

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/2914/F	<b>Date of Committee:</b> 10 <sup>th</sup> March 2020
<b>Proposal:</b> Foul pumping station with associated landscaping in connection with application LA04/2018/2726/F for housing	<b>Location:</b> Lands to rear of 7-9 Aghery Walk Belfast Dunmurry
<b>Referral Route:</b> Associated with application LA04/2018/2726/F which is required to be brought to committee	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Apex Housing Association The Gasworks 6 Cromac Place Belfast BT7 2JB	<b>Agent Name and Address:</b> JNP Architects 2nd Floor Alfred House 21 Alfred Street Belfast BT2 8ED
<p><b>Executive Summary:</b> This application seeks full planning permission for a foul pumping station with associated landscaping which is required to serve a social housing development proposed under application LA04/2018/2726/F.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design and impact on character and appearance of the area including Draft Local Landscape Policy Area</li> <li>• Impact on amenity / human health</li> <li>• Flooding</li> </ul> <p>The application site is unzoned 'whiteland' within the settlement limits of the Lisburn Area Plan 2001. In Draft BMAP (2004), the site is zoned for social housing under ML06/05. At examination of Draft BMAP (2004), the Planning Appeals Commission (PAC) recommended that there should be no change to the site being indicated as existing open space. In the BMAP Adoption Statement 2014 by the then DOE, they did not except this recommendation and stated that the site was in fact zoned for Social Housing on Map. 3/019. The site was subsequently zoned for social housing under ML 04/08 of Draft BMAP 2015 (final draft version prior to adoption).</p> <p>The site would fall under the definition of open space as per the annex to PPS8 and the proposal would result in the loss of open space. However, it is considered that there are material considerations that would outweigh the loss of open space in this exceptional instance. These considerations include the zoning of land for social housing within both Draft BMAP (2004) and Draft BMAP 2015 (final draft version prior to adoption), the extensive housing need within this area and the remaining retention of open space of the larger site.</p> <p>The proposal would not adversely impact the character and appearance of the area including the draft Derryaghy LLPA and amenity of nearby residents or human health. In addition, the proposal raises no unacceptable flooding risks.</p>	

NI Water, DAERA (Drainage and Water) and BCC Environmental Health were consulted and have offered no objection to the proposal.

105 letters of objection have been received, summarised as:

- Smell from sewage waste;
- Already have carriageway traffic at back of Areema Drive;
- Drainage of sewage adding to an area already prone to flooding;
- Disturbance of Japanese knotweed causing damage to properties;
- Will cause great physical and mental concern to the whole community.

These matters are addressed in the main body of the report below.

The proposal has been assessed against and is considered to comply with PPS7, PPS8 and PPS11, the SPPS and Draft BMAP. Having regard to the development plan, relevant planning policies, and other material considerations including third party representations, on balance, it is recommended that the proposal is approved.

**Recommendation – Approved subject to conditions**

It is requested that the committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the final wording of conditions.



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This application seeks full planning permission for a foul pumping station with associated landscaping which is required to serve a social housing development proposed under application LA04/2018/2726/F. The foul pumping station is to be enclosed by a 1.8m high timber fence with a landscaping buffer surrounding it. The footprint of the enclosure is 5m x 5m with an area of 25 sq.m. The majority of the plant is to be underground with the exception of the 1.8m control panel/ kiosk, hose reel and 5m light pole.</p>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application site comprises an area of existing grassed open space in front of housing along Areema Drive. The surrounding area is defined by mix of housing and open spaces.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>S/2014/0839/PREAPP - Outline permission for housing development – Withdrawn</p> <p>LA04/2015/0465/PAD - Social Housing Development – PAD concluded</p> <p>LA04/2015/1412/PAD - Proposed social housing development consisting of approximately 40 units including associated amenity space, parking, site works and access roads and infrastructure – PAD concluded</p> <p>LA04/2018/2726/F - Social housing development of 20no semi-detached dwellings and 2no apartments – Pending</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Lisburn Area Plan (2001)
4.1.1	Policy H2 Housing
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which 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.
	Draft BMAP 2004
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
4.2.2	Policy HOU3 Social Housing
4.2.3	Policy ENV3 Local Landscape Policy Areas
	Designation ML01 Metropolitan Development Limit Lisburn
4.2.4	Designation ML06/05 – Social housing
4.2.5	Designation ML17 Local Landscape Policy Area Derryaghy River
	Draft BMAP 2015 (purported to be adopted)
4.2.6	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.2.7	Allocation HOU 2 Social Housing
4.2.8	Policy ENV1 Local Landscape Policy Area
4.2.9	Policy OS1 Community Greenways
4.2.10	Zoning ML 04/08 Social Housing - Key Site Requirements
4.2.11	Designation ML15 Local Landscape Policy Area Derryaghy River
4.3	Regional Development Strategy 2035

4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 11: Planning and Waste Management
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	NI Water – Advice
5.2	DAREA (Drainage and Water) – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection
<b>7.0</b>	<b>Representations</b>
7.1	<p>The application was neighbour notified on the 23<sup>rd</sup> January 2020. It was advertised in the local press on the 27<sup>th</sup> December 2019. The consultation period expired on the 6<sup>th</sup> February 2020.</p> <p>A total of 105 letters of objection have been received from residents, summarised as:</p> <ul style="list-style-type: none"> <li>• Smell from sewage waste which would be a constant environmental issue;</li> <li>• Already have carriageway traffic at back of Areema Drive;</li> <li>• Drainage of water from sewage would add to an area already prone to flooding;</li> <li>• Japanese knotweed along the back of the river, which if disturbed will cause damage to properties;</li> <li>• Will cause great physical and mental concern to the whole community.</li> </ul> <p>These issues are addressed in the main body of the report below.</p> <p>A meeting was held with Councillor Heading and the applicant Apex on Tuesday 25<sup>th</sup> February 2020.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland Creating Places The Belfast Agenda
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design, Impact on character and appearance of the area including draft Local Landscape Policy Area (LLPA)</li> <li>- Impact on amenity / human health</li> <li>- Flooding</li> <li>- Other matters</li> </ul>
9.3	<p><u>Principle of development</u></p> <p>The application site is unzoned ‘whiteland’ within the settlement limits of the Lisburn Area Plan 2001. In Draft BMAP (2004), the site is zoned for social housing under ML06/05. At examination of Draft BMAP (2004), the Planning Appeals Commission (PAC) recommended that there should be no change to the site being indicated as existing open space. In the BMAP Adoption Statement 2014 by the then DOE, they did not except this recommendation and stated that the site was in fact zoned for Social Housing on Map. 3/019 and NIHE confirmed that there is a substantial housing need in and around Areema and noted planning permission</p>

	for 10 units had lapsed. Please note reference to previous planning permission was an error as there is no previous planning history. The site was subsequently zoned for social housing under ML 04/08 of Draft BMAP 2015 (final draft version prior to adoption).
9.4	Currently the site would fall under the definition of open space as per the annex to PPS8 and the proposal would result in the loss of open space. However having regard to the zoning of the land as social housing within both Draft BMAP (2004) and Draft BMAP 2015 (final draft version prior to adoption) which merits substantial weight, the extensive housing need within this area which would represent a substantial community benefit and remaining retention of open space of the larger site, these material considerations are considered to outweigh the loss of open space in this instance. Therefore, the principle of housing and proposed foul pumping station which is essential infrastructure required serve the housing is considered acceptable in accordance with Policy OS1, the SPPS and Draft BMAP.
	<u>Design and Impact on the character and appearance of the area including draft LLPA</u>
9.5	The proposed pumping station is limited in scale and footprint. A 1.8 metre high timber fence with a surrounding landscaping buffer and tree planting would screen all the associated plant and equipment with the exception of the light pole, which would be akin to a normal street light. The landscaping buffer would provide the structure with a soft edge ensuring that it would not adversely impact the character and appearance of the area including the draft LLPA. The proposal would therefore comply with Policy QD1 of PPS7, Policy WM1 of PPS11, the SPPS and Draft BMAP.
	<u>Impact on Amenity/ Human Health</u>
9.6	There would be a 15 metre buffer maintained between the proposed plant and the nearest residential property at 7 Aghery Walk. The foul pumping station is to be built to NI Water's adoption standards. A Noise Impact Assessment has been submitted which demonstrates that any noise generated from the foul pumping station plant would be well below the background noise levels for both day and night time for the site, therefore no impact is likely to occur in respect of noise.
9.7	An Odour Impact Assessment was also carried out which demonstrates that odour concentrations would be low / negligible and therefore unlikely to have an adverse impact on surrounding properties. NI Water and DAERA were consulted and offer no objection. Environmental Health also reviewed the reports and are content with the proposal.
9.8	On this basis, it is considered that the proposal would not result in an unacceptable adverse impact on the amenity of neighbouring properties or human health in accordance with Policy QD1 of PPS7, Policy WM1 of PPS11 and the SPPS.
	<u>Flooding</u>
9.9	This part of the site is not located within the fluvial or pluvial flood plain. A Drainage Plan has been submitted showing the integration of the pumping station with the housing proposed under application LA04/2018/2726/F. The Flood Risk and Drainage Assessment submitted under the housing application included an allowance for the pumping station. The discharge rates proposed mimic the Greenfield run-off rate and Rivers Agency have offered no objection under the housing application. Therefore, it is considered that the proposal raises no unacceptable flooding risks in accordance with Policy WM1 of PPS11.
	<u>Other matters</u>
9.10	Concern has been raised from local residents over the presence of Japanese knotweed. An Invasive Species Survey of the wider site has already been carried out as part of application LA04/2018/2726/F. The survey found one continuous strand of Japanese knotweed within the woodland along the southern boundary and Himalayan balsam along the western boundary. The proposed pumping station is not located within close proximity to any of these areas. In

9.11	<p>any case, this matter is covered by separation legislation not planning. An Invasive Species Management Plan has been submitted under application LA04/2018/2726/F, which recommends various control measures to ensure that the proposed works do not cause them to spread on or off site.</p> <p>The only traffic associated with the foul pumping station would for servicing and maintenance purposes, which would be infrequent raising no concerns in relation to traffic generation.</p>
10.0	<p><b>Summary of Recommendation:</b>          Having regard to the development plan, relevant policy context and other material considerations including third party representations, on balance, the proposal is considered acceptable. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of conditions.</p>
11.0	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. The foul pumping station hereby permitted shall be fully constructed prior to the occupation of any of the dwellings approved under application LA04/2018/2726/F and maintained thereafter in accordance with NI Water adoption standards.  Reason: In the interests of public health.</li> <li>3. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number 06 stamped received by Belfast City Council 18<sup>th</sup> December 2019. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.</li> <li>4. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan stamped received by Belfast City Council XX unless otherwise agreed in writing by the Local Planning Authority.  Reason: In the interests of biodiversity and to protect the general amenity and character and appearance of the locality.</li> </ol>

**Notification to Department (if relevant):** N/A

**Representations from Elected members:** Meeting held with Councillor Heading and the applicant Apex on Tuesday 25<sup>th</sup> February 2020.

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

9 – 19 Aghery Walk, Dunmurry, Dunmurry, Antrim, BT17 0QQ

44- 86 Areema Drive, Dunmurry, Dunmurry, Antrim, BT17 0QG

Flat A - D, 7 Aghery Walk, Dunmurry, Dunmurry, Antrim, BT17 0QQ