

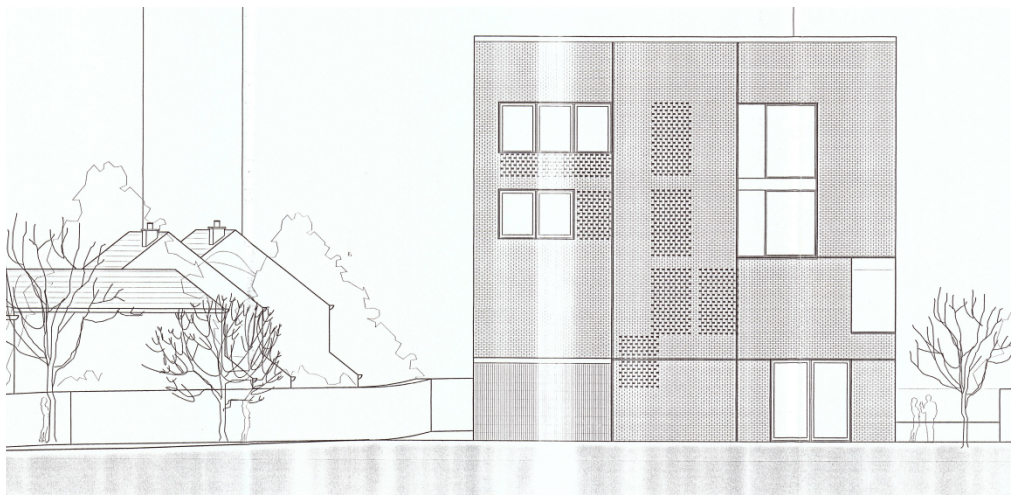
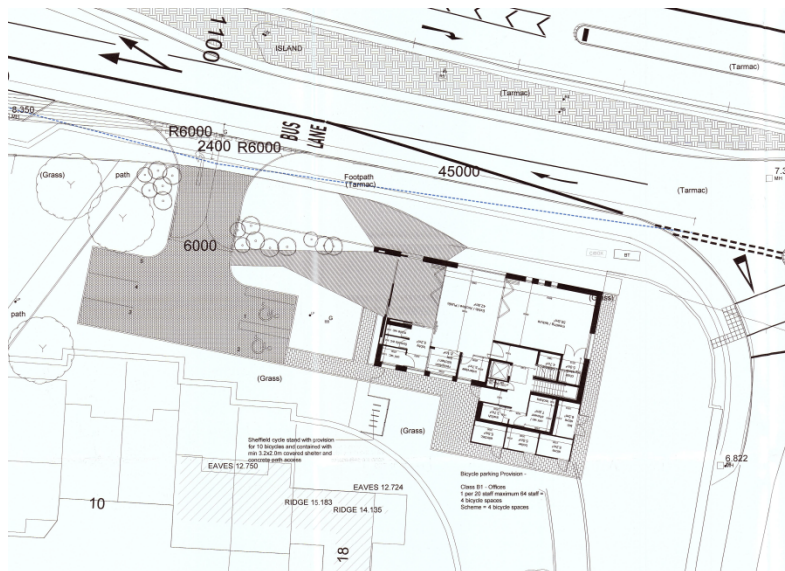
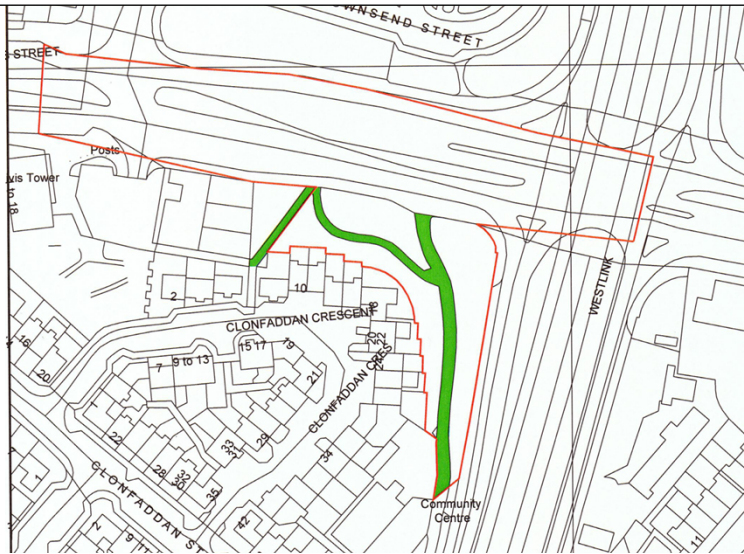
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 20th September 2016	Item Number:
Application ID: LA04/2016/0149/F	Target Date:
Proposal: Lionra Uladh is a new build facility for Raidio Failte to house Irish Language Broadcast, Training, Recording and Archiving and community Visitors facilities.	Location: Lands situated at Divis Street Belfast at corner of Divis Street/West Link junction
Referral Route: BCC Interest (BCC Funded)	
Recommendation:	Approve
Applicant Name and Address: Raidio Failte TEO Unit 8 Curran House 155 Nortumberland Street Beal Feirste BT13 2JF	Agent Name and Address: McGurk Architects 33 King Street Magherafelt BT45 6AR
<p>Executive Summary:</p> <p>Full planning permission is sought for a Radio station to facilitate broadcasting, production, recording and archiving along with an exhibition space.</p> <p>The site is located within the development limits of Belfast as set out in the Belfast Metropolitan Area Plan 2015 (BMAP). The site is not zoned but is existing open space.</p> <p>The main issues to be considered regarding this proposal area:</p> <ul style="list-style-type: none"> • The principle of development (on an area of open space) • Acceptability of the design • Impact on the neighbouring residential properties • Impact on the character of the area • Access and parking arrangements <p>It is considered that the proposal would result in community benefit including the provision of a unique community facility which will provide a jobs boost in an area of high unemployment and significant investment in the local area which would outweigh the loss of open space in this case. The design, layout and arrangement of the proposed building is considered acceptable and will not result in any adverse impact on neighbouring residential amenity or the character of the area.</p> <p>Consultees offered no objections subject to the imposition of conditions. No representations have been received.</p>	

It is considered that the proposal complies with BMAP and relevant regional policies. It is therefore recommended that the application be approved subject to conditions as set out in the case officer report.

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	Transport NI - Hydebank	No objection subject to conditions and informatives
Statutory	NI Water - Strategic Applications	No objection – Advice provided
Statutory	NIEA	No objection subject to conditions and informatives
Statutory	NIEA	No objection – Advice provided
Statutory	Belfast City Airport	No objection
Non Statutory	Env Health Belfast City Council	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues - N/A		
<p>1.0 Description of Proposed Development</p> <p>1.1 Full planning permission is sought for a building for Radio Failte to facilitate Irish Language broadcast, training, recording, archiving and for community facilities.</p> <p>2.0 Description of Site</p> <p>2.1 The site is located at the junction of the Westlink slip road and Divis Street. The site is currently open space which is enclosed by a 3.0m mesh paladin fence along Divis Street and brick walls along the boundary with the Westlink slip road and the boundary with the adjoining housing development at Clonfaddan Crescent. A pathway exists through the site however this has been extinguished and no access is available from Divis Street. A pathway is located along the western boundary of the site providing access from Divis Street to the adjoining housing. The levels of the site rise gently in a northerly and westerly direction. An NIE substation is located to the immediate west of the site. A small portion of the application site (part of the roads infrastructure) falls within Belfast City Centre.</p> <p>3.0 Characteristics of the Area</p> <p>3.1 The immediate area is characterised by predominantly residential development however other uses include community and educational establishments and commercial businesses. Existing residential development is located to the immediate south and west of the site.</p>		

4.0 Planning Assessment of Policy and Material Considerations

4.1 Planning History

LA04/2015/0566/F - Removal of existing fencing and erection of new mesh fencing 3.0m high, Divis Street, Belfast, BT12 4SQ – Planning permission granted 17.08.2015.

LA04/2016/1295/A - 10 Panels to be placed on mesh fence, with illustrations of new Radio Failte facility and showcasing positive local community activity, Divis Street, Belfast, BT12 4SQ. Under consideration.

4.2 Policy Framework

4.21 Belfast Metropolitan Area Plan 2015 (BMAP 2015)

4.22 The site is not zoned in BMAP. Part of the site falls with Belfast City Centre (See section 2.1). The site fronts the Divis Street/Falls Road/Glen Road Arterial Route (Designation AR 01/06) and the WWAY Rapid Transit Route. The proposal therefore complies with BMAP.

Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
Planning Policy Statement 8: Open Space, Sport and Recreation (PPS 8)

4.23 Statutory Consultees

Transport NI – No objections subject to conditions and informatives

NI Water – No objection

NIEA – No objection subject to conditions and informatives

Belfast City Airport – No objection.

4.24 Non Statutory Consultees

Environmental Health – No objection subject to informatives

4.3 Representations

4.31 The application has been notified and advertised in the local press. No representations have been received regarding this proposal. The agent has indicated that a consultation exercise was carried out with the local community outside the planning process by Radio Failte and by the Northern Ireland Housing Executive (previous owners of the site).

4.4 Assessment

4.41 The site is located within the settlement development limits of Belfast as set out in BMAP and is currently comprises an area of open space.

4.42 The key issues in the assessment of this proposal are as follows:

- The principle of development (on an area of open space)
- Acceptability of the design

- Impact on the neighbouring residential properties
- Impact on the character of the area
- Access and parking arrangements

4.5 Principle of development

4.51 It is considered appropriate to firstly consider the principle of whether the proposed development is acceptable. In doing so the proposal is assessed against PPS 8 given the site's location in an area of existing open space.

4.52 Planning Policy Statement 8: Open Space, Sport and Recreation (PPS 8) Policy OS 1 (Protection of Open Space) of PPS 8 sets out a presumption in favour of retention of existing open space. A number of exceptions are permissible under Policy OS 1 including where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

4.53 Information accompanying the planning application highlights that the site has a history of anti-social problems and was previously used as a bon-fire site. Graffiti is obvious on the boundary walls, evidence of defacement and vandalism. The fencing around the site has been erected as a security measure given the problems experienced. In addition the path within the site has been extinguished to address these issues.

4.54 It is therefore worthy to note that the site is wholly enclosed and does provide for public access therefore the benefit and value of the existing open space area to the local community is not significant. Notwithstanding Policy OS 1 of PPS 8 states that the presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.

4.55 The proposal is for a community radio station 'Lionra Uladh' which is a capital build project to facilitate the growth and development of a community radio with associated recording and archiving activities. The radio station is not a commercial enterprise and will operate as a non-profit making organisation. A community consultation has been carried out by the applicant/NIHE and the agent has confirmed that the local community support the proposal. No information has been presented to counter this and no objections have been received to the proposal. Therefore it is acknowledged that the proposal benefits from community support.

4.56 On balance it is considered that the community benefit accrued from this new unique community facility which will provide a jobs boost in an area of high unemployment and significant investment in the local area is considered to outweigh the loss of open space. The proposal therefore complies with PPS 8 and the principle of this development on the site is considered acceptable.

4.6 Design and Impact on neighbouring land uses

4.61 The SPPS directs local authorities to consider the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

4.62 The SPPS highlights that consideration be given to whether a proposal would unacceptably affect amenities of neighbouring properties and the existing use of land and buildings that ought to be protected in the public interest. The SPPS further states that good neighbourliness and fairness are among the yardsticks against which development proposal will be measured. The existing use of land has been considered above and the principle of the development on the site is accepted. Amenity considerations are considered below.

4.63 The SPPS highlights that good design is an important material consideration and that particular weight should be given to the impact of development on existing building. The design of the building and the impact on the neighbouring land uses and character of the area is considered below.

4.7 Design of the Building

4.71 The building proposed comprises two elements - a four storey block (15.5m high) juxtaposed with a single storey block (4.35m high). A total of 727 sqm floorspace is proposed. The roof profile proposed is flat. The single storey block contains the exhibition space and associated facilities. The four storey block contains the production, training, broadcasting and recording facilities along with associated facilities.

4.72 Glazing/windows are proposed which have a vertical emphasis due to their size. The windows in the upper floors whilst not symmetrical provide a visual relief to the overall design of the building. Perforated brick is proposed to screen window openings on the elevations.

4.73 The external finishes proposed include grey/blue brick walls gold coloured aluminium doors, windows, shutters and coping. The materials whilst not prevalent in the area are considered acceptable.

4.8 Impact on the neighbouring residential properties

4.81 The four storey block is located at the corner of Divis Street and the Westlink Slip road with the single storey block to its immediate west fronting Divis Street. The arrangement of the building on the site proposes that the four storey element of the building is set as far as possible (within the site) from the neighbouring residential properties at Clonfaddan Crescent. Residential development in the form of two storey dwellings is located to the immediate south of the site boundary. The nearest residential property to the proposed building is No. 18 Clonfaddan Crescent which is a reverse 'L' shaped dwelling, comprised of a main two storey element and a single storey rear extension.

4.82 The separation distance between both No.18 and the four storey element is 7.8m to the single storey rear extension and 10.1m to the main body (two storey element) of the property. The separation distance between No. 18 and the single storey block is 9.7m to the single storey rear extension and 11.6m to the main body of the property. The boundary defining the rear of No. 18 is defined by a brick wall approx 2m high. Whilst there are windows and a door in the rear elevation of the single storey block, the existence of the brick wall between both buildings will ensure that there is no overlooking

into No.18. Windows are proposed to the rear of the four storey block at first, second and third floor. However, perforated brick will cover the window openings allowing natural light into the building but restricting any views from the windows. Therefore it is considered there will be no overlooking into the adjoining residential properties.

4.83 The scale of the building in relation to the adjoining two storey residential properties is considered acceptable. The separation distance and position of the building will ensure that the building is not dominant. The orientation of the building will not result in a detrimental impact on amenity of the adjoining residential properties from overshadowing. No. 18 benefits by having a dual rear aspect to the property. It is considered that the location and design of the building will not detrimentally impact on the amenity of the occupants of No. 18 Clonfaddan Crescent. It is noted that to the west, Divis Tower, a 20 storey residential block is also located in close proximity to two storey dwellings.

4.84 In conclusion the scale and massing of the building is not considered to have a detrimental impact on adjoining residential amenity and therefore the proposal is deemed to comply with the SPPS.

4.9 Impact on the local character

4.91 The scale of the building in the local area is considered e.g. to the north east of the site is the 5 storey Belfast Metropolitan College (Millfield) and to the west it the 20 storey Divis Tower. In the local context the proposed four storey building is considered acceptable. It is considered that the building will be iconic in the local area given its location, height, contemporary design and use of materials and the proposed use will bring vibrancy to the area and supporting the roll of the arterial route along which it is located.

4.10 Contamination

4.10.1 In considering proposals for development the potential for contamination to be present must be considered. In this case NIEA, Waste Management Unit highlighted that former activities in the surrounding area may have caused the land to be affected by contamination. Consequently a Generic Quantitative Risk Assessment was submitted and concluded the site was found to generally be free of any significant contamination based on the proposed development. Slightly elevated gas levels were identified and remedial measures proposed reinforced concrete cast in situ floor slab and underfloor venting. Following further consideration NIEA Waste Management Unit advised that no unacceptable risks to environmental receptors had been identified and they had no objections to the proposal subject to conditions and informatives.

4.11 Associated works

4.11.1 It is proposed to retain the strip of land between Nos. 18 – 28 Clonfaddan Crescent and the Westlink Slip road as open space and plant as wildflower garden which will retain an element of the existing open space on the site.

4.11.2 Parking and access arrangements are considered below.

4.12 Access and parking arrangements

4.12.1 A new vehicular access to/from Divis Street and 5 parking spaces (including 2 disabled spaces) along with a covered cycle shelter for 10 bicycles are proposed within the curtilage of the site. The application was accompanied by a Transport Assessment (TA) the findings of which are summarised below:

- The development will generate relatively low levels of traffic (approx. 49 vehicles per day) and will have no significant traffic impact.
- Shortfall of car parking spaces is justified on the basis of the sites' location relative to the city centre. The locality is well served by public transport including bus and taxi services and is located on the West Belfast Rapid Transit Route.

4.12.2 A Travel Plan was also submitted which presents a number of measures and recommendations to encourage travel by sustainable modes, including travelling on foot, cycling, travelling by public transport and car-sharing.

4.12.3 Transport NI were consulted and offer no objections to the proposal subject to conditions and informatives. Having regard to the above and comments from Transport NI it is considered that subject to condition the proposal is in accordance with PPS 3.

Neighbour Notification Checked

Yes/No

Summary of Recommendation: **Approval**

It is considered that the proposal will result in a wider economic benefit, job creation and significant investment in the area which outweighs the loss of open space.

The proposal complies with BMAP and relevant regional policies. All other material considerations have been considered and the proposal is acceptable. Consultees are content subject to conditions. It is recommended that the application be approved subject to condition set out below.

Conditions

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.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.03A bearing the date stamp 18th April 2016, prior to the operation of any other works or other development hereby permitted.

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

3. 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 before the development hereby permitted becomes operational and such

splays shall be retained and kept clear thereafter.

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

4. Any existing street furniture or landscaping within the visibility splays as conditioned above shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

5. Pedestrian crossing points at the vehicular access to the development shall be provided as directed by the Transport NI Section Engineer.

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

6. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.03A bearing the date stamp 18th April 2016, to provide for parking 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 in connection with the approved development.

Reason: To ensure that adequate provision has been made for parking within the site.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Belfast Planning Service 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 Belfast Planning Service in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

ANNEX	
Date Valid	21st December 2015
Date First Advertised	6th February 2016
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Barrack Street, Town Parks, Belfast, Antrim, BT12 4AH, The Owner/Occupier, 1 Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA, The Owner/Occupier, 1 Fingals Court, Town Parks, Belfast, Antrim, BT13 2DP, The Owner/Occupier, 10 Clonfaddan Crescent, Town Parks, Belfast, Antrim, BT12 4SQ, The Owner/Occupier, 10A Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 10B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 10C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 10D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 10E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 11 Barrack Street, Town Parks, Belfast, Antrim, BT12 4AH, The Owner/Occupier, 11 Fingals Court, Town Parks, Belfast, Antrim, BT13 2DP, The Owner/Occupier, 11A Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 11B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 11C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 11D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 11E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 12 Clonfaddan Crescent, Town Parks, Belfast, Antrim, BT12 4SQ, The Owner/Occupier, 12 Finn Square, Edenderry, Belfast, Antrim, BT13 2HU, The Owner/Occupier, 125-153 The Gerald Moag Campus, Millfield, Town Parks, Belfast, Antrim, BT1 1HS, The Owner/Occupier, 12A Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 12B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 12C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 12D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 12E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 13 Fingals Court, Town Parks, Belfast, Antrim, BT13 2DP, The Owner/Occupier, 13A Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 13B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 13C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 13D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 13E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 14 Clonfaddan Crescent, Town Parks, Belfast, Antrim, BT12 4SQ, The Owner/Occupier, 14 Finn Square, Edenderry, Belfast, Antrim, BT13 2HU, The Owner/Occupier, 14A Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 14B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 14C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 14D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 14E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QB, The Owner/Occupier, 15 Fingals Court, Town Parks, Belfast, Antrim, BT13 2DP,</p>	

The Owner/Occupier, 4B Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
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 The Owner/Occupier, 8D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
 The Owner/Occupier, 8E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
 The Owner/Occupier, 9 Barrack Street, Town Parks, Belfast, Antrim, BT12 4AH,
 The Owner/Occupier, 9 Fingals Court, Town Parks, Belfast, Antrim, BT13 2DP,
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 The Owner/Occupier, 9C Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
 The Owner/Occupier, 9D Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
 The Owner/Occupier, 9E Divis Tower, Town Parks, Belfast, Antrim, BT12 4QA,
 The Owner/Occupier, Frank Gillen Centre 1a, Cullingtree Road, Town
 Parks, Belfast, Antrim, BT12 4JT,
 The Owner/Occupier, St Mary's Primary School, Divis Street, Town
 Parks, Belfast, Antrim, BT12 4AL,

Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA04/2015/0566/F

Proposal: Removal of existing fencing and erection of new mesh fencing 3.0m high

Address: Divis Street, Belfast, BT12 4SQ,

Decision: Permission Granted

Decision Date: 18.08.2015

Ref ID: LA04/2016/1295/A

Proposal: 10 Panels to be placed on mesh fence, with illustrations of new Radio Failte facility and showcasing positive local community activity,

Address: Divis Street, Belfast, BT12 4SQ.

Decision: Under consideration.

Summary of Consultee Responses

Transport NI – No objections subject to conditions and informatives

NI Water – No objection

NIEA – No objection subject to conditions and informatives

Belfast City Airport – No objection.

Environmental Health – No objection subject to informatives

Drawing Numbers and Title

Drawing No. 01 – Site Location Plan

Drawing No. 02 – Existing Block Plan

Drawing No. 03A – Proposed Block Plan

Drawing No. 04 – Proposed Ground Floor Plan

Drawing No. 05 – Proposed Floor Plans and Divis Street Elevation

Drawing No. 06 – Proposed Elevations

Drawing No. 07 – Proposed East Elevation

Notification to Department (if relevant)

Date of Notification to Department: Not required

Response of Department: N/A