

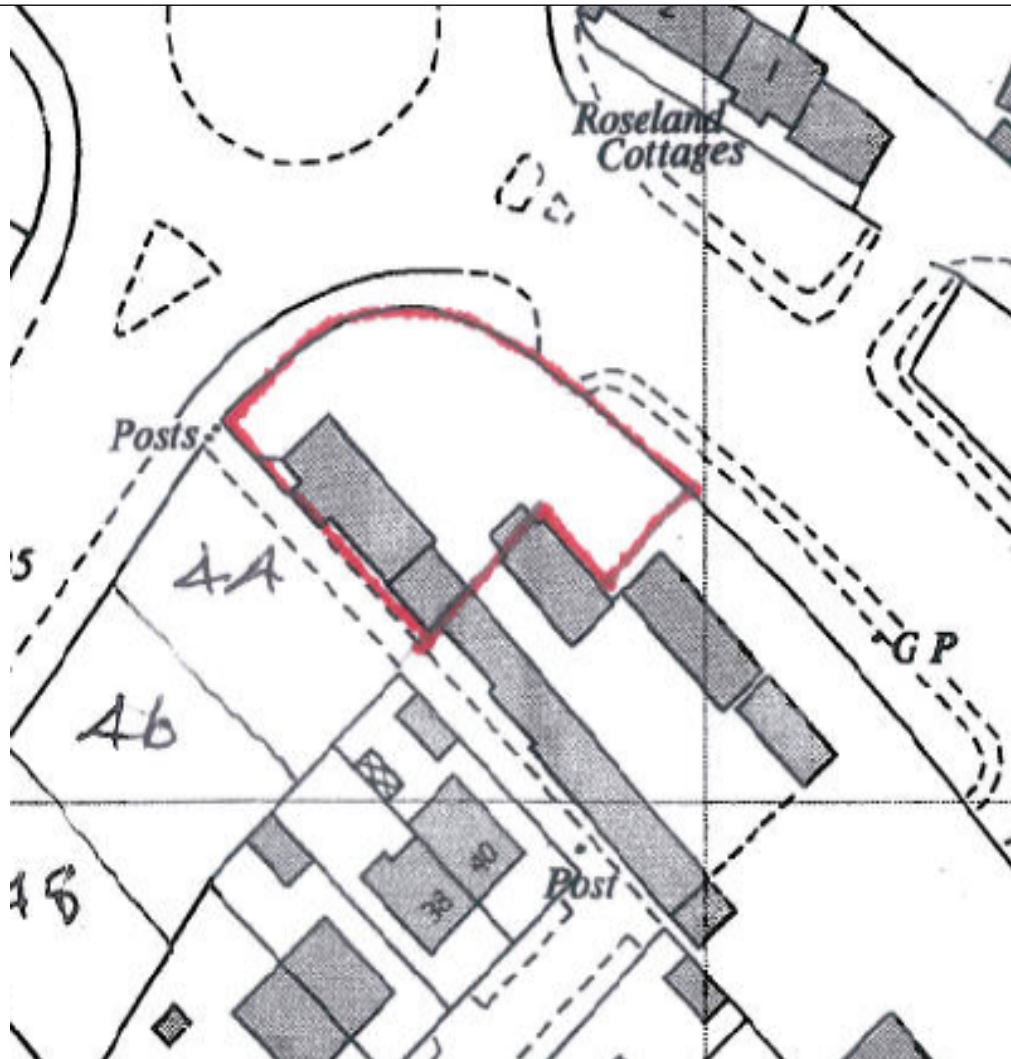
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 May 2016	
Application ID: Z/2014/1396/F	
Proposal: Erection of 3 storey office block	Location: 50 Kennedy Way Ballydownfine Belfast BT11 9AP
Referral Route: Legacy case requested to be brought to Committee	
Recommendation:	Approve subject to conditions.
Applicant Name and Address: Timothy Hopkins 50 Kennedy Way Belfast BT11 9AP	Agent Name and Address: Paddy Byrne Architects 108 Appleton Park Belfast BT11 9JF
<p>Executive Summary: This application seeks full planning permission for the erection of a 3 storey office block with an area of hard standing for the provision of 10 no. parking spaces.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • the principle of office use on the site • design and impact on character of the area • access • planning history <p>The site is within the settlement limit for Belfast as designated in BMAP 2015. It is zoned as a commercial/shopping area and fronts onto an arterial route.</p> <p>The principle of office development is established on the site in that planning permission was granted in August 2008 for the same office development under reference no. Z/2007/2455/F. This is in effect a renewal application.</p> <p>The proposal was assessed against the Development Plan (BMAP2015); Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement (PPS) 3; Access, Movement and Parking; PPS4 Planning and Economic Development. The proposal complies with the above policy documents.</p> <p>There was 1 letter of objection received. The issues raised are:</p> <ul style="list-style-type: none"> • increase of traffic • noise • character of the area • visual amenity • loss of light <p>These are assessed in the case officer's report.</p> <p>Consultees have no objections subject to conditions</p>	

An approval with conditions is recommended.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Transport - Hydebank	No objections subject to conditions
Non Statutory	Env Health Belfast City Council	No objections
Statutory	NI Transport - Hydebank	Content
Statutory	NI Transport - Hydebank	Advice
Statutory	NI Transport - Hydebank	Advice

Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received

Number of Petitions of Objection	No Petitions Received
<p>Characteristics of the Site and Area</p> <p>1.0 Description of Proposed Development A 3 storey office block with 10 parking spaces is proposed. 188m² of office space will be created. The ground & first floor will have a render finish and the 2nd floor will be glazed on all sides.</p> <p>2.0 Description of Site The site is on the corner of Kennedy Way and Andersonstown Road. It is designated in BMAP 2015 as a shopping/commercial area sited on an arterial route There is an existing single-storey office development on the site. The proposed block will be additional to the existing.</p> <p>Assessment of planning policy and other material considerations</p> <p>3.0 Site History Z/2007/2455/F Planning permission was granted for ‘construction of 3-storey office block’ at this location on 11th August 2008. Z/2007/2455/F expired on 10th August 2013. The application is a renewal of this previous approval.</p> <p>4.0 Policy Framework</p> <p>4.1 Belfast Metropolitan Area Plan 2015 Kennedy Way is designated as a ‘Protected Route’ and Andersonstown Road is designated as a ‘Rapid Transit Route’ and an ‘Arterial Route’. It is designated as a ‘shopping/commercial area’ in BMAP 2015.</p> <p>4.2 SPSS PPS3 , Access, Movement and Parking PPS4, Planning and Economic Development</p> <p>5.0 BMAP Policy SETT3 Arterial Routes Regeneration of the designated Arterial Routes will be facilitated by:</p> <ul style="list-style-type: none"> • allowing an appropriate scale of retail and office use within commercial nodes and shopping/commercial areas, where designated, to serve local populations; <p>The proposal is in keeping with SETT3, the proposed office development has a gross floor space of 188m². Its scale is acceptable within a shopping/commercial area to serve the local population.</p> <p>Policy OF3 Office development of up to 200m² –Shopping/Commercial Areas</p>	

Planning permission will be granted for office development within designated shopping/commercial areas on designated Arterial Routes provided both the following criteria are met:

- the development does not exceed 200m² gross floor space; and
- the office use falls within Class A2 of the Planning (Use Classes) Order (NI) 2004.

The gross floor space of this proposal is 188m² in keeping with this policy; the agent states that the nature of the proposal is a 'modern estate agent'. This is an A2 use as defined in the Use Class Order 2004. The proposal is in keeping with both aspects of Policy OF3.

PPS3 Access, Movement and Parking.
 Policy AMP2 Access to Public Roads
 Policy AMP3 Access to Protected Routes
 Policy AMP4 Protection for new transport schemes
 Policy AMP6 Transport Assessment
 Policy AMP7 Car parking & service arrangements
 Policy AMP8 Cycle Provision.
 Policy AMP9 Design of Car Park

All of the above policies are relevant. TransportNI have no objections subject to conditions to ensure all of the above policies are met.

PPS4 Planning and Economic Development
 Policy PED9 General Criteria for Economic Development
 The proposal meets all of the relevant criteria of this policy in that
 (a)Its compatible with surrounding land uses
 (b)Residential amenity is not harmed
 (c)It doesn't adversely affect features of natural or built heritage
 (d)It is not in a flood risk zone
 (e)It does not create a noise nuisance

TransportNI are satisfied (g), (h) & (i) can be met.

Criteria (j) & (k) regarding landscaping arrangements and boundary treatment will be dealt with by condition.

5.1 The proposal is considered to be in compliance with the planning policies and designations in BMAP and PPS's. In addition significant weight must be given to the planning history, in that planning approval was granted for the same proposal back in August 2008. At that time Draft BMAP was in place. BMAP 2015 is now in place which sets out the same overarching policy context. There has been no change in the policy context since the previous approval.

6.0 Consultation responses

TransportNI have no objection subject to conditions

Environmental Health has offered no objection to the proposal subject to conditions.

7.0 Representations

1 letter of objection was received from a resident at 44 Andersonstown Road. The objection was on the grounds of

- increase of traffic
- noise

- character of the area
- visual amenity
- loss of light

The above issues have been considered. TransportNI have considered the impact of increased traffic and determined that the increase is acceptable.

Environmental health have considered any increase in noise impact and found it to be acceptable.

The addition of an office block at this location will not negatively harm the character of this area which has a variety of commercial premises ranging from MacDonald's Drive thru opposite and an adjacent tyre facility. There will be no loss of visual amenity on this busy junction as can be seen in the slides.

The proposed block will sit 24m from this property. Levels are such that the proposal eaves of the proposal will be 0.6m higher than that of the objector's property. Also, taking into account the separation distance between the proposed building and No 44, it is considered that there will be no unacceptable impact on residential amenity as a result of loss of light.

Conditions

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.

Reason: Time Limit.

2. No development hereby permitted shall be commenced until detailed vehicular access proposals, generally in accordance with drawing L01 B bearing Planning Service date stamp 14 March 2016, have been submitted to and approved by the Council to ensure that the proposed access does not conflict with the existing pedestrian crossing facility on Kennedy Way, or until such times as the committed DRD BRT scheme has been fully completed.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with drawing number L01 B bearing Planning Service date stamp 14 March 2016 to provide adequate facilities for the parking of cars.

Reason: To ensure adequate provision has been made for parking.

4. No operation in or from any building hereby permitted shall commence until cycle parking has been provided in accordance with drawing number L01 B bearing Planning Service date stamp 14 March 2016.

Reason: To encourage and promote alternative means of transport in accordance with sustainable transportation principles.

5. Prior to commencement of the development, the applicant shall submit to Belfast City Council, for approval, a Contaminated Land Preliminary Risk Assessment which follows the methodology outlined in *Model Procedures for the Management of Land*

Contamination (CLR11) and contain a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and a Preliminary Conceptual Site Model outlining all potential Source-Pathway-Receptor pollutant linkages.

Reason: Protection of human health

6. In the event that a Contaminated Land Quantitative Risk Assessment is required and prior to commencement of the development, this Risk Assessment shall be submitted to Belfast City Council for approval.

The Risk Assessment shall follow the methodology outlined in *Model Procedures for the Management of Land Contamination* (CLR11). This report must incorporate:

- A detailed site investigation in line with British Standards BS10175:2011+A1:2013.
- Any ground gas investigations should be conducted in line with BS8485:2015 and BS8576:2013.
- A satisfactory assessment of the risks (including a Revised Conceptual Site Model) associated with any contamination present, conducted in line with current Defra and Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in CIRIA C665;

Reason: Protection of human health

7. In the event that a Contaminated Land Remediation Strategy is required and prior to the commencement of the development, the applicant must submit to Belfast City Council, for approval, a detailed Remediation Strategy outlining the measures to be undertaken to ensure that the identified pollutant linkages are demonstrably broken and no longer pose a potential risk to human health.

Reason: Protection of human health

8. Prior to the operation of the development, the applicant shall provide to Belfast City Council, for approval, a Contaminated Land Verification Report. This report must demonstrate that the remediation measures outlined in the contaminated land Remediation Statement have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for the proposed end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of human health

9. In the event that contamination not previously considered 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 Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

10. The office development hereby approved will be used for Class A2 use Financial, professional and other services purposes.

Reason: To control the nature and scale of offices development at this location.

11. Details of the site boundary treatment shall be submitted to and agreed by the Council prior to commencement of development. The development shall be carried out in accordance with the agreed details.

Reason. In the interest of amenity.

Informatives

1. 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.

2. All construction plant and materials shall be stored within the curtilage of the site. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

3. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 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 DRD TransportNI Section Engineer whose address is Belfast North Section Office, 148-158 Corporation Street, Belfast. A monetary deposit will be required to cover works on the public road.

Notification to the Department: N/A

Representations from Elected Representatives:

Request from Councillor Emma Groves for this legacy case to be brought to Planning Committee

ANNEX	
Date Valid	16th October 2014
Date First Advertised	31st October 2014
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1A Fruithill Park, Ballydownfine, Belfast, Antrim, BT11 8GD, The Owner/Occupier, 3,50C Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9AG, The Owner/Occupier, 40 Stockmans Drive, Ballydownfine, Belfast, Antrim, BT11 9AU, Bridgeen Dugan 44 Andersonstown Road Ballydownfine Andersonstown The Owner/Occupier, 45 Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9AF, The Owner/Occupier, 48 Kennedy Way, Ballydownfine, Belfast, Antrim, BT11 9AP, The Owner/Occupier, 50 Kennedy Way, Ballydownfine, Belfast, Antrim, BT11 9AP, The Owner/Occupier, 51 Andersonstown Road Ballydownfine Andersonstown The Owner/Occupier, Flat 1, 53 Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9AG, The Owner/Occupier, Flat 2, 53 Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9AG, The Owner/Occupier, Westwood Shopping Centre Kennedy Way Ballydownfine</p>	
Date of Last Neighbour Notification	27th July 2015
Date of EIA Determination	
ES Requested	Yes /No
Planning History	

Summary of Consultee Responses
Drawing Numbers and Title 01, 02, 03, 04b.
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department: