

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 15 August 2017	
Application ID: LA04/2015/00773/F	
Proposal Demolition of existing building and erection of new building to extend the facilities within the existing orthodontic clinic located at 218 Ormeau Road	Location 1 North Parade Ormeau Road Belfast BT7 2GF
Referral Route: The application has received a significant number of objections.	
Recommendation:	Approval
Applicant Name and Address: Stephen McKenna of Belfast Orthodontic Clinic 218 Ormeau Road Belfast BT7 2FY	Agent Name and Address: Robert Gilmour Architects 64 Haypark Avenue Sunnyside Street Belfast BT7 3FE
Executive Summary: The application seeks the demolition of the existing building and erection of a new building to extend the facilities within the existing orthodontic clinic located at 218 Ormeau Road The main issues to be considered in this case are: <ul style="list-style-type: none"> • Proposed demolition in an ATC • Proposed new development in an ATC • Protecting the setting of a listed building • Compatibility with surrounding land uses and erosion of residential character • Amenity of nearby residents • Parking, access and road safety • Waste Storage • Bat roost potential • Upgrading to Conservation Area status • Other objections The application site is located within the settlement development limits of Belfast as defined in the BUAP and Draft BMAP, and within North Parade/South Parade Area of Townscape Character (Draft BMAP). The proposal has been assessed against the SPPS, Planning Policy Statement 2, 3, 6, 6 Addendum and supplementary planning guidance – Parking Standards. In 2001 planning permission (Z/2001/0973/F) was granted for the change of use from a residential property to a dental surgery with offices. In 2003 (Z/2002/2439/F) an extension and alterations to the existing building to accommodate a dental surgery (previously approved, Z/2001/0973/F) was granted planning permission.	

There were 21 representations received raising the following concerns:

- Object to the demolition of 1 North Parade – contrary to policy
- Demolition would set a precedent for the future
- Noise pollution during construction
- The replacement building should retain the front façade
- Proposal should be in keeping with the adjacent terrace
- Owner/occupier of 62 North Parade did not receive neighbour notification
- Erosion of residential character by changing the use to commercial
- Parking problems/Traffic Intensification
- Was planning permission granted for the driveway access at the existing orthodontist practice
- Detrimental to the ATC designation
- Current property has bat roost potential
- North/South Parade should be upgraded to Conservation Area status
- Loss of Victorian heritage

Having regard to the policy context, previous planning history, representations and other material considerations above, the proposal is deemed to be acceptable and planning permission is recommended for approval, subject to conditions.

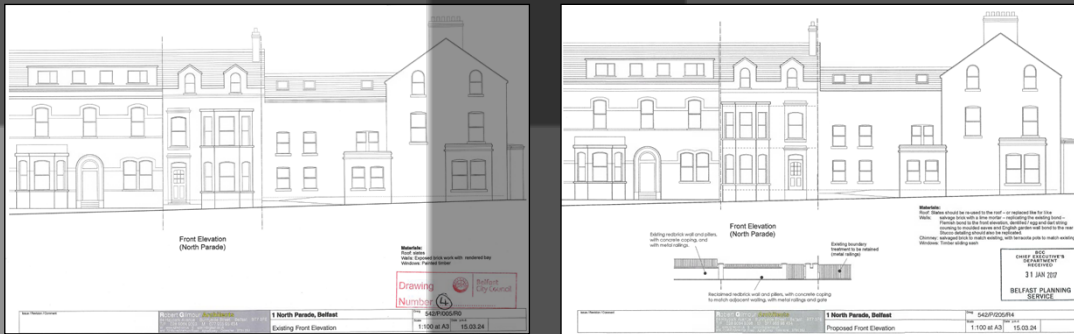
Case Officer Report

Plans

Site Location



Existing and Proposed Elevations



Existing and Proposed Rear Elevations



Consultations:

Consultation Type	Consultee	Response
Non-Statutory	Belfast City Council Environmental Health	No objection
Statutory	NI Water	No objection

Statutory	Water Management Unit	Potential to adversely affect the surface water environment
Statutory	Historic Environment Division - Historic Buildings	Contrary to Policy BH 11 (Development affecting the setting of a Listed Building) of PPS 6
Statutory	Historic Environment Division – Historic Monuments	No objection
Statutory	Transport NI	No objection
Non Statutory	Belfast City Council Conservation Officer	Contrary to ATC 1 and ATC 2 of PPS 6 Addendum
Non Statutory	PW Design (Engineers)	No objection
Statutory	Natural Environment Division – Natural Heritage	No objection
Representations:		
Letters of Support		None Received
Letters of Objection		21
Number of Petitions of Objection and signatures		No Petitions Received
Representations from Elected representatives		None Received
Characteristics of the Site and Area		
1.0	Description of Proposed Development	
	The proposal is for the demolition of the existing building at 1 North Parade, and the erection of a new building to extend the facilities within the existing orthodontic clinic located at 218 Ormeau Road.	
2.0	Description of Site and Area	
2.1	The property at 1 North Parade is located within the North Parade/South Parade Area of Townscape Character (BT 044). It is a two bay, two and a half storey dwelling faced in red brick (in Flemish bond), with a pitched slate roof. There is a stuccoed, two-storey canted bay window to the right hand side of the elevation with detailing including a capital effect to ground floor piers, and panelling to the spandrel detailing between floors. Stucco is also used to embellish openings to the left hand side of the elevation with aedicules – the first floor windows with a cornice, and with pilasters supporting a fascia and cornice to the door. Original sliding sash window frames remain to most openings. Two gabled lucernes with semi-circular arched windows pierce eaves – with neoclassical influenced dentilled and egg and dart coursing; the latter detail is complemented by a moulded rain water goods course. A two storey return occurs to the rear yard enclosure with a tall freestanding chimney.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
3.1	In 2001 planning permission (Z/2001/0973/F) was granted for the change of use of No. 218 Ormeau Road from a residential property to a dental surgery with offices. In 2003 (Z/2002/2439/F) an extension and alterations to the existing building to accommodate a dental surgery (previously approved, Z/2001/0973/F) was granted planning permission.	
4.0	Policy Framework	
	<ul style="list-style-type: none"> • Draft Belfast Urban Area Plan 2001 (BUAP) • Draft Belfast Metropolitan Area Plan 2015, site is located within the development 	

	<p>limits of Belfast (Designation BT 001). The relevant policy is SETT 2, Development within the Metropolitan Development Limit and the Settlement Development Limit</p> <ul style="list-style-type: none"> • Designation BT 061 North Parade/South Parade Area of Townscape Character • Strategic Planning Policy Statement for Northern Ireland • Planning Policy Statement 2 – Natural Heritage • Planning Policy Statement 3 – Access, Movement and Parking • Planning Policy Statement 6 – Planning, Archaeology and The Built Heritage • Planning Policy Statement 6 Addendum – Areas of Townscape Character • Supplementary Planning Guidance – Parking Standards
5.0	Statutory Consultee Responses
	<ul style="list-style-type: none"> • Transport NI – No objections to this proposal on road safety and traffic progression grounds. Planning may wish to consider any amenity aspects of parking in front of existing nearby properties and commercial premises. • Historic Buildings Unit – Demolition would have a detrimental effect on the special character and setting of Cooke Centenary Presbyterian Church (Grade B1 Listed Building). It is requested that the existing period house is retained and refurbished to retain this setting. • Natural Environment Division – No objection subject to informatives • Water Management Unit – The proposal has the potential to adversely affect the surface water environment • NI Water – No objection subject to informatives
6.0	Non Statutory Consultee Responses
	<ul style="list-style-type: none"> • Belfast City Council Environmental Health – No objection subject to informatives • Belfast City Council Conservation Officer – The existing building contributes strongly to the character of the area upon which the ATC designation was based. The proposed building does not conform to the character of the ATC, it has a bulk inconsistent with the historical context. • PW Design (Structural Engineering Consultancy) - Given the extent of remedial works required and the risks associated with same, the dwelling should be demolished
7.0	Representations
	<p>The planning application has been neighbour notified and advertised in the local press. There were 21 representations received raising the following concerns:</p> <ul style="list-style-type: none"> • Object to the demolition of 1 North Parade – contrary to policy • Demolition would set a precedent for the future • Noise pollution during construction • The replacement building should retain the front façade • Proposal should be in keeping with the adjacent terrace • Owner/occupier of 62 North Parade did not receive neighbour notification • Erosion of residential character by changing the use to commercial • Parking problems/Traffic Intensification • Was planning permission granted for the driveway access at the existing orthodontist practice • Detrimental to the ATC designation • Current property has bat roost potential • North/South Parade should be upgraded to Conservation Area status

	<ul style="list-style-type: none"> • Loss of Victorian heritage
8.0	Other Material Considerations
	None
9.0	Assessment
9.1	BMAP
9.1.1	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.1.2	Section 45 (1) of the Planning Act (NI) 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.
9.1.3	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.1.4	The application site is located within the settlement development limits of Belfast as defined in the BUAP and Draft BMAP, and within North Parade/South Parade Area of Townscape Character (Draft BMAP).
9.1.5	An objection referred to all ATC designations in Belfast. Whilst the objection stated that none of the proposed ATCs were justified in whole or in part, no specific arguments were presented that would enable our further consideration of the matter. The PAC recommended no change to the Plan. There was no specific objection to the North Parade/South Parade ATC.
9.2	Issues The key issues in assessing this planning application are: <ul style="list-style-type: none"> • Proposed demolition in an ATC • Proposed new development in an ATC • Protecting the setting of a listed building • Compatibility with surrounding land uses and erosion of residential character • Amenity of nearby residents • Parking, access and road safety • Waste Storage • Bat roost potential • Upgrading to Conservation Area status • Other objections
9.3	Strategic Planning Policy Statement for Northern Ireland

	<p>Planning authorities are guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In managing development within ATCs, the council should only permit new development where this will maintain or enhance the overall character of the area and respect its built form. The demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site.</p>
<p>9.4</p>	<p>Compatibility with Surrounding Land Uses</p> <p>Objections have raised concerns about the potential loss of a residential property to commercial use. The orthodontic clinic comes under Class D1 Community and Cultural Uses – (a) in The Planning (Use Classes) Order (Northern Ireland) 2015. The application site is located in North Parade which is predominantly a residential area. However it is sited close to the junction with the Ormeau Road which is a busy arterial route with a vast array of business uses. The Orthodontist Clinic at 218 Ormeau Road was formerly a residential property until permission was granted in 2001 for the change of use. In 2003 permission was granted to extend the business. This proposal is for the extension of an existing Orthodontist Practice, into a property at 1 North Parade that was previously given planning permission to extend and alter for the purposes of the dental clinic in 2003. In the general vicinity (including in North Parade) there have been a number of properties that have been changed to business use, therefore the principle of an orthodontic use in 1 North Parade is acceptable.</p>
<p>9.5</p>	<p>Proposed Demolition in an Area of Townscape Character</p> <p>Policy ATC 1 (Demolition Control in an ATC) of PPS 6 Addendum states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. Demolition of an unlisted building in an Area of Townscape Character will normally only be granted permission where the building makes no material contribution to the distinctive character of the area. It is considered that the existing building (1 North Parade) makes a significant positive contribution to the character of the ATC, through age, style and materials, and by reflecting the architectural expression of domestic architecture in this area in the Victoria era. The neo-classical motifs reflect the Classical Revival movement in architecture in the Victorian period. The building reflects the architectural evolution of the area and the fact that the early development of the area was ad hoc – i.e. the property was either developed first or formed an infill to a site of insufficient scale as to accommodate another three bay dwelling (as seen in the terrace adjacent). The existing building contributes strongly to the character of the area upon which the ATC designation was based, and its legible reading as an historic Victorian/Edwardian suburban district. The facing materials have weathered and now have a patina reflecting their age and period of construction. However a Building Condition Report submitted by the applicant concluded that the best long term solution for the building would be to demolish and rebuild as a consequence of dry rot and dampness. Belfast City Council asked PW Design (external consultant) to verify the submitted report. In summary they advised that, given the extent of remedial works required and the risks associated with same, the dwelling should be demolished.</p>
<p>9.6</p>	<p>Proposed New Development in an Area of Townscape Character</p>

9.6.1	<p>Policy ATC 2 (New Development in an ATC) of PPS 6 Addendum states that development proposals will only be permitted where they maintain or enhance the overall character of the ATC and respects the built form of the area. The original submission proposed a replacement building to form an extension to the building at 218 Ormeau Road. It was to be three storeys with a pitched slated roof and fill the entire site. The front elevation would feature two main visual bays – one partly projecting with flat roof – breaking eaves. The other bay would be faced in curtain glazing – expressing the stairwell/waiting areas behind. The rear elevation would be faced in render with square/horizontal fanned windows – in aluminium frames. This replacement scheme was deemed to be unacceptable as it did not respect the surrounding built form/local context.</p>
9.6.2	<p>The proposal is now a purported replica front façade using reclaimed brick, though the canted bay window would be to the left side of the elevation. It is the view of the Conservation Officer that the replica façade will be unsuccessful in replicating the historic detailing (with total accuracy/authenticity) of the original in the context of the historic terrace. Traditional back land character is ascribed by a three dimensional massing of main blocks to the street frontage and subservient blocks to the rear. These back land areas add to the character of an area that allow rear detailing, historic building layout and roof silhouette to be discerned. The proposed building has a bulk inconsistent with the historic context.</p>
9.6.3	<p>However in the immediate context (3-9 North Parade adjacent) there has been alterations to the historic back land character which are out of keeping with the historic context. The proposed massing of the rear section has been significantly reduced from the original submission. Although it is proposed to be full width it is now reduced to two stories in height with a ridge line below the eaves height of the front section of the property. As such it is now subservient to the front of the building.</p>
9.7	<p>Setting of a Listed Building</p> <p>The application site relates to the setting of Cooke Centenary Presbyterian Church, a listed Church (grade B1). This listed building is of special architectural and historic importance, listed under Section 80 of the Planning Act (NI) 2011. Historic Environment Division considers demolition of the 1 North Parade would have a detrimental effect on the special character and setting of the listed church under BH11 - Development affecting the Setting of a Listed Building. 'The setting of this listed church is the streetscape and community in which it belongs. North Parade has a character of distinctive terraced period housing that produces a visual harmony which enriches the setting to the church and forms an important part of the city's historic and architectural heritage. The church forms an important focal point at the end of North Parade.' HED consider that the existing historic fabric of the building is of cultural merit and should be retained and that the quality of detailing would be too difficult to replicate in any replacement building and would require traditional craft skills. The proposed PVC windows are not a sympathetic material in the building proposed to be removed or in the setting of the listed church. HED conclude that the current proposal would not maintain or enhance the overall area of the ATC, as the wider setting of Cooke Centenary Church. They request that the existing period house is retained and refurbished to retain this setting. However, as discussed at 9.6 above, engineer reports have demonstrated that it is not feasible to retain the existing building given the level of structural defects identified.</p>
9.8	<p>Amenity of Nearby Residents</p> <p>The proposed massing of the rear of the new development has been significantly reduced as detailed in paragraph 8.8. There are residential flats on the upper floors of 222 Ormeau</p>

	Road, however all other premises adjacent to 1 North Parade are in commercial use. As such with the reduced massing it is considered that there will be no detrimental harm caused by way of this development proposal.
9.9	<p>Parking, Access and Traffic Intensification</p> <p>Objectors have raised concerns regarding lack of parking and traffic intensification. A parking survey was submitted to address concerns raised by Transport NI regarding a shortfall in car parking spaces, due to the existing in-curtilage (218 Ormeau Road) car parking being limited and the lack of on street parking spaces. In light of amended drawings (reduction from five surgery rooms to three) submitted by the applicant Transport NI responded by stating that they have no objections to this proposal on road safety and progression grounds. However Belfast City Council Planning have been asked to consider the amenity aspects of parking in front of nearby properties and commercial premises. Given the nature of North Parade (narrow, tree lined street), its proximity to the Ormeau Road (Arterial Route) with many commercial premises and the associated need for parking there already is a detrimental impact on existing properties on North Parade through vehicular parking. As such precedence has already been created, and potential clients are likely to have to park a considerable distance from the Orthodontic premises. The location close to an arterial route provides easy access to frequent bus trips in and out of the city centre. The proposal is considered compliant with PPS 3 and DCAN 15.</p>
9.10	<p>Waste Storage</p> <p>No specific waste storage facility has been detailed on the proposed plans, however storage rooms are indicated on each floor.</p>
9.11	<p>Bats</p> <p>In accordance with Policy NH 2 of PPS 2 planning permission will only be granted for a development that is not likely to harm a European protected species. An objection letter raised concerns that the vacant property is likely to have bat roosting potential. Natural Environment Division has assessed a Bat Survey submitted on behalf of the applicant. They consider that the evidence submitted in the bat survey report shows that the proposal is unlikely to significantly impact the local bat population.</p>
9.12	<p>Upgrade of North/South Parade to Conservation Area Status</p> <p>Objections raised the question about the potential for this ATC to be upgraded to Conservation Area status. Section 104 of the Planning Act (Northern Ireland) 2011 makes provision for the designation of Conservation Areas subject to specific consultation requirements. However, this application is assessed under the existing policy context and the site is not within a conservation area.</p>
9.13	<p>Other Objections</p>
9.13.1	<i>Noise</i> – Belfast City Council Environmental Health has been consulted and has no concerns regarding noise.

<p>9.13.2</p> <p>9.13.3</p>	<p><i>Neighbour Notification</i> - Objections raised concerns that not all neighbours were notified. This planning application has been neighbour notified in accordance with legislative requirements as set out in the Planning (General Development Procedure) Order (Northern Ireland) 2015. At paragraph 8 (b) it states: “serve notice of the application to any identified occupier on neighbouring land in accordance with paragraph 2”. Neighbouring land is defined in the Order as “land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width”.</p> <p><i>Planning Permission for the existing vehicular access into 218 Ormeau Road</i> – Planning permission (Z/2002/2439/F) was granted for the extension and alteration to the existing building to accommodate a dental surgery (previously approved change of use – Z/2001/0973/F). The planning permission included a new vehicular access onto North Parade.</p>
<p>9.14</p>	<p>Conclusion</p> <p>Although the existing building contributes strongly to the character of the ATC and also to the character and setting of Cooke Centenary Presbyterian Church (Grade B1 Listed Building), Belfast City Council accepts the conclusions of PW Design in their assessment of the applicant’s submitted Building Condition Report which confirms that it is not feasible to retain the existing building. The proposed replacement building and the proposed commercial use are considered acceptable given the planning history on the site, the business uses surrounding and the fact that this is an extension of an existing business. Having regard to the policy context above and the statutory/non-statutory consultation responses the proposal is considered acceptable, and planning permission is recommended for approval with conditions.</p>
<p>11.0</p>	<p>Summary of Recommendation</p> <p>Approval with Conditions</p>
<p>12.0</p>	<p>Conditions</p> <ol style="list-style-type: none"> 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 2. The building shall not be demolished until a contract for the carrying out of the works has been submitted to and agreed in writing by Belfast City Council. Reason: To ensure vacant sites awaiting redevelopment do not mar the Area of Townscape Character. 3. The construction of the extension to the Orthodontic Clinic (218 Ormeau Road) hereby permitted in 1 North Parade, shall not commence until all of the existing building within the red line as shown on approved drawing 01A, date stamped 09 December 2016, is demolished, and all rubble and foundations have been removed. Reason: To preserve the amenity of the North Parade/South Parade Area of Townscape Character.

	<p>4. The materials to be used in the construction of the extension to the Orthodontic Clinic hereby permitted, shall be as stipulated on drawings 14B, 15B and 16B, date stamped 31 January 2017.</p> <p>Reason: To preserve the amenity of the North Parade/South Parade Area of Townscape Character.</p> <p>5. Prior to occupation all boundary treatments shall be completed in accordance with the approved drawings 11C and 14B, date stamped 31 January 2017.</p> <p>Reason: To preserve the amenity of the North Parade/South Parade Area of Townscape Character.</p> <p>6. All hard and soft landscape works shall be completed in accordance with the approved drawing 11C, date stamped 31 January 2016, 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.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>7. 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]'.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>8. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of Belfast City Council seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Department gives its written consent to any request for variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representation from elected member:</p> <p>Councillor Boyle in support of the proposal.</p>

ANNEX	
Date Valid	29 June 2015
Date First Advertised	21 August 2015
Date Last Advertised	17 February 2017
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1 North Parade, Ballynafoy, Belfast, Down, BT7 2GF, Brendan Meegan 11, North Parade, Belfast, Down, Northern Ireland, BT7 2GF Chris Agee 129, Ormeau Road, Belfast, Ormeau, Down, Northern Ireland, BT7 1SH Mark Lennon 19, South Parade, Belfast, Down, Northern Ireland, BT7 2GL The Owner/Occupier, 2 North Parade Ballynafoy Belfast The Owner/Occupier, 2 South Parade Ballynafoy Belfast M V Hayes 21, North Parade, Belfast, Down, Northern Ireland, BT7 2GF The Owner/Occupier, 220 Ormeau Road Ballynafoy Ormeau The Owner/Occupier, 222 Ormeau Road Ballynafoy Ormeau Meabh Nichol 222, Ormeau Road, Belfast, Ormeau, Down, Northern Ireland, BT7 2FY D A Nichol 222, Ormeau Road, Belfast, Ormeau, Down, Northern Ireland, BT7 2FY Brian McKeown 24, North Parade, Belfast, Down, Northern Ireland, BT7 2GG Lyons 26 North Parade Belfast BT7 2GG The Owner/Occupier, 3-5 North Parade Ballynafoy Dominica McGowan 30, North Parade, Belfast, Down, Northern Ireland, BT7 2GG Susan Morrow 33, North Parade, Belfast, Down, Northern Ireland, BT7 2GF Thomas Barr 39, South Parade, Belfast, Down, Northern Ireland, BT7 2GL The Owner/Occupier, 4 North Parade Ballynafoy Belfast The Owner/Occupier, 4 South Parade Ballynafoy Belfast J MacCabe 42, North Parade, Belfast, Down, Northern Ireland, BT7 2GG Margaret McCafferty 46, North Parade, Belfast, Down, Northern Ireland, BT7 2GG Fiona O'Donovan 54, North Parade, Belfast, Down, Northern Ireland, BT7 2GG</p>	

Maggie Morrison
 57, North Parade, Belfast, Down, Northern Ireland, BT7 2GH
 Maggie Morrison
 57, North Parade, Belfast, Down, Northern Ireland, BT7 2GH
 Malachi O'Doherty
 62, North Parade, Belfast, Down, Northern Ireland, BT7 2GJ
 Philippa Martin
 7 Old Museum Arts Centre, College Square North, Belfast, Antrim, Northern Ireland, BT1 6AR
 Sheelagh Watters
 7, South Parade, Belfast, Down, Northern Ireland, BT7 2GL
 The Owner/Occupier,
 7-9, North Parade, Ballynafoy, Belfast, Down, BT7 2GF,
 Ita Dungan
 95, South Parade, Belfast, Down, Northern Ireland, BT7 2GN
 The Owner/Occupier,
 Chiropodist Clinic, 218 Ormeau Road, Ballynafoy, Ormeau, Belfast, Down, BT7 2FY,
 The Owner/Occupier,
 Mary Kelly

Date of Last Neighbour Notification	06 February 2017
Date of EIA Determination	N/A
Notification to Department (if relevant)	N/A