

Committee Application

Development Management Report	
Application ID: LA04/2019/0957/F	Date of Committee: Tuesday 17 th September 2019
Proposal: Retrospective application for erection of a temporary covered fabric structure (21mx11m), with an access path connecting to the existing path network. Associated hardstanding underneath and around the structure to allow pedestrian footfall through the structure .Will be used on a number of standalone occasions, regular weekly parkrun meetings, or to host events.	Location: Victoria Park Park Avenue Belfast BT41JT
Referral Route: Application made by Belfast City Council	
Recommendation: Approval	
Applicant Name and Address: Belfast City Council City Hall Belfast BT1	Agent Name and Address: Stephen McCullough 9 Adelaide 9-21 Adelaide Street Belfast BT2 8DJ
Executive Summary:	
<p>Temporary planning permission is sought for the erection of a temporary covered fabric structure is sought for a period of 4 years with an access path connecting to the existing path network. Associated hardstanding underneath and around the structure to allow pedestrian footfall through the structure is also proposed. The development will be used on a number of standalone occasions, regular weekly parkrun meetings, or to host events.</p> <p>The site is located within Victoria Park on Park Avenue. The site is accessed by a pedestrian path which runs through the Park. Pedestrian access can also be gained from Sydenham Bypass which is to the rear of the site. A bowling green and tennis courts are situated adjacent to the site with a large lake are also located in close proximity to the site.</p> <p>The application was advertised in the local press with no letters of representation being received.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of Development • The impact on the character and appearance of the area • Impact on amenity <p>The development is not considered to have an impact on the character of open space within the park. The covered structure will bring significant benefits to the local community who use the park, by providing a covered area / facility which can host events, taking this into account the development is considered to meet Policy OS 1 of PPS 8 as it will not result in a permanent loss of open space and it will provide a community resource. The overall amenity, character and biodiversity of the area will be remain unharmed due to the small scale of the proposal in the wider context of the Park. Whilst 4</p>	

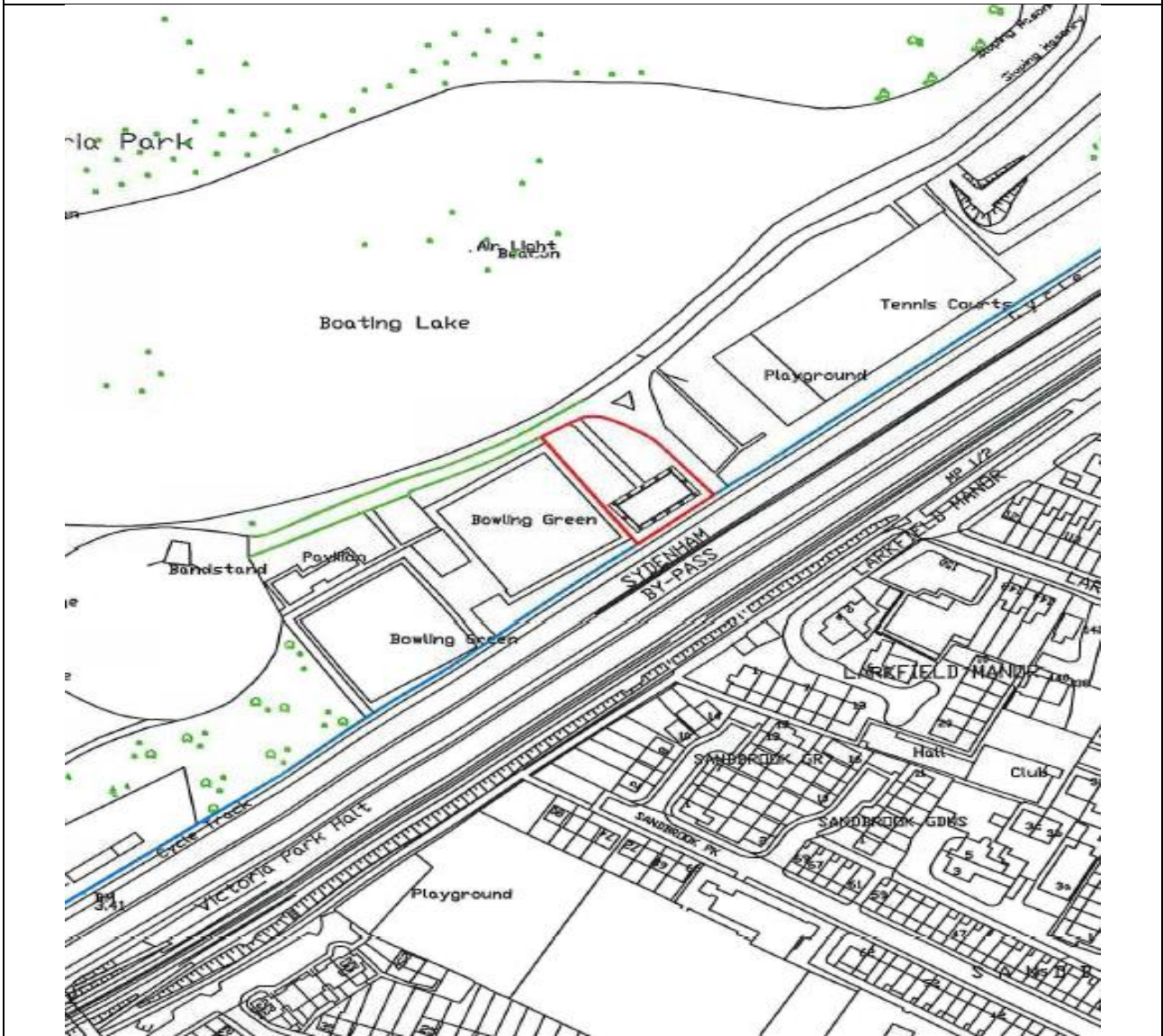
years is requested by the applicant – a 3 year permission is considered more appropriate as these types of temporary structures do not have a long life span and may diminish the amenity of the park and setting if retained on site for too long a period.

Recommendation

Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission for a temporary period of 3 years is recommended subject to other conditions.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The proposal is a retrospective application for erection of a temporary covered fabric structure for a period of 4 years, with an access path connecting to the existing path network. Associated hardstanding underneath and around the proposal will allow pedestrians to access the temporary structure. The site will be used on a number of standalone occasions, regular weekly parkrun meetings, or to host events. The structure measures 21m x 11m with an overall height of 4.7m.</p>
2.0	<p>Description of Site</p> <p>The site is located within the harbour area of Belfast. The site encompasses an irregular portion of land located within Victoria Park. To the front of the site there is a large lake, with a bowling green and tennis courts located adjacent to the site. Pedestrian access can be gained from the rear via Sydenham Bypass as well as a gravel path which runs through the park. A boundary railing and fence approx. 2m in height separates this portion of the park from the bowling green and the Sydenham Bypass to the rear of the site.</p> <p>The surrounding area is defined by the large Park in which the site is situated. In the wider context of the site there is a playground, playing fields and large areas of green open space which characterise the area. To the rear of the site is Sydenham Bypass which is a dual carriageway, this separates the site from a residential area South East of the site.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <ul style="list-style-type: none"> • Z/2015/0141/F, Victoria Park, Belfast, BT4 1LL, the site to be used for the provision of a mobile tea/coffee unit which will provide a range of light food and refreshments. The unit will be self-contained and removed from the site each day. There are two selected locations in Victoria Park PERMISSION GRANTED • Z/2013/0669/F Victoria Park, Belfast, BT4 1LL, Single storey changing pavilion PERMISSION GRANTED
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	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.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
4.4.1	Policy OS 1
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses

6.1	DFI Roads – No objection Environmental Health - Content
7.0	Representations
7.1	The application has been advertised in the local press. No representations have been made regarding the application.
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	The site is located within the harbour area for Belfast as designated by the Draft Belfast Metropolitan Plan. The site is located within Victoria Park and is characterised by areas of open space and a large lake which is situated to the front of the site. Access is gained to the site from a pedestrian path through the park, and from the rear via Sydenham Bypass.
9.2	Section 45 (1) of the Planning Act (Northern Ireland) 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. The site is located within the harbour area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result 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.
9.3	The site is zoned within an area of existing open space as designated within Draft BMAP.
9.3	The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. 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. The proposal is considered compliant with the relevant core planning principals within the SPPS, in that it encourages the improvement of health and well-being by providing an accessible covered structure which will be used when organising park runs and outdoor events which take place within the park.
9.4	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Policy OS 1 within PPS 8 states that development will not be permitted that would result in the loss of existing open space. However, paragraph A3 of annex A within PPS 8 states that most areas of open space can perform multiple functions, these will be taken into consideration when applying the policies contained within PPS 8. This includes open space acting as a community resource which can be used for congregating and for holding community events. This is considered applicable as the description for the proposal states that the temporary structure will be used for weekly park runs and for hosting standalone events for the community. Therefore there will be no permanent loss of open space, but a temporary re-use for the benefit of the local community.
9.5	The development is not considered to have an impact on the character of open space within the park. The covered structure will measure 21m x 11m and will be covered with a white fabric material to a height of 4.7m. It will be viewed from Sydenham Bypass, but this will be marginally above the fence and will not be prominent. The key view is from inside the park and whilst it will be clearly visible it will read as a temporary marque type structure. This type of structure would not be a welcome permanent addition to a park such as this but on a

	temporary basis to provide a community facility is acceptable. It is considered it will bring significant benefits to the local community who use the park, by providing a covered area / facility which can host events, such as park run. Taking this into account the development is considered to meet Policy OS 1 of PPS 8 due to providing a community resource which will provide benefits to the community. The overall amenity, character and biodiversity of the area will be remain due to the small scale of the proposal in the wider context of the Park.
9.7	The scheme will not erode the character or amenity of the area and the proposal does not erode any key features which contribute to the character of the park.
9.8	The proposal is for temporary permission, therefore a condition will be placed on the decision to ensure the land is restored to its previous state prior to the development. Whilst 4 years is requested by the applicant – a 3 year permission is considered more appropriate as these types of temporary structures do not have a long life span due to the materials and subjected to the elements of the weather and may diminish the amenity of the park and setting if retained on site for too long a period. This will ensure there is no lasting impact to the character and visual amenity to the area.
9.9	Taking into account the location of the site and the character of the surrounding area the proposal will not have a significant adverse impact on any existing properties in terms of amenity by way of noise or disturbance.
9.10	All consultees are satisfied that the proposed development is in accordance with their guidelines and prevailing policy. Having regard to the policy context above, the proposal is considered acceptable, and planning permission is recommended for a temporary period of 3 years.
10.0	Summary of Recommendation: Approval for a temporary period of 3 years subject to conditions. 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.
11.0	Conditions <ol style="list-style-type: none"> 1. The permission hereby granted shall be for a limited period of 3 years only and shall expire three years from the date of this permission. Reason: To enable The Council to consider the development in the light of circumstances then prevailing. 2. On expiration of the temporary planning permission as set out in Condition 1 above the temporary structure, including the foundation base and all associated equipment shall be removed from the site and the land returned to its previous condition. Reason: In the interests of the character and visual amenity of the area. <p>Informatives:</p> <ol style="list-style-type: none"> 1. 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, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor. 2. All construction plant and materials shall be stored within the curtilage of the site.

	3. Provision shall be made to the satisfaction of Dfl, to ensure that surface water does not flow from the site onto the public road.
Notification to Department (if relevant)	
Representations from Elected members: No representation has been received from elected members.	

ANNEX	
Date Valid	4th June 2019
Date First Advertised	28 th June 2019
Date Last Advertised	28th June 2019
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Drawing Numbers and Title 01- Location Plan, 02- Site Plan 03- Northern Elevation 04- Southern Elevation 05- Western Elevation 06- Eastern Elevation	
Notification to Department (if relevant)	
Date of Notification to Department: Response of Department:	