

Development Management Committee Report

Summary	
Application ID: LA04/2023/4607/F	Committee Date: 27 June 2024
Proposal: Removal of existing temporary sectional buildings and construction of new three storey childcare building with external play area, associated landscaping and alterations to existing access.	Location: Parkmore Building, 284A Ormeau Road, Ballynafoy, Belfast, BT7 2GB
Referral Route: Development partly funded by BCC	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Solas Special Needs 284a Ormeau Road Ballynafoy Ormeau Belfast BT7 2GB	Agent Name and Address: Paul McStay 388/390 Ravenhill Road Belfast BT6 0BA
Executive Summary: This application relates to Lands at 284a Ormeau Road, Ballynafoy, Ormeau, Belfast, BT7 2GB. The application seeks full planning permission for Removal of existing temporary sectional buildings and construction of new three storey childcare building with external play area, associated landscaping and alterations to existing access. The key issues for consideration of the application are set out below. <ul style="list-style-type: none"> • Principle of development in this location • Impact on open space • Access and transport • Environmental considerations • Flood risk and drainage • Waste-water infrastructure <p>The site is within the settlement limits and zoned “open space” within the BUAP and also within the draft Belfast Metropolitan Area Plan 2015 (v2004) and dBMAP (2014v)</p> <p>The height, scale and massing of the proposed building is considered acceptable within the wider character of the area that exhibits a variety of building heights and massing.</p> <p>The proposal would provide dedicated on-site parking to service the proposed building. This is considered acceptable given the highly sustainable location of the site.</p> <p>The application proposes to deliver a purpose-built building designed to meet the needs of children and young adults with special needs. The organisation, Solas, has been operating from the site since 2017 mainly from modular buildings.</p>	

Planning Service has received 1 third party objection expressing concerns discussed within report below.

Recommendation

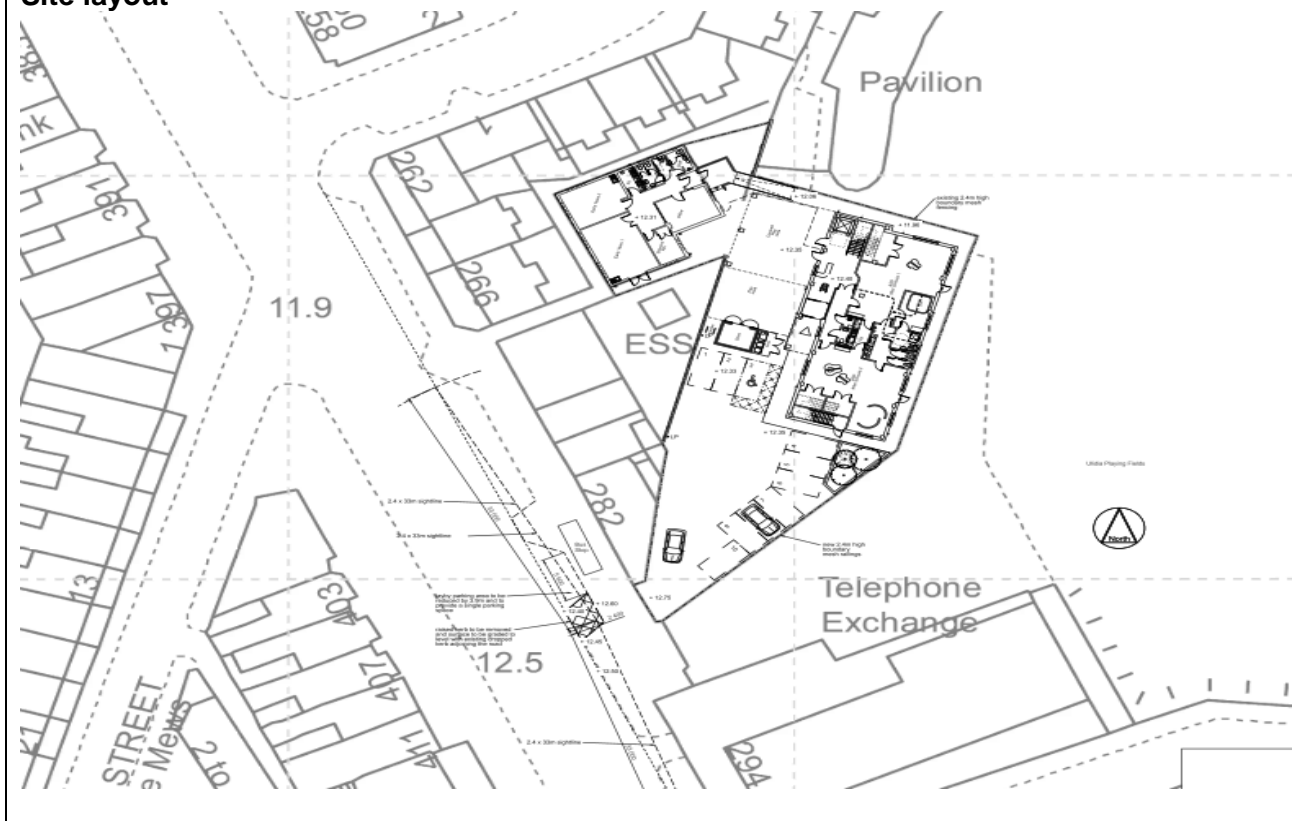
Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, including those raised in the final consultation response from BCC Environmental Health, provided that the issues are not substantive.

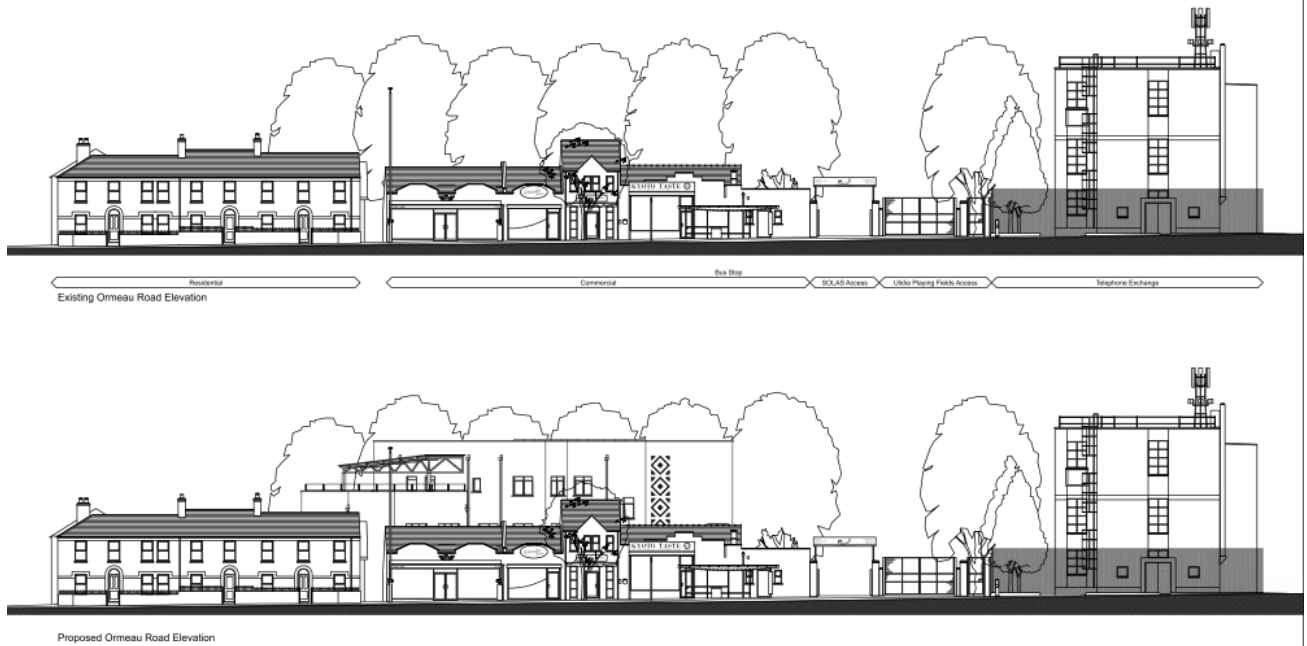
Site Location Plan:



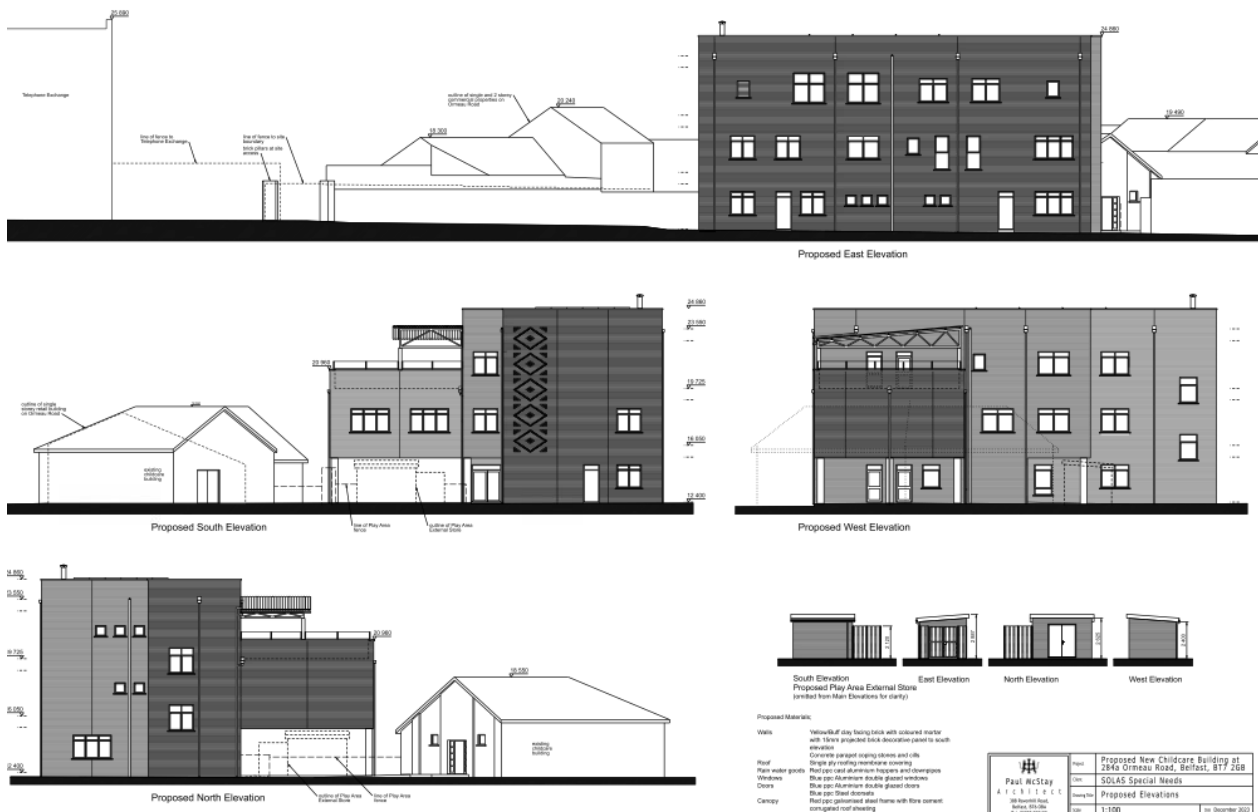
Site layout



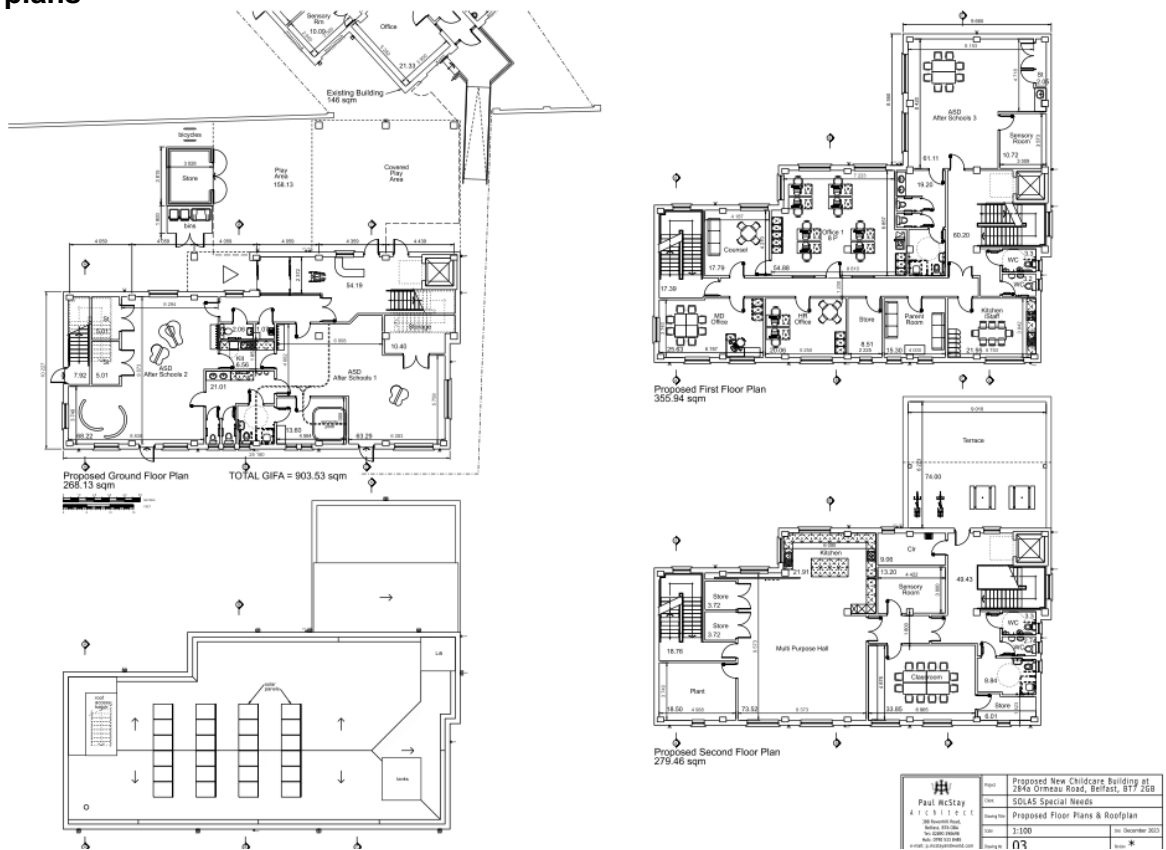
Street contextual plan



Elevations



floor plans



1.0

Characteristics of the Site and Area

1.1

The area is characterised by a mixture of uses, the Ormeau Road frontage being predominant commercial, entertainment, recreation, cultural and residential. To the south of the site is a three-storey telephone exchange building, to the west single and two storey commercial buildings; to the north is housing on Parkmore Street and facilities for Rosario football club and to the east is located Rosario football pitches.

1.2

The existing site is occupied by single storey modular buildings, a playground and a single storey building all used currently by the applicant. The remaining area is used for parking.

2.0

PLANNING HISTORY

2.1

LA04/2019/0612/PAD – Develop site as social housing scheme with omission of underground car park and reduced on site car parking provision. Site at 284a Ormeau Road Belfast BT7 2GB Application concluded.

2.2

LA04/2017/2086/F - 2 temporary Portakabin units, 2 steel shipping containers, polytunnel structure, children's play area and car parking (retrospective) - 284a Ormeau Road Belfast – Granted 26/3/18

3.0

PLANNING POLICY

<p>3.1</p>	<p>Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy CI1 – Community Infrastructure Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 - Sustainable drainage systems (SuDS) Policy OS1 – Protection of open space Policy OS3 - Ancillary open space</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
<p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p>CONSULTATIONS AND REPRESENTATIONS</p> <p><u>Statutory Consultees</u> DfI Roads – no objection with conditions. NI Water – recommended refusal DfI Rivers – No objection with condition</p> <p><u>Non-Statutory Consultees</u> Environmental Health – waiting final response</p> <p><u>Representations</u> The application has been advertised in the newspaper and neighbours notified.</p> <p>One objection received, comments posted on portal, letter raised concerns about the following: Loss of privacy Noise pollution – caused during the construction phase.</p> <p>Response: Lost of privacy will form part of the assessment below. Regarding noise pollution – inappropriate levels of noise either during or after construction, if considered a nuisance, can be controlled via noise abatement notices.</p>
<p>5.0</p> <p>5.1</p>	<p>PLANNING ASSESSMENT</p> <p>Main Issues</p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of development in this location

- Impact on open space
- Access and transport
- Environmental considerations
- Flood risk and drainage
- Waste-water infrastructure

Development Plan Context

5.2 Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.3 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

5.4 The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

Operational Policies

5.5 The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above.

Proposals Maps

5.6 Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Belfast Urban Area Plan 2001 – open space.

Belfast Metropolitan Area Plan 2015 (2004) – open space

Belfast Metropolitan Area Plan 2015 (v2014) – open space

Principle of development in this location

5.7 Policy CI1 of the Plan Strategy sets out the community infrastructure requirements for proposed development. The policy requires that the Council seeks to protect and provide development opportunities for community, health, leisure, nurseries and

	educational facilities based on local need and in line with the projected population growth.
5.8	The policy states that planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area. The proposal should ensure that there is no unacceptable impact on residential amenity or other areas of acknowledged interest. It is also expected that the proposal will provide access for all, in pedestrians, cyclists and public transport. The policy also advises that where a proposal affects land specifically zoned for particular uses such proposals will only be considered where they do not prejudice the proper planning and sustainable development of the zoned land.
5.9	Regarding the impact on private amenity, officers are content that the proposal will not introduce significant levels of overlooking. The proposal will have two first floor office windows that will have views towards a dwelling at No. 266 Ormeau Road partly hindered by the existing single storey childcare building, and a second-floor kitchen window. The perception of overlooking will probably be greater than any actual overlooking having regard to the use of the rooms as office and kitchen space. However, consideration can be given to measures to mitigate the perception. It will be possible to condition the lower half of the windows to be fitted with obscure glazing to the subject rooms. The proposed windows are circa 25m from the boundary with No. 266. The design of the proposal and the location of the existing childcare building prevents any significant overlooking of any other residential dwelling.
5.10	The separation distance between the proposal and the neighbouring properties should be sufficient to prevent any significant overshadowing or dominance of the dwellings to the Ormeau Road or Parkmore Street. The location of the residential dwellings to the north-west of the proposal limits any potential to overshadow to the morning period.
5.11	The proposal being of three storeys in height (approx. 12.5 m to parapet) will have a greater impact on the surrounding character than the existing modular buildings that are concealed behind shops and housing fronting the Ormeau Road. The site is at a location where there is a distinct adjustment in building heights. The proposed building is located directly behind a row of predominately single storey commercial buildings. To the south of the site is located a telephone exchange of three storeys; beyond this is the Pavilion bar at three storeys and a modern apartment and retail complex of four storeys. Along the approach towards the city north of the site, the character is generally two storeys in height. Officers consider that the adjacent three and four storey buildings allow the proposal to sit comfortably within the surrounding character. The setback position of the proposed building allows the existing properties, fronting the Ormeau Road, to retain their own prominence on the road frontage.
5.12	The site is within land zoned as open space therefore the proposal has the potential to prejudice the land zoning; Policy OS1 is also applicable to this element of the proposal. In support of the application the applicant has submitted a statement of need supporting the development at this current location citing the location provides ease of access, that the service provides an important facility within the Belfast Health and Social Care Family Support Hubs and is adjacent to local facilities. The statement also expresses that Solas is one of the few community providers of disability services outside of special schools and that it is able to take advantage of the adjacent playing fields providing suitable outdoor space. It is also claimed that Solas has established good working relationships with local businesses that supports the service and raising awareness of disability issues.
5.13	

5.14	<p>The specific site is/was an area of hard standing that served as a parking area for the adjacent football pitches and currently contains modular buildings in use by the applicant. Officers are content that the proposal will have no significant impact on the open space designation having regard to the site-specific needs of the applicant and the site being an area of hard standing and the greater part of the open space designation is the playing fields which will be unaffected by the proposal. The portion of the site in use by the applicant is staying the same, therefore there is no greater impact on the area of open space than existing.</p> <p><u>Climate change</u></p>
5.15	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. The policy also expects that demolition is kept to a minimum and encourages, where feasible for existing buildings to be included within the development.</p>
5.16	<p>The proposal will not result in demolition but will result in the removal from site of the existing modular buildings, which can be repurposed for alternative use. The proposal is acceptable having regard to Policy ENV2.</p>
5.17	<p>Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. To this regard it is proposed that the building will have solar panels to the roof and consideration given to energy saving heating and lighting.</p>
5.18	<p>Policy ENV5 states that all built development shall include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The proposal being designed to meet the bespoke needs of the applicant on a confined site provides challenges for providing SuDS measures but given the site is already in hard-standing there is no increase in the level of hard surfaces within the site. The minor landscaping proposed due to the limitations of the site will be conditioned to ensure compliance with TRE1.</p> <p><u>Access and transport</u></p>
5.19	<p>The site is a highly accessible location within the city. It is within short walking and cycling distance of shops, services, leisure and has very good public transport links through access to bus routes. The proposal accords with Policy TRAN1.</p>
5.20	<p>Policy TRAN2 states that planning permission will be granted for development that is open to the public where it is designed to provide suitable access for all. The proposal provides acceptable vehicle and pedestrian access to the site.</p>
5.21	<p>Policy TRAN6 relates to access to public roads. The proposal has the potential for intensification of an existing access, DfI Roads Service was consulted on the proposal and offered no objection to the proposal subject to the inclusion of conditions. Officers accept that the proposed access arrangement is satisfactory to meet the needs of the development and will not inconvenience other road users.</p>
5.22	<p>Policy TRAN8 relates to the provision of adequate parking and servicing arrangements for a development. The proposal will have 10 car parking spaces provided (including 1 disabled space) and is capable of allowing manoeuvring of vehicles.</p>

	<p>The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN6 and TRAN 8</p>
5.23	<p><u>Health impacts</u></p> <p>Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.</p>
5.24	<p>The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through good linkages to shops, services and outdoor activities.</p>
5.25	<p><u>Environmental Health</u></p> <p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development is currently being assessed by Environmental Health (EH) in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. A Noise Impact Assessment and Contaminated Land Impact Assessment (Preliminary RA) have both been submitted in relation to the proposal and an open consultation is currently with EH to review same.</p>
5.26	<p><u>Air quality</u></p> <p>EH has reviewed the Air Quality Impact Assessment and the clarification report and find that both sufficiently demonstrate that future occupants of the development will not be exposed to air quality concentrations exceeding UK air quality objectives. EH is also satisfied in relation to potential dust impacts during construction subject to implementation of the proposed dust management measures.</p>
5.27	<p><u>Flood risk and drainage</u></p> <p>Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). DfI Rivers Agency Flood Maps were consulted and showed the site to be not within a floodplain and free of surface water flooding.</p>
5.28	<p><u>Waste-water infrastructure</u></p> <p>NI Water has objected to the proposal on grounds of insufficient network capacity. It advises 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 clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect 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>

5.29	<p>For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p>As the proposal would result in clear intensification of the use of the land, the Council has consulted Shared Environmental Services (SES) to assist its consideration of the Habitats Regulations. SES has advised that the proposal would not have an adverse effect on the integrity of any European site. DAERA has been consulted and is concerned that the sewage loading associated with the proposal has the potential to cause adverse environmental impact. Having regard to this advice, it is considered necessary to impose a condition to mitigate any likely significant effects on Belfast Lough. In this regard, the proposal is considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035 and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.</p>
6.0	<p>Recommendation</p> <p>6.1 The proposal will provide a community infrastructure development that satisfies a local need. The proposal offers bespoke permanent accommodation for the Solas organisation and an upgrade of the current facilities. It is considered that the proposal will have no significant impact on residential amenity or the character of the surrounding area. Whilst there are some concerns in relation to lack of SUDs measures, on balance, it is considered the proposal is acceptable and recommendation is that planning permission is granted.</p> <p>6.2 Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, including those raised in the final consultation response from BCC Environmental Health, provided that the issues are not substantive.</p>
7.0	<p>DRAFT CONDITIONS</p> <p>7.1 The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>7.2 No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless 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.</p> <p>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.</p> <p>7.3 The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p>

	<p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p>
7.4	<p>The vehicular access shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted.</p>
	<p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
7.5	<p>The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.</p>
	<p>Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p>
7.6	<p>The first-floor office windows and second floor kitchen and multi-purpose hall windows, shown on the western elevation, shall be installed with obscure glazing to the lower half of the glazed area prior to occupation of the building and permanently retained thereafter.</p>
	<p>Reason: To protect the private amenity of neighbouring residential dwellings.</p>
7.7	<p>The screening to the second-floor outdoor terrace, as detailed in approved plans, shall be installed prior to the occupation of the building, and permanently retained thereafter.</p>
	<p>Reason: To protect the amenity of neighbouring residential dwellings</p>
7.8	<p>No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a hard and soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.</p> <p>All hard and/or soft landscaping works [delete if not appropriate] shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details [delete if not appropriate].</p> <p>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.</p>

