Development Management Officer Report Committee Application

Summary				
Committee Meeting Date: 16 August 2016	Item Number: 8 h			
Application ID: Z/2010/0968/F				
Proposal: Proposed mixed use regeneration scheme including 10 terraced social housing dwellings, 18 apartments, crèche, youth club, retail units and offices.	Location: Lands to the rear and side of The Wolfhill Centre 148 Ligoniel Road Belfast BT14 8DT			

Referral Route: Major Application (Area exceeds 1 hectare)

Recommendation:	Approve Subject to Conditions
Applicant Name and Address:	Agent Name and Address:
Northern Ireland Housing Executive	Arcus Architects
32-36 Great Victoria Street	Arena Building
Belfast	85 Ormeau Road
BT2 7BA	Belfast
	BT7

Executive Summary:

The application seeks full planning permission for a mixed use regeneration scheme including 10 terraced social housing dwellings, 18 apartments, crèche, youth club, retail units and offices.

The main issues to be considered in this case are:

- The acceptability of housing at this location
- The acceptability of retail units at this location
- The acceptability of the youth and daycare centres
- Loss of open space
- Impact on Site of Local Nature Conservation Interest
- Impact on LLPA
- Contamination
- Flooding
- Traffic Movement and Parking

The site is located within the settlement limits of Belfast and on a mix of land zonings as defined in the Belfast Metropolitan Area Plan (BMAP).

The north-western part is unzoned land with an area of existing open space zoned behind, and along part of the south-western section of the site. Part of a 'site of local nature conservation importance' forms part of this area of open space also. The south-

eastern portion and roadside section of the site is zoned for housing. The entire site lies within the settlement limits of Belfast as designated in the Belfast Metropolitan Area Plan.

The principle of this mixed use development is acceptable at this location given the surrounding context with the business units and Wolfhill Centre on the site and the mixed use development to the north-east to the other side of the Ligoniel Road. Retail, office and industrial units are all located within the vicinity of the site.

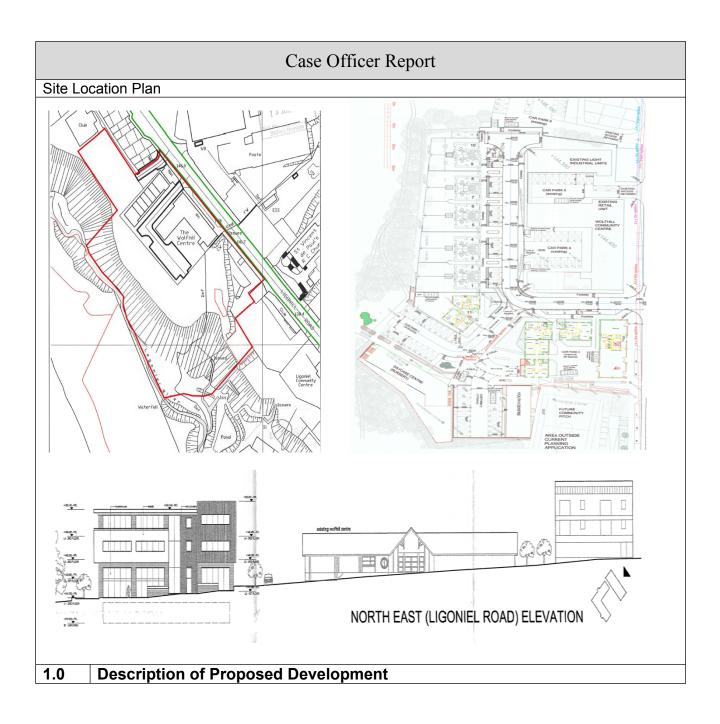
All relevant consultees, including TransportNI, Environmental Protection Unit and NIEA have offered no objections to the proposal subject to conditions.

One letter of objection has been received raising issues with regard to loss of landscaping and open space, impact on wildlife corridors, visual impact and the presence of Japanese Knotweed on the site.

Having had regard to the development plan, relevant planning policies and all other matters raised by consultees and third parties it is concluded that on balance, the proposal would constitute an acceptable development at this location.

Recommendation

The proposal is recommended	for Approval	subject to	conditions as	detailed	below.



Proposed mixed use regeneration scheme including 10 terraced social housing dwellings, 18 apartments, crèche, youth club, retail units and offices.

2.0 Description of Site

This is a substantial roadside site. The existing single storey Wolfhill Centre is located centrally on the site and defines a large section of the Ligoniel Road frontage. A substantial 3 storey building is located immediately north west of the Wolfhill Centre. A row of single storey business units are located immediately behind this building and run parallel to the side of the Wolfhill Centre. To the south-east of the Wolfhill Centre a 2 metre high brick wall defines the road frontage with planting in behind. An area of scrub is located beyond this planting and continues to the southern boundary of the site. An area of hard standing is located to the rear of the Wolfhill Centre, incorporating parking and an area for skips.

The site then falls steeply beyond this area of hard standing with a steep embankment leading to a stream along the south-eastern boundary. This forms part of the Local Landscape Policy Area.

Part of the site has planning approval for a mixed use development; this incorporates the eastern portion of the site and continues in a south-westerly direction.

Planning Assessment of Policy and other Material Considerations

3.0	Site History		
3.1	Z/2001/2388/O - Proposed housing and commercial development. Approved 16 th December 2002		
3.2	Z/2003/2078/F - Residential development of 170 dwellings. Approved 13 th December 2004		
3.3	Z/2013/1431/F - Proposal for new pitch and flood lighting and replacement of existing retaining wall. Approved 15 th August 2014		
4.0	Policy Framework		
4.1	Belfast Metropolitan Area Plan 2015		
4.2	SPPS		
	Regional Development Strategy		
	Strategic Planning Policy Statement for Northern Ireland		
	Belfast Metropolitan Area Plan 2015		
	Planning Policy Statement 1 - General Principles		
	Planning Policy Statement 2 - Natural Heritage		
	Planning Policy Statement 3 - Access, Movement and Parking		
	Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage		
	Planning Policy Statement 7 - Quality Residential Environments		
	Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation		
	Planning Policy Statement 15 (Revised) - Planning and Flood Risk		
	Development Control Advice Note 13 - Crèches, Day Nurseries and Pre-School		

	Playgroups			
5.0	Statutory Consultees NI Water – No objections Transport NI – Approval subject to conditions NIEA – Approval subject to conditions			
6.0	Rivers Agency – Await response on Drainage Assessment Non-Statutory Consultees Environmental Health BCC – Approval subject to conditions			
7.0	Representations One letter of objection received. The following issues were raised: - Landscape loss and visual impact Infilling open space, affecting wildlife corridors.			
8.0	- The presence of Japanese Knotweed. Other Material Considerations			
9.0 9.1	Creating Places Assessment The key issues in the assessment of the proposed development include:			
	 The acceptability Office Units at this location The acceptability Office Units at this location The acceptability of housing at this location The acceptability of the youth and daycare centres Loss of open space Impact on Site of Local Nature Conservation Area Importance Impact on LLPA Contamination Flooding Traffic Movement and Parking 			
9.2	Principle of Redeveloping the Site The site is located on a mix of zonings. The north-western part is unzoned land with an area of existing open space zoned behind, part of a 'site of local nature conservation importance' (BT084/22) forms part of this area of open space. The south-eastern portion of the site is zoned for housing (NB03/08 – Committed housing site on lands adjacent to Wolfhill Centre, NB03/12 – Committed housing site on land between Thornbury Development and Mill Valley Development. The entire site lies within the settlement limits of Belfast as designated in the Belfast Metropolitan Area Plan. The zonings reflect an outline approval which takes in the eastern portion of the site. This offered a mixed development consisting of housing and commercial units. Given the nature of the committed zonings the principle of developing the site is acceptable further to the policy considerations as discussed below.			
9.3	The acceptability of Retail Units at this location A total of 2 individual shop units are proposed at the ground floor of the mixed-use four storey block at the south-east of the site access. These units offer retail floorspace of 58 square metres and 125 square metres, with a Mezzanine level offering another 85 square metres. Given the size of the retail proposed it is not considered of such a size to impact upon the city centre or any protected centre.			

The acceptability of Office Units at this location

9.4 Offices are located on the 2nd and 3rd floors offering a total of 382 square metres of office space. The proposal has been assessed against Policy OF1 of the Belfast Metropolitan Area Plan. The Policy states that proposals within local centres should not exceed 400 square metres floorspace and that the office use should fall within Class A2 and Class B1 (a) of the Planning (Use Classes) Order (NI) 2004 – Financial or Professional Services or as an office other than a use within Class A2. The latter requirement would omit call centres and/or research and development uses. The use classes A2 and B1 (a) can be conditioned should approval be granted. This condition is detailed below at 11.14. The provision of this office space will assist in urban regeneration and create a range of local employment opportunities.

The acceptability of the residential elements of the proposal

- 9.5 The proposal has been assessed against Policy QD1 of Planning Policy Statement 7. The site is located in an area where there is something of a mixed character with a number of housing developments in the vicinity. The proposal offers a mix of apartments and townhouses, this mix can be seen a short distance north-east of the site with three and four storey apartment buildings. Similarly to the proposed four storey frontage there is a three storey row with retail units at ground floor and apartments above, these buildings are set at a much higher level than the site and for that reason, although the four storey block is of a significant scale, it should not appear overly dominant given the context. The contextual street frontage elevation shows that the mixed use block will sit at a lower level than the existing Sean Graham bookmakers building immediately north-west of the site and fronting onto Ligoniel Road. All dwellings have enclosed areas of private amenity to the rear. Apartments have small communal open space areas, with the western most block having balconies which would certainly benefit from open views towards rising lands and countryside to the west. Although the communal open space in the retail/ apartment blocks in the southern part of the site is guite limited the fact that these are located adjacent to an approved football pitch must be considered.
- 9.6 In terms of the overall scale and massing of the proposed buildings the built form along the Ligoniel frontage is an important material consideration. The scale of the proposed mixed use building at the southern point of the site entrance is considerable. However given character of the land and the 3 and 4 storey nature of the buildings on high land on the other side of the Ligoniel Road the proposed buildings will not prove to be unduly dominant and certainly respect the immediate high rise roadside context.
- 9.7 Given surrounding land uses, and the location of the nearest residential properties to the north, there will be no significant impact on neighbouring amenity, in terms of overshadowing, overlooking or noise and/ or general disturbance.

The Acceptability of Youth and Daycare Centres.

9.8 The proposal has been assessed against the SPPS and DCAN 13. Crèches, day nurseries and pre-school play-groups" fall within Class 15 of the Planning (Use

Classes) Order (Northern Ireland) 1989 which covers any use (not including a residential use) a crèche, day nursery or day centre. It has been indicated on the P1D form that it is envisaged that staff and children will walk to the nursery from nearby housing and facilities.

- 9.9 The crèche/daycare centre has a gross floor area of 530 square metres and the youth centre a floor area of 1,752 square metres. The crèche will have 15 full-time members of staff and two part-time and will cater for 77 children.
- 9.10 The youth centre and crèches juxtaposition helps form something a hub with the approved football pitch to the immediate south of the site. These land uses will certainly complement one another. The backland location of the two buildings will not have any impact on the roadside character with the proposed daycare centre being split level and respecting the topography of the site. Given the mixed use nature of the area and indeed the proposed development, there should be no impact on amenity. There are no existing dwellings close to the proposed crèche and youth centres and thus there will be no impact on existing amenity.

Loss of Open Space

9.11 The proposal has been assessed against Policy OS1 of PPS8 (Protection of Open Space) as it involves the development of a small area of scrub close to the south-eastern corner of the site. This is an area of scrub behind a 2.5m high roadside wall, and arguably has some recreational value, certainly visually. However this part of the site is located within a housing zoning, where there has been a commitment to develop the land namely to provide a main road into backlands to the west, and thus the loss of this planting is not considered to be an issue.

Impact on Site of Local Nature Conservation Interest

9.12 Ligoniel Village Site of Local Nature Conservation Interest (SLNCI) lies within the western section of the site. It was designated for its woodland, scrub, grassland and ponds, and includes the Ligoneil River, which is located along the western boundary of the site. All vegetation has been cleared along the river, and most has been cleared within the remaining area of the SLNCI. The proposal will therefore not compromise the SLNCI designation and the eastern part of the site which lies within the SLNCI is also part of a committed zoned site. The gardens of the proposed townhouses are located within the SLNCI, however this part of the site is currently an established yard and area of hard standing.

Natural Heritage

- 9.13 NIEA have noted that soft landscaping is proposed along the river corridor. In order to protect and enhance the biodiversity value of the Ligoneil River, and compensate for the damage that has occurred to the SLNCI on site; have requested that the planting is native, and suitable for a riverside environment. Suitable species include hazel, alder and ash. A planting schedule was subsequently submitted the detailed of which can be conditioned should approval be granted.
- 9.14 NIEA have stated that there is historical evidence of bats using this area. This,

combined with the proximity of the site to woodland and watercourses, and the suitability of existing buildings on site, makes it likely that bats are roosting within the site. Bats are a European Protected Species and as such are afforded strict levels of protection. NIEA, Natural Environment therefore requires a bat survey focusing on the buildings on site in order to establish whether the buildings support roosting bats. This survey can be conditioned should approval be granted, as detailed at 11.6.

9.15 Several stands of Japanese knotweed were located within the site during the site visit. NIEA have requested that an Invasive Species Management Plan must be submitted for assessment before any work is undertaken. This can be conditioned as below at 11.4.

Contamination

9.16 Records held by the Environmental Protection Unit of Belfast City Council indicate that the site of the proposed development is located in close proximity to land use types that have the potential to contaminate land and pose a risk to human health. Following the submission of supporting documentation NIEA and EPU have no objection and requested that conditions are attached to any planning permission granted to protect public health these are detailed below at 11.2 and 11.3.

Flooding

9.17 The proposal has been assessed against Policy FLD3 of the Revised Planning Policy Statement 15. Rivers Agency has stated that there are no watercourses within the vicinity of the site nor is the site located within a 1 in 100 year fluvial floodplain. However due to the size and nature of the development, and the possible risk from Surface Water flooding, Rivers Agency asked that a Drainage assessment be carried out. There is no history of recurrent flooding in the area and thus a suitable Drainage Assessment can be submitted prior to the commencement of development to the satisfaction of Rivers Agency, as conditioned at 11.15.

Traffic Movement and Parking

9.18 The proposal has been assessed against policy AMP7 and AMP9 of Planning Policy Statement 3. Transport NI offers no objections to this proposal. A number of conditions have been recommended for inclusion in any planning decision notice issued. These are detailed below at 11.7-11.13 (inclusive)

Impact on Amenity

- 9.19 Environmental Protection Unit requested that a Noise Impact Assessment is submitted in order to assess the potential noise sources associated with the proposed development and their potential impact on proposed residential units.
- Having regard to the potential recreational use of the adjacent site (sports pitch) which is in close proximity to Apartment block Environmental Protection Unit would recommend that a condition is attached should approval be forthcoming to ensure that the future residents of the proposed apartment blocks do not suffer any significant loss of amenity. These conditions are detailed at 11.5.

Consideration of Representation: 9 21 Landscape loss and visual impact. The landscaped part of the site forms part of a committed zoned site. The principle of development has been established through previous approvals. Infilling open space, affecting wildlife corridors. 9.22 As stated above the part of the site which is currently vegetated towards the south-east corner forms part of a committed zoned site and the principle of accessing backland development through this part of the site has already been established. 9.23 The presence of Japanese Knotweed. This can be dealt with through the conditioning of the Invasive Species Management Plan. 10.0 **Summary of Recommendation: Approve** 10.1 Having had regard to the development plan, relevant planning policies and all other matters raised by consultees and third parties it is concluded that on balance, the proposal would constitute an acceptable development at this location. The proposal would deliver the regeneration to this area. 10.2 The proposal is recommended for Approval subject to conditions 11.0 Conditions 11.1 As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: Time Limit. 11.2 The applicant, prior to the occupation of the proposed development, shall provide to Belfast City Council, for approval, a verification report. The Verification Report must demonstrate that all pollution linkages have been effectively broken and that the site is fit for end use. This Verification Report must be prepared be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular this Verification Report must demonstrate that: There is the incorporation of a VOC proof membrane into the floor construction of all buildings on site and associated sealing of the membrane around service entry points. Photographic records of the installation should be kept for inclusion in the verification report. Reason: In the interests of public health 11.3 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: In the interests of public health.

11.4 Prior to commencement of development an Invasive Species Management Plan must be submitted to Belfast City Council for approval.

Reason: In the interests of environmental protection.

- The design of the south facing apartment facades of Apt block XXX shall include noise mitigation measures to ensure that internal noise levels within any apartment shall:
 - (a) not exceed 35 dB L_{Aeq} (1hour) at any time between 07:00 hrs and 23:00 hrs within any habitable room, with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
 - (b) not exceed 30 dB L_{Aeq} at all other times measured over a five minute period within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
 - (c) not exceed 45 dB L_{AMax} for any single sound event between 23:00 hrs and 07:00 hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.
- 11.6 Reason: In the interests of residential amenity.

Prior to commencement of the development herby approved a bat survey must be submitted to Belfast City Council for approval, in consultation with NIEA. This survey should be carried out between the months of April to September.

11.7 Reason: In the interests of a protected species.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. JPC002 Rev C bearing the TransportNI date stamp 21 July 2016.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order1980.

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.JPC 002 Rev C bearing the TransportNI date stamp 21 July 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any

forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

11.9

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

The access gradient shall not exceed 4% (1in25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1in25) maximum and 2.5% (1in40) minimum and shall be formed so that there is no abrupt change of slope along the footway or verge.

11.10

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

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The development hereby permitted shall not become operational until the works necessary for the improvement of the public road have been completed in accordance with the details outlined blue on Drawing No JPC 002 Rev C, bearing the TransportNI date stamp 21 Jul 2016. The Department hereby attaches to the determination a requirement under 3(4A) of the above Order that such works shall be carried out in accordance with the agreement under article 3(4C).

11.11

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

11.12

Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

11.13

No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. JPC 002 Rev C bearing The TransportNI date stamp 21 Jul 2016 to provide adequate facilities for parking and circulating 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: In the interest of road safety and the convenience of road users.

11.14

The development hereby permitted shall operate in accordance with the approved Travel Plan, Belfast Planning Service date stamped 08 May 2014.

Reason: To facilitate access to the site by means other than the private car and in the interests of road safety and traffic progression.

The Office Units hereby approved shall be limited to Uses Classes A2 and B1 (a)

only of the Planning (Use Classes) Order (NI) 2004 – Financial or Professional 11.15 | Services or as an office other than a use within Class A2.

Reason: To ensure the city centres role as the primary location for office provision is not compromised.

Prior to the commencement of the development hereby approved a Drainage Assessment shall be submitted to Belfast City Council for approval, in consultation with Rivers Agency.

Reason: To ensure any flood risk is appropriately identified and mechanisms are put in place for its mitigation.

Informatives:

For further info on the Invasive Species Management Plan please see: http://invasivespeciesireland.com/
http://www.nonnativespecies.org/factsheet/factsheet.cfm?speciesId=3058

The developer is required to enter into a licence agreement with the Department for Regional Development, TransportNI for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

The licence agreement shall be issued through the Development Control Officer, Network Planning Section, Roads Service – Eastern Division, Hydebank, 4 Hospital Road Belfast, BT8 8JL and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence. He should also initiate early discussions for the satisfactory programming of the road works with the Private Streets Engineer, Michael Murray, telephone no.028 90 253147, TransportNI at Hydebank.

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the Department for Regional Development Roads Service Section Engineer whose address is 148-158 Corporation Street, Belfast. BT1 3DH.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Roads Service's Street Lighting Consultancy, (Hydebank, 4 Hospital Road, Belfast. BT8 8JL). The Applicant is advised to contact Roads Service Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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.

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. All construction plant and materials shall be stored within the curtilage of the site. Separate approval must be received from DRD Roads Service in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. 12.0 Notification to Department (if relevant) N/A 13.0 Representations from elected members: None **Neighbour Notification Checked** Yes Signature(s) Date:

ANNEX		
Date Valid	16th July 2010	
Date Valid	10th 3diy 2010	
Date First Advertised	13th August 2010	
Date Last Advertised	25th July 2014	
Details of Neighbour Notification (all addresses) 186 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 188 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 189 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 190 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 191 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 191-211,Ligoniel Road,Ballysillan Lower,Belfast,Antrim,BT14 8DP, 192 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 194 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 196 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 198 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 200 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, 201 Ligoniel Road,Legoniel,Belfast,Antrim,BT14 8DT, Judy Meharg No. 9,Social Economy Village,Hannahstown Hill,Belfast,BT17 0XS		
Date of Last Neighbour Notification	26th August 2014	
Date of EIA Determination		
ES Requested	Yes /No	
Summary of Consultee Responses		
Drawing Numbers and Title		
Notification to Department (if relevant)		
Date of Notification to Department: Response of Department:		