

Development Management Officer Report Committee Application

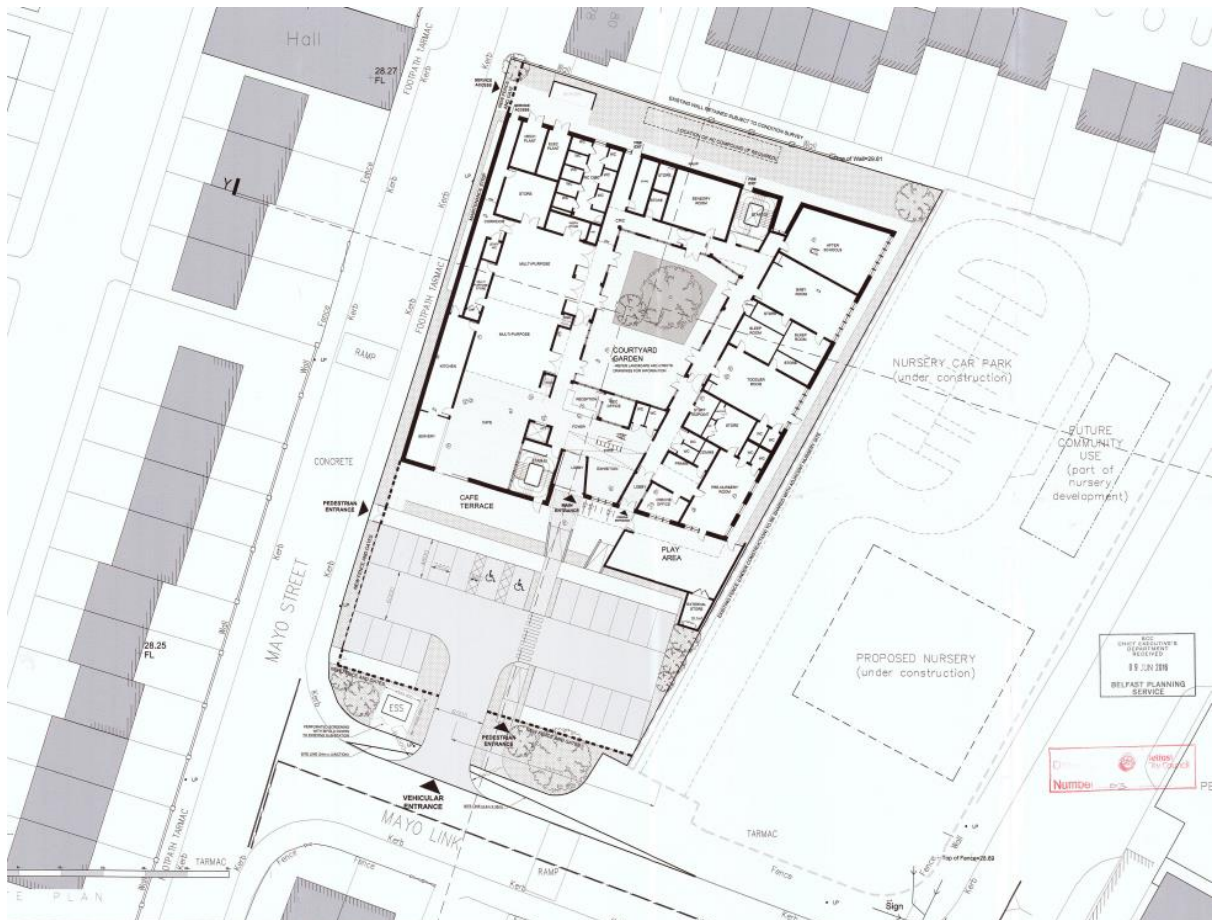
Summary	
Committee Meeting Date: Tuesday 17 th May 2022	
Application ID: LA04/2021/2811/F	
Proposal: Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development).	Location: Corner site between Mayo Street and Mayo Link off Lanark Way Shankill Road Belfast.
Referral Route:	Major application
Recommendation:	Approval
Applicant Name and Address: Shankill Women's Centre	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: <p>This Section 54 planning application seeks to vary condition 6 of planning permission LA04/2016/1276/F to amend the trigger point for implementation of archaeological works in accordance with an approved programme of works at the site.</p> <p>DfC Historic Environment Division (HED) has been consulted.</p> <p>HED are the key body in relation to this matter and have responded with no objection to the proposed change to condition 6, subject to the following revised wording:</p> <p><i>No development shall be carried out unless in accordance with the Programme of Archaeological Works prepared by Farrimond McManus, submitted to the Council on 8 March 2021 and approved by the Council under Discharge of Condition application LA04/2021/0534/DC on 27 July 2021. Thereafter, the development should be implemented in accordance with that approved written scheme and programme.</i></p> <p><i>Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</i></p> <p>It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.</p>	

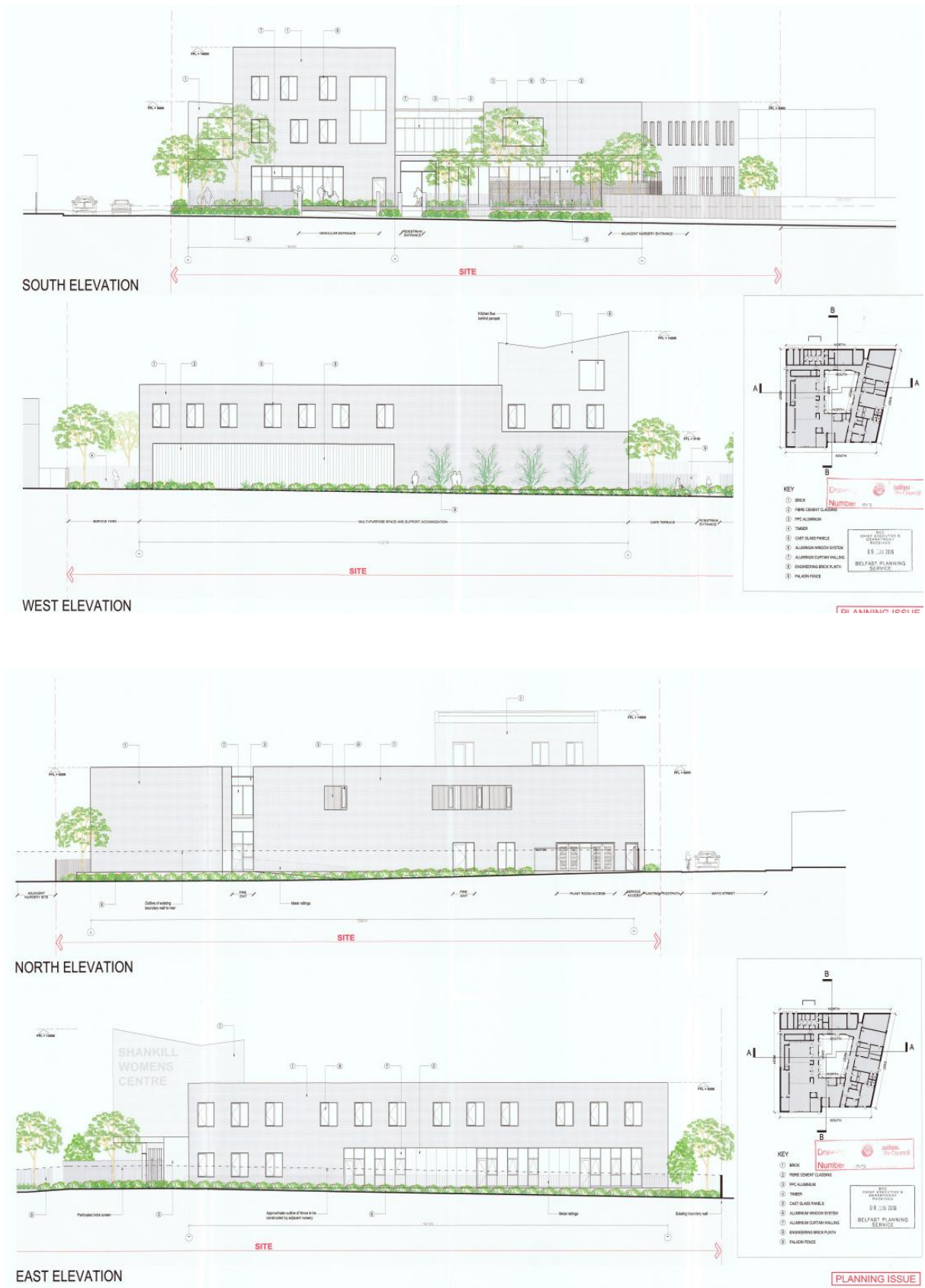
Having regard to the Development Plan, and relevant material considerations, including the response from HED, the proposed amendment to condition 6 of the original planning permission is considered acceptable.

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 conditions.

Case Officer Report

Site Location Plan/Approved Site Layout





Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	On 4 th January 2017, full planning permission was granted under application LA04/2016/1276/F for Community centre and associated site works at corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast.
1.2	On 20 th October 2021, the current application was submitted seeking to vary Condition 6 of planning approval LA04/2016/1276/F.
1.3	<p>Condition 6 as approved states:</p> <p><i>No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by qualified archaeologist, submitted by the applicant and approved by the department. The programme should provide for the identification and evaluation of archaeological remains within the site, for the mitigation of the impacts of development, through excavation recording or by preservation of remains, and for the preparation of an archaeological report.</i></p> <p><i>Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</i></p>
1.4	A programme of archaeological works (POW) was prepared by Farrimond MacManus Ltd and was approved under an application to discharge condition 6 (LA04/2021/0542/DC). HED was consulted under LA04/2021/0542/DC. By response dated 31 March 2021, HED advised that the approval of the POW report was not sufficient to meet all the terms of condition 6 as drafted above and therefore the condition was only partially discharged.
1.5	The condition also requires the works contained within the POW to have been implemented and reported on prior to the commencement of development. This is not possible given that the POW identifies that an archaeologist should be on site to monitor site clearance and ground works. Accordingly, the recommendations in the POW will only be able to be completed alongside the site works. As drafted the requirements of condition 6 are not capable of being met and the developer (Belfast City Council) is being prevented from making a start to any works on site.
1.6	<p>As the POW is already agreed by HED and approved by BCC Planning under LA04/2021/0542/DC, this will ensure that the requirements of condition 6 are met as an archaeologist will be on site and a report will be provided to HED as set out in the POW. It is therefore proposed to vary the wording of condition 6 as follows:</p> <p><i>No development shall be carried out unless in accordance with the Programme of Archaeological Works prepared by Farrimond McManus, submitted to the Council on 8 March 2021 and approved by the Council under Discharge of Condition application LA04/2021/0534/DC on 27 July 2021. Thereafter, the development should be implemented in accordance with that approved written scheme and programme.</i></p> <p><i>Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</i></p>

2.0	<u>Description of Site and Area</u>
2.1	The site comprises of a flat portion of land currently fenced. To the north, west and south there are residential land uses. Immediately to the East is a Nursery School.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u>
3.1	Full details of all historical applications are provided at Annex A.
4.0	<u>Policy Framework</u>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPSS) Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and Built Heritage Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk Developer Contribution Framework 2020
5.0	<u>Statutory Consultees</u>
	HED (Historic Monuments) – No objections.
6.0	<u>Non-Statutory Consultees</u>
	N/A
7.0	<u>Representations</u>
7.1	No representations were received.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies

	relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.
8.1.4	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 the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (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 this transitional period existing policies will be applied including the SPPS and relevant PPSs.
8.2	<u>The acceptability of the proposed amendments to condition 6</u>
8.2.1	HED (Historic Monuments) was consulted and by response dated 11 June 2021, confirmed that they had no objections to the proposed variation of the condition.
8.2.2	<p>Having regard to the advice from HED and that the previous wording means that the condition cannot be complied with, it is considered that the variation to condition 6 is acceptable. It is recommended that Condition 6 should be amended to read as follows:</p> <p><i>No development shall be carried out unless in accordance with the Programme of Archaeological Works prepared by Farrimond McManus, submitted to the Council on 8 March 2021 and approved by the Council under Discharge of Condition application LA04/2021/0534/DC on 27 July 2021. Thereafter, the development should be implemented in accordance with that approved written scheme and programme.</i></p> <p><i>Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</i></p>
8.3	<u>Public Consultation</u>
8.3.1	The application was advertised on 22nd December 2021 and neighbour notifications were issued on 19 th January 2022. No representations have been received.
8.4	<u>Conclusion</u>
8.4.1	The proposal to vary condition 6 is considered reasonable and acceptable having had regard to the consultation response from HED (Historic Monuments) which advises that they have no technical objections to the application.
9.0	Summary of Recommendation:
9.1	Having regard to the Development Plan and other relevant material considerations, the proposal is considered acceptable.
9.2	The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. 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 conditions.

10.0	Draft Conditions:
10.1	*Please note that the other original conditions will need to be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2016/1276/F have been discharged and final wording will make reference to this.
10.2	The development hereby permitted shall be begun before 15 th April 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
10.3	No development shall be carried out unless in accordance with the Programme of Archaeological Works prepared by Farrimond McManus, submitted to the Council on 8 March 2021 and approved by the Council under Discharge of Condition application LA04/2021/0534/DC on 27 July 2021. Thereafter, the development should be implemented in accordance with that approved written scheme and programme. Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.
11.0	Representations from Elected Representatives (if relevant) N/A
12.0	Referral to DfI (if relevant) N/A

ANNEX	
Date Valid	25th November 2021
Date First Advertised	31st December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Mayo Link,Belfast,Antrim,BT13 3BD The Owner/Occupier, 10 Mayo Link,Belfast,Antrim,BT13 3BD The Owner/Occupier, 104 Ainsworth Avenue,Belfast,Antrim,BT13 3EP The Owner/Occupier, 104a ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP The Owner/Occupier, 104b ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP The Owner/Occupier, 104c ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP The Owner/Occupier, 104d ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP The Owner/Occupier,	

104e ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 104f ,Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 106 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 108 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 110 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 112 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 114 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 117 Mayo Street,Belfast,Antrim,BT13 3AZ
 The Owner/Occupier,
 12 Mayo Link,Belfast,Antrim,BT13 3BD
 The Owner/Occupier,
 124 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 124 Ainsworth Avenue,Belfast,Antrim,BT13 3EP
 The Owner/Occupier,
 13 Caledon Court,Belfast,Antrim,BT13 3BB
 The Owner/Occupier,
 14 Caledon Court,Belfast,Antrim,BT13 3BB
 The Owner/Occupier,
 15 Caledon Court,Belfast,Antrim,BT13 3BB
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 16 Caledon Court,Belfast,Antrim,BT13 3BB
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 19 Caledon Court,Belfast,Antrim,BT13 3BB
 The Owner/Occupier,
 20 Caledon Court,Belfast,Antrim,BT13 3BB
 The Owner/Occupier,
 6 Mayo Link,Belfast,Antrim,BT13 3BD
 The Owner/Occupier,
 78 Mayo Street,Belfast,Antrim,BT13 3AZ
 The Owner/Occupier,
 8 Mayo Link,Belfast,Antrim,BT13 3BD
 The Owner/Occupier,
 80 Mayo Street,Belfast,Antrim,BT13 3AZ
 The Owner/Occupier,
 95 Mayo Street,Belfast,Antrim,BT13 3AZ

Date of Last Neighbour Notification

19th January 2022

Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA04/2021/0534/DC Proposal: Discharge of condition no. 6 of LA04/2016/1276/F (program of archaeological works) Address: Corner site between, Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast., Decision: RL Decision Date:</p> <p>Ref ID: LA04/2021/2446/NMC Proposal: NMC to Planning Approval LA04/2016/1276/F Address: Corner site between Mayo Street and Mayo Link off Lanark Way, Shankill Road, Belfast, Decision: Decision Date:</p> <p>Ref ID: LA04/2021/2365/DC Proposal: Discharge of condition no.8 - LA04/2016/1276/F Address: Corner site between Mayo street and Mayo Link, off Lanark Way, Shankill Road, Belfast, Decision: AL Decision Date:</p> <p>Ref ID: LA04/2021/2488/F Proposal: Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary Condition No. 11 (seeking to amend timing for approval of the scheme for the discharge of surface water from the site prior to operation of the development). Address: Corner site between Mayo Street and Mayo Link off Lanark Way, Shankill Road, Belfast, Decision: Decision Date:</p> <p>Ref ID: LA04/2021/2346/DC Proposal: Discharge of condition 11 of LA04/2016/1276/F Address: Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast, Decision: WITHDR Decision Date: 26.10.2021</p> <p>Ref ID: LA04/2021/2811/F</p>	

Proposal: Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development).

Address: Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast.,

Decision:

Decision Date:

Ref ID: LA04/2016/1276/F

Proposal: Community centre and associated site works.

Address: Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast,

Decision: PG

Decision Date: 09.01.2017

Ref ID: LA04/2017/0884/A

Proposal: Nursery school signage. 2 x Fixed to the surface of the building. 1 x Monolith free standing sign post.

Address: Edenderry Nursery School, 1 Mayo Link, Belfast, BT13 3BH,

Decision: CG

Decision Date: 22.08.2017

Ref ID: Z/2011/0592/F

Proposal: The creation of a new two-class base nursery school with associated external play areas including parking and drop-off facilities.

Address: Junction of Lanark Way and Mayo Link Belfast BT13 3BH,

Decision:

Decision Date: 07.02.2012

Ref ID: LA04/2016/0511/DC

Proposal: Discharge of condition 19 Planning application Z/2011/0592/F

Address: Junction of Lanark Way, and, Mayo Link, Belfast,

Decision: AL

Decision Date:

Ref ID: LA04/2017/0746/F

Proposal: 2 No. storage containers and access path.

Address: Edenderry Nursery School, 1 Mayo Link, Belfast, BT13 3BH,

Decision: PG

Decision Date: 29.09.2017

Ref ID: Z/2007/1663/F

Proposal: Construction of 10no. apartments and 42no. townhouses. (52no. units in total)

Address: Site at junction of Lanark Way/Mayo Street/Mayo Link, Belfast.

Decision:
Decision Date: 11.02.2009

Ref ID: Z/2005/2387/O
Proposal: Housing development comprising detached, semi-detached dwellings, bungalows and 15 no apartments (47 units total)
Address: Land at junction of Lanark Way and Mayo Link, Shankill Road, Belfast
Decision:
Decision Date: 06.02.2007

Ref ID: Z/1999/2556
Proposal: Provision of new 6m wide access and gates.
Address: 102 Mayo Street, Belfast BT13
Decision:
Decision Date: 13.02.2000

Ref ID: LA04/2015/1220/DC
Proposal: Discharge of Conditions 12 and 13 of Planning Approval Z/2011/0592/F
Address: Junction of Lanark Way and Mayo Link, Belfast, BT13 3BH,
Decision: AL
Decision Date:

Ref ID: LA04/2016/2523/DC
Proposal: Discharge of conditions 10,11 & 14 Planning application Z/2011/0592/F
Address: Junction of Lanark Way and Mayo Link, Belfast,
Decision: AL
Decision Date:

Ref ID: LA04/2016/0353/PAD
Proposal: Erection of community centre extending to approx. 1849sq metres to include creche/day nursery and associated play area; classrooms; training rooms; ancillary office accommodation; storage and refuge space; circulation area; landscaping; associated car parking and other minor ancillary works.
Address: Lands bound by Mayo Street and Mayo Link at Lanark Way, Belfast,
Decision:
Decision Date:

Ref ID: LA04/2016/0320/PAN
Proposal: Erection of community centre extending to approximately 1849sq metres to include creche/day nursery and associated play area; classrooms; training rooms; ancillary office accommodation; storage and refuge space; circulation area; landscaping; associated car parking and other minor ancillary works.
Address: Lands bounded by Mayo Link and Mayo Street at Lanark Way, Belfast,
Decision: PANACC
Decision Date:

Ref ID: Z/1974/0613
Proposal: ERECTION OF LOADING BAY
Address: MAYO STREET
Decision:
Decision Date:

Ref ID: Z/1985/2420
Proposal: CONSTRUCTION OF NEW HOUSE AND FLAT DEVELOPMENT
Address: 64-100 MAYOR STREET, 79-115 MAYO STREET
Decision:
Decision Date:

Ref ID: Z/1980/1464
Proposal: PROPOSED YOUNG PERSON'S HOSTEL
Address: 102 MAYO STREET
Decision:
Decision Date:

Ref ID: Z/1977/1063
Proposal: ERECTION OF YOUTH CLUB
Address: 35 CALEDON STREET
Decision:
Decision Date:

Ref ID: Z/1985/1748
Proposal: ERECTION OF 9 DWELLINGS
Address: AINSWORTH HOUSING ACTION AREA PHASES 12, 16 AND 20
Decision:
Decision Date:

Ref ID: Z/1979/1087
Proposal: HOUSING DEVELOPMENT
Address: LAND TO REAR OF 1/33 CALEDON STREET AND 64-100 MAYO STREET
BT13
Decision:
Decision Date:

Appendix 1 :Development Management Officer Committee Report for LA04/2016/1276/F

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 October 2016	
Application ID: LA04/2016/1276/F	
Proposal: Community centre and associated site works.	Location: Corner site between Mayo Street and Mayo Link off Lanark Way Shankill Road Belfast
Referral Route: Major Application	
Recommendation:	Approval subject to Conditions
Applicant Name and Address: Shankill Women's Centre 151-157 Shankill Road Belfast BT13 1FD	Agent Name and Address: Todd Architects 2nd Floor Titanic House 6 Queens Road Belfast BT3 9DT
<p>Executive Summary:</p> <p>Full planning permission is sought for a community centre and associated site works.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of a community centre at this location; • Design and scale; • Impact on the character of the area and on residential amenity; and • Traffic, Parking and Environmental considerations. <p>The site is located within the development limits of Belfast in the Belfast Metropolitan Area Plan (BMAP) and is identified as being within an Existing Employment zoning BT 005/20 Lanark Way.</p> <p>Whilst the proposed use is contrary to the existing employment zoning, it is considered that the principle of development is considered acceptable as the zoning has been substantially redeveloped for other uses and this portion of the site is no longer suitable for modern employment use given its location in close proximity to residential and educational land use.</p> <p>The height, scale and massing of the building is considered acceptable given the site's context. The proposed design and treatment of the elevations marries successfully with the existing built form in the area.</p> <p>In terms of amenity, the proposed land use will not cause conflict with nearby residential properties.</p>	

Rivers Agency is still outstanding in respect to the drainage assessment, however an informal response has been discussed and no objection is likely to be raised. All other Consultees offered no objection subject to conditions.

17 objections from a third party have been received. The main issue raised relates to the proposed description being a community centre.

The Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.

Recommendation

Approval with conditions as set out in case officer report below.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

Proposed Community Centre and associated site works.

2.0 Description of Site

The site comprises of a flat portion of land currently fenced. To the north, west and south there are residential land uses. Immediately to the East is a Nursery School currently under construction.

Planning Assessment of Policy and other Material Considerations

3.0 Planning History

Z/2005/2387/O- Housing development comprising detached, semi-detached dwellings, bungalows and 15 no apartments (47 units total). Withdrawn 06.02.2007.

Z/2007/1663/F- Construction of 10no. apartments and 42no. townhouses. (52no. units in total). Withdrawn 11.02.2009.

Adjacent

Z/2011/0592/F- The creation of a new two-class base nursery school with associated external play areas including parking and drop-off facilities. Approved 03.02.2012.

4.0	Policy Framework
4.1	Belfast Metropolitan Area Plan 2015
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 4: Planning and Economic Development Planning Policy Statement 13:Transportation and Land Use Planning Policy Statement 15 (Revised) – Planning & Flood Risk
5.0	Statutory Consultee Responses
	Transport NI- No objections subject to conditions; NIWater- No objections; Historic Environment Division- No objections; NIEA- No objections subject to conditions; Rivers Agency- Awaiting comments.
6.0	Non Statutory Consultee Responses
	Belfast City Council EPU- No Objections subject to conditions
7.0	Representations
	The application has been neighbour notified and advertised in the local press. 17 representations have been received. The main issues raised include: <ul style="list-style-type: none"> that the proposal is a Women's Centre and not a Community Centre; and that it has no support from the local community.
8.0	Other Material Considerations
8.1	N/A
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> The principle of a community centre at this location; Design and scale; Impact on the character of the area and on residential amenity; and Traffic, Parking and Environmental considerations.
9.2	The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paras 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states PPS3 remains applicable under transitional arrangements. <u>Principle of Proposed use</u>
9.3	Article 6 (4) of the Planning (Northern Ireland) Act states that in making any determination under the act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.4	The proposal was assessed against Policy PED7 of PPS4 given that it is identified as being within an existing employment zoning. This policy states ' <i>development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses. It further states that an exception will be permitted for the development of a sui generis employment use within an existing or</i>

	<i>proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development'.</i>
9.5	The applicant's case is that, amongst others points, the proposal is a sui generis employment use. However, a Community Centre falls within Class D2 and is therefore not considered to be a sui-generis use. The proposal will provide employment for approximately 30 members of staff by an established public sector provider, fulfilling a role in providing training and educational services to equip women in the local area to gain employment. Whilst it is not a sui generis use it does have support from the local community. It will result in employment and given the changing nature of industrial employment uses, it is considered that the area of land may not have provided greater than 30 jobs in an industrial use in any case.
9.6	It is also considered that the zoning has been significantly redeveloped for other uses. Through the granting of planning permission for a nursery school between the site and Lanark Way under planning permission Z/2011/0592/F it has in effect cut off the site from the main road (Lanark Way). As a consequence the site can only be accessed from the minor side street and given its proximity to residential dwellings it is considered that an industrial use may have resulted in conflicts with residential use. On that basis it is considered that the proposal meets the policy tests under PED7. <u>Scale, Massing Design</u>
9.7	The proposal consists of a part 3 storey part 2 storey flat roof development with a footprint that is roughly rectangular in shape. It is considered that the scale and massing of the building respects the surrounding context. Materials are also appropriate and consistent with the existing built form in the immediate area. <u>Impact on Residential Amenity</u>
9.8	The nearest dwellings are located in Caledon Court. A small service alleyway separates these dwellings from the proposed site. It is considered that the building is adequately detached from the nearby residential properties and will not adversely impact in terms of dominance and overshadowing. Windows are angled away on the north elevation to inhibit overlooking. <u>Access and Parking</u>
9.9	The proposal has been assessed against PPS3: Access, Movement and Parking. Given the sites location within the inner city (highly accessible location in close proximity to services and amenities) it is considered that the proposal is acceptable with 21 spaces and 2 disabled spaces provided. <u>Contaminated Land</u>
9.10	A Preliminary and Generic Quantitative Risk Assessment (PRA and GQRA) report has been provided by RSK Ireland (RSK) in support of this application. Intrusive site investigations have been undertaken in support of the risk assessment. No unacceptable risks to environmental receptors have been identified. Waste Management (WM) (Land and Groundwater Team) have no objections to the development provided Conditions and Informatives are placed on any Planning Decision Notice, as recommended.

	<p><u>Archaeological Monuments</u></p>
9.11	<p>The application site is located on the site of the former Doagh Flax Mill factory (IHR 10356). The site is recorded on the Department's Industrial Heritage Record and is protected by PPS 6 Policy BH2. Historic Environment Division: Historic Monuments (HED: HM) has considered the impacts of the proposal. HED: HM is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6.</p>
	<p><u>Surface Water Flooding</u></p>
9.12	<p>There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain. Through the pre application Pan it was noted a Drainage Assessment would be required and hence one was submitted as part of the application. The Drainage Assessment states that implementation of the proposed scheme would significantly reduce surface water discharge from the site to the public combined sewer system. Whilst Rivers Agency is still outstanding verbal clearance has been given to take the application forward to planning committee.</p>
	<p><u>Pre-Community Consultation</u></p>
9.13	<p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.14	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/0320/PAN) was submitted to the Council on 9th February 2016.</p>
9.15	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.16	<p>A Pre Application Community Consultation Report has been submitted in support of this application and is considered to meet the statutory requirements.</p>
9.17	<p>In regard to the objections received it is considered that:</p> <ul style="list-style-type: none"> Both a Women's Centre and Community Centre fall under the same use class under the legislation – there is no differentiation (Use Classes Order 2015)
10.0	<p>Summary of Recommendation: Approval</p> <p>Having regard to the development plan, relevant planning policies, and other material considerations, it is determined that the development will not cause demonstrable harm to the interests of acknowledged importance. Approval is therefore recommended.</p>

11.0	<p>Conditions</p> <p>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>2. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>3. After completing all remediation works under Condition 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>4. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>5. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>
12.0	<p>Notification to Department (if relevant)</p> <p>N/A</p>
13.0	<p>Representations from Elected members:</p> <p>None</p>

ANNEX	
Date Valid	9th June 2016
Date First Advertised	8th July 2016
Date Last Advertised	8th July 2016
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10, 12, Mayo Link,Edenderry,Belfast,Antrim,BT13 3BD, The Owner/Occupier, 102, 102a, 104, 106, 108, 110, 112, 114, 116 Ainsworth 117 Mayo Street,Edenderry,Belfast,Antrim,BT13 3AZ, 124 Ainsworth Avenue,Edenderry,Belfast,Antrim,BT13 3EP, 13, 14, 15, 16, 17,19, 20, 22, 23, 24 Caledon Court, 28, Hillside Crescent, Belfast, Antrim, Northern Ireland, BT9 5EN 6 , 8Mayo Link,Edenderry,Belfast,Antrim,BT13 3BD, 60 Lanark Way,Edenderry,Belfast,Antrim,BT13 3BH, 78, 80, 95 Mayo Street,Edenderry,Belfast,Antrim,BT13 3AZ, Ainsworth Community Centre,Ainsworth Avenue,Edenderry,Belfast,Antrim,BT13 3EP, Ainsworth Residents Group, C/o Lower Shankill Community Association, 119-121 Shankill Road, Belfast, BT13 1FD	
Date of Last Neighbour Notification	11 th July 2016
Date of EIA Determination	N/A
ES Requested	N/A