

## Committee Application

<b>Development Management Officer Report</b>	
<b>Application ID:</b> LA04/2022/1499/F	<b>Committee Date:</b> 18 April 2023
<b>Proposal:</b> Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.	<b>Location:</b> The Lockhouse 13 River Terrace Belfast BT7 2EN.
<b>Reason for Referral to Committee:</b>	Objection from statutory consultee (NI Water) and BCC funding.
<b>Recommendation:</b>	Approval with conditions
<b>Applicant Name and Address:</b> Lower Ormeau Residents Action Group 97 Balfour Avenue Belfast BT7 2EW	<b>Agent Name and Address:</b> Taggarts 23 Bedford Street Belfast BT2 7EJ
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. T</p> <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>• The principle of development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on the setting of Listed monument</li> <li>• Impact on amenity</li> <li>• Access and parking</li> <li>• Environmental Considerations - Drainage, Waste-water infrastructure and Ecology</li> </ul> <p>DfI Roads, DfC HED, and Environmental Health offer no objection. NI Water object to the application on grounds of lack of waste-water capacity; this issue is dealt with in the main report and found to be acceptable. DAERA and SES were consulted in this regard and a condition was recommended to restrict development until a suitable wastewater disposal system can be agreed.</p> <p>No representations have been received from third parties.</p> <p>The site is within the development limit of Belfast and the principle of development is considered acceptable.</p> <p>The design of the proposed extension and the proposed use to the existing building is acceptable. The changes to the existing open space are considered a betterment creating features of interest and additional seating. The man-shed and poly-tunnels will offer space and activities for the local</p>	

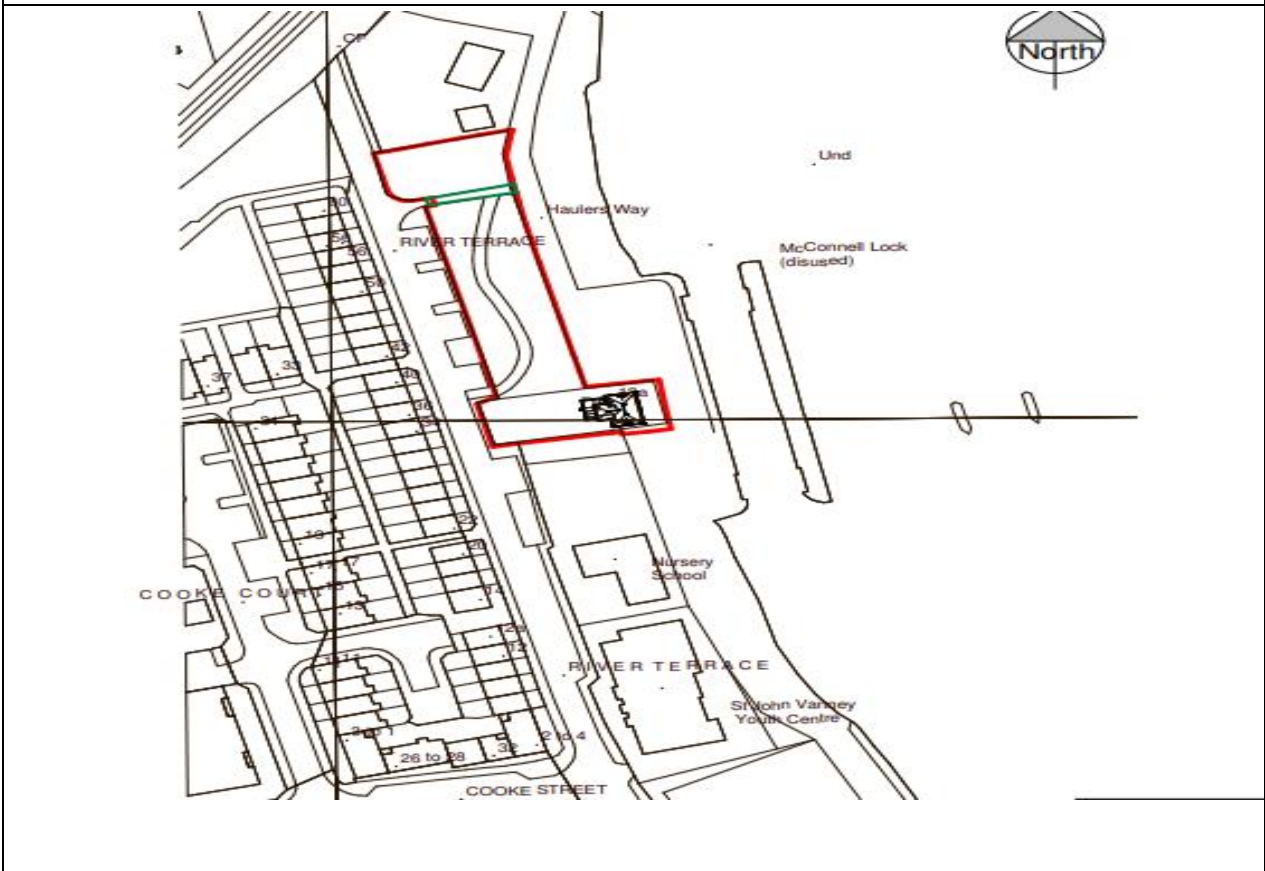
community. HED offers no objection there would be no harmful impact on the setting of Listed Monument. The parking survey shows sufficient parking to serve the development there will be no adverse transportation impacts.

**Recommendation:**

It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions.

**Case Officer Report**

**Site Location Plan:**





**CGIs**

**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

1.1 This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility.

**2.0 Description of the Site and Area**

2.1 The site is made-up of two distinct plots one is a two-storey detached dwelling finished in a painted render, the building sits within its plot with well defined boundaries of fencing and mature hedging. The second plot is an area of open space currently laid out in grass and public pathways forming part of the lagan walkway. The surrounding character is mix with the east side of the road having community buildings of recreation centre, youth club and nursery school. Whereas the west side of the road is in residential use dominated by two-storey red brick terrace housing.

**Planning Assessment of Policy and other Material Considerations**

**3.0 Site History**

3.1 None relevant

<b>4.0</b>	<b>Policy Framework</b> Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise.
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP) Following the Court of Appeal decision on dBMAP (2014), the extant development plan is the BUAP. DBMAP (both v2004 and v2014 versions) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	<b>Belfast Local Development Plan Draft Plan Strategy</b> The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 2 Natural Heritage
4.6	Planning Policy Statement 3 Access, Movement and Parking
4.7	Planning Policy Statement 6 Archaeology & Built Heritage
4.8	Planning Policy Statement 8 Open Space, Sport & Outdoor Recreation
4.9	Planning Policy Statement 15 Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b> DfI Roads Service – no objection subject to conditions  Historic Environment Division – no objection  NI Water – objection on grounds of insufficient waste-water infrastructure capacity  DAERA – awaited
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> BCC Environmental Health – no objection subject to informatives and condition
<b>7.0</b>	<b>Representations</b>
7.1.	The application has been advertised in the press and neighbours have been notified. No third-party representations of objection have been received. One letter of support was received from local public representatives.

9.0	<b>Key Issues</b>
9.1	The main issues relevant to consideration of the application are:
	<ul style="list-style-type: none"> <li>• The principle of development</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on the setting of Listed Monument</li> <li>• Impact on Open Space</li> <li>• Impact on amenity</li> <li>• Access and parking</li> <li>• Flooding</li> <li>• Waste-water infrastructure</li> <li>• Ecology</li> </ul>
9.2	<b>Principle of Development</b>
	The site is located within the existing settlement limits for Belfast and within the BUAP and the dBMAP, the presumption is therefore in favour of development. The BUAP has no land use designations for the site the dBMAP shows the north section of the site, outside the confines of the existing building plot to be open space.
9.3	The SPPS advises that planning permission is ought to be granted or sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance. Officers accept that the proposal accords with the area plan and set below no areas of acknowledged importance is significantly harmed by the proposal
9.4	<b>Impact on the character and appearance of the area</b>
	River Terrace and Balfour Avenue runs in parallel to the west bank of the river Lagan. There is a clear distinction in land uses along the road frontage, to the west side of the road it is residential with two-storey dwellings being dominant. Within the residential use there are clear period differences Balfour Avenue being of old traditional styled Belfast housing, red brick terrace with no front amenity space. The housing between Shaftesbury Avenue and Cooke Steet, has the rear of the housing projects onto the road frontage and from Cooke Street onwards the housing is more modern dating circa 1970's/80s fronting onto the road with front amenity space.
9.5	To the east side of the road the main land uses are community buildings and open space amenity. This side of the road, same for site location, contains Shaftesbury Recreation Centre, a large leisure complex with outdoor play facilities. Proceeding on towards the site the next building is single storey St. John Youth Centre followed by another single storey building St. Malachy's Nursery School followed by the site, currently a two-storey dwelling and open space.
9.6	The site building is positioned at a greater distance from the road than the other community buildings, these buildings are positioned at various distances from the road edge ensuring no uniformity of building-line. The proposed extension will bring the building closer to the road edge which will make a significant change to the existing character when looking south, the proposed building obscuring the existing single storey neighbouring buildings with the creation of a large block extension. However, within the wider context the proposal can be seen as book ending the community developments

	<p>along this section of road with Shaftesbury Recreation Centre to one end and the proposal at the other and the single storey building between.</p>
9.7	<p>The retention of the existing building retains the rendered finish; however, the proposed extension is designed with grey brick interlaced with brick panel work design of the same-coloured brick. The design includes a flat roof which will be a green roof. Although the materials are not common to the area, which is mostly red/brown brick and slate the materials proposed will offer a contrast to the wider and will not be too dissimilar to Shaftesbury Recreation Centre which is finished in a grey steel cladding. Officers are content that the proposal will not significantly detract from the surrounding character having regards to the community buildings already located along this section of road frontage and the materials offering an acceptable contrast.</p>
9.8	<p>The current open space provides access to the Lagan walkway; the proposal is designed to retain this public access to pathways. Officers are content that the proposal will not impinge on the current level of public access ensuring the open character is maintained.</p>
9.9	<p><b>Impact on the setting of Listed Monument</b></p> <p>The site is adjacent Mc Connell's lock a listed monument, Historic Environment Division of DfI (HED) was consulted and indicated that the proposed balcony, which projected beyond the front façade of the building, within the original design, had an impact on the monument. Amended plans were submitted with the balcony projection removed which was found to be acceptable HED indicating that the proposal no longer impacted the monument. Officers concur with the opinion of HED that the proposal will not detract from the setting of the historic monument the relationship between the front façade of the building and the monument remaining unaltered.</p>
9.10	<p><b>Impact on Open Space</b></p> <p>The proposal will result in the loss of an area of open space due to the erection of the man shed and poly tunnels. It is however acceptable within policy OS 1 of PPS 8 for open space to be lost to development that will bring substantial community benefit. The proposal, when read in the round, would be accepted as offering community benefits. The existing open space is an area of open grassland with connecting pathways crossing it. The proposal will see the additional planting, raised beds and seating within the current open space creating a place of interest and usable for the general community, this area remains open to the public with only the area for the man-shed and poly tunnels fenced. Officers accept that the section of land dedicated to the man-shed and poly tunnels will be lost to the public for recreational use it will nevertheless create facilities for community use and creates an opportunity for greater community cohesion by providing space for various community activities.</p>
9.11	<p><b>Impact on amenity</b></p> <p>The adjacent nurse school is located to the south of the site and has a play and garden areas between the school building and site. Having regards to separation distance between the school building and proposed site and also direction of sun travel Officers are content there will be no impact on the school. Those properties immediately fronting onto the site no. 30 to 36 River Terrace will have a change to outlook with the extended building being closer to the front of these properties. The height of the building is quoted at 7.2m from road level to top of parapet the separation distance is 11.2m between the</p>

	<p>rear of the extension and the front of the properties. Having regards to the 45 degrees rule the proposal will not cast a significant shadow over these properties. Any shadow casted towards the dwelling will be morning time only as the site is to the east of the dwellings. The rear elevation of the proposed building has several features that will help to reduce the appearance of dominance these include a step within the wall design, windows, doors, and brick panelling breaking up the massing of the gable and a proposed area for the erection of artwork. Officers are content, on balance, that the proposal will not significantly impact on the amenity of residential dwelling of River Terrace.</p>
9.12	<p><b>Access and Parking</b></p> <p>Dfl Roads Service was consulted and advised that additional information was required in the form of a parking survey to demonstrate sufficient on street parking for 7 vehicles. A parking survey was submitted and Dfl re-consulted. The information within the survey showed an average of 24 spaces available the minimum being 13 spaces and the maximum being 30 spaces.</p>
9.13	<p><b>Environmental Health issues</b></p> <p>Planning Service is awaiting the final response from BCC Environmental Health, concerns were raised within first reply regarding information within the Preliminary Risk Assessment (PRA) for potential ground contamination and odour abatement from proposed café. Additional information for the PRA was submitted together with Odour abatement report for further EHS consideration.</p>
9.14	<p><b>Flooding</b></p> <p>Dfl Rivers Agency was consulted and having regards to the submitted flood risk assessment has indicated that there is no objection to the proposal with standard informatives.</p>
9.15	<p><b>Waste-water Infrastructure</b></p> <p>NI Water has objected to the proposal on grounds of insufficient waste-water capacity. NI Water has advised that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NIW's concern has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.</p> <p>It is also noted that NI Water has a duty to connect significant committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.</p> <p>For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.</p>

9.16	<p><b>Ecology</b></p> <p>Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p> <p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a “significant effect” on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> <p>Following response from NIEA and SES a condition will be imposed on the approval to restrict commencement of the development until an agreed wastewater disposal method is reached.</p> <p>A Biodiversity checklist was completed on the site given location adjacent to river and potential for Bat Roost. The survey indicated that no signs were visible of otter or badger activity at the site however there were signs of bats droppings and gaps within the building fabric that had potential for Bat roosts. A Bat survey was undertaken and concluded that there were no indications of Bats within the building although Bats were identified commuting over the site and foraging. The report recommended no additional survey required although a precaution approach should be taken when contractors commence works on site and report any findings indicating Bats within the site.</p>
10.0	<p><b>Summary of Recommendation:</b></p> <p>10.1 Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>10.2 It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p>
11.0	<p><b>DRAFT CONDITIONS:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless</li> </ol>



details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

3. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

4. After completing the remediation works under Condition 3; 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 Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.