

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2017/0509/F	<b>Date of Committee:</b> 12 June 2018
<b>Proposal:</b> Community urban farm including 2 no. single storey buildings, polytunnel, animal enclosures and garden areas.	<b>Location:</b> Lands approx. 5 metres to the south of 54 Rodney Parade, Belfast, BT12 6EE
<b>Referral Route:</b> Applicant in receipt of funding from Belfast City Council	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> St James Forum 67 St James Road Belfast BT12 6EA	<b>Agent Name and Address:</b> MMAS 2nd Floor New Mill Conway Mill 5-7 Conway Street Belfast BT13 2DE
<p><b>Executive Summary:</b></p> <p>Full permission is sought for a Community urban farm including 2 no. single storey buildings, a polytunnel, animal enclosures and garden areas.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Open space provision;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on the Site of Local Nature Conservation Importance (SLNCI);</li> <li>• Impact on the Local Landscape Policy Area (LLPA);</li> <li>• Impact on the Urban Landscape Wedge;</li> <li>• Parking provision and access;</li> <li>• Other environmental factors.</li> </ul> <p>The principle of development and the proposed use as open space is existing and will continue to be utilised as such, with enhanced facilities that will provide wider community benefits.</p> <p>No objections have been received.</p> <p>Environmental Health has no objection subject to conditions. NIEA – Land, Soil and Air, DAERA – Air and Environmental Quality, Transport NI and NI Water have no objection to the proposal.</p> <p><u>Recommendation:</u></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.</p>	

**Site Location Map**



**Characteristics of the Site and Area**

<p><b>1.0</b></p>	<p><b>Description of Proposed Development</b></p> <p>The proposal is for full planning permission for a Community Urban Farm including 2 no. single storey buildings, polytunnel, animal enclosures and garden areas.</p>
<p><b>2.0</b></p>	<p><b>Description of Site</b></p> <p>The site is located 5m south of 54 Rodney Parade, Belfast. The site is in use as a community urban farm with vegetable planters, polytunnel and single storey sheds. Goats and hens were currently on the site at the time of site inspection. The land falls within the site from the south-east to the north-west. The site is bound by metal railing fencing approximately 2.5m in height. Residential dwellings are located to the north and west of the site in the form of two storey</p>

	terrace dwellings. The site is within and surrounded by Bog Meadows Nature Reserve to the south and east.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	Z/2014/0344/F - Bog Meadows Nature Reserve - Provision of new footpaths + resurface existing footpaths: erection of railings + fencing + gates: refurbish existing bridge crossing + provide a new bridge crossing - Granted
3.2	Z/2005/2066/LDP - Removal of 3 no. electricity pylons and erection of 1 no. new terminal pylon some 70 metres north of the last pylon in the Bog meadows to facilitate the diversion of cables underground to Milner Street sub-station – Permitted Development
3.3	Z/2005/1043/LDP - Removal of 3 no. electricity pylons and erection of 1 no. new terminal pylon some 100 metres north of the last pylon in the Bog Meadows to facilitate the diversion of existing cables underground to Milner Street sub-station – Permitted Development
<b>4.0</b>	<b>Policy Framework</b>
4.1	Draft Belfast Metropolitan Area Plan 2015
4.2	4.2.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.2.2 Planning Policy Statement 2: Natural Heritage 4.2.3 Planning Policy Statement 3: Access, Movement and Parking 4.2.4 Planning Policy Statement 8: Open Space and Recreation 4.2.5 Planning Policy Statement 15: Planning & Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DOE NIEA – Land, Soil and Air – No objection
5.2	DOE NIEA – Drainage and Water – Standing Advice
5.2	DAERA – Air and Environmental Quality – No objection
5.3	DRD Transport NI – No objection
5.4	NI Water – No objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection subject to conditions.
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No comments have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Under the draft BMAP 2015 plan that was adopted and subsequently quashed the site was designated as;

8.2	An area of existing open space.
8.3	An Urban Landscape Wedge – BT 081 - Milltown
8.4	A Site of Local Nature Conservation Importance (SLNCI) – BT 084/10 – Bog Meadows, M1/Falls.
8.5	A Local Landscape Policy Area (LLPA) - BT 120 – Milltown/Bog Meadows.
<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>• Principle of development and use;</li> <li>• Open space provision;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on the Site of Local Nature Conservation Importance (SLNCI);</li> <li>• Impact on the Local Landscape Policy Area (LLPA);</li> <li>• Impact on the Urban Landscape Wedge;</li> <li>• Parking provision and access;</li> <li>• Other environmental factors.</li> </ul>
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
9.4	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast post RPA and previously would have been part of Metropolitan Lisburn under the Draft Belfast Metropolitan Area Plan 2015. However given that the Belfast Metropolitan Area Plan was adopted and subsequently quashed weight is given to it and the site is considered to be within the settlement development limit for Belfast.
9.6	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. It is considered that this proposal will not result in demonstrable harm to nearby residents or the environmental quality of the area.
9.7	<b><u>Principle of development and use</u></b> The principle of the development is considered acceptable at this location, the existing use as open space will be retained and enhanced to provide an urban community farm for the St James Forum.

9.8	<p><b><u>Open space provision</u></b> The site is currently designated as existing open space and the proposal will retain it as open space in the form of an urban community farm. It is considered that the proposal will bring wider community benefit by providing a community facility whilst still maintaining the open space use. The proposal therefore complies with Policy OS1 of Planning Policy Statement 8.</p>
9.9	<p><b><u>Impact on residential amenity of neighbours</u></b> Environmental Health has considered the proposal and has no objections subject to conditions. No representations from neighbours have been received. It is also acknowledged that the use as an urban community farm, without the benefit of planning permission has been ongoing without complaints. Environmental Health has recommended the attachment of conditions in relation to the management of manure and cockerels to ensure the protection of the residential amenity of neighbours from odour and noise.</p>
9.10	<p><b><u>Impact on the Site of Local Nature Conservation Importance (SLNCI)</u></b> NIEA were consulted and Natural Heritage provided no comment. Given that the site is currently in use as an urban community farm and no concerns have been raised in regards to impacting upon the Bog Meadows Nature reserve, it is considered that the proposal is acceptable and will not adversely impact upon the SLNCI.</p>
9.11	<p><b><u>Impact on the Local Landscape Policy Area (LLPA)</u></b> In respect of the Local Landscape Policy Area, the proposal will not detrimentally impact on the Local Landscape Policy Area as the proposal site is a small area of what is a larger LLPA. The proposed urban community farm will not detract from the amenity value or landscape quality that the LLPA currently provides, in the form of a wetland and nature reserve which provide a visual break between built form to the north and the M1 Motorway/Falls. The proposal will not adversely affect the environmental quality, integrity or character of the LLPA and is therefore considered to comply with Policy ENV 1 of draft BMAP 2015.</p>
9.12	<p><b><u>Impact on the Urban Landscape Wedge</u></b> The proposal will not adversely impact on the Urban Landscape Wedge in which it is situated. The proposal retains the use as existing open space with the addition of single storey building for use by the community and livestock which will kept. The open nature of the urban landscape wedge will be retained and the proposed buildings for the farm will be ancillary to the recreational use as an urban community farm. The buildings are of a minor scale and will not disrupt long or short range views of the urban landscape wedge from Rodney Parade or the M1 motorway. It is considered that the proposal complies with Policy UE 4 of draft BMAP 2015.</p>
9.13	<p><b><u>Parking provision and access</u></b> Transport NI were consulted and have no objection to the proposal.</p>
9.14	<p><b><u>Other environmental factors.</u></b> NIEA Land, Soil and Air have no objection subject to conditions. NIEA Drainage and Water advised the proposal had the potential to adversely affect the surface water environment, and NIW should be consulted; NI Water responded with no objection.</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.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b> Approval

<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. Prior to the commencement of the development the applicant shall submit a remediation strategy for review and approval by Belfast City Council. This Strategy must demonstrate how the identified pollutant linkages are to be demonstrably broken and no longer pose a potential risk to human health  Reason: Protection of human health</li> <li>3. Prior to the occupation of the proposed development, the applicant shall provide to Belfast Planning Service for approval a verification report. This report must demonstrate that the contaminated land remediation measures as outlined in the approved Remediation Strategy have been implemented.  Reason: Protection of human health</li> <li>4. The verification report shall demonstrate the successful completion of the remediation works and that the site is now fit for end-use. It must demonstrate that any identified significant pollutant linkages are effectively broken. The Verification report must be in accordance with current best practice and guidance as outlined by the Environment Agency  Reason: Protection of human health</li> <li>5. The areas hatched in grey on stamped drawing no 04A to only be used for the growing of produce.  Reason: Protection of human health</li> <li>6. Manure shall be stored in recycling bins fitted with secure lids. They will be stored within the location outlined on drawing stamped 04A.  Reason: Protection of residential amenity</li> <li>7. Only one cockerel shall be kept on site at any one time.  Reason: Protection of residential amenity</li> <li>8. The cockerels shall be kept in an individual coop at night, kept as dark as possible until 7am Monday to Friday and 8am on a Saturday and Sunday.  Reason: Protection of residential amenity</li> </ol> <p>Informatives</p> <ol style="list-style-type: none"> <li>1. WASTE AND CONTAMINATED LAND (NI) ORDER 1997</li> </ol>

	<p>The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation.</p>
<b>Notification to Department (if relevant)</b>  N/A	
<b>Representations from Elected members:</b>  N/A	