

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 11 December 2018</b>	
<b>Application ID:</b> LA04/2018/1832/F	
<p><b>Proposal:</b> Demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.</p>	<p><b>Location:</b> Lands at and surrounding St Gemma's School &amp; The Flax Centre, Ardoyne Avenue, Belfast.</p>
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	<b>Approval</b>
<p><b>Applicant Name and Address:</b> The Flax &amp; ABC Trust 333 Crumlin Road Belfast BT14 7EA</p>	<p><b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE</p>
<p><b>Executive Summary:</b> This application seeks planning permission for demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> <li>- Principle of redevelopment</li> <li>- Acceptability of Proposed Retail Uses at this location</li> <li>- Acceptability of Proposed Office Use</li> <li>- Acceptability of Community Uses</li> <li>- Acceptability of Housing</li> <li>- Open Space Provision</li> <li>- Impact on neighbouring amenity</li> <li>- Impact on Built Heritage</li> <li>- Traffic and Parking</li> <li>- Impact on trees and Natural Heritage</li> <li>- Contaminated Land</li> <li>- Drainage and Flooding</li> <li>- Pre-application Community Consultation</li> </ul>	

The site is located on unzoned land within the development limits of Belfast. The presumption is therefore in favour of development, subject to the planning considerations discussed below. The principle of this mixed use development, which includes housing, retail and community use is acceptable.

The existing school building and the large area of surrounding hard standing makes little in the way of a positive contribution to the character of the area. The proposed mixed use scheme will not only provide housing, a community centre and retail units, but will also improve the appearance of the area and add a landscaped environment.

This mix of residential, retail and community uses will add to the diversity of the area and compliment the adjacent Flax centre. The design of the mixed use block and community hub is contemporary and must be looked at favourably when compared to the existing school building which currently occupies the site.

#### Representations

A total of 9 letters of support have been received. These letters raise the following points:

Provision of a better, safer community facility.

Increase in local employment opportunities.

Provision of essential services.

Local and far reaching benefits.

Provision of 'crucial' community hub.

No objections were received.

#### Consultees & Environmental Matters

**Environmental Health** – No objection subject to conditions

**DAERA**– No objection

**DFC Historic Environment Division** – No objection

**DFI Roads** – Await response

**Rivers Agency** – No objection

**NI Water** - No objection

#### **Recommendation**

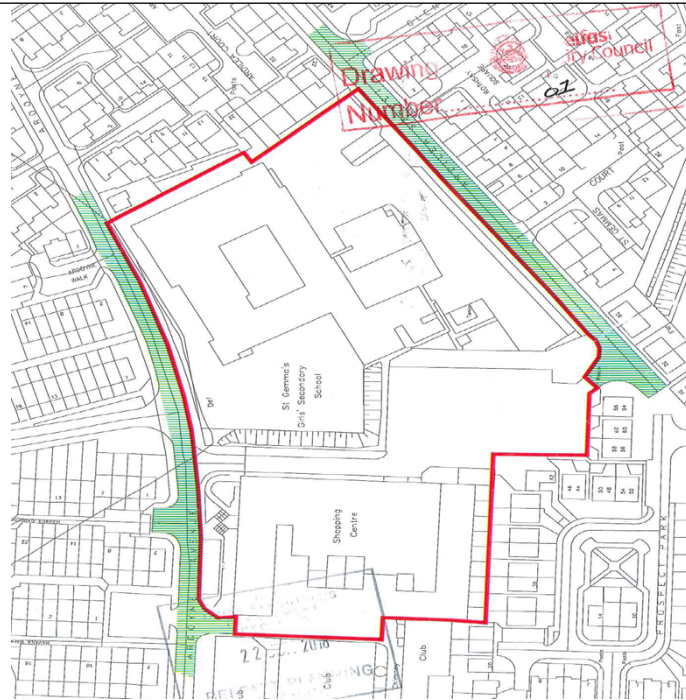
Having had regard to the extant development plan, the draft development plan, relevant planning policies, planning approvals in the area, the redevelopment of a former school site to provide a mixed use scheme that will serve the community the proposed development is considered acceptable.

In light of an outstanding consultation from DFI Roads Committee is requested to delegate the consideration of the final wording of the conditions to the Director of Planning and Building Control

**Signature(s):**

## Case Officer Report

### Site Location Plan



1.0  
1.1

#### Description of Proposed Development

Demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.

Below is a breakdown of the proposed uses on the site, split into two (Flax Centre and St. Gemma's School):

Land Use	Flax Centre Site	St. Gemma's Primary School Site	Total
Food Retail	<b>Total GFA – 145sqm</b> Stop and Shop (75sqm) Café (70sqm)	<b>Total GFA – 689sqm</b> Community Shop (689sqm)	<b>834sqm GFA</b>
Non-Food Retail	<b>Total GFA – 105sqm</b> Several Commercial Units (105sqm)	<b>Total GFA – 208sqm</b> Florist (61sqm) Tan and Beauty (28sqm)	<b>313qm GFA</b>

		Hair Salon (46sqm) Pharmacy (73sqm)																
Garage and Tyre Repair	<b>Total GFA – 205sqm</b>	Mechanic Workshop and Tyre Store (205sqm)	<b>205sqm GFA</b>															
Office	<b>Total GFA – 940sqm</b>	Community Unit (70sqm) Conflict Resolution Centre (75sqm) Seamus Delaney Solicitors (75sqm) Incubation Centre (720sqm)	<b>904sqm GFA</b>															
Taxi Office	<b>Total GFA – 75sqm</b>	North Belfast Taxi Office (75sqm)	<b>75sqm GFA</b>															
Storage	<b>Total GFA – 415sqm</b>	Various Units (415sqm)	<b>415sqm GFA</b>															
Health Centre	<b>Total GFA – 725sqm</b>	Doctor and Dental Surgery (725sqm)	<b>725sqm GFA</b>															
Leisure		<b>Total GFA – 2,269sqm</b> Community Hub (2,269sqm)	<b>2,269sqm GFA</b>															
Further Education		<b>Total GFA – 479sqm</b> 479sqm	<b>479sqm GFA</b>															
Residential		<b>30 houses and 24apartments for occupation as social housing</b>	<b>54 residential units</b>															
2.0	<p><b>Description of Site</b> Vacant School site and adjacent mixed use Flax Centre, approximately 2.2 Ha in size. Existing school building and hard standing occupies a large part of the site with some amenity grassland, and a treeline running east to west through the centre of the site.</p> <p>Below is a breakdown of existing uses on the site:</p> <table border="1"> <thead> <tr> <th>Land Use</th> <th>Flax Centre</th> <th>St. Gemma's Primary School</th> </tr> </thead> <tbody> <tr> <td>Food Retail</td> <td><b>Total GFA – 965sqm</b> Community Shop (Eurospar) including Post Office (820sqm) Stop and Shop (75sqm) Café (70sqm)</td> <td></td> </tr> <tr> <td>Non-Food Retail</td> <td><b>Total GFA – 475sqm</b> Several Commercial Units (285sqm) Tan and Beauty (45sqm) Hair Salon (75sqm) Pharmacy (70sqm)</td> <td></td> </tr> <tr> <td>Garage and Tyre Repair</td> <td><b>Total GFA – 205sqm</b> Mechanic Workshop and Tyre Store (205sqm)</td> <td></td> </tr> <tr> <td>Office</td> <td><b>Total GFA – 220sqm</b></td> <td></td> </tr> </tbody> </table>			Land Use	Flax Centre	St. Gemma's Primary School	Food Retail	<b>Total GFA – 965sqm</b> Community Shop (Eurospar) including Post Office (820sqm) Stop and Shop (75sqm) Café (70sqm)		Non-Food Retail	<b>Total GFA – 475sqm</b> Several Commercial Units (285sqm) Tan and Beauty (45sqm) Hair Salon (75sqm) Pharmacy (70sqm)		Garage and Tyre Repair	<b>Total GFA – 205sqm</b> Mechanic Workshop and Tyre Store (205sqm)		Office	<b>Total GFA – 220sqm</b>	
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Taxi Office	<b>Total GFA – 75sqm</b> North Belfast Taxi Office (75sqm)
Storage	<b>Total GFA – 415sqm</b> Various units (415sqm)
Health Centre	<b>Total GFA – 725sqm</b> Doctor and Dental Surgery (725sqm)
Leisure	<b>Total GFA – 1840sqm</b> Community Gym and various leisure uses (1840sqm)
Planning Assessment of Policy and other Material Considerations	
3.0	<b>Planning History</b>
3.1	NA
4.0	<b>Policy Framework</b>
4.1	Belfast Urban area Plan Draft Belfast Metropolitan Area Plan 2015 Draft Belfast Local Development Plan Strategy (Draft LDP) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 ‘Report on Belfast City Council Area’
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Planning and Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development 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 12 - Housing in Settlements Planning Policy Statement 15 - (Revised) Planning and Flood Risk DCAN 8 – Housing in Urban Areas Creating Places
5.0	<b>Statutory Consultees</b> Transport NI – Await consultation response WaterNI – No objections DAERA – No objections subject to conditions Rivers Agency – No objections Historic Environment Division – No objection
6.0	<b>Non-Statutory Consultees</b> Environmental Health BCC – Further info required
7.0	<b>Representations</b> A total of 9 letters of support were received.  No objections were received.
8.0	<b>Other Material Considerations</b> NA
9.0	<b>Assessment</b> The key issues in the assessment of the proposed development include: - Principle of redevelopment - Acceptability of Proposed Retail Uses at this location

	<ul style="list-style-type: none"> <li>- Acceptability of Proposed Office Use</li> <li>- Acceptability of Community Uses</li> <li>- Acceptability of Housing</li> <li>- Open Space Provision</li> <li>- Impact on neighbouring amenity</li> <li>- Impact on Built Heritage</li> <li>- Traffic and Parking</li> <li>- Impact on trees and Natural Heritage</li> <li>- Contaminated Land</li> <li>- Drainage and Flooding</li> <li>- Pre-application Community Consultation</li> </ul>
9.1	<p><b>Principle of redevelopment</b></p> <p>Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
9.2	<p>The site is located within the development limits of Belfast within the Belfast Urban Area Plan and Draft Belfast Metropolitan Area Plan (2015), and is unzoned (whiteland). The presumption is therefore in favour of development subject to the planning considerations detailed below.</p>
9.3	<p><b>Acceptability of retail uses at this location</b></p> <p>The proposal has been assessed against the SPPS. The proposal, although for new build retail units, is essentially the relocation of established retail uses from the Flax Centre into a new building. As shown in the floor areas in Section 1 of the report there will be no increase in retail floor space/ an insignificant increase in retail floorspace. A total of 1,147 sqm of retail floor space is proposed, with 180 sqm being retained in the existing Flax Centre. This represents an overall decrease in the Gross Retail Floorspace on the site from 1,370 sqm to 1,327 sqm. As such the proposal will not be a threat to the city centre.</p>
9.4	<p>Subsequently this is not assessed in the same way as a typical retail application would be and there is no need to apply the sequential test as set out in the SPPS, or demonstrate a need for the proposal. This relocation of established retail floorspace as part of this wider redevelopment scheme will enhance this ailing local centre.</p>
9.5	<p><b>Acceptability of office use at this location.</b></p> <p>The retail floorspace being vacated in the existing Flax Centre will be occupied by a range of office uses (940 sqm), the breakdown of which is shown above at 1.1.</p>
9.6	<p>One of the main objectives of the Office Policy in BUAP is to restrict office development outside of the city centre, with large scale office development directed there. However another objective is to ensure that offices to serve the needs of local communities can be provided. Although the office space created exceeds 200 sqm (an upper limit set out in BUAP for out of centre office development), it is the latter objective which should be given considerable weight in this instance as there are already office uses within the established Flax Centre and the proposal is merely to reconfigure and increase the level of office space, across a number of smaller units, to serve the local community. This includes a Conflict Resolution Centre, solicitors and an Incubation Centre, providing a range of essential public services. The incubation Centre is the only use in excess of 200 sqm. None of the office uses proposed are of such a nature or indeed scale as to threaten the city centre as the main location for office development in the city.</p>
	<p><b>Acceptability of community and leisure uses at this location</b></p> <p>The proposal includes a range of community and leisure uses within the new Community Hub.</p>

9.7	<p>These uses will complement the adjacent housing and retail offer and add to the diversity and sustainability of this local centre, in what is a predominantly residential area. The leisure use will be the most significant in terms of scale with 2,269 sqm of floor space proposed. This takes the form a large single building located in the north-east corner of the site running parallel with Ardoyne Avenue, and fronting west into the site. The building has a length of 49.5 metres (to Ardoyne Avenue) and is 30 metres deep. It is a contemporary flat roof structure with a ridge height of 9m. The overall height and massing of the building is similar to that of the existing St. Gemma's school, as shown on the contextual elevation for Ardoyne Avenue (above). The finishes are a mix of smooth render panels and textured blockwork with translucent polycarbonate cladding dominating the Ardoyne Avenue elevation and fibre cement wall cladding dominating the main frontage to the west. This will provide a degree of interest and a contemporary take on the more traditional finishes in the area. It is admittedly different but in comparison to the heavy monotone massing of the dull grey school building on the site this must be looked at in terms of something of a planning gain.</p> <p><b>Acceptability of housing at this location</b></p>
9.8	<p>Although the site is not zoned for housing in either the BUAP or draft BMAP, the principle of housing is acceptable in what is a predominantly residential area.</p>
9.9	<p>The proposal has been assessed against Policy QD1 of PPS7 and PPS12. The housing layout consists of 20 semi-detached houses, 9 townhouses and a detached house, most of these face onto two internal streets, positioned at right angles to Ardilea Street. This affords an opportunity to provide a dual frontage aspect on the dwellings at either side of the two entrance points, provided by ground and first floor windows at the gable ends, with the main elevation onto the internal street. This design feature has been added in response to BCC's initial concerns around a potentially 'dead' frontage onto the main road. To add to the quality of the scheme when viewed from the approach along Ardilea Street, 2m high walls have been proposed to the rear of the dwellings adjacent to the road to provide a more visually pleasing aspect as opposed to close boarded fencing. This has also been complemented by two rows of mature planting between these walls and the edge of the road/ laybys. This will help soften the landscape and create a more pleasing frontage onto the public roadway.</p>
9.10	<p>The density of the scheme, in terms of the dwellings, is lower than the norm in this high density inner urban area, this is reflected in the high level of green space throughout the scheme. In terms of the scale, massing and design of the dwellings the proposal is very much in keeping with the surrounding residential context. The two storey red brick dwellings offer a conventional design and reflect the existing residential stock off Ardilea Street.</p>
9.11	<p>Private amenity space is afforded in the form of rear gardens for each of the 30 dwellings. These range in size from 45 sqm to 95 sqm. Creating Places sets a standard of 70 square metres on average within a development. The proposed level is close to this and given the high density urban context the proposed level of amenity is acceptable and in most cases is more than the level of amenity provision for houses in the area.</p>
9.12	<p>Residential units are also provided in the mixed use block off Ardoyne Avenue. A total of 24 apartments are provided above the retail units in this four storey block, with a maximum ridge height of 14m (on Ardoyne Avenue frontage). This is a contemporary style building with a lightly sloping roof with a mix of red brick and render finishes and a number of external balconies. This block is split level to the west with a service area to the rear accessed off the existing access to the Flax centre car park. The main frontage is proposed to the east facing into the site and fronting onto an area of open space and car parking area. The eastern elevation steps down from 4 storeys to the front to 3 storeys at the back with a staggered ridge line breaking up this substantial block and the mix of red brick and render finishes helping to add a degree of interest.</p> <p>Amenity space has been provided for each of the apartments in the form of balconies, each</p>

9.13	with an area of 11.5 sqm. This is above the 10 sqm minimum requirement set out in 'Creating Places' for apartment developments.
	<p><b>Open Space Provision</b></p>
9.14	The proposal has been assessed against Policy OS2 of PPS8. This Policy requires that where a residential development consists of more than 25 units the expectation will normally be that 10% of the total site area is given over to open space. In this instance given the mixed use nature of the scheme it is logical to apply this requirement to the part of the site on which the housing/ apartments are located, as opposed to the entire site which includes the Flax Centre.
9.15	The proposal includes an area of open space between the housing and the community centre and also adjacent to the proposed apartment block. This open space amounts to approximately 15,000 sqm (including the triangle of open space beside the proposed mixed use block). Although not 10% of the total site area (including the Flax Centre) it is approximately 3,000 sqm more than 10% of the area occupied by the new build elements of the proposal, approximately 12,000 sqm. And although the open space will also serve the community centre it does have an intrinsic recreational value for the residents on the site and will also provide some visual relief in what is an existing high density inner urban context with little in the way of open space in the area. For these reasons the proposal follows the thrust of PPS8 providing a level and quality of open space that will no doubt enhance the residential experience.
	<p><b>Impact on Amenity</b></p>
9.16	Residential development abuts the site to the east and to the south (to other side of Ardilea Street). As a result of the pre-application community involvement the dwellings were positioned at right angles to Ardilea Street to minimise any impact on the amenity of the dwellings in St. Gemma's Court which back onto the street. To the east the proposed dwellings back onto properties in Ardilea Court. A minimum separation distance of 20m should ensure that there is no significant levels of dominance or overlooking experienced in the existing properties. This separation distance meets the minimum separation distance recommended in the 6 'Creating Places' guidance document.
9.17	Arguably the dwelling which will be most affected by the proposal is No. 1 Ardoyne Avenue given that the site runs along its entire side boundary. Although the new Community Building is located a short distance from No. 1 Ardoyne Avenue there is a substantial drop in levels between the existing dwelling and the development site. The finished floor level (FFL) of the dwelling is 50.88m, whereas the FFL of the proposed community building is 49.25m. This 1.63m difference in levels ensures that the ridge of the community building sits just below that of the dwelling. With the community building running the entire length of the garden of No.1 there is no doubt that there will be an impact and some loss of evening sun, however given that the main bulk of the building is at least 5m from the boundary, the ridge of the building is approximately 7m above the garden level of the dwelling, and planting is proposed along the boundary, the impact should not be unduly significant. The community building is also located directly behind Nos. 5 and 7 Ardoyne Court. Again the change in levels plays an important role in minimising any potential impact, but a significant separation distance is also gained with at least 18.5m from the rear wall of the houses to the built form, and a distance of at least 12m from the community building to the rear of their gardens. Given this level of separation there should be no significant overbearing impact on the rear of these dwellings.
	<p><b>Impact on Built Heritage</b></p>
9.18	The proposal has been assessed against Policy BH1 of PPS6 as the development site is adjacent to a 19 <sup>th</sup> century red brick chimney stack (ANT060:503s) which is now a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.
	Historic Environment Division (HED) had initial concerns regarding the potential adverse



9.19	<p>impact of development works on the structural integrity of the chimney. A statement was submitted by the planning agent and HED are now content that development works for this scheme will not adversely impact the structural integrity of the chimney.</p>
9.20	<p><b>Traffic and Parking</b></p> <p>One car parking space has been provided in the form of lay-by parking for each of the 30 dwellings. A total of 39 spaces has been provided in the car park located between the mixed use apartment block and the community hub, this will serve both the residential and non-residential units. Comment remains outstanding from DFI Roads on the latest layout, although they have offered no objection in terms of the access arrangements or level of parking provision.</p>
9.21	<p><b>Impact on trees and Natural Heritage</b></p> <p>The proposal has been assessed against PPS 2. A mature band of trees are located to the west of the existing school and run from the front boundary onto Ardoyne Avenue in along a north-south axis to the mid-point of the site. A grassed embankment is located just south of this band of trees and runs on a similar axis to the southern boundary of the site onto Ardilea Street.</p>
9.22	<p>The proposal will involve demolition of the vacant school on site, as well as the loss of existing trees, shrubs, and amenity grassland. NED notes that during the ecological survey of the site a Bat Roost Potential (BRP) survey of the buildings and trees was also carried out. The existing buildings and trees on site have been assessed as having negligible BRP due to the lack of cracks and crevices which would allow access to bats, the lack of evidence of bat presence, and the low suitability of the site and surrounding area for bats.</p>
9.23	<p>Upon review of the information available, NED is content with the findings of the survey and considers that bats are unlikely to be significantly impacted by the proposed development. NED welcomes the proposed planting plan for the site which comprises native species.</p>
9.24	<p>NIEA Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided has raised no concerns.</p>
9.25	<p>Visually the loss of the trees is being addressed by new planting in the area around the proposed mixed use block, in close proximity to the location of the existing trees. This will add quality to the scheme and with the overall increase in soft landscaping provided by the areas of public open space any loss of visual amenity will be outweighed.</p>
9.26	<p><b>Contaminated Land</b></p> <p>The site had a former use as a school and prior to that it had an industrial use by the Highfield Factory. The land on which the development of housing with plant uptake, with gardens has had a total of 3 boreholes only for an area of nearly 6,000m<sup>2</sup>, which is one sample per 2,000 m<sup>2</sup>. According to BS 10175:2013 (7.7 Sampling Strategies) this is not sufficient to characterise a site with former industrial land use with a measured source of lead of 774 mg/kg. BH1 targeted the NIE substation and BH3 targeted the heating oil tanks.</p>
9.27	<p>An RSK letter dated 18<sup>th</sup> October 2018 referenced 602363 presents the results of additional sampling data from eight trial pits (as requested by Environmental Health). The information has demonstrated that elevated lead and arsenic require additional remediation in garden areas for Plots 1-10 and 24-30. The above letter concluded that the capping layer recommended for the rear gardens of Plots 1-10 should be extended to include the rear gardens of Plots 24-30. This recommendation is supported by Environmental Health Department of Belfast City Council.</p>
	<p>Environmental Health have noted that a third of the site has not been sampled given the presence of the school building and therefore the suitability of the soil has not been</p>

9.28	<p>determined. In view of this, Environmental Health recommended that more sampling is required to demonstrate that all garden areas are suitable for the end use as gardens. However any further sampling can't be achieved at the moment given the school building is currently in use as a community centre. This further sampling can however be secured via condition as detailed below at 11.7.</p> <p>DAERA Land and Groundwater Team have no objections to the development provided conditions are placed on any Planning Decision Notice as recommended below at 11.2-11.6</p>
9.29	<p><b>Drainage and Flooding</b></p> <p>Dfl Rivers has reviewed the submitted Drainage Assessment by LLB Design. The applicant has received consent from NI Water on 05/07/2018 to discharge a restricted rate of 50 l/s</p>
9.30	<p>surface water run-off from the proposed site to a 300mm diameter public storm sewer located within Ardoyne Avenue.</p>
9.31	<p>Therefore, Dfl Rivers has no objection to the works taking place provided that all issues set out in NI Waters response dated 5th July 2018 are addressed. These issues should be resolved with WaterNI before commencement of development. WaterNI have not raised any fundamental objection to the proposal.</p>
9.32	<p><b>Pre-application Community Consultation</b></p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.33	<p>Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/2311/PAN) was submitted to the Council on 27<sup>th</sup> October 2016.</p>
9.34	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.35	<p>A Pre Application Community Consultation Report (June 2018) has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> <li>- The Public Events took place in the Flax Centre on 10<sup>th</sup> November 2016 and 13<sup>th</sup> December 2016. The latter event was advertised in the North Belfast News on 2<sup>nd</sup> December 2016. Leaflets advertising the events were also sent to addresses in the area three days before the event.</li> <li>- The PAN notice was circulated to elected representatives for the Oldpark District Area and East Belfast on 27<sup>th</sup> October 2016.</li> <li>- Stakeholder workshops were also held to present initial ideas and formulate options prior to be presented at the public event.</li> <li>- All respondents were supportive of the proposal.</li> </ul>
9.36	<p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>

10.0	<b>Summary of Recommendation: Approval</b>
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission should be approved for the following reason.
10.2	The existing school building and significant levels of hard landscaping make little in the way of a positive contribution to the character of the area. The proposed mixed use scheme will not only provide much needed social housing, a community centre and retail units, but will also improve the appearance of the area and assist in the wider regeneration of the Ardoyne Community.
10.3	In light of an outstanding consultation from DFI Roads, Committee is requested to delegate authority to the Director of Planning and Building Control to finalize the wording of the conditions.
11.0	<b>Conditions</b>
11.1	As required by Section 61 of the Planning Act (Northern Ireland) 2011, 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 development hereby permitted shall not commence until a Detailed Remediation Strategy to address all unacceptable risks identified. This strategy must be submitted in writing and agreed with the Planning Authority and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).  Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.3	No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. This Condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <a href="http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf">http://publications.environmentagency.gov.uk/PDF/SCHO0501BITT-E-E.pdf</a> .  Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.4	The development hereby permitted shall not be occupied until the remediation measures as described in the Remediation Strategy submitted under Condition 2 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.  Reason: Protection of environmental receptors to ensure the site is suitable for use.
11.5	If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified

	<p>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 and verified to its satisfaction.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.6	<p>After completing the remediation works under Condition 2, 4, 5 and 7 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.</p>
	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
11.7	<p>Following site clearance as indicated on the Proposed Development Phasing Diagram (date stamped 22/06/18), no works to 'Phase 2A' shall commence until the Council has received in writing and agreed suitable risk assessments and supporting site data have been provided which identify all unacceptable risks to human health in the area of the site occupied by the former St. Gemma's School building. The investigations should include but not be restricted to:</p> <ul style="list-style-type: none"> <li>- Identification of all potential contaminant sources within the planning boundary,</li> <li>- Site investigations and soil sampling to be designed and implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites to identify the contamination risks associated with the potentially contaminating activities which took place at the site.</li> <li>- Risk assessment(s) in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) to identify all unacceptable risks to health and provide remedial criteria to be met through the remedial strategy.</li> </ul>
	<p>Reason: Protection of sensitive receptors to ensure the site is suitable for end use.</p>
11.8	<p>All soft and hard landscaping incorporated in the stamped approved landscape plan, Drawing No. 05/A bearing BCC date stamp 23/11/18, shall be completed in accordance with these plans and the appropriate British Standard or other recognised Codes of Practice in the first available planting season following commencement of the development or before occupation of the first residential unit in the development, whichever is the later.</p>
	<p>Reason: To ensure the provision of a high standard of landscape and adequate amenity space, consistent with Planning Policy Statement 7 'Quality Residential Environments'.</p>
11.9	<p>If within a period of 5 years from the date of the planting of any tree, that tree is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.</p>
	<p>Reason: To ensure the maintenance of a high level of landscaping.</p>
11.10	<p>Details of the maintenance and management in perpetuity of the open space and landscaped areas, or other such arrangements agreeable to the Council, shall be submitted for approval</p>

prior to the occupation of the first dwelling hereby approved. The open space and landscaped areas shall be maintained and managed in accordance with these approved details.

Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.

**Informatives:**

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.

The purpose of the Conditions 2 to 6 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

RU recommends that the applicant consult with the Water Management Unit in NIEA regarding any potential dewatering that may be required during the development including the need for a discharge consent. Discharged waters should meet appropriate discharge consent conditions. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

The applicant should ensure that the management of all waste materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/waste-management-licensing>

<https://www.daera-ni.gov.uk/topics/waste/waste-management-licensing-exemptions>

<https://www.daera-ni.gov.uk/articles/regulating-water-discharges>

The applicant should ensure to comply with the Waste Duty of Care with respect to any waste materials taken onto or taken off site. Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 imposes a duty of care on anyone who handles controlled waste. When waste transfers from one person to another a waste transfer note and/or hazardous waste consignment note must be completed, signed and kept by the parties involved. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 set out the requirement to complete waste transfer notes for waste movements and the Hazardous Waste Regulations (Northern Ireland) 2011 set out the requirements to complete hazardous waste consignment notes for the transfer of hazardous waste. Further information can be obtained from:

<https://www.daera-ni.gov.uk/articles/duty-care>

<https://www.daerani.gov.uk/articles/hazardous-waste>

In accordance with Article 5 of the Waste and Contaminated Land (Northern Ireland) Order 1997 a Waste Management Duty of Care Code of Practice for Northern Ireland June 2016 required by law exists. This code of practice provides practical guidance to everyone subject to the Waste Duty of Care. In Northern Ireland the primary responsibility for duty of care sits with the waste producer and therefore they should ensure they make the appropriate checks as set out in the Code of Practice for Northern Ireland in relation to waste produced. Further information can be obtained from:

<https://www.daerani.gov.uk/publications/waste-management-duty-care-code-practice>

	<p>Any contaminated soils and soil type materials require its hazardous properties to be firstly classified and assessed in accordance with Technical Guidance WM3 – Waste Classification: Guidance on the classification and assessment of waste (1st edition v1.1, May 2018). Classifying a waste correctly is a legal requirement that helps to ensure that the waste is managed appropriately. NIEA therefore expects businesses to be able to demonstrate that any waste classifications based on sample results are reliable and as such conducted in line with Appendix D: Waste Sampling of Technical Guidance WM3. Further information can be obtained from:  <a href="https://www.gov.uk/government/publications/waste-classification-technical-guidance">https://www.gov.uk/government/publications/waste-classification-technical-guidance</a></p> <p>Regulation 17 of the Waste Regulations (Northern Ireland) 2011 imposes a duty on waste operators to comply with the European Waste Hierarchy. After a hazardous waste assessment is completed then the options for managing this waste should be further considered taking into account the European Waste Hierarchy. The applicant should be reminded that Landfill Waste Acceptance Criteria (WAC) are not relevant to a hazardous waste classification. A WAC test will not identify whether a waste is hazardous or non-hazardous.</p> <p>Before a waste can be disposed of, it must be classified as being either hazardous or non-hazardous, using the characterisation assessment and analysis described by the WM3 Technical Guidance. Then, if a waste hierarchy assessment determines that disposal to landfill is the appropriate disposal option for the waste, chemical WAC testing must be undertaken for wastes destined for inert, stable nonreactive hazardous or hazardous classes of landfill. Further information can be obtained from:  <a href="https://www.gov.uk/government/publications/waste-classification-technical-guidance">https://www.gov.uk/government/publications/waste-classification-technical-guidance</a></p> <p>Should the materials be classified as hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted). Further information can be obtained from:  <a href="https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3">https://www.daera-ni.gov.uk/articles/hazardous-waste#toc-3</a>  <a href="https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste">https://www.daera-ni.gov.uk/publications/guide-consigning-hazardous-waste</a></p> <p>Certain types of work with asbestos in soils and construction and demolition (C&amp;D) materials can only be done by those who have been issued with a licence by HSENI. This is work which meets the definition of 'licensed work with asbestos' in Regulation 2(1) of the Control of Asbestos Regulations (Northern Ireland) (2012) (the Regulations). These Regulations can be viewed at:  <a href="http://www.legislation.gov.uk/nisr/2012/179/pdfs/nisr_20120179_en.pdf">http://www.legislation.gov.uk/nisr/2012/179/pdfs/nisr_20120179_en.pdf</a></p> <p>The Regulations and the accompanying Approved Code of Practice and guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work with asbestos, including managing the risks related to exposure to asbestos from work with asbestos contaminated soil or C&amp;D materials in addition to CL:AIRE's Industry Guidance entitled: Control of Asbestos Regulations 2012, Interpretation for Managing and Working with Asbestos in Soils and Construction &amp; Demolition Materials 2016 that can be viewed at: <a href="https://www.clair.co.uk/projects-and-initiatives/asbestos-insoil">https://www.clair.co.uk/projects-and-initiatives/asbestos-insoil</a>.</p> <p>All works associated with asbestos contaminated land must be carried out by competent persons so that the site reports can be relied upon and works completed in compliance with the Regulations and in a manner likely to be minimise consequential risks.</p>
12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members:

	Gerry Kelly MLA Carál Ni Chuilin Cllr JJ Magee Cllr Mark Clarke Cllr Ryan Murphy	
	Neighbour Notification Checked	Yes

<b>ANNEX</b>	
<b>Date Valid</b>	7th August 2018
<b>Date First Advertised</b>	24th August 2018
<b>Date Last Advertised</b>	24th August 2018
<b>Details of Neighbour Notification</b> (all addresses)	
<p>1 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  1 Ardoyne Place,Belfast,Antrim,BT14 7DS,  1 Ardoyne Walk,Belfast,Antrim,BT14 7PP,  1 Havana Gardens,Belfast,Antrim,BT14 7QN,  1 Jamaica Road,Belfast,Antrim,BT14 7QW,  1 Rothsay Square,Belfast,Antrim,BT14 7BY,  1 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  11 Ardoyne Place,Belfast,Antrim,BT14 7DS,  13 Ardoyne Place,Belfast,Antrim,BT14 7DS,  13 Glenpark Street,Belfast,Antrim,BT14 7DL,  14-16 ,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  2 Ardoyne Walk,Belfast,Antrim,BT14 7PP,  2 Havana Gardens,Belfast,Antrim,BT14 7QN,  2 Havana Walk,Belfast,Antrim,BT14 7QJ,  2 Rothsay Square,Belfast,Antrim,BT14 7BY,  2 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  22 Ardilea Court,Belfast,Antrim,BT14 7DT,  24 Ardilea Court,Belfast,Antrim,BT14 7DT,  24 Prospect Park,Belfast,Antrim,BT14 7EH,  26 Ardilea Court,Belfast,Antrim,BT14 7DT,  26 Ardilea Street,Belfast,Antrim,BT14 7DG,  26 Prospect Park,Belfast,Antrim,BT14 7EH,  28 Ardilea Court,Belfast,Antrim,BT14 7DT,  28 Ardilea Street,Belfast,Antrim,BT14 7DG,  28 Prospect Park,Belfast,Antrim,BT14 7EH,  3 Ardoyne Place,Belfast,Antrim,BT14 7DS,  3 Rothsay Square,Belfast,Antrim,BT14 7BY,  3 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  30 Ardilea Court,Belfast,Antrim,BT14 7DT,  30 Ardilea Street,Belfast,Antrim,BT14 7DG,  30 Prospect Park,Belfast,Antrim,BT14 7EH,  32 Ardilea Court,Belfast,Antrim,BT14 7DT,  32 Ardilea Street,Belfast,Antrim,BT14 7DG,  32 Prospect Park,Belfast,Antrim,BT14 7EH,  34 Prospect Park,Belfast,Antrim,BT14 7EH,  36 Prospect Park,Belfast,Antrim,BT14 7EH,  38 Prospect Park,Belfast,Antrim,BT14 7EH,  4 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  40 Prospect Park,Belfast,Antrim,BT14 7EH,</p>	



42 Prospect Park,Belfast,Antrim,BT14 7EH,  
 44 Prospect Park,Belfast,Antrim,BT14 7EH,  
 46 Prospect Park,Belfast,Antrim,BT14 7EH,  
 48 Prospect Park,Belfast,Antrim,BT14 7EH,  
 5 Ardoyne Place,Belfast,Antrim,BT14 7DS,  
 5 Rothsay Square,Belfast,Antrim,BT14 7BY,  
 5 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  
 50 Prospect Park,Belfast,Antrim,BT14 7EH,  
 51 Prospect Park,Belfast,Antrim,BT14 7EH,  
 51-59 St Gemma'S High School,Ardilea Street,Belfast,Antrim,BT14 7DG,  
 52 Prospect Park,Belfast,Antrim,BT14 7EH,  
 53 Prospect Park,Belfast,Antrim,BT14 7EH,  
 54 Prospect Park,Belfast,Antrim,BT14 7EH,  
 56 Prospect Park,Belfast,Antrim,BT14 7EH,  
 58 Prospect Park,Belfast,Antrim,BT14 7EH,  
 6 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  
 60 Prospect Park,Belfast,Antrim,BT14 7EH,  
 62 Prospect Park,Belfast,Antrim,BT14 7EH,  
 64 Prospect Park,Belfast,Antrim,BT14 7EH,  
 66 Prospect Park,Belfast,Antrim,BT14 7EH,  
 7 Ardoyne Place,Belfast,Antrim,BT14 7DS,  
 7 Rothsay Square,Belfast,Antrim,BT14 7BY,  
 7 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  
 8 St Gemmas Court,Belfast,Antrim,BT14 7BZ,  
 9 Ardoyne Place,Belfast,Antrim,BT14 7DS,  
 9 Rothsay Square,Belfast,Antrim,BT14 7BY,  
 Ardoyne Community Healthcare Centre,Unit 30,Flax Centre,Ardoyne  
 Avenue,Belfast,Antrim,BT14 7DA,  
 Ardoyne Youth Club,5,5 Flax Street,Belfast,Antrim,BT14 7EJ,  
 Ardoyne Youth Club,Old Beltex Mill,Flax Street,Belfast,Antrim,BT14 7EJ,  
 Betterbuy,Unit 19,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Cormac P Shearer,Unit 29,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Dr Michael Tan,Unit 28,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Dr Tan,Unit 28,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Day Centre,Unit 27,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Fuel Centre,Unit 20,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Furniture,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Flax Housing Association,Unit 17,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14  
 7DA,  
 Frank Mcdaid,Unit 8,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 G.A.A Club,Flax Street,Belfast,Antrim,BT14 7EJ,  
 Glenard Taxi,Unit 1,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Hayes Metalcraft,Unit 5,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Holy Cross Play Group,Flax Street,Belfast,Antrim,BT14 7EJ,  
 John Farquharson,Unit 15,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  
 Mace Store,Unit 1a,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,

<p>Marians Flowers,Unit 12,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Meals On Wheels,Unit 6,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Michelle'S,Unit 3,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  One For The Road,Unit 16,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Post Office,Post Office,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Shamrock Sports Social Club,Shamrock Sports Social Club,Flax  Street,Belfast,Antrim,BT14 7EJ,  The Savoy Chinese,Unit 4,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Tokers,Unit 11,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 13,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 14,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 14a,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 18,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 2,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 21,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 25,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 26,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Unit 7,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,  Workshop,N11 Flax Centre,Ardoyne Avenue,Belfast,Antrim,,  XI Stop &amp; Shop,Unit 2,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA,</p>	
<b>Date of Last Neighbour Notification</b>	15th August 2018
<b>Date of EIA Determination</b>	3 <sup>rd</sup> September 2018
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01, 05/A, 06, 07, 08, 09/A, 10/A, 11/A, Proposed Phasing Plan	
<b>Notification to Department (if relevant)</b>	
Date of Notification to Department: Response of Department:	