

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: Tuesday 18 August 2020	
Application ID: LA04/2019/2217/F	
Proposal: Public realm improvements to include; demolition and removal of the existing public toilets, landscaping works, new paving, provision of street furniture, lighting, railings, tree/hedgerow and all associated site works (temporary use for 3 years).	Location: Lands south of Albert Bridge and directly north of 5 Ravenhill Road Belfast
Referral Route: BCC interest	
Recommendation:	Approve
Applicant Name and Address: Department For Communities (DFC) Belfast Regeneration Directorate Lighthouse Build Gasworks Business Park Ormeau Road Belfast BT7 2JA	Agent Name and Address: RPS Elmwood House 74 Boucher Road Belfast BT12 6RZ
Executive Summary:	
<p>The application seeks permission for public realm improvements which include the demolition and removal of the existing public toilets, landscaping works, new paving, and provision of street furniture, lighting, railings, tree/hedgerow and all associated site works for a temporary period of 3 years.</p> <p>The main issues considered in this application are:</p> <ul style="list-style-type: none"> • Principle of development at this location • Impact on visual amenity • Landscaping • Impact on wildlife • Potential of contaminated land • Impact of proposal on the setting of a listed structure • Impact on existing open space <p>The application site lies within the development limits for Belfast and complies with the Development Plan and relevant policy.</p> <p>HED, DFI Roads, Rivers Agency, NIEA, BCC Environmental Health, BCC Tree and Landscape Team, BCC City Regeneration and Development Team were consulted in relation to the proposal and have offered no objections subject to conditions.</p> <p>One letter of representation was received regarding potential measures to prevent graffiti and interference with the adjacent property at 5 Ravenhill Road.</p>	

The application site lies within the development limits for Belfast and complies with the Development Plan and relevant policy.

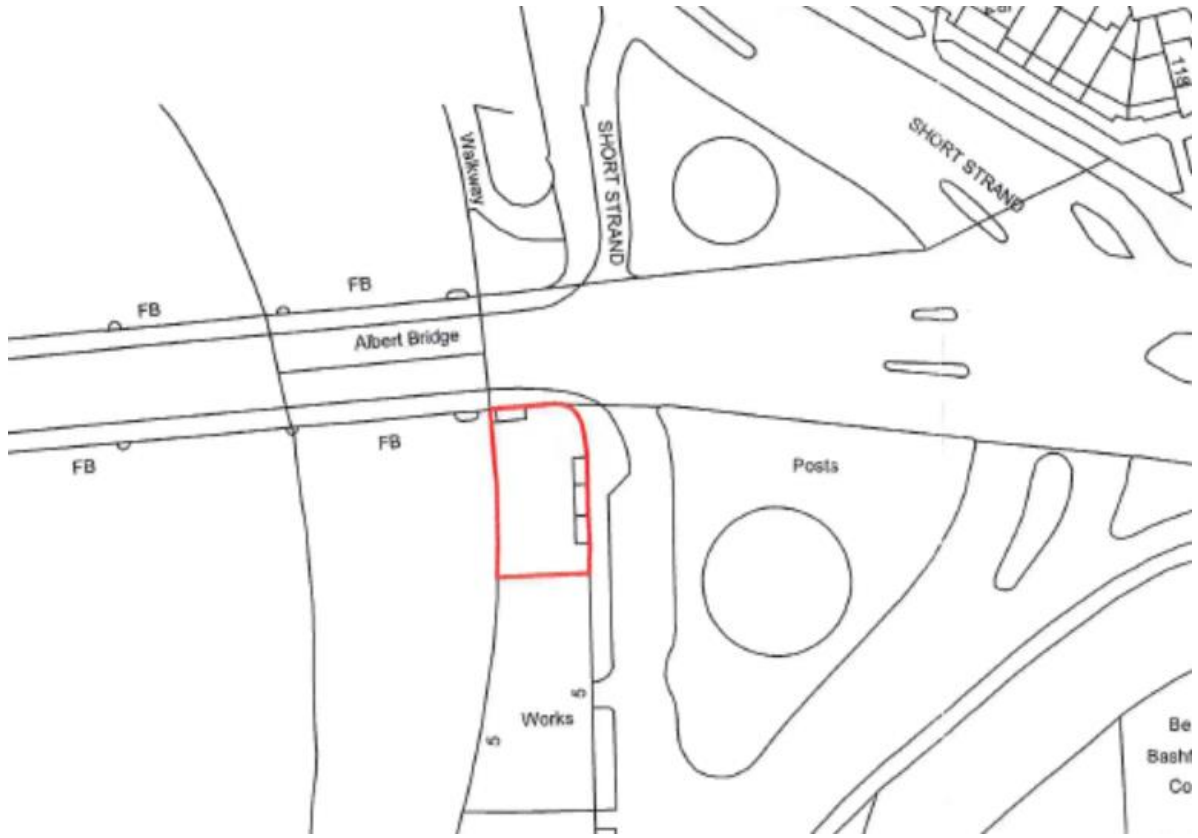
Recommendation

Approve

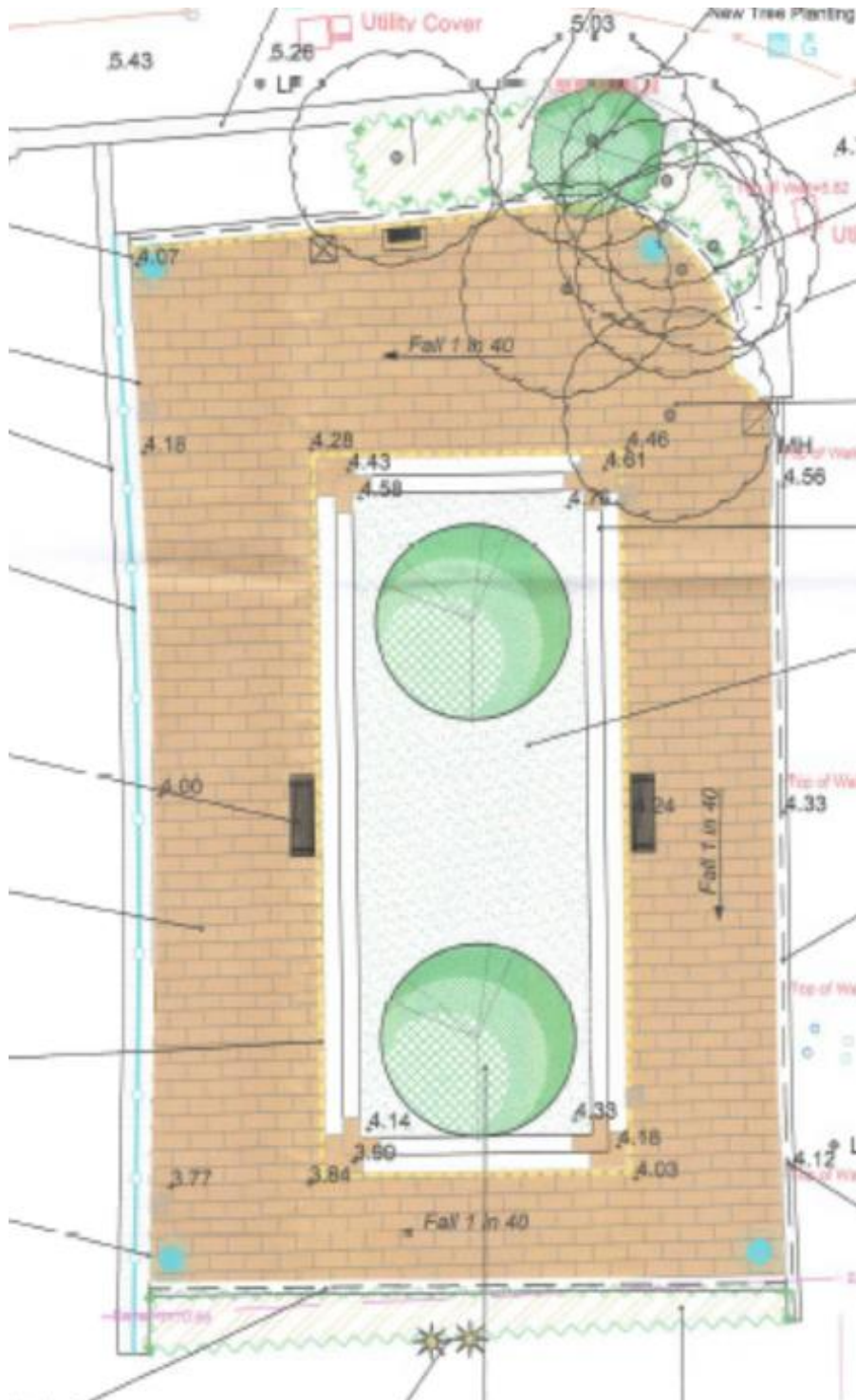
The proposal complies with relevant policy and is recommended for approval with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by consultees and third parties.

Case Officer Report

Site Location Plan



Site Layout Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Non-Statutory	DFI Roads - Hydebank	Substantive Response Received
Statutory	Rivers Agency	Standing Advice

Non-Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	Rivers Agency	Standing Advice
Non-Statutory	Env Health Belfast City Council	Substantive Response Received
Statutory	NIEA	Advice
Non-Statutory	Health & Safety Executive for NI	No Objection
Statutory	NIEA	Content
Representations:		
Letters of Support	1	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	Public realm improvements to include; demolition and removal of the existing public toilets, landscaping works, new paving, provision of street furniture, lighting, railings, tree/hedgerow and all associated site works (temporary use for 3 years).
2.0	Description of Site
2.1	The site is located on the corner of the Ravenhill Road and East Bridge Street on an area of land measuring 420m ² . The land slopes from east to west from the Ravenhill Road down to the River Lagan. The site is currently unused with unmanaged open landscape along the Lagan, fronted by redundant public toilet blocks. The site has been associated with anti-social behaviour due to its obstruction from public view by vegetation and the toilet block. The surrounding area is mainly commercial in nature and located at a major road intersection within the city.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	Z/2004/0451/F - Mixed use development forming the headquarters for a charitable organisation incorporating cafe, offices, conference/exhibition space and training rooms. Permission granted 19.03.2014
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	4.3.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.3.2 Planning Policy Statement 3: Access, Movement and Parking 4.3.3 Planning Policy Statement 6: Planning, Archaeology and the Building Heritage 4.3.4 Planning Policy Statement 8: Open Space and Recreation
5.0	Statutory Consultees Responses
5.1	HED – no objection
5.2	NIEA – no objection
5.3	Rivers Agency – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health - No objection subject to conditions.
6.2	DFI Roads – no objection
6.3	BCC Tree Officer – no objection

6.4	BCC City Regeneration and Development – no objection
6.5	BCC Landscape Architect – no objection
6.7	HSENI – no objection
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press.
7.2	A letter was received in November 2019 from the owner of the neighbouring premises at 5 Ravenhill Road and raised concerns that the removal of the public toilets will result in the site being more easily accessible and their building will be at greater risk from graffiti. Mr Logan requested that the proposed scheme could include a screen or fence in the area of the proposed hedge adjacent to his premises which would make the exposed wall of the building more difficult to access.
7.3	RPS responded to this representation on 27 November 2019 stating that “the adjacent property provides a natural surveillance of the site. The gable end of the building ... provides an attractive back-drop to the proposed public area, therefore to fortify this boundary with mesh screen/fencing would detract from the aesthetic and result in the loss of natural surveillance.” The scheme was however amended to include a row of dense deterrent type planting along the boundary with no. 5 Ravenhill Road. The plant species has been revised to Berberis Darwinian which is thorned and will restrict access to the wall, helping to reduce the risk of graffiti.
8.0	Other Material Considerations
8.1	The adopted Belfast Urban Area Plan 2001 does not have a zone specifically designated to the site.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as a City Centre Gateway site.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site was designated as a City Centre Gateway site.
9.0	Assessment
9.1	The Key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> • Principle of development at this location • Impact on visual amenity • Landscaping • Impact on wildlife • Potential of contaminated land • Impact of proposal on the setting of a listed structure • Impact on existing open space
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.

	The site is located within the settlement development limit for Belfast in the adopted and both draft versions 2004 and 2015 of BMAP.
9.3	<u>Principle of development</u>
9.4	The proposed improvements will make a positive contribution to the character and appearance of the area. The proposal is considered to significantly improve the visual amenity of the area and the addition of new street furniture including bins will promote the maintenance of a cleaner environment at and around the site and the general improvements will boost the area and improve the street scape.
9.5	The proposed site improvements are not considered to have a detrimental impact on existing buildings or the character of the area.
9.6	The removal of the existing public toilets on site and the opening up of the site is considered to reduce the level of anti-social behaviour which occurs at the site as a result of surveillance from passers-by.
9.7	<u>Trees and landscape</u>
9.8	Following the initial consultation response from the BCC tree and landscape team amended drawings were received. All relevant consultees are content with the removal of trees and the additional landscaping proposed.
9.9	The proposed planting and retention of these street trees will help improve the amenity of the immediate area and assist in the local environmental setting for future years.
9.10	The proposal will help enhance and regenerate a derelict pocket of land which is sited within a prominent city centre location, effectively creating a temporary (3 year) 'pocket park', which could link into one of Belfast Council's key themes, to help create a connected and environmentally sustainable city.
9.11	The Landscape Management Plan sets out how the landscaping within the site shall be maintained over a set period in seeking to form a well-established site in terms of landscape cover which provides an opportunity for citizens to avail and enjoy all year round. The scheme also has the ability to offer nearby residents the opportunity of promoting green open space and contribute to their health and well-being.
9.12	<u>Natural heritage</u>
9.13	NED reviewed the submitted Construction Method Statement and the Preliminary Ecological Appraisal for Bats (PEAB) and are content. The onsite structures and trees have been categorised as being of negligible bat roosting potential and no further surveys are required. Section 5 of the PEAB states that onsite lighting should avoid light spillage onto the River Lagan which has the potential to be utilised by commuting and foraging bats and migrating salmonid species.
9.14	The planting of shrubs and three semi-mature trees will sufficiently mitigate for the loss of the existing trees which are to be removed on site. Onsite trees have the potential to contain nesting birds and any works should be carried out outside the bird breeding season (1 st March and 31 st August) or checked by a suitable qualified ecologist.
9.15	<u>Contaminated Land</u>

9.16	No potential pollutant linkages are considered to be present within the site as the proposed public rest area will involve upgrading the current site with hard and soft landscaping, and the soft landscaped areas will be underlain with 300mm of clean imported topsoil.
9.17	Environmental Health required further information from RPS Group Ltd in relation to analysis and testing of the imported topsoil. It has been confirmed via email to Environmental Health on 25th February 2020 that any soil imported onto the site will be subject to testing and analysis and screened against generic values (LQM/CIEH S4ULs) for a public open space near residential housing end use (POSresi) to ensure it does not pose a risk to human health. Approximately 4-6m ³ of soil will need to be imported, and soil samples will be collected for every 1 m ³ of soil imported into the site.
9.18	<u>Impact on the setting of a listed structure</u>
9.19	The application site located on the site of the former Dixon and Campbell Building Works (IHR 10654:002) which is a site of industrial archaeology interest on the Department's Industrial Heritage Record.
9.20	PPS 6 Policy BH2 (The Protection of Archaeological Remains of Local Importance and their Settings) applies and states development proposals which affect archaeological sites and monuments or their settings will only be permitted where the importance of the proposed development or other material considerations outweigh the value of the remains in question. The proposal will be conditional on appropriate archaeological mitigation measures.
9.21	HED (Historic Monuments) has considered the proposal and is content that the proposal satisfies the policy requirements of PPS 6, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 (Archaeological Mitigation) of PPS 6.
9.22	HED (historic buildings) were consulted in relation to the proposal and consider that the proposal has no greater demonstrable harm on the setting of the listed structure under the policy requirements of paragraphs 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and BH 11 (Development affecting the Setting of a Listed building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage which states that the proposal must respect and be sympathetic to the listed structure and the character of its setting.
9.23	<u>Open Space</u>
9.24	The proposal will not result in the loss of open space but will redesign an area of unused and inaccessible open space into an area where members of the public can access. The proposed development will have a positive impact on the amenity and character of the area and there will not be any detrimental impact on biodiversity within the space. The proposed works will improve the attractiveness and vitality of this area.
9.25	<u>Recommendation</u> The scheme as shown in the proposed drawings is considered acceptable and complies with planning policy. After taking into account all relevant information, it is recommended that this application is approved.

9.26	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended. Delegated authority is sought for the final wording of conditions from the Director of Planning and Building Control.
10.0	Summary of Recommendation: Approval
11.0	<p>Conditions</p> <p>1. The permission hereby granted is for a limited period of 3 years only and shall expire on (from date of decision XXX).</p> <p>Reason: To enable The Council to consider the development in the light of circumstances then prevailing</p> <p>2. Works to remove, relocate or adjust any existing street furniture to accommodate the development shall, after obtaining permission from the appropriate authority, be undertaken at the applicant's expense.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Belfast City Council in consultation with Historic Environment Division, Department for Communities.</p> <p>The POW shall provide for:</p> <ul style="list-style-type: none"> - The identification and evaluation of archaeological remains within the site; - Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ; - Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and - Preparation of the digital, documentary and material archive for deposition. <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and</p>

disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. Prior to the operation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the measures required to break the identified potential pollutant linkages, as outlined in the RPS Group Ltd report entitled Ravenhill Rest Preliminary Risk Assessment Report, Department for Communities (dated January 2020 and referenced IBR0323) and the email from RPS Group Ltd (dated 25th February 2020 and referenced 'Ravenhill Rest PRA' imported soil query) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Public Open Space near residential housing). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:

- a) A minimum of 300mm of imported topsoil has been emplaced in all soft landscaping areas formed from material that is demonstrably suitable for use (Public Open Space near residential housing).

Reason: Protection of human health.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

8. All landscaping works shall be carried out in accordance with the approved details on drawing no 04C, dated 08 Jan 2020. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council (within the next available planting season). Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area

9. 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 immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>, as applicable. In the event of unacceptable risks being identified, a remediation

	<p>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> <p>10. After completing the remediation works under Condition 9; 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) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>11. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to Water Management Unit at least 8 weeks prior to the commencement of the works or phase of works.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
<p>Notification to Department (if relevant)</p> <p>N/A</p>	
<p>Representations from Elected members:</p> <p>N/A</p>	

ANNEX	
Date Valid	17th September 2019
Date First Advertised	4th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Short Strand,Belfast,Down,BT5 4AS The Owner/Occupier, Apartment 1- 28, 23 Short Strand,Belfast,Down,BT5 4AS Units1- 4 ,5 Ravenhill Road,Belfast,Down,BT6 8DN	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Summary of Consultee Responses	
Drawing Numbers and Title Drawing No. 01 Site Location Drawing No. 02 Topographical Survey Drawing No. 03B Construction Details and Planting Schedule Drawing No. 04C General Arrangement	