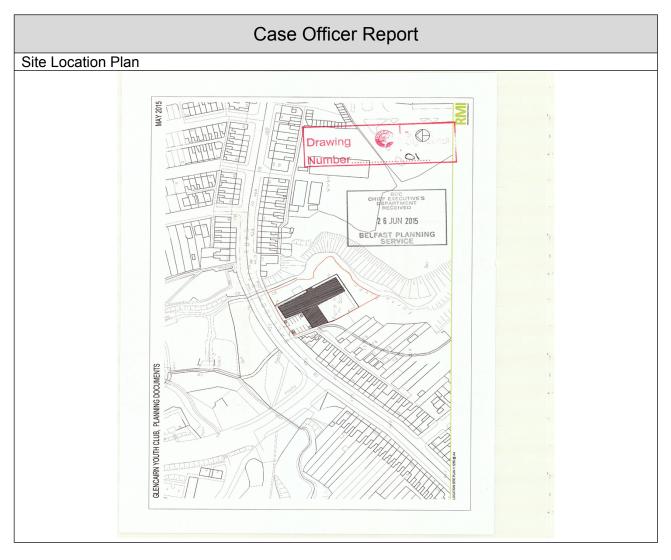
Development Management Officer Report Committee Application

Summary			
Committee Meeting Date: 15th August 2017			
Application ID: LA04/2015/0859/F			
Proposal: Split level youth club building with multi-purpose spaces.	Location: 66 Ballygomartin Road Belfast BT13 3NE		
Referral Route: Exceeds 500sqm of floorspace.			
Recommendation:	Approval		
Applicant Name and Address: Education Authority BELB 40 Academy Street Belfast BT1 2NQ	Agent Name and Address: Robinson McIlwaine Architects 84-94 Great Patrick Street Belfast BT1 2LU		
Executive Summary:			
 Planning permission is sought for a split level youth club building with multi-purpose spaces. The site is located within the development limits for Belfast. The site is zoned for Industry and Commerce within the BUAP 2001. The site is within land zoned for housing (uncommitted); and is also a Site of Local Nature Conservation Importance (SLNCI) in draft BMAP 2015. A Community Greenway also runs along the west and to the rear of the site in draft BMAP. The main issue to be considered are; The principle of the use of the proposal, The impact of the development on the character and appearance of the surrounding area, The impact on traffic and parking; Impact on the Forth River; and Other matters. 			
The proposal has been assessed against the draft development plan (dBMAP 2015) and relevant regional planning policies. The proposal is considered to be contrary to the draft plan but compliant with regional policy. No representations have been received.			
Recommendation Having had regard to the development plan and other material considerations it is recommended that the application is approved subject to conditions.			



Chara	acteristics of the Site and Area	
1.0	Description of Proposed Development	
	The proposal is for the construction of a split level youth club building with multipurpose spaces. This will be single storey at street level and two storey to the rear, reacting to the levels on the site. A retaining wall will also be erected to the south-west and south-east boundaries to facilitate the development within this sloping site. The multipurpose spaces will consist of indoor and outdoor recreation / social space.	
2.0	escription of Site	
	The application site is a vacant piece of brownfield land and is rectangular in form. The site was last occupied by the Forth River Primary School, which has since been demolished. The site is relatively flat but the land beyond this is significantly lower, forming the Forth River valley, while a row of buildings on the south-west side of the site on are land that rises. The boundaries are defined by wrought iron railings to the front (north) and palisade fencing to the other 3 boundaries. The site abuts the Ballygomartin Road on its north side; is bounded by a river that flows along its east side; two single storey commercial units on its west side; and the forth river valley and open land to its rear (south).	

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	The immediate local area is characterised by residential development, mostly Victorian townhouses interspersed with commercial development. An open park lies opposite the site.
Plann	ing Assessment of Policy and other Material Considerations
3.0	Site History
	No relevant planning history on the application site.
4.0	Policy Framework
4.1	Draft Belfast Metropolitan Area Plan 2015 Belfast Urban Area Plan 2001
	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 pre- adoption 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.
4.2	Regional Development Strategy 2035; Belfast Urban Area Plan 2001; Belfast Metropolitan Area Plan (BMAP) 2015 (draft); Strategic Planning Policy Statement for NI (SPPS); Planning Policy Statement 2 - PPS2: Natural Heritage; Planning Policy Statement 8 - PPS8: Open Space, Sport & Outdoor Recreation; Planning Policy Statement 6 – PPS 6: Planning, Archaeology and the Built Heritage; Planning Policy Statement 3 - PPS3: Access, Movement and Parking; Planning Policy Statement 15 – Planning and Flood Risk; and ODAP 03/07 – Development on Sloping Sites
5.0	Assessment
5.1	Consultations: The following bodies were consulted as part of the processing of this application: TransportNI NI Water NIEA River Agency Belfast City Council's Environment and Health Services Dept. None have any objection in principle to the proposal.
5.2	Constraints: The site is zoned for Industry and Commerce within the BUAP 2001. The site is within land zoned for housing (uncommitted) - designation WB 04/04; and also a Site of Local Nature Conservation Importance (SLNCI) (designation BT 084/26); in draft BMAP 2015. A Community Greenway (designation BT 147/02) also runs along the west and to the rear of the site in draft BMAP.
	The site falls within the development limits for Belfast in both Plans.
	The PAC report on BMAP did not advise against the proposed zoning for housing of this site. As such BMAP will carry significant weight.

There is an historic monument in close proximity to the site. NIEA was consulted and has no concerns regarding the impact of the proposal on the monument.

There is an extant planning permission within the zoning for 247 residential units that was approved in 2012; more than two years prior to the adoption of BMAP 2015. As such the zoning of the site as 'uncommitted' housing is incorrect and this zoning should have been updated from the draft plan and designated as a 'committed' housing zone. Therefore the key site requirements, which are specifically for uncommitted housing zones, should carry less weight as the zoning will not be compromised as the application site is on a residual part of the zone.

The proposal will prohibit direct access from Ballygomartin Road onto the land zoned for housing under designation WB 04/04. Access from Ballygomartin Road is a key site requirement for this zoning. Natural features such as the Forth River and a Community Greenway will prevent navigating an alternative route round the application site. However the extant permission for housing lies beyond this site and the zoning will not be compromised by this development.

Design and Finished Materials:

5.3 The proposed finished external materials will consist of dark blue brick external walls, dark grey aluminium windows and doors to the street facing elevations. The walls to the rear and rear-sides will be rendered and painted white. Materials are appropriate to that found in the surrounding locale.

The overall design consists of a rectangular shaped building with a flat roof with pitched parapets. There is a strong solid to void ratio. This complies with paragraphs 4.23-4.36 of the SPPS.

Levels:

5.4 A gabion retaining wall proposed to the rear of the site will facilitate an existing change in level. This will be 05m in height at its exposed face. The front of the site is a natural slope and this will be infilled by a maximum of 2.5m to raise it to street level. The finished floor level of the two storey rear element will be 0.3m approx. above the external ground level. The FFL of the front, single storey element will be 2.5m above the natural ground level.

Landscaping:

5.5 The proposal has an adequate level of landscaping that is relative to the prevailing local area, however a landscape plan with details of all proposed hard and soft landscaping will be required to be submitted for approval prior to construction commencing.

Amenity:

5.6 The form, design and siting of the proposed building will not affect any neighbouring properties. There are ample separation distances to surrounding properties. None of the proposed windows overlook onto any neighbouring properties. This complies with paragraphs 4.11-4.12 of the SPPS.

Access and Parking:

5.7 Roads Service has been consulted and has deemed the proposal to comply PPS 3.

Natural Heritage:

5.8 Draft BMAP states that development within SLNCIs is to be assessed under PPS 2. Policy NH 4 of PPS 2 is applicable. This states that planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on: a Local Nature Reserve; or a Wildlife Refuge. In relation to this, NIEA Natural Heritage was consulted and confirmed that they have no objections to this proposal.

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5.9	Flooding: The site is adjacent to a surface flood zone and also adjacent to the Forth River. Rivers Agency was consulted and has no concerns on the ground that the site does not lie within a 1 in 100 year fluvial flood plain, and no surface water is indicated within the site.	
5.10	Other material considerations: The application site is owned by the local Education Authority and was previously occupied by a school. The Education Authority is the applicant and the likelihood of this site being sold for redevelopment for housing is less likely.	
	The site has had a long association with the community given its last use as a school and this proposal will continue that association bringing significant community and regeneration benefits to the area.	
5.11	Conclusion Given the community benefits brought to the area form the proposal alongside the fact that the site is only 4% of the overall draft plan zoning, 0.3ha of its overall 7.8ha. Is it considered the development of this portion for a non-housing use will have little impact on the development of a comprehensive housing scheme on the rest of the zoning. Furthermore the proposal, in line with the Key Site Requirements and will not impact on the landscaped corridor associated with the Forth River as identified in dBMAP.	
6.0	Recommendation Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to the following conditions:	
7.0	Conditions:	
	 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. 	
	Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	
	2. Prior to the commencement of onsite construction works, the applicant shall submit to the Belfast Planning Authority a contaminated land risk assessment that addresses in full the human health issues identified within the Preliminary Contaminated Land Risk Assessment. This will require a Quantitative Risk Assessment (often referred to as a Phase II), conducted in accordance with Model Procedures for the Management of Land Contamination (CLR11) and must incorporate:	
	 A detailed site investigation in line with British Standard BS10175:2011+A1:2013. Ground gas investigations should be conducted in line with BS8485:2015 and BS 8576:2013; 	
	 A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with all contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases should be assessed under the methodology outlined within CIRIA publication C665; Based on the outcome of this risk assessment, a Remediation Strategy (often referred to as a Phase III) may be required. If found to be necessary, this Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and that the site no longer poses a potential risk to human health. Guidance on the production of suitably robust contaminated land risk assessments can 	

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Reason: Protection of human health

3. In the event that a Remediation Strategy is required and prior to bringing the Split Level Youth Club Building with Multi-Purpose Space into operation, in order to demonstrate that any identified human health remediation measures have been appropriately incorporated into the proposed development, the applicant shall submit to the Belfast City Council's Planning Service for approval a Verification Report. This Verification Report must be in accordance with current Environment Agency guidance and demonstrate that the mitigation measures have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. Failure to provide a satisfactory Verification Report may lead to the assumption that the site remains a risk to human health and may be subject to further investigation through forthcoming legislation.

Reason: Protection of human health

4. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Belfast City Council's Planning Service for approval. The investigation, risk assessment and if necessary remediation work, must be undertaken and verified in accordance with current best practice.

Reason: Protection of human health

5. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No.12A bearing the date stamp received 17th February 2016, to provide adequate facilities for parking and manoeuvring 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 that adequate provision has been made for parking and turning within the site.

6. Any necessary external lighting on the proposed buildings shall be restricted to security lighting fitted with movement sensors at the front entrance of the buildings only. Floodlighting shall not be used during April to October in any year to prevent any illumination of the river corridor and disturbance to European Protected Species.

Reason: To minimise the impact of the proposal on bats.

7. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to the Council for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

8. No development shall commence on site until details of all enclosures including fences and the bin store have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

9. No development shall commence on site until a detailed landscape plan has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

10. Notwithstanding the approved details hereby approved, a construction detail drawing of all retaining walls as approved shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

Informatives

1. WASTE AND CONTAMINATED LAND (NORTHERN IRELAND) ORDER 1997

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 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.

2. Notwithstanding the terms and conditions of the Planning Service approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is, 148-158 Corporation Street, Belfast, BT1 3DH. A monetary deposit will be required to cover works on the public road.

3. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

4. All construction plant and materials shall be stored within the curtilage of the site.

5. It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road.

6.• 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, unless pre-clearance surveys show an absence of breeding birds.

7. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Japanese knotweed and Himalayan balsam). These highly invasive plant species have been recorded on/adjacent to the site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site

8. Any soil, containing (Japanese knotweed and Himalayan balsam) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of (Japanese knotweed, Giant hogweed and Himalayan balsam) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Japanese knotweed, Giant hogweed and Himalayan balsam) as part of the waste transfer process. Please see the following link for Best Practice Guidance:

http://invasivespeciesireland.com/toolkit/

Further advice can be sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605

9. i) There is a 5" diameter public water main located within Ballygomartin Road, which can serve this proposal.

(ii) There is a 285mm diameter public foul sewer located within site, which can serve this proposal.

No building within 3m either side.

Your attention is drawn to Important Note (vii) below regarding construction in close proximity to existing public water and sewerage services

(iii)There is no public storm sewer available which can serve this proposal. As such the applicant should establish in liaison with DARD –Rivers Agency if discharge would be possible to any local watercourses. If this option is not deemed viable the applicant may wish to requisition NI Water to provide a suitable storm outfall sewer, see Important Note (i) below

(iv) The receiving Waste Water Treatment facility (Belfast WwTW) has sufficient capacity to serve this proposal.

Additionally and as in (ii) above where a public watermain is located within lands not in the applicant's ownership, the prior formal consent of the private land owner must be received by NI Water, prior to any "Application to Connect to a Public Watermain" being considered by NI Water

(iv) Where drainage systems within any development are intended to be offered to NI Water for adoption; ie, under an Article161 Agreement, (or retrospectively under an Article 159 Agreement), foul and storm drainage systems within and serving same must be designed and provided using separate systems. More overly storm water attenuation solutions; ie, specifically the use of oversized storm water pipes, can only be considered on the basis that all other conventional solutions have been explored and eliminated, in co-ordination with the Rivers Agency

Where an Article 161 Agreement will apply, the proposed foul and storm water drainage systems within and serving the development must have the formal approval of NI Water, prior to any application(s) to make connection(s) to the public drainage network(s) being considered.

Any drainage systems which may not be offered to NI Water for adoption; e.g., those serving new schools, hospitals, etc., must also be designed and provided on separate foul and storm water systems. Under no circumstances will storm water be permitted to enter a public foul sewer.

(v) O n I a r g e r d e v e I o p m e n t s a n d / or where specific network inadequacies already exist, an applicant may as part of a PDE response be required to formally request a public water and / or drainage Network Capacity Check (NCC), enclosing a deposit of £500 towards same.

(vii) Building over a public water main is not permitted and only in exceptional circumstances may building over a public sewer be permitted.

Where realignment of part or all of a public sewer is deemed necessary, this may in certain instances be accommodated as part of an Article 161 Agreement. In all other instances formal application to divert a public sewer, together with detailed proposals of same, must be forwarded to: Infrastructure Planning, Westland House, Old Westland Road Belfast BT41 6TE.

Current criteria regarding construction in proximity to public water mains and sewers, prohibits any foundations within 4m and 3m either side of same

respectively, other than in respect of larger diameter trunk water mains/sewers, 300mm diameter and above, where a greater minimum clearance of 6m

either side of same will be necessary and site specifically requested.

All works associated with the realignment of any public sewer may only be take place with the prior approval of and at no cost to NI Water

(viii) Where foul water discharges from sites are other that purely domestic, NI Water-

Trade Effluent Section must be contacted, in order to establish if a Trade Effluent Agreement may be applicable.

(ix) Grease traps and petrol interceptors must be used where appropriate or specifically indicated as being required.

10. The storm drainage of the site shall be designed to the principles of Sustainable Drainage Systems (SuDS) including silt traps, settlement ponds, oil interceptors etc. In addition to this the construction zone must be fenced, maintaining a 5m buffer to the river at all times.

11. Water Management Unit notes and welcomes the intention to use Sustainable Drainage Systems (SuDS). Water Management Unit recommends the storm drainage of the site, during both the construction and the operational phases, should be designed to the principles of Sustainable Drainage Systems (SuDS). Water Management Unit recommends the applicant refer and adhere to the precepts contained in DOE Standing Advice Note No. 5 – Sustainable Drainage Systems (April 2015). The applicant must refer and adhere to all the relevant precepts contained in DOE Standing Advice Note No. 4 – Pollution Prevention Guidance (April 2015).

12. The discharge of water from a dewatering operation will require consent to discharge, under the Water (Northern Ireland) Order 1999. The applicant should refer and adhere to DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

13. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DOE Standing Advice Note No. 11 – Discharges to the Water Environment (April 2015).

14. The applicant should ensure that the kitchens associated with this development have suitable, properly maintained grease traps on their effluent pipes.

15. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

16. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

17. Developers should acquaint themselves of their statutory obligations in respect of

watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

18. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

19. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

20. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

21. Where an undesignated watercourse flows through or adjacent to a development site, it is strongly advised that a working strip of appropriate width is retained to, in future, enable riparian landowners to fulfil their statutory obligations/responsibilities.

22. This planning permission includes conditions which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Planning Authority you do so at your own risk.

ANNEX			
Date Valid	29th July 2015		
Date First Advertised	4th September 2015		
Details of Neighbour Notification (all ad	ddresses)		
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69 Ballygomartin Road Edenderry Belfast			

Drawing Numbers: 01, 02A, 03A, 04, 05, 06, 07, 08, 09, 11, 12A, 14, 15.		
11th September 2015		
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