

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 20 June 2017</b>	
<b>Application ID:</b> LA04/2016/0041/F	
<p><b>Proposal:</b> Lagan gateway project includes: the provision of a new boat lock at Stranmillis to allow the passage of boats past the weir, new footbridge and path linking Annadale embankment with Stranmillis and paths to Belvoir Park. Works involve working in the river Lagan near an existing weir and fish pass and constructing a footbridge near a scheduled monument area (historical lock) (Environmental Statement received)</p>	<p><b>Location:</b> Site located at the weir at Stranmillis near Belfast Boat Club BT9 5FJ</p>
<b>Referral Route:</b> Belfast City Council Application	
<b>Recommendation:</b>	Approval
<p><b>Applicant Name and Address:</b> Belfast City Council Adelaide Exchange 24-26 Adelaide Street Belfast BT1 5GS</p>	<p><b>Agent Name and Address:</b> McAdam Design Ltd 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ</p>
<p><b>Executive Summary:</b> The application seeks full planning permission for the provision of a new boat lock to allow the passage of boats past the weir, new footbridge and path linking Annadale embankment with Stranmillis. In addition landscaping is proposed throughout the scheme including an area northeast of the footbridge which will include picnic tables and cycle stands.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposed use at this location</li> <li>- Design and impact on the character of the area; and</li> <li>- Environmental Impacts of the proposal.</li> </ul> <p>The proposed development is located within a number of designated sites dominated by the River Lagan corridor. These include the Lagan Valley Regional Park, the Lagan Valley AONB and a Site of Local Nature Conservation Importance. The area is long established as a recreational area, the proposal aims to enhance this thus the proposal is considered acceptable at this location.</p> <p>The proposal has been assessed against the following Policies – Strategic Planning Policy for Northern Ireland, Belfast Urban Area Plan 2001, BMAP (draft), Planning Policy Statement 2: Natural Heritage (PPS2); Planning Policy Statement 3 – Parking, Access and Movement, Planning Policy Statement 6 – Archaeology and the Built Heritage, Planning Policy 8: Recreation and Open Space (PPS8); Planning Policy Statement 15: Planning and Flood Risk (PPS15) and Planning Policy Statement 21 – Sustainable Development in the Countryside</p> <p>HED, Environmental Health, TNI, DAERA and Rivers Agency were consulted and offered no</p>	

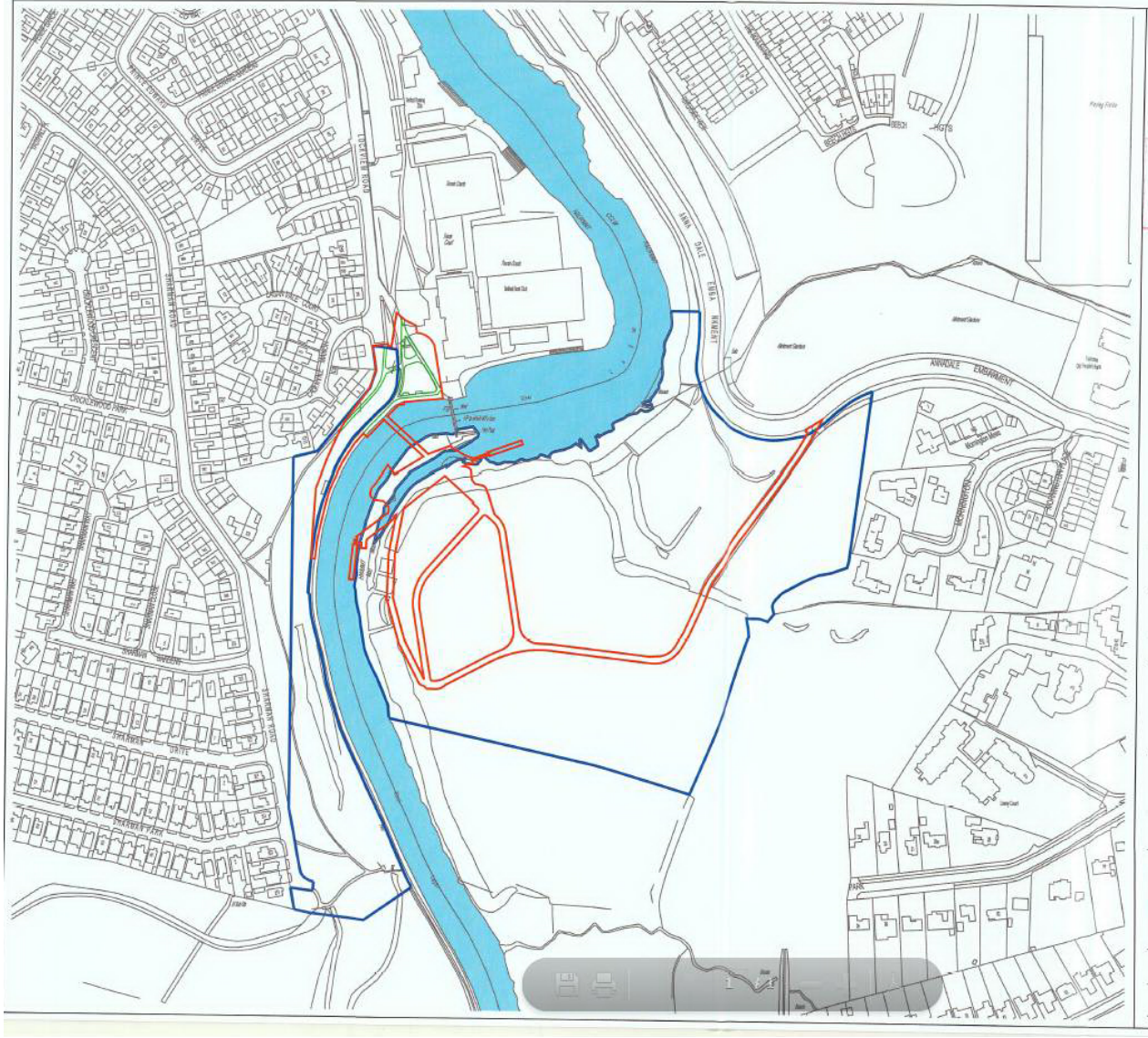
objections to the proposal, standard conditions are to be applied. In the absence of a response from NIEA the final wording of conditions shall be delegated to the director of Planning and Place.

One representation was received from Lagan Rivers Trust regarding adversely impact on flora and fauna. All issues considered

Having had regard to the development plan, relevant planning policies, and other material considerations, it is determined that the proposal should be approved subject to conditions set out below.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

Planning permission is requested for the provision of a new boat lock to allow the passage of boats past the weir, new footbridge and path linking Annadale embankment with Stranmillis.

#### 2.0 Description of Site

The site is located along River Lagan towpath south west of Belfast Boat Club, Stranmillis. The site is primarily open space/recreational. The lands on the southern bank of the river are in agricultural use with pedestrian access and a network of informal pathways with no current linkage between both sides of the river. The west of the site is primarily residential with commercial and recreational land uses immediately to the north and north west of the site such as Cutters Wharf and Belfast Boat Club.

The proposed development is located within a number of designated sites dominated by the River Lagan corridor. These include the Lagan Valley Regional park, the Lagan Valley AONB and a Site of Local Nature Conservation Importance.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> No relevant planning history
<b>4.0</b>	<b>Policy Framework</b>
4.1	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS) Belfast Urban Area Plan 2001 Belfast Metropolitan Area Plan (2015) (draft) Planning Policy Statement 2: Natural Heritage (PPS2); Planning Policy Statement 3 – Parking, Access and Movement Planning Policy Statement 6 – Archaeology and the Built Heritage Planning Policy 8: Recreation and Open Space (PPS8); Planning Policy Statement 15: Planning and Flood Risk (PPS15) Planning Policy Statement 21 – Sustainable Development in the Countryside
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	NIEA – awaiting outline Construction Environmental Management Plan TNI – No objection Rivers Agency – no objection HED – awaiting info DAERA – Air and Environmental Quality – no objection DAERA – Fisheries Division – no objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	<b>Environmental Health – awaiting response</b> Northern Ireland Transport Holding Company – no reply Lagan Valley Regional Park Office – advice offered <b>Shared Environmental Services - awaiting.</b>
<b>7.0</b>	<b>Representations</b>
7.1	Objection Lagan Rivers Trust
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	AONB SLNCI
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>- The principle of the proposed use at this location</li> <li>- Design and impact on the character of the area; and</li> <li>- Environmental Impacts of the proposal.</li> </ul>
9.2	Article 6 (4) of the Planning (Northern Ireland) 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.
9.3	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result

	<p>of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
9.4	<p>The application seeks permission for a new boat lock located upstream from the existing weir on the southern side of the river, this will require excavation of an existing inlet on the southern bank. The lock will measure approximately 35m in length with a channel width of 5m. A footbridge is proposed for pedestrians and cyclists between the northern and southern shore of the river lagan. The bridge will comprise of a bridge deck across the river supported by two reinforced concrete abutments and two reinforced concrete piers. It will be constructed of steel deck plates and will have a total span of 105m and 3.5m wide with a 1.1m high stainless steel rail.</p>
9.5	<p>Pedestrian pathways will be created on both sides of the river along with two pontoons – one upstream and one downstream of the proposed lock. A canoe launch shall be located on the northern shore of the river on the western side of the footbridge.</p>
9.6	<p>In addition landscaping is proposed throughout the scheme including an area northeast of the footbridge which will include picnic tables and cycle stands.</p>
9.7	<p><b>The principle of the proposed use at this location</b>  The site is located just outside of the development limits, the proposal forms part of a wider scheme to develop a gateway for Lagan Valley Regional Park which will serve as initial step of opening up the lagan for navigation. The site is already established as recreational/open space and thus the principle of development at this location is considered acceptable. The proposal will result in better utilisation and connection of the space and will not adversely affect the character of the area.</p>
9.8	<p><b>Design and impact on the character of the area</b>  The site is located within Lagan Valley Regional Park and Lagan Valley Area of Outstanding Natural Beauty, it is a well utilised riverside recreational area which makes a valuable contribution to the designations. A small section to the north of the site is designated as a node within the park. Planning permission will be granted for development proposals for recreation and tourist facilities provided they meet criteria. The proposal is sensitively located and will not have a significant adverse effect on the character of the park. It is of appropriate scale and high quality design with appropriate use of materials, all areas of open space are protected and it will make a positive contribution to the parks recreational function thus complying with Policy COU 11.</p>
9.9	<p>Draft BMAP and Belfast Urban Area Plan refer to Lagan Valley Regional Park and the need to protect and enhance the scenic character and recreational potential whilst conserving its essential character. Policy COU 12 in Part 3, Volume1 of BMAP and Policy R4 of BUAP seeks to balance a presumption in favour of urban development with need to protect and enhance the Park's character in an environmentally selective manner, and to resist pressure from inappropriate development. The development is sensitively sited, it will enhance the physical environment through high quality landscaping and will provide an attractive focal point whilst increasing capacity for recreation.</p>
9.10	<p><b>Environmental Impacts of the proposal.</b>  The application is accompanied by an Environmental Statement as the development falls within Schedule 2, Part 10 (B) of the Planning (Environmental Impact Assessment) NI and the site is greater than 0.5ha. The following elements have been assessed within the statement:</p> <ul style="list-style-type: none"> <li>- Contaminated land</li> <li>- Landscape and visual impact</li> </ul>

	<ul style="list-style-type: none"> <li>- Noise and vibration</li> <li>- Ecology</li> <li>- Cultural heritage</li> <li>- Flooding</li> <li>- Water quality</li> <li>- Socio economics</li> </ul>
9.11	<p><b>Contaminated land</b> – Environmental Health had initial concerns regarding the potential for contaminated land in proximity to the site to impact on human health. The contaminated land reports noted high levels of lead. As such a remediation strategy was submitted and Planning Service are awaiting a response from Environmental Health. In the absence of a response the final wording of conditions shall be delegated to the director of Planning and Place.</p>
9.12	<p><b>Noise and vibration</b> – a noise and vibration assessment is detailed within the statement, with respect to the construction and operation of the proposal. The nearest property is located approximately 10m from the site boundary. The report states that there will be no impact from operational noise and as such no mitigation measures have been recommended. Environmental Health are content with the report but have requested a Construction Noise Management Plan prior to development commencing.</p>
9.13	<p><b>Flooding</b> – The proposal has also been assessed against Policy FLD 3 of PPS15. A drainage assessment was submitted for Rivers Agency consideration, consequently they have no objection to the proposal. Flood maps indicate that the site is not affected by fluvial flooding and storm water will be discharged into drains and the River Lagan.</p>
9.14	<p><b>Water quality</b> – the development has potential to impact on water during the construction and operational phases and as such the ES contains an assessment outlining mitigation measures. Water Management Unit were consulted on the application and have requested a Construction Method Statement to ensure all risks are minimised.</p>
9.15	<p><b>Built heritage</b> – the site contains a section of the Lagan Navigation, a monument of regional importance which is assessed under Policy BH 1 of PPS 6. HED are content with the proposal in principle, initially they had concerns regarding the realignment of the existing towpath and requested a scheduled monument consent for the proposed canoe viewing deck. Amended plans were submitted illustrating the retention of the existing towpath and the omission of the viewing deck. To date Planning Service are awaiting HED response, in the absence of a response the final wording of conditions shall be delegated to the director of Planning and Place. The amendments aim to remove any potential for impacts on any remains of regional importance.</p>
9.16	<p><b>Landscape and Visual</b> – the existing landscape and its use has been established. The proposed development will be located within the River Lagan corridor landscape, the built elements such as the footbridge, pontoons and boat lock will be prominent within the landscape however they will have short range views and will not have a detrimental visual impact due to the nature, design and scale of the proposal. There are a number of residential properties within the vicinity however these are well screened by dense mature vegetation along the site boundary.</p>
9.17	<p>The site is located within Lagan Valley Area of Outstanding Natural Beauty. A landscape and visual assessment has been submitted showing 4 critical view points, two north of the site, one from the east across the river and one from the south looking downstream. Given the nature and location of the proposal the views will be restricted to pedestrians and cyclists only. It is considered the impact on the AONB will be minor and the area has the capacity to absorb the development.</p>

<p>9.18</p>	<p><b>Ecology</b> – the majority of the site is located within Belvoir Site of Local Nature Conservation Importance (SLNCI) with a section along the west of the river contained within Lagan Meadows SLNCI. An Ecological Impact Assessment was conducted as part of the ES which found no significant impact on the local ecological environment. With mitigation measures the proposed development will not result in significant, long lasting or permanent effects on the SLNCI. Policy NH 4 of PPS 2 refers to SLNCI, any proposal will not be permitted which will have a significant adverse impact on the SLNCI. NIEA were consulted on the application and state that the site is hydrologically connected to Belfast Lough SPA, Belfast Lough Open Water SPA and Inner Belfast Lough ASSI. These sites are protected by Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 and The Environment (Northern Ireland) Order 2002. NIEA have requested an outline Construction Environmental Management Plan and a proposed storm drainage plan in order to undertake a robust Habitats Regulations Assessment. This is currently under review, in the absence of a response the final wording of conditions shall be delegated to the director of Planning and Place.</p>
<p>9.19</p>	<p><b>Representations</b> Lagan Rivers Trust have objected to the application. They state that the development has the potential to cause deterioration of the status of the River Lagan due to damage to plant, invertebrate and fish species due to boat traffic. The application is accompanied with an Environmental Statement which has fully assessed all the potential impacts of the proposal and all mitigation measures. The various consultees listed above have confirmed that the proposal will not result in an unacceptable Environmental Impact subject to conditions and /or informatives. Rivers Agency, and Inland Fisheries are satisfied that the proposal will not adversely impact on flora and fauna, or other aspect of the aquatic environment. Rivers have also confirmed that the proposal will not result in or be subject to Flood Risk and accordingly the proposal is considered compliant with PPS15.</p>
<p><b>10.0</b></p>	<p><b>Summary of Recommendation: Approval</b></p>
<p>10.1</p>	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions for the following reasons.</p>
<p>10.2</p>	<p>The proposal is located within an established recreational area and is compliant with policy. The development respects the surrounding context and is of appropriate scale massing and of high quality design. Consultees are satisfied that the proposal will not result in any adverse Environmental Impacts.</p>
<p>10.3</p>	<p>Statutory and non-statutory consultees have offered no objections subject to the conditions outlined below. Approval is recommended.</p>
<p><b>11.0</b></p>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. A Detailed Construction Method Statement for in / near water works must be submitted to the Department, for consultation with NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction.</li> </ol>

**Reason:** To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

3. If during the development works, new contamination and risks are encountered which has 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 to its satisfaction.

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

4. After completing any remediation works required under Condition 3, 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.

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

5. Prior to the development commencing, a Construction Noise Management Plan shall be developed and submitted for review and approval by Belfast City Council's Environmental Protection Unit. This plan should incorporate the recommended mitigation measures outlined in the RPS Noise and Vibration Impact assessment in section 5 of the Environmental Statement Volume 1 dated July 2016 report no :NI 1684. It should outline the methods to be employed to minimise any noise and vibration impact of construction operations demonstrating 'best practicable means' The plan should pay due regard to BS 5228:2009 Noise and Vibration Control on Construction and open Sites and include a detailed programme for the construction phase, the proposed noise and vibration monitoring methods, noise mitigation methods and evidence of neighbour liaison. The construction works should be carried out in line with the agreed Construction Noise Management Plan.

**Reason:** In the interests of amenity

6. No lighting equipment shall be erected onto the foot and cycle bridge hereby permitted unless a lighting plan is submitted and agreed in writing by Belfast Planning Service and verified with NIEA NED. The lighting shall be installed and operated in accordance with the agreed arrangements.

**Reason:** In order to prevent disturbance to European Protected Species.

7. There shall be no lighting from the bridge directed onto the River Lagan water surface at any time.

**Reason:** To prevent disturbance to European Protected Species.



<b>Notification to Department (if relevant)</b> N/A	
<b>Representations from Elected members:</b> N/A	

<b>ANNEX</b>	
<b>Date Valid</b>	15th December 2015
<b>Date First Advertised</b>	2 <sup>nd</sup> September 2016
<b>Date Last Advertised</b>	14 <sup>th</sup> April 2017
<b>Details of Neighbour Notification</b> (all addresses) 1 Laganvale Manor, Malone Lower, Stranmillis, Belfast, Antrim, BT9 5BE, 102, 104 Sharman Road, Malone Lower, Belfast, Antrim, BT9 5HE, 2, 5, 6, 7, 8, 12, 14, 15, 37, 38 Laganvale Manor, Malone Cutters Wharf, Lockview Road, Malone Lower, Belfast, Antrim, BT9 5FJ	
<b>Date of Last Neighbour Notification</b>	6th September 2016
<b>Date of EIA Determination</b>	<b>15-01-16</b>
<b>ES Requested</b>	Yes
<b>Drawing Numbers and Title</b> 01 – site location plan 03(a) – Landscaping 04 – landscaping 05 – Landscaping 06 – Landscaping 07 – Landscaping 08(a) – Proposed plan route and sections 09 – Proposed bridge general arrangement 10 – Proposed lock general arrangement 11 – Proposed pontoon general arrangement 12 – Storm drainage details 13 – Bridge elevation 14 – Illustrative concept masterplan 15 - Illustrative concept masterplan 16 – Proposed bridge artists impression	