

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th October 2017	
Application ID: LA04/2017/1509/F	
Proposal: Temporary car park with associated lighting, kerbing, drainage and surfacing.	Location: Ground to the rear of 131 Andersonstown Road and bounded by the South Link Road Belfast
Referral Route: Belfast City Council is the applicant.	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: Stephen McCullough 9 Adelaide Street Belfast BT2 8DJ
<p>Executive Summary:</p> <p>Planning permission is sought for a change of use of vacant land for a temporary car park with associated lighting, kerbing, drainage and surfacing.</p> <p>The site is located within the development limits for Belfast. The site is unzoned whiteland within the draft BMAP 2015.</p> <p>The main issue to be considered are;</p> <ul style="list-style-type: none"> - The principle of the use of the proposal, - The impact of the development on the character and appearance of the surrounding area, - The impact on traffic and parking; and - Impact on the residential amenity of neighbouring property. <p>The proposal has been assessed against the draft development plan (dBMAP 2015) and relevant regional planning policies. The proposal is considered to be compatible with the zoning of the site and compliant with regional policy.</p> <p>6 third party representations have been received all objecting to the proposal.</p> <p>TransportNI and Environmental Health were consulted and are content in principle.</p> <p>Rivers Agency have been consulted informally on the submitted drainage plan and their response is outstanding.</p> <p>Recommendation</p> <p>Having had regard to the development plan and other material considerations it is recommended that the application is approved subject to conditions. Delegated authority is request to amend or add any further conditions following the conclusion of the consultation process.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development
 The proposal is for the change of use of vacant land for a temporary car park with associated lighting, kerbing, drainage and surfacing.

2.0 Description of Site
 The application site is a vacant piece of backland brownfield land bounded by residential property on its east and west sides; a licenced premises on its north side; and a buffer of open space separating it from commercial property along the Andersonstown Road. Levels rise towards the north. Vehicular access is from the Andersonstown Road to the south of the site. Pedestrian access from South Link to the north of the site. the site is currently partially covered in a hard standing while its flanking sides are fenced off and overgrown with weeds.

The immediate local area is mixed use with commercial and low density residential.

Planning Assessment of Policy and other Material Considerations

3.0 Site History
 LA04/2017/0707/F - Redevelopment of Andersonstown Leisure Centre to include demolition of existing leisure centre and ulster bank and the erection of new multi-purpose leisure facility building including family leisure water provision, 25m swimming pool, learner pool, fitness suite, fitness studios, ancillary rooms and associated works. Public and service vehicles access via Andersonstown Road and secondary service vehicle access from Owenvarragh park. External facilities include 2 No. five-a-side pitches, cycle and car parking, coach drop off points, landscaping, external water slide flumes and plaza area to the front of the centre and open space at the rear. Andersonstown Leisure Centre, Andersonstown Road. Approval.

4.0	Policy Framework
4.1	Draft Belfast Metropolitan Area Plan 2015 Belfast Urban Area Plan 2001
4.2	Regional Development Strategy 2035; Belfast Urban Area Plan 2001; Belfast Metropolitan Area Plan (BMAP) 2015 (draft); Strategic Planning Policy Statement for NI (SPPS); and Planning Policy Statement 3 - PPS3: Access, Movement and Parking
5.0	<p>Representations:</p> <p>Adjoining properties were consulted as part of the neighbour notification scheme and 6 third party representations have been received. These are summarised as follows:</p> <ol style="list-style-type: none"> 1. Proposed fence to the rear of residential properties at Slemish Way will restrict right of way for pedestrian and vehicular access to these properties from the site; 2. Anti-social behaviour; 3. Query regarding the management of the car park i.e. will it be locked at night and what hours will it be operational? 4. Confirmation of the distance between the existing boundary at the rear of No.15 St Agnes Drive and the proposed fence; 5. Increase in light pollution and noise from cars; 6. Traffic Congestion; 7. Overlooking; 8. Air pollution. <p>There is no proof of any right of way on the site from adjoining residential properties. Gaps in the hedge along the Slemish Way side lead only onto an area that has been fenced off for several years with no access beyond. Boundary and landownership disputes are not material planning considerations. Unless evidence to the contrary is before it, the Local Planning Authority will not involve itself in these disputes.</p> <p>In respect of Nos 2 and 3, ultimately these are not material planning considerations; however, if planning permission is granted for the car park, the council as the applicant will be in a position to control how the car park is managed and prevent anti-social behaviour.</p> <p>All other points are material to planning and will be incorporated into the following assessment.</p>
6.0	Assessment
6.1	<p>Consultations:</p> <p>The following bodies were consulted as part of the processing of this application: TransportNI Belfast City Council's Environment and Health Services Dept. None have any objection in principle to the proposal. Rivers Agency are have been consulted informally and are yet to respond. There is no statutory obligation to consult Rivers Agency in this case as the development is not within a fluvial or a flood plain but were consulted regarding a drainage plan that was submitted by the applicant in respect of the proposal this has been conditioned however further conditions may be required following the Rivers Agency response and delegated authority is requested to allow this.</p>

6.2	<p>Constraints:</p> <p>The site is zoned for housing (WB 04/10) – uncommitted, in draft BMAP. The site falls within the development limits for Belfast in both Plans. The PAC report on BMAP did not advise against the proposed zoning of this site for housing. As such BMAP will carry significant weight. A culverted stream lies to the west side of the site.</p>
6.3	<p>Principle of Development:</p> <p>The proposed use falls within no specific use class (sui generis). The site’s zoning for uncommitted housing means that the principle of any other use other than housing is only acceptable on a temporary basis. There are no extant permissions or live applications on the site for residential development and the proposal is for a temporary period only and for use in connection with a leisure centre on the opposite side of the Andersonstown Road. As such the use is acceptable for a temporary period until a time when the site is to be redeveloped.</p>
6.4	<p>Need:</p> <p>Supporting information (TAF) that accompanied the application states that the purpose of providing the proposed 103 space car park is to address the temporary loss of car parking spaces in the locality when the new leisure centre is being constructed, combined with the loss of on-street spaces associated with the Bus Rapid Transit scheme on Andersonstown Road. TransportNI has been consulted and has deemed the proposal to comply Policy AMP 10 PPS 3 in respect of need.</p>
6.5	<p>Access:</p> <p>TransportNI is the statutory body responsible for road safety, car parking and traffic flow. TNI was consulted and has no objections in principle to the proposal and advised that they are content that the proposal complies with Policy AMP 1, Policy AMP 2 and Policy AMP 6.</p>
6.6	<p>Design:</p> <p>The proposal will be secured by a 2m approx. tall steel mesh fence and new street lighting. The existing fences through the site will be removed and the site covered in hardstanding. This will be an improvement to the current condition of the site which is overgrown and unlit during the evenings. The site’s backland location also limits public views. Design guidelines at paragraphs 4.23-4.36 of the SPPS have been adhered to. Policy AMP 9 of PPS 3 is has been met.</p>
6.7	<p>Landscaping:</p> <p>The proposal has no soft landscaping. However, given the character of the local prevailing area and its existing character, soft landscaping is unnecessary to help integration.</p>
6.8	<p>Flooding:</p> <p>A culverted stream lies to the west of the site. However, DARD Flood Maps show that the site is not within an area at flood risk. However, to ensure that the proposal will not cause or exacerbate flooding the applicant has submitted a drainage plan to ensure that flooding is not an issue. Rivers Agency have been consulted informally on the Drainage Plan; and further conditions may be required following their response.</p>
6.9	<p>Impact on Residential Amenity:</p> <p>In respect of noise, nuisance and disturbance from the car park use and also spill from the proposed lights, Environmental Health Unit in the council who is the statutory authority regarding such was consulted. EHU has no concerns and is content in principle. Delegated authority is requested for the wording of final conditions.</p>

6.10	<p>Other Material Considerations: Policy AMP 11 of PPS 3 states that planning permission if granted for a proposed temporary car park will be for a time-limited period of 1 year only. However, this proposal can be considered an exception to this rule in that it is required in respect a development that is major and unlikely to be completed within one year and a 3 year period is considered more realistic.</p>
6.11	<p>Also, Policy AMP 11 states that such proposals are submitted in conjunction to develop the site in question. The proposal is to facilitate a development on a nearby site. No programme of works has been submitted, however the justification and amplification for this policy states that such is required to ensure that the proposal does not hinder the future redevelopment of the site. In this case there is no live permissions on the actual application site and it is unlikely therefore to be developed on in the short to medium term.</p>
7.0	<p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to the following conditions:</p>
8.0	<p>Conditions:</p> <p>1 The permission hereby granted shall be for a limited period of 3 years only and shall expire on 18 October 2020. Reason: To enable The Council to consider the development in the light of circumstances then prevailing.</p> <p>2 The car park hereby approved shall cease and the land returned to its former condition within 3 years of the date of this decision. Reason: To enable The Council to consider the development in the light of circumstances then prevailing.</p> <p>3 The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with Drawing No 01A bearing the date stamp 13th September 2107 to provide for parking within the curtilage of 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 adequate provision has been made for parking within the curtilage of the site.</p> <p>4 The development hereby permitted shall not become operational, until 'priority access' arrangements, including signs and associated road markings have been submitted and agreed by TransportNI. Reason: To ensure adequate provision has been made to manage vehicular access to the site.</p> <p>5 The development hereby permitted shall be completed in accordance with the approved drainage plan drawing 04 and should not become operational until written confirmation has been received from the planning authority. Reason: To ensure adequate drainage. Notwithstanding the details hereby approved on drawing 02 the fence shall be constructed as a solid acoustic fence and the details submitted for approval prior to construction.</p> <p>6</p>

	<p>Reason: To ensure protection of amenity of adjoining residential properties. Informatives:</p>
1	<p>Contaminated Land Should any unforeseen ground contamination be encountered during the development and in order to protect human health, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of land Contamination CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.</p>
2	<p>Lighting Artificial lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of obtrusive light may be obtained from the institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire.</p>
3	<p>Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure, Roads 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 DfI, Roads Section Engineer whose address is: Belfast North Section Office, 148-158 Corporation Street, Belfast, BT1 3DH .A monetary deposit will be required to cover works on the public road.</p>
4	<p>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 or debris deposited on the road must be removed immediately by the contractor.</p>
5	<p>All construction plant and materials shall be stored within the curtilage of the site.</p>
6	<p>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.</p>

ANNEX	
Date Valid	6th July 2017
Date First Advertised	21st July 2017
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>12 Slemish Way, Ballydownfine, Belfast, Antrim, BT11 8GW, The Owner/Occupier, 13 St. Agnes Drive, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 8GZ, 133 Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9BU, 133B Andersonstown Road, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 9BU, 14 Slemish Way Ballydownfine Belfast 15 St. Agnes Drive, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 8GZ, 16 Slemish Way, Ballydownfine, Belfast, Antrim, BT11 8GW, 17 St. Agnes Drive, Belfast BT11 8GZ 18 Slemish Way, Ballydownfine, Belfast, Antrim, BT11 8GW, 20 Slemish Way, Ballydownfine, Belfast, Antrim, BT11 8GW, 38-40 South Link Belfast BT11 8GX Flat A - F, 12 South Link, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 8GX, Flat A - F, 14 South Link, Ballydownfine, Andersonstown, Belfast, Antrim, BT11 8GX, J P Corry Ltd, 131 Andersonstown Road, Andersonstown, Belfast, Antrim, BT11 9BU, Paddy Power, 133A Andersonstown Road, Andersonstown, Belfast, Antrim, BT11 9BU,</p>	
Date of Last Neighbour Notification	19th September 2017
ES Requested	No