# Development Management Report Committee Application

Summary			
Committee Meeting Date: 11 December 2018			
Application ID: LA04/2018/1415/F			
Proposal: Demolition of former derelict Police Station and the erection of a mixed use development comprising 2No. buildings with a total of 59 apartments. Block A comprises 33No. apartment units with 3No. ground floor café/restaurant/retail units. Block B comprises 26no. apartment units. Development includes communal landscaped courtyards, landscaping, basement car parking and all associated site and access works.	Location: Former Ballynafeigh Police Station 332 Ormeau Road Belfast BT7 2GE.		
Referral Route: Major Application > 50 residential units			
Recommendation:	Approval		
Applicant Name and Address:	Agent Name and Address:		
Knockburn Limited	TSA Planning Ltd		
Garvagh House	20 May Street		
Donaghmore	Belfast		
BT70 3LS	BT1 4NL		

# **Executive Summary:**

The application seeks planning permission for the demolition of a derelict former Police Station and the erection of a mixed use development comprising 2No. buildings with a total of 59 apartments. Block A comprises 33No. apartment units with 3No. ground floor café/restaurant/retail units. Block B comprises 26no. apartment units. Development includes communal landscaped courtyards, landscaping, basement car parking and all associated site and access works.

The key issues in the assessment of the proposed development include:

- The acceptability of Residential Use at this location;
- The acceptability of ground floor retail and café units;
- Impact on Built Heritage;
- Scale, Massing and Design;
- Open Space Provision;
- Impact on residential amenity;
- Traffic and Parking;
- Impact on trees within Rosetta Area of Townscape Character;
- Ecology;
- Contamination;
- Flooding and Drainage;
- Air Quality;
- Noise;
- Pre-application Community Consultation;
- Developer Contributions.

The site is located within the development limits of Belfast as designated in the Belfast Urban Area Plan 2001 and the Draft Belfast Metropolitan Area Plan 2014. The presumption is therefore in favour of development subject to the various planning considerations discussed in detail below.

#### Representations

A total of 7 letters of support and 2 letters of objection have been received. Issues raised include the following:

- Impact on Character of Area
- Overdevelopment/ intensification of Use
- Increased traffic and congestion on busy road
- Overlooking onto adjacent residential property
- Impact on historical Buildings
- Loss of light
- Potential parking problems
- Noise and general disturbance
- Health and Safety

All matters have been fully considered in Section 9.60 of the attached planning report.

The demolition of the existing building is acceptable given that it is not protected nor located within a conservation area.

The proposal has been amended to address concerns in terms of the impact on amenity of a neighbouring residential property and also the design of the façade onto Ormeau Road.

In many ways this is an opportunity site, with the application presenting an opportunity to replace a derelict police station on a main arterial route into the city centre with a high quality mixed use scheme which includes a central landscaped area between two predominantly residential blocks.

#### Consultees & Environmental Matters

**Environmental Health and DAERA Land and Groundwater team** - no objection subject to Conditions

**DFC Historic Environment Division** – Objection regarding impact on setting of listed buildings

**DFI Roads** – No objection

Rivers Agency – No objection

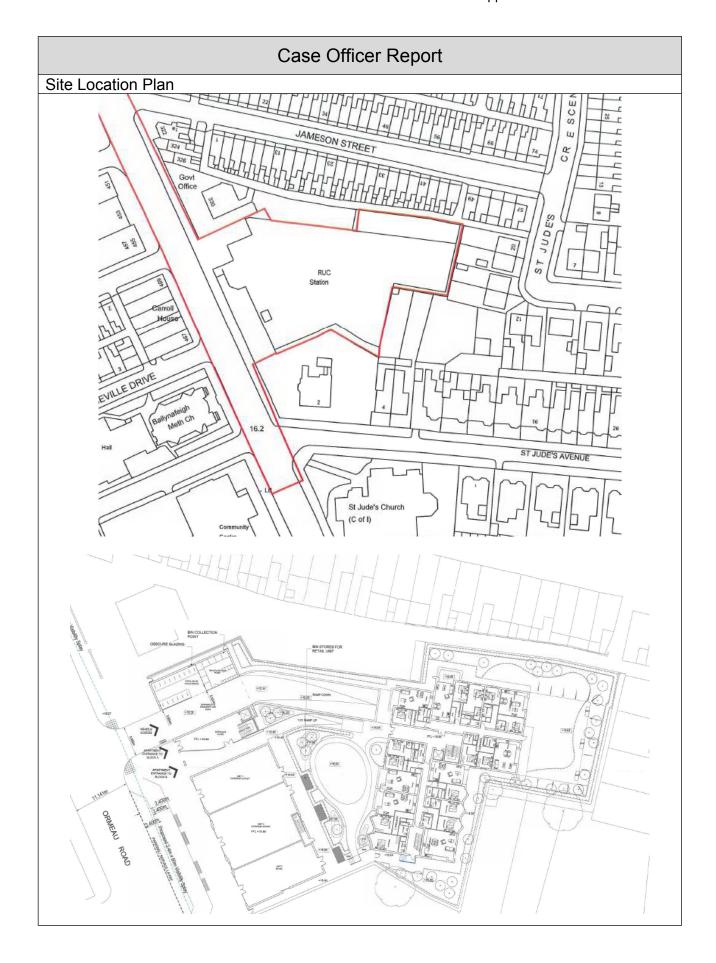
**Building Control** – No objection

NI Water – No objection

#### Recommendation

Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area, economic benefits and other material considerations the proposed development is considered acceptable. The proposal will provide a high quality mixed use scheme on a brownfield site currently occupied by a derelict police station in a state of significant disrepair.

It is recommended that the application is approved subject to conditions as set out in the report.



Chara	Characteristics of the Site and Area		
1.0	Description of Proposed Development		
1.1	Demolition of former derelict Police Station and the erection of a mixed use development comprising 2No. buildings with a total of 59 apartments.		
1.2	Block A, fronting onto the Ormeau Road, comprises 33No. apartment units with 3No. ground floor café/restaurant/retail units. It has a maximum height of 16m above finished ground level. The shoulder height of building is 11m with the reduced upper floor stepped back. This is essentially a four storey block with a smaller upper floor set back. The first, second and third floors each contain 9 apartments with the fourth floor containing 6 apartments and includes an external communal terrace. Three private external terraces are located along the front of the building and are approx. 2m deep, located within the 2.2m deep set-back.		
1.3	Block B, to the rear of the site, comprises 26no. apartment units. It has a maximum height of 13m above finished round level. The main bulk of the building has a shoulder height of 11m with the upper floor stepped back. The building steps down to a flat roof two storey section to the north-east with a height of 7m.		
1.4	Both buildings have a predominantly tan/ red bricked finish with the stepped back upper floors finished in a grey render.		
1.5	The proposal includes two internal communal landscaped courtyards, boundary landscaping, basement car parking and public realm improvements along the frontage of the site to the edge of the Ormeau Road.		
1.6	A bicycle store/ bin collection point is proposed just north of the site entrance. This is in an area of 6m x 16m, surrounded by a 1.8m high wall.		
1.7	The existing 3m high wall is to be retained along the southern and eastern boundaries, with a new 3.3m high brick wall along the northern boundary.		
2.0	Description of Site		
2.1	Substantial brownfield site located on a main arterial route from Belfast City Centre. Substantial derelict building on site surrounded by a high level of hard standing and some sporadic trees along the sites periphery.		
2.2	The boundaries of the site are defined by a 3m high wall, with 3m high corrugated fencing on top along the southern, eastern and northern boundaries.		
Plann	Planning Assessment of Policy and other Material Considerations		
3.0	Planning History (on site)		
3.1	Ref ID: LA04/2018/0284/PAN Proposal: Demolition of former police station to allow for the erection of 2No. residential buildings, comprising of circa 60No. apartment units in total, ground floor retail space, landscaped courtyards, basement parking and all associated site works. PAN deemed acceptable 20th February 2018		
4.0	Policy Framework		
4.1	Belfast Urban Area Plan		

	Draft Belfast Metropolitan Area Plan 2015
4.2	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
	Planning Policy Statement 7 – Quality Residential Environments
	Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation
	Planning Policy Statement 12 – Housing in Settlements
	Planning Policy Statement 15 - (Revised) Planning and Flood Risk
	Creating Places
	Development Guidance Note 3M
	Sologinon Canadinos Noto em
5.0	Statutory Consultees
	DFI Roads – No objection
	Rivers Agency – No objection
	HED Historic Buildings Unit - Objection
	DAERA – No objection
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	NI Water – No objection
6.0	Non-Statutory Consultees
	Environmental Health BCC – No objection
	Building Control BCC – No objection
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7.0	Representations
	A total of 4 letters of objection have been received. The following issues have been
	raised:
	- Impact on Character of Area;
	- Overdevelopment/ intensification of Use;
	<ul> <li>Increased traffic and congestion on busy road;</li> </ul>
	- Impact on historical Buildings;
	- Loss of light;
	- Potential parking problems;
	- Noise and general disturbance;
	- Health and Safety;
	All issues will be considered in the body of the report and is Section 9.60 below.
8.0	Other Material Considerations
9.0	N/A Assessment
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include:
	- The acceptability of housing at this location;
	- The acceptability of ground floor retail and café units;
	- Impact on Built Heritage;
	- Scale, Massing and Design;
	- Open Space Provision;
	- Impact on residential amenity;

- Traffic and Parking;
- Impact on trees within Rosetta ATC;
- Ecology;
- Contamination:
- Flooding and Drainage;
- Air Quality;
- Noise:
- Pre-application Community Consultation;
- Developer Contributions;
- Representations.
- 9.2 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached preadoption 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
- 9.3 The site is located on an unzoned brownfield site within the development limits of the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP) in both the initial 2004 version and the version purported to be adopted in 2015. The presumption is therefore in favour of development subject to the planning considerations detailed below.
- 9.4 In the Belfast Urban Area Plan and 2004 dBMAP the site abutted an Area of Townscape Character located immediately South (Rosetta ATC). There was a general objection to all ATCs but the designation remained the same. This must therefore be given significant weight, and will be discussed below in terms of the impact on the trees within the ATC.

#### The acceptability of Residential use at this location

9.5 This is a predominantly mixed-use area, characterised by a mix of residential and commercial uses along a main arterial route and predominantly residential on the secondary streets. This mixed-use development with a residential/ commercial block to the front and a solely residential block to the rear is in keeping with the type of development in the area. The principle of residential development on this unzoned brownfield site is acceptable subject to the various policy criteria discussed in detail below.

# The acceptability of ground floor retail and café units

9.6 As stated above the site is located on a main arterial route characterised by a mix of uses along the main frontage. The two ground floor cafes and single retail unit are in keeping with the mix of uses along the Ormeau Road and will help create an active frontage.

#### Impact on Built Heritage

- 9.7 The application site is located in close proximity to a number of listed buildings which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011:
  - HB26/02/003 2 St. Judes Avenue Belfast B1
  - HB26/01/016- Ballynafeigh Methodist Church, Ormeau Road, Belfast Grade B
  - HB26/02/005 A- St. Judes Church of Ireland 340 Ormeau Road Belfast Grade

**B1** 

- HB26/02/005 B St. Judes Parish Church of Ireland Hall 340 Ravenhill Road Belfast – Grade B+
- Historic Environment Division (HED) welcomes the regeneration of this site and welcomes the spatial arrangement of the site and hierarchy of the two proposed blockslarger to the street frontage and smaller and more domestic in scale to the rear.
- The main block to the front will arguably have the greatest impact on the built heritage. The overall massing of the block has been reduced significantly with the approach to the upper floor whereby it is considerably smaller than the main four storey massing, and set back from the frontage of the building. This not only helps the building address the scale of buildings along the Ormeau Road, which range between two and five storeys, but also reduces the potential impact on the listed Rectory Building immediately south of the site, and those listed buildings slightly further away. The upper floor has also been pushed to the north of the building, and is located some 10m off the southern elevation of the proposed building, and approximately 12m from the boundary of the Rectory Building. This assists significantly in terms of how one reads the building in relation to the Rectory Building from the southern approach to the site.
- The previous uniformity in the buildings frontage has now been broken up somewhat 9.10 with the introduction of three lighter bricked recesses and an increase in verticality with bricked columns now separating the three ground floor retail units and the previously monolithic signage band. This has created a more rhythmic built form with a more traditional vertical emphasis and paying homage to the traditional bays displayed along the Ormeau Roads and on adjacent residential streets. With the main building set back 12m from the edge of the Ormeau Road, accompanied by the high quality of public realm proposed, these changes and the set back on the upper floor, help create a more sympathetic frontage and in doing so further minimise the impact on the built heritage. It is important to acknowledge that the more sympathetic a proposal is to the general character of the area, the lesser the impact it will have on how one enjoys or reads any listed building in that area. There is no doubt that the building is significant in terms of scale, but there are buildings of similar if not greater scale in the vicinity (namely the Curzon Building), and with subtleties in the design and a significantly reduced upper floor, this should ensure that any impact on the setting of adjacent listed buildings is not significant.
- 9.11 The scale and massing of the front block (Block A) was one of the concerns raised by HED in their initial consultation response The scheme has been subsequently amended and HED re-consulted but the scale of Block A onto Ormeau Road has not been reduced. HED's final response is awaited but it is likely that they will retain their view that Block A should be 4 storeys (including setback) and therefore the proposal fails to satisfy the policy requirements of paragraphs 6.12, 6.13 & 6.15 of the SPPS and policies BH8, BH10 & BH11 of PPS6, as per their initial response.

#### Scale, Massing and Design

- The proposal involves the erection of two main blocks of development separated by an area of central open space. This principal of the main block to the front and smaller block to the rear is to be welcomed as it will address what is a main arterial route into the city centre whilst dropping in scale to the rear to reflect the proximity to residential development to the north, east and south.
- 9.13 The front block consists of a 5 storey block with the main bulk being four storeys and the upper floor being much smaller and set back from front building line. As stated above, the proposal respects the Ormeau Road frontage in terms of verticality and

finishes, with the red brick very much reflective of the more established built form in the area. The scale of the building to the front of the site is significant, however there are significant buildings of similar, if not greater scale, along the Ormeau Road, most notably the Curzon Building to the south and the apartments to the north adjacent to the Ormeau/Ravenhill Road roundabout, on the same side of the road. That building has considerable massing when compared to the proposal. The improved frontage with the three recesses and the increased verticality adds to the overall quality of the scheme, and with a high quality of finish proposed, as well as significant public realm improvements, will create a scheme which will no doubt enhance the area. It is also considered that the derelict police station and surrounding 6m high wall/ fenced does not compliment the overall character of the area.

#### **Open Space Provision**

- The proposal has been assessed against Policy OS2 of PPS8. This Policy requires that where a residential development consists of more than 25 units the expectation will normally be that 10% of the total site area is given over to open space. In this case the overall site area is approximately 3,700 sqm, thus requiring a communal open space area of approximately 370 sqm.
- The open space is provided across two internal landscaped areas and an area of planting which accompanies the proposed public realm improvements to the front of the site. The area in the middle of the site between the proposed blocks equates to around 260 sqm, with the communal garden in the eastern part of the site having an area of around 430 sqm. Approximately 900 square metres of communal space is proposed and therefore far exceeds the 10% policy requirement and will ensure the provision of a high quality internal residential development for the prospective occupiers. The planting out and the management of the open space will be subject to planning conditions should approval be granted. These are detailed below at 11.17 and 11.19.

#### Impact on Residential Amenity

With residential development abutting the site to the north, east and south, it is inevitable that there will be some impact on the amenity of neighbouring dwellings given the urban context.

#### Jameson Street

9.17 To the north is the two storey terraced dwellings on Jameson Street. The rear boundary of these dwellings are located approximately 2.5m from the site boundary across an alleyway. It is worth noting that the existing 6m high boundary wall/ fence is located approximately 11m from the rear boundary of these properties. The main bulk of Block B is 4 storevs and 13m high. This steps down to a two storev block around 6.5m above ground level towards the NE corner of the site onto St. Judes Crescent. This stepping down reduces the impact on the properties in Jameson Street. The potential impact on the dwellings on Jameson Street has been further reduced by the stepping in of the top two floors of the building by approximately 4m. This will mean that the 2<sup>nd</sup> and 3<sup>rd</sup> floors will be almost 14m from the rear boundary of the dwellings, and around 18m from the main rear elevation of these dwellings. Given the inner urban context, this separation distance should ensure there is no loss of amenity experienced to the rear of these dwellings. With only two bedroom windows at first floor level in the two storey element, and a single third floor bedroom window on the north facing elevation, some 18m away, there should be no significant overlooking onto the terraced properties.

#### St. Jude's Crescent

9.18 Immediately abutting the eastern boundary of the site is four semi-detached dwellings

on St. Jude's Crescent. As stated above Block B steps down to 2 storeys in the NE corner of the site. Both living room and bedroom windows are located on the rear elevation of Block B but with a separation distance of 15m onto the site boundary and approximately 30m onto the rear elevation of these dwellings should mean that there will be no adverse impact on the amenity of these properties. Again it is worth noting that the 6m high wall and fence along the boundary of the site has had a significant impact on the amenity in these garden areas for many years.

#### St. Jude's Avenue

To the south and east of the site are the properties in St. Jude's Avenue. These are a 9.19 mix of offices and residential. Arguably the greatest impact experienced from the proposed built form will be to the rear of No. 4 St. Jude's Avenue, as Block B runs along the side and rear of its back garden. The building is located between 3 and 3.5m to the west of the rear garden boundary and a small section of the two storey element located approximately 2.5m from the rear garden boundary. In terms of this two storey element (approx. 7m high) there is a ground floor and first floor bedroom window located in the south facing elevation. With a garden over 30m deep there should be significant levels of overlooking experienced from this south facing bedroom window. The living room windows in this 2 storey section of Block B look east. In terms of the main bulk of Block B the greatest impact will arguably be experienced to the immediate east given the minimal separation distance onto the side garden boundary of No. 4 St. Jude's Avenue. Having said this the design has been amended to address initial concerns raised by the Council with the omission of two units from the eastern side of this block. What was previously a four storey block with the upper floor set back onto the eastern boundary. has now been reduced in terms of its massing. The second and third floors have been stepped back significantly. The second floor is now stepped 2m back from the first floor and located approximately 5m from the boundary with No. 4. The third floor has been stepped back a further 5.5m and is now located approximately 8.5m from the boundary. This will significantly reduce the potential overbearing experienced to the rear of No. 4. Again it should be noted that the existing 6m high wall/ fence along the boundary of the site would have a significant impact on the amenity to the rear of No. 4St. Jude's Avenue. This should in no way make any significant impact on amenity acceptable but as a result of this, and given the design amendments with the top two floors set back the resultant built form should not appear unduly dominant along this boundary.

In terms of any potential overlooking from the east facing elevation this has also been the subject of discussions between the Council and the agent/ applicant. In light of concerns raised by the Council the elevation has been amended with the internal configuration altered to ensure that the first floor apartment closest to neighbouring properties now has no eastward facing windows. The main window for this apartment is now south facing and will not look directly onto the rear of No. 4 St. Jude's Avenue and will avail of a significant level of screening afforded by a mature tree to the rear of Nos. 1-3 St. Jude's Avenue. This building is an apartment block and although there will be a first floor and second floor living room window looking southwards towards this building there are no living areas to the rear of this block, which is occupied by a significant stairwell, and thus no impact on private amenity.

All bedroom windows on the east facing elevation of Block B at ground and first floor level have been angled to face northwards, and hence avoid any potential overlooking directly onto the rear of No. 4 St. Jude's Avenue. There are two second floor windows facing east however these are located in a stepped back part of the building and thus any direct overlooking into the neighbouring garden will be severely limited by the 2m lip on the building.

Any views further east onto Nos. 6, 8 and 10 St. Jude's Avenue will be from distances of

9.21

- at least 17-18m and there will be no direct overlooking onto the immediate rear of these properties from a distance which would impinge on their privacy or the enjoyment of their rear garden areas.
- Amendments have also been made internally to address concerns raised about potential impact on the privacy of Prospective residents. At the 'pinch point' in the site where the two proposed blocks are closest the bedroom windows in the apartments at ground, first and second floor levels have been angled to face in a more northern, as opposed to western direction, to ensure there is no overlooking into the living areas of the nearest apartments in Block A.
- As far as any loss of light is concerned a sun path diagram has been submitted with the application. This clearly demonstrates that given the existing building on the site and the existing 6m high boundary wall and fence, there will be no significant loss of light experienced to the rear of any existing neighbouring properties as a result of the development.

## **Traffic and Parking**

A total of 75 basement car parking spaces are proposed, as well as a parking/ service layby to the front of the site immediately off Ormeau Road. Dfl Roads is satisfied with the level of parking proposed and that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. They have requested that a number of conditions are attached to any planning decision should approval be forthcoming. These are detailed below at 11.13 - 11.17.

# Impact on Trees within Rosetta Area of Townscape Character

- Policy ATC 2 of the Addendum to PPS6 requires that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development. There is no doubt that the trees on/ or adjacent to the southern boundary of the site make a contribution to the adjacent Area of Townscape Character.
- A Tree Survey accompanies the application which addresses the tress growing on the site but not those adjacent to the site boundary to the south, a semi-mature hedge with two more mature trees located at the southern point of the site. However, these trees should not be impacted by the proposed basement car parking as the established security wall, which surrounds the site has deep foundations. The root system of these trees should not be adversely affected as the proposed excavation works are not likely to go beyond the base of this wall.

#### **Ecology**

- Natural Environment Division (NED) acknowledges receipt of the Bat Survey Report, date stamped 07/08/2018. Natural Environment Division has considered the contents of the report and, on the basis of the information provided, has no concerns.
- NED is content that report has not identified any bat roosts occurring on site. Based upon the information, NED considers the overall ecological value of the site to be low and the development is unlikely to have any significant impact upon protected species or habitats.

#### Contamination

Records held by Environmental Health Department indicate that the site of the proposed development is a historical Police Station, a land use type that would have the potential to contaminate land and pose a risk to human health. Subsequently there exists the possibility that this land may present a risk to human health if the development proceeds

without proper consideration of these risks. The Mason Evans PRA report identifies via the Conceptual Site Model (CSM) reduced 9.31 quality made ground and fuels from the former police station as potential sources of onsite contamination. The Mason Evans PRA report identifies via the CSM that heating fuels from surrounding residential properties as potential sources of off-site contamination. After the GQRA intrusive investigations site wide phytotoxic nickel in the shallow soils was identified as an additional potential source of on-site contamination. The Geo Environmental report also details that capping is required to the site due to heavy 9.32 Nickel levels. The report includes a generic quantitative risk assessment (GQRA), and a remediation strategy outlined in the report identifies significant land contamination associated with the site's former use as a PSNI station. Mason Evans consider the site to pose low risk to future development and no risk to 9.33 controlled water receptors. A Remedial Strategy Assessment has been produced to address the risk to future development. The updated remediation strategy has stated that the site has basement areas and the soil replaced within the site will meet soil reference S4UL Values as listed in Table 1 in the report. DAREA's Land & Groundwater Team within the Regulation Unit (RU) would have no 9.34 objections to the development provided conditions are placed on any Planning Decision Notice, as recommended below at 11.8 and 11.9. On the basis of the information submitted and in the event that planning permission is to 9.35 be granted. Environmental Health have requested that conditions detailed at 11.6 and 11.7 are attached to any decision. Flooding and Drainage The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 9.36 100 year fluvial. Hence Rivers Agency would have no specific reason to object to the proposed development from a drainage or flood risk perspective. Air Quality The proposed development lies within the Ormeau Road Air Quality Management Area 9.37 (AQMA). This area was declared on the grounds of monitoring and predicted exceedances of the nitrogen dioxide annual mean. The consultant has undertaken a detailed dispersion model using CERC ADMS Roads 9.38 to assess the existing air quality situation in the vicinity of the site, the impact of the development on local air quality and the impact of local air quality on the proposed development in relation to relevant receptors. The consultant has assessed the predicted impact of the proposed development on 9.39 human health in terms of nitrogen dioxide and particulate matter in accordance with DEFRA Local Air Quality Management Technical Guidance (TG16). The assessment has demonstrated that the increase in pollution concentrations as a 9.40 result of the operational phase of the development is insignificant and future users will not be exposed to pollutant concentrations in excess of the relevant ambient air quality

phase and proposed mitigation measures in accordance with Guidance on the Assessment of Dust from Demolition and Construction IAQM (2014)

The consultant has assessed also the dust impact during the demolition and construction

objectives.

9.41 As a result Environmental Health Department have no concerns regarding the air quality impacts of the development proposal. 9.42 However, it has been noted that detailed information on the gas boilers design and emissions are not confirmed at this early stage of the process; Environmental health have requested that this information to be provided once the final design of the development is 9.43 agreed in order to demonstrate that boiler emissions will not have an adverse impact on the nearby relevant receptors. This can be sought via planning condition, should approval be forthcoming, whereby details of the boiler design and are submitted as well as any necessary mitigation, which will be approved in consultation with Environmental Health prior to commencement of development. The condition is detailed below at 11.10. **Noise** The proposal includes apartments with ground floor retail space located at Block A. Environmental Health have advised that in terms of noise levels the site is suitable for residential use as long as the current design standards are followed in relation to sound 9.44 insulation and noise reduction, and subject to the conditions detailed below at 11.2 -11.5. Odour The Odour and Air Quality Assessment by RPS Limited for the proposed development May 2018 set that a high level of ventilation design involving a number of tiers of odour control is required and the ventilation outlet will terminate 1 metre above the highest 9.45 eaves level. To ensure neighbouring residential accommodation are not adversely affected by cooking odours from the restaurant and cafe unit Environmental Health Department have requested that a condition is attached to any approval that an appropriate odour 9.46 abatement system is provided prior to occupation/ operation to disperse odours created from any cooking operations. This condition is detailed below at 11.11. Bin Storage Bin storage areas have been proposed in the basement and to the north of the access point into the site. Building Control have been consulted and advise that the applicant has sufficient development opportunity to comply with the Building Regulations (NI) 9.47 2012. The development is within the inner city waste zone, therefore 1100l bins are not accepted, as proposed in the submitted waste management strategy, rather 10No. kerbside box stands (550I) & 240I blue bins must be used. This will be the subject of a 9.48 planning informative. **Pre-application Community Consultation** For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of 9.49 submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A Proposal of 9.50 Application Notice (PAN) LA04/2018/0284/PAN was submitted to the Council on 5th

February 2018.

Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning 9.51 application. A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following: 9.52 The Public Consultation Event took place in the Parador Hotel on 11th and 12th April 2018. This event was advertised in the Belfast Telegraph on 3<sup>rd</sup> April 2018. 9.53 On 5th April 2018 600 A5 flyers were hand circulated to homes and businesses surrounding the PSNI Station. The flyer included an invite to the community consultation exhibition. 9.54 The consultation team met with a number of elected representatives from the South Belfast Assembly Constituency and the South Belfast Westminster Constituency to provide information on the proposal and invite them to the public exhibition. Meeting 9.55 requests were also extended to community groups and other stakeholders in the area including local churches and youth clubs. An estimated 150 people attended the event with 25 people in favour of the proposal, 13 unsure and 2 did not like it. 9.56 It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application. 9.57 **Developer Contributions** The proposal includes significant enhancements to the public realm on Ormeau Road to the front of the site. This will enhance the scheme and is a substantial gain in terms of the area given the current condition of the site and its frontage. 9.58 Representations Four letters of objection were received, with the following points being raised: Impact on Character of Area 9.59 This is discussed in detail in the main body of the report above. The proposed design and red bricked finishes, accompanied with the provision of landscaped areas and public realm improvements will enhance this derelict site and this part of the Ormeau Road. Overdevelopment/ intensification of Use 9.60 The density is certainly higher than the residential density in the secondary streets off the main Ormeau Road frontage but is similar to that in apartment developments along the Ormeau Road. Environmental Health have no major concerns with regard to the impact on neighbouring amenity in terms of general noise/ disturbance or Air quality. Increased traffic and congestion on busy road In terms of intensification DFI Roads have not raised any objections in terms of the impact on the road network.

# Overlooking onto adjacent residential property

- This has been discussed in some detail in the main body of the report, particularly in paragraphs 9.17-9.24.

#### - Impact on historical Buildings

- HED raised initial concerns about the impact of the proposal on neighbouring listed buildings. Although two units have been dropped, and some aesthetic alterations have been made to Block A to the front, its scale and massing remains the same, and thus HED are likely to retain their objection. A response remains outstanding from them on the latest consultation.

# - Loss of light

- This is addressed in paragraph 9.24 of the report above.

#### - Potential parking problems

- DFI Roads have raised no objections in terms of the level of parking proposed and have clearly stated that on-street parking is unlikely to have a significant impact on the local road network in terms of traffic and road safety.

# Noise and general disturbance

- Environmental Health have raised no concerns with regard to any potential noise/ disturbance that may be experienced as a result of the development. This is discussed in paragraph 9.44 above.

#### Health and Safety

- Environmental Health have raised no objections in terms of general health and safety. Appropriate odour abatement will be the subject of a planning condition to ensure existing and prospective residents do not suffer any loss of amenity as a result of the ground floor restaurants/ cafes (condition detailed in 11.11 below). Any proposed gas boilers associated with the development are not detailed at this stage and will also be subject to a planning condition, but will require prior approval from Environmental Health to ensure there is no loss of amenity experienced (condition 11.10 below).

# 10.0 Summary of Recommendation: Approval

- Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons.
- This predominantly residential scheme, with a main mixed use block to the front and a smaller purely residential block to the rear reflects the pattern of development in this area with a mix of uses along the Ormeau Road frontage and predominantly residential off the more secondary side streets.
- Two units were removed from the block to the rear which now steps away from the site boundary ensuring that neighbouring properties should not experience significant overshadowing or overlooking.

10.4 The residential element is served by two pockets of communal landscaping, which provides a pleasant outlook for occupants whilst acting as a buffer between the two proposed blocks but also onto neighbouring properties. 10.5 This high quality mixed use scheme, accompanied with public realm improvements along the Ormeau Road frontage will bring about a planning gain on a site occupied by a derelict police station in a state of significant disrepair. 10.6 It is recommended that the application is approved subject to conditions as set out below. The application will require notification to DFI as HED have objected on the basis of impact on the setting of listed buildings. 11.0 Conditions 11.1 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: Protection of environmental receptors to ensure the site is suitable for use. 11.3 The sound insulation of all the residential units shall include the implementation of the noise and vibration mitigation measures outlined in the Noise Assessment by Noise Assessment by Lester Associates Proposed development May 2018. 11.4 The entire window system (including frames, seals etc.) and ventilator units to the residential units shall be so installed so as to ensure that 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 bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements: Not exceed 45 dB LAmax more than 10-15 times 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: In the interests of residential amenity. 11.5 Prior to the commencement of the proposed development, the applicant must submit, to the Planning Authority for approval a Noise Verification Report which demonstrates that the individual and combined noise rating level from the external plant and equipment associated with the proposal does not exceed the background noise levels during the day or at night at the nearest noise sensitive premises when assessed in accordance with BS4142:2014. Reason: In the interests of residential amenity. 11.6 The applicant shall prior to occupation of the development provide for approval in writing

by Belfast City Council a verification report. The report shall demonstrate that the

development has incorporated the design details and measures outlined in the Mason Evans Geo Environmental Limited Remedial Strategy Assessment Former Ballynafeigh Police Station, 332 Ormeau Road, Belfast Dated April 2018. They shall be implemented to the satisfaction of the Council.

The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for the proposed end-use (Residential with Plant Uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken.

Reason: In the interests of Public Health.

- 11.7 The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:
  - a) Garden areas are encapsulated by a clean cover system incorporating a 200 mm capillary break (granular material) overlain by 600 mm of soil demonstrably suitable for the intended end use. (Residential with plant uptake).
  - b) Soils in the vicinity of the contamination hotspots have been removed and verification soil sampling undertaken in line with industry best practice.
  - c) All remaining areas are covered with hard standing.

Reason: Protection of human health.

11.8 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.

After completing the remediation works under Conditions 7 and 8; 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.

11.10 Prior to commencement of development full design details of the proposed gas boilers, as well as any necessary mitigation measures, shall be submitted to Belfast City Council for approval. The works shall be carried out in accordance with these details and any proposed mitigation measures shall be verified in writing by the Council Prior to occupation of any part of the development.

Reason: In the interests of amenity.

No development shall take place until details of the means of ventilation for the

11.11 extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, noise levels, its appearance and finish, and maintenance arrangements have been submitted to and been approved in writing by the Local Planning Authority. The outlet from any extract ventilation ducting shall terminate at a height not less than 1 metre above the eaves height of the roof and it shall be directed away from adjacent premises.

The approved scheme shall be installed before the occupation of the development hereby permitted, and maintained in accordance with the agreed details and thereafter shall be permanently retained.

Reason: In the interests of amenity and public health.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.IBH0572/0002 bearing the Department for Infrastructure Determination date stamp 31st October 2018.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.IBH0572/0002 bearing the date stamp 02<sup>nd</sup> October 2018 and drawing no. 200-01 RevA to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure adequate provision has been made for parking within the site.

The vehicular access, including visibility splays, 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.

The development shall not be occupied until secure 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.

Existing street furniture shall, after obtaining permission from the appropriate authority, be relocated to rear of new footway behind lay-by at the applicant's expense.

Reason: In the interests of road safety and the convenience of road users.

All soft and hard landscaping incorporated in the stamped approved landscape plan,
Drawing No. 14/B bearing BCC date stamp 27/11/18, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development,

whichever is the later.

Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.

If within a period of 5 years from the date of the planting of any tree, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the maintenance of a high level of landscaping.

Maintenance and management of the open space and landscaped areas as shown on Plan No. 14/B date stamped 27/11/18, shall be carried out in accordance with the Park Hood Landscape Management and Maintenance Plan (Revision A) dated March 2018. Any variations to these management arrangements shall be submitted to the Council for approval.

Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.

The proposed public realm works, as shown on approved plan No. 22, date stamped 27/11/18, shall be carried out prior to the occupation/ operation of any part of the development hereby approved.

Reason: To ensure the provision of a high quality of landscaping and public realm.

#### Informatives

The development is within the inner city waste zone, therefore 10No. kerbside box stands (550l) & 240l blue bins must be used.

Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.

No surface water sewer within 20m of your proposal, developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.

The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal

with the pipe. Notify NIW Waterline on 03458 770002.

If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Council be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and current best practice. A written report detailing the nature of this contamination and its management must be submitted to the Council for approval. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.

Artificial lighting associated with the development should be optically controlled and directed in such a manner so as to minimise light pollution from glare and spill.

Guidance notes for the reduction of obtrusive light may be obtained from the Institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, available at <a href="http://www.theilp.org.uk/documents/obtrusive-light/">http://www.theilp.org.uk/documents/obtrusive-light/</a>

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc. requires the written consent of Rivers Agency. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;

Or

- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

	Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31st August.
12.0	Notification to Department (if relevant) Yes. Objection from a statutory consultee – Historic Environment Division
13.0	Representation from elected member N/A
Neigh	bour Notification Checked Yes

ANNEX		
Date Valid	1st June 2018	
Date First Advertised	15th June 2018	
Date Last Advertised	16th November 2018	

## **Details of Neighbour Notification** (all addresses)

- 1-3 ,Rectory Mews,Belfast,Down,
- 11 Jameson Street, Belfast, Down, BT7 2GU,
- 13 Jameson Street, Belfast, Down, BT7 2GU.
- 14 St Judes Crescent, Belfast, Down, BT7 2GW,
- 15 Jameson Street, Belfast, Down, BT7 2GU,
- 16 St Judes Crescent, Belfast, Down, BT7 2GW,
- 17 Jameson Street, Belfast, Down, BT7 2GU,
- 18 St Judes Crescent, Belfast, Down, BT7 2GW,
- 19 Jameson Street, Belfast, Down, BT7 2GU,
- 1a ,Jameson Street,Belfast,Down,BT7 2GU,
- 20 St Judes Crescent, Belfast, Down, BT7 2GW,
- 21 Jameson Street, Belfast, Down, BT7 2GU,
- 23 Jameson Street, Belfast, Down, BT7 2GU,
- 25 Jameson Street, Belfast, Down, BT7 2GU,
- 27 Jameson Street, Belfast, Down, BT7 2GU.
- 29 Jameson Street, Belfast, Down, BT7 2GU, 31 Jameson Street.Belfast.Down.BT7 2GU.
- 33 Jameson Street, Belfast, Down, BT7 2GU,
- 332-334 Ballynafeigh, Ormeau Road, Ormeau, Belfast, Down, BT7 2GE,
- 35 Jameson Street, Belfast, Down, BT7 2GU,
- 37 Jameson Street, Belfast, Down, BT7 2GU.
- 39 Jameson Street, Belfast, Down, BT7 2GU,
- 4 St Judes Avenue, Belfast, Down, BT7 2GZ,
- 41 Jameson Street, Belfast, Down, BT7 2GU,
- 43 Jameson Street, Belfast, Down, BT7 2GU,
- 45 Jameson Street, Belfast, Down, BT7 2GU,
- 461 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,
- 465 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,
- 467a Ballynafeigh Methodist Church, Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,
- 467a Ballynafeigh Methodist Church,Ormeau Road,Ormeau,Belfast,Down,BT7 3GR,
- 47 Jameson Street, Belfast, Down, BT7 2GU,
- 49 Jameson Street, Belfast, Down, BT7 2GU,
- 51 Jameson Street, Belfast, Down, BT7 2GU.
- 7 Jameson Street, Belfast, Down, BT7 2GU,
- 8 St Judes Avenue, Belfast, Down, BT7 2GZ,
- 9 Jameson Street, Belfast, Down, BT7 2GU.
- Action Cancer, Unit 1,455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,
- Apartment 1, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ,
- Apartment 2, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ,
- Apartment 3, Rectory Mews, 2 St Judes Avenue, Belfast, Down, BT7 2GZ,

Bengal Brasserie, Unit 2,455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

Carroll House, 463 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,

David Allan Jewellers, Carroll House, 463 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,

Elizabeth Boyd Fashions, 455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

Elizabeths, 457 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

First For Finance Ltd,459 Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

Flat 1,6 St Judes Avenue, Belfast, Down, BT7 2GZ,

Flat 2,6 St Judes Avenue, Belfast, Down, BT7 2GZ,

Flat 3.6 St Judes Avenue, Belfast, Down, BT7 2GZ.

Flat 4,6 St Judes Avenue, Belfast, Down, BT7 2GZ,

Jay Bee (Exports) Ltd,455 Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

John Mclaughlin & Co,2 St Judes Avenue, Belfast, Down, BT7 2GZ,

Mark Carlisle Fashion Agencies, Unit 6,455-457, Ormeau

Road, Ormeau, Belfast, Down, BT7 3GQ.

Office 1 (1st Floor), Carroll House, 463 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,

Pizza Hut,453 Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

Probation Board For N I,330 Ormeau Road, Ormeau, Belfast, Down, BT7 2GE,

Rosario Youth Club, Rosario Youth Club, 469 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR.

Shed Bistro, 467 Ormeau Road, Ormeau, Belfast, Down, BT7 3GR,

Soul Food Cafe,455 Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

The Mortgage Shop,453 Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

Three Bears Restaurant, 455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

Three Bears Restaurant, Unit 3,455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

Unit 4,455-457 ,Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

Unit 4a,455-457, Ormeau Road, Ormeau, Belfast, Down, BT7 3GQ,

Unit 5,455-457 ,Ormeau Road,Ormeau,Belfast,Down,BT7 3GQ,

Date of Last Neighbour Notification	20th November 2018
Date of EIA Determination	N/A
ES Requested	No