of Transport NI an historic application where visibility splays were required to be put in place as part of that approval for the construction of four dwellings at Brackenwood, 186 Upper Malone Road. (Z/1989/0537/RM) that was greater than those being sought in this application.
- TransportNI have confirmed that the sightline of 2.4 x 80 metres can be provided within the confines of the existing verge. However, foliage outside the existing fence line shall need to be maintained in order to ensure its delivery in the future.
- TransportNI may apply article 49 or 50 of the Roads (NI) Order 1993 for the prevention of danger arising from an obstruction. As evidence has been provided that a sightline, greater than that required by current standards is enforceable a safe and reliable road network can be maintained now and in the future.
- Consequently TransportNI have no requirement and no objection to the proposed scheme.

Additionally, a land ownership issue came to light through a planning application for a neighbouring site. The extent of the site i.e. the red line was reduced by the applicant as a result.

The Department of the Environment adopted the Belfast Metropolitan Area Plan to the extent approved and endorsed in The Belfast Metropolitan Area Plan Adoption Statement 2014. The Plan, as adopted, became operative on 9 September 2014. The Adopted Plan is a material consideration.

BMAP 2015

- The built area of this proposal falls within the Metropolitan Development Limit and Settlement Development Limits, while the rest of the red line is outside.
- Planning Policy Statement 2 - AONB
- Planning Policy Statement 6 Addendum Area Townscape Character BT059 Upper Malone –
- SLNCI Designation BT084/04 / Barnett's Demesne –Planning Policy Statement 2
- Lagan Valley Regional Park Designation COU9
- Policy COU10 – Development proposals outside the Metropolitan Development Limit and Settlement Development Limits in the LVRP
- Policy COU12 - Development proposals in the LVRP within the Metropolitan Development Limit and Settlement Development Limits

Description of Proposed Scheme

- Belfast City Council agreed with the objectors that the application forms and drawings should have included *the waste treatment plant*. The application form has been amended and details of the treatment package plant submitted. The other matters referred to by third parties including medical and care rooms, CCTC and chimney flue are not required to be specifically set out in the description. The application was re-advertised in the local press and re-neighbour notified. The Amended P1D Form (providing additional information in respect of nursing home applications) received by Belfast City Council on 1 May 2015 was scanned onto the Planning Portal for public view.

PPS 8

- The land is not zoned for open space in the adopted BMAP. The development proposed is largely contained within the development limit. The area of the equestrian centre use would be classified as a recreational facility and the majority of the area previously used for the equestrian centre is developed and built on. The development is not considered to be intrusive as it will not use areas of open space and will not have a significant visual impact on the open aspect of the area.

AONB, Lagan Valley Regional Park, Trees and Landscaping

- The proposal is in accordance with Policy NH6 – Planning Policy Statement 2 Natural

Heritage, as the proposal is deemed to be of an appropriate design, size and scale for the locality and all the following criteria are met: the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty, it respects or conserves features of importance to the character, appearance or heritage of the landscape, and with only minimal loss of trees within the site this can be considered as good maintenance rather than numbers of trees being lost to necessitate the development. A total of eleven trees are proposed to be felled within the development site, however these are either dead or in poor condition. The existing natural screenings provided by trees which are covered by Tree Preservation Orders have been largely retained. The proposal can be considered an improvement to the site by removing unsightly and dilapidated equestrian centre with a nursing home. The proposal has been subject to amendments in design due to planning policy requirements and the comments of statutory consultees.

Long Distance Views

- Due to the topography of the land, the proposal will be less intrusive on the landscape and well screened by the line of mature trees along the northern boundary of the site. The principle long distance views are from the Lagan towpath at the bottom of the sloping field which falls from the site towards the river. Having examined the proposal from the tow path and the views of the existing dilapidated shed, it is felt that with the amendments to the proposal the views from the towpath are intermittent and minimal and would not have a negative impact on Lagan Valley Regional Park and the Area of Outstanding Natural Beauty. The materials being proposed of timber cladding, natural stone and rustic red/brown brick will be a significant improvement to the existing indoor riding shed. The building height is proposed to be 9.5m taking into account the topography and levels of the site and represents the maximum building height. The nature of the topography is such that the building will not read as 9.5m on the top of a hill. A landscape plan will be conditioned to ensure a suitable landscape scheme is implemented.

Environmental Statement Determination

- The Department carried out an Environmental Impact Assessment (EIA) Determination on 6 July 2010. The determination is available to view on the 'open file' and on the Public Register. The EIA determination has been scanned onto the Planning Portal for public view.
- The Department determined that the likely impacts on the proposal are not considered to be so significant as to require an Environmental Statement and any issues or matters arising could be adequately addressed through the determination of the planning application.

Planning Application Z/1989/0537/F

- Whilst it was not listed under section 'Site History' this application is listed under section 'Planning History in the Immediate Vicinity' of the DCO report.

NIEA: WMU

- The unit was consulted regarding the proposed waste treatment plant. NIEA Water Management Unit has no objection to the proposal.

NIEA: Natural Heritage

- The Park Hood Landscape plan is unacceptable as formal landscaping outside the development limit is not in keeping with the Lagan Valley Regional Park. Therefore, the landscape drawings 16A superseded by 16B will not be referred to in the decision notice. Belfast City Council will use a negative condition so that an appropriate landscape plan is agreed prior to any works being commenced on site.

Bat Surveys

- NIEA: NH consultation response dated 8 March 2013 and raised no issues in respect of wildlife.
- It is proposed to fell eleven trees which are either dead or in poor condition within the development site. The objectors state that the bat survey states on page 12 that no trees will be felled as part of the works on site. This does not appear to be actually what is stated in the survey but it does recommend that any felling of trees and hedge loss should only be undertaken once appropriate bat surveys have been carried out. However, as no bats or roosts were found, the Council will place a condition on any approval to state that should bat activity be encountered then all works should cease immediately pending a survey and potential mitigation plan.
- Additionally the removal of trees and the demolition of the existing buildings will be conditioned not to be removed from the site during the months 1 April to 31 October inclusive to again minimise any potential to impact on wildlife.

Boundary Fencing

- Council recommend a condition to remove permitted development rights for minor operations at this site in respect of boundary treatments and means of enclosure. This will allow the Council to protect the integrity of the natural screenings and setting of Lagan Valley Regional Park.

1 letter received 4 June 2015 from the agent for the Longhurst Residents Assoc. stated that a further detailed letter of objection was to be submitted – this has not been received to date.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the reduced scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development is acceptable in terms of planning policy and all other material considerations.

Approval is recommended subject to the conditions set out below.

Conditions:

1. As required by Article 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.

2. The development hereby permitted shall provide access, parking and turning in accordance with drawing 02G, date stamped 24 April 2015 prior to occupation of any part of the development hereby approved.

Reason: To ensure there is a satisfactory means of access parking and turning in the interests of road safety and the convenience of road users.

3. The proposed development will be constructed in accordance with the stamped approved drawings no's 02G and 19D date received 24 April 2015, drawing no's 20B, 21A and 26A date received 01 May 2015, drawing no's 22A, 23A and 24A date received 10 March 2014, and drawing no. 25 date received 27 November 2012.

Reason: To safeguard and ensure the integrity of the landscape character of Lagan Valley Regional Park.

4. No development including site clearance works, lopping, topping or felling of trees, shall take place until a landscape Plan and Landscape Management Plan (LMP) have been submitted to and agreed by Belfast City Council. The LMP shall cover a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15.

Reason: To ensure the provision of amenity afforded by an appropriate landscape design.

5. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

7. Any excavation within tree protection areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

8. All hard and soft landscape works shall be completed in accordance with the approved landscape management plan, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to the expiration of the first planting season following occupation of any part of the development hereby permitted.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

10. All arboricultural work shall be carried out in accordance with the approved details, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works).

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

11. The boundary treatment of this site, shall be as indicated on drawing 30A date stamped 24 April 2015, and should any part be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City seriously damaged or defective, it shall be replaced before the expiration of the next planting season by hedges of the same species, variety and size to those originally planted.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Department 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 Department in writing, and subsequently implemented and verified to its satisfaction.

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

13. After completing any remediation works required under condition 12 and prior to

occupation of the development, a verification report needs to be submitted in writing and agreed with Department. 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.

14. No demolition works of any building or tree removal shall take place between the months of April until October (inclusive). Should any bat activities be encountered, works shall cease and surveys carried out. These should be submitted and no further works undertaken until the surveys and potential mitigation measures are agreed by Belfast City Council.

Reason: To ensure the protection of protected species.

15. The development hereby permitted shall not be commenced until a lighting scheme has been submitted and approved by Belfast City Council.

Reason: To minimise potential adverse impact on the landscape character of Lagan Valley Regional Park.

16. The works above ground associated with the waste water treatment plant hereby permitted shall be screened by natural planting prior to occupation of the development hereby approved. The waste Water treatment plant shown on drawings 31, 32, 33, 34 and 35 date received 01 April 2015 shall not be installed until the landscape Plan and Landscape Management Plan referred in Condition 4 has been submitted and agreed in writing by Belfast City Council.

Reason: To minimise potential adverse impact on the landscape character of Lagan Valley Regional Park.

17. Notwithstanding the provisions of Article 3 of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no development shall take place within the curtilage of the development hereby approved under Part 3 of the Schedule - Minor Operations, including the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure without the written permission of Belfast City Council.

Reason: To preserve the integrity of the setting of the development, in the interests of the Lagan Valley Regional Park.

ANNEX	
Date Valid	8 th June 2010
Date First Advertised	25 th June 2010
Date Last Advertised	26 th June 2015
Details of Neighbour Notification - 28 neighbours were notified in line with legislative requirements	
Date of Last Neighbour Notification	29/05/15
Date of EIA Determination	06/07/10
ES Requested	No
Planning History	
<p>Z/1989/0369, site adjacent to Longhurst 174 Upper Malone Road, construction of 1 dwelling, approved 18/09/89</p> <p>Z/1984/0554, 170 Upper Malone Road, proposed indoor riding centre, approved 01/10/84</p> <p>Z/1988/0631, site adjacent to Longhurst 174 Upper Malone Road, construction of one dwelling, Refused – Appeal Dismissed 09/10/88</p> <p>Z/2008/2459, Lagan Valley Equestrian Centre, 170 Upper Malone Road, proposed nursing/EMI unit, Pre Application Enquiry</p> <p>Z/1989/0537, Brackenwood, 188 Upper Malone Road, construction of four dwellings, approved</p>	
Drawing Numbers	
01A, 02G, 16C, 17B, 18, 18D, 19D, 20B, 21A, 22A, 23A, 24A, 25, 26A, 27A, 28A, 29, 30A, 31, 32, 33, 34, 35	
Representations from Elected Representatives: - Councillor Claire Hanna	