

## Development Management Officer Report Committee Application

Summary	
<b>Application ID:</b> LA04/2021/0001/F	<b>Committee Meeting Date:</b> 17 <sup>th</sup> August 2021
<b>Proposal:</b> Contractor's Temporary Site Compound (for proposed development at adjacent Ulster Independent Clinic planning ref: LA04/2019/0318/F) to include Contractor's buildings, storage, car parking, planted bank, Covid-19 Marshall Station / Testing Area and associated operational development with new, temporary site access from Cranmore Park and new, temporary pedestrian access to the Malone Road.	<b>Location:</b> Site at junction of Malone Road and Cranmore Park to south of 14-20 Cranmore Park and east of 75 Cranmore Park Belfast BT9 6JG.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control under paragraph 3.8.7 of the Scheme of Delegation	
<b>Recommendation: Approval</b>	
<b>Applicant Name and Address:</b> Ulster Independent Clinic 245 Stranmillis Road Belfast BT9 6JH	<b>Agent Name and Address:</b> TMP Architects 101 University Street Belfast BT7 1HP
<b>Executive Summary:</b> <p>The application seeks temporary planning permission for a period of 3 years for change of use of current open space area for construction of a Contractor's Site Compound (for proposed development at adjacent Ulster Independent Clinic planning ref: LA04/2019/0318/F) to include Contractor's buildings, storage, car parking, planted bank, Covid-19 Marshall Station / Testing Area and associated operational development with new, temporary site access from Cranmore Park and new, temporary pedestrian access to the Malone Road.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>- Principle of Development / Loss of Open Space</li> <li>- Impact on Conservation Area</li> <li>- Impact on trees /LLPA</li> <li>- Impact on Neighbouring Amenity</li> <li>- Impact on Natural Heritage</li> <li>- Impact on traffic/parking</li> <li>- Section 76 agreement</li> </ul> <p>The site is designated as whiteland in the BUAP and within both versions of draft BMAP as existing open space and a local landscape policy area. The site forms part of sub area F of the Malone Conservation Area.</p> <p>The proposed change of use will result in the temporary loss of open space and will temporarily adversely impact the character and appearance of Malone Conservation Area and the draft LLPA. The BCC Conservation Officer has objected to the proposal. However, officers consider</p>	

that these temporary impacts on the conservation area and loss of open space must be balanced against the substantial community / public benefits that will derive from an extended hospital which would be of a greater benefit to the wider community. As such it is considered that this presumption against the development can be relaxed in this instance, having regard to Section 104 of the Planning Act, Policy BH12 of PPS6, Policy OS1 of PPS8 and the SPPS. The applicant has agreed to enter into a Section 76 Agreement to ensure the land is restored to its former condition on completion of the works.

9 objections have been received, citing concern with the following;

- Increase traffic congestion at Cranmore Park and busy road junction and associated road safety concerns regarding nearby schools;
- Location of Cranmore site entrance, should be relocated to Malone Road;
- Impact on the surrounding character with inappropriate development;
- Impact on wildlife - Badgers within the site;
- Removal of trees;
- Noise and disturbance associated with the proposed use;
- Concern regarding dates of traffic survey – undertaken during Covid restrictions.

The following consultees had no objection to the proposal;

BCC Trees and Landscaping Team – no objection with tree replanting condition

BCC Environmental Health Service – no objection with conditioned operation times restrictions and acoustic barrier construction

DfI Roads Service – no objection with conditions

DAERA (Natural Environment Division) – no objection

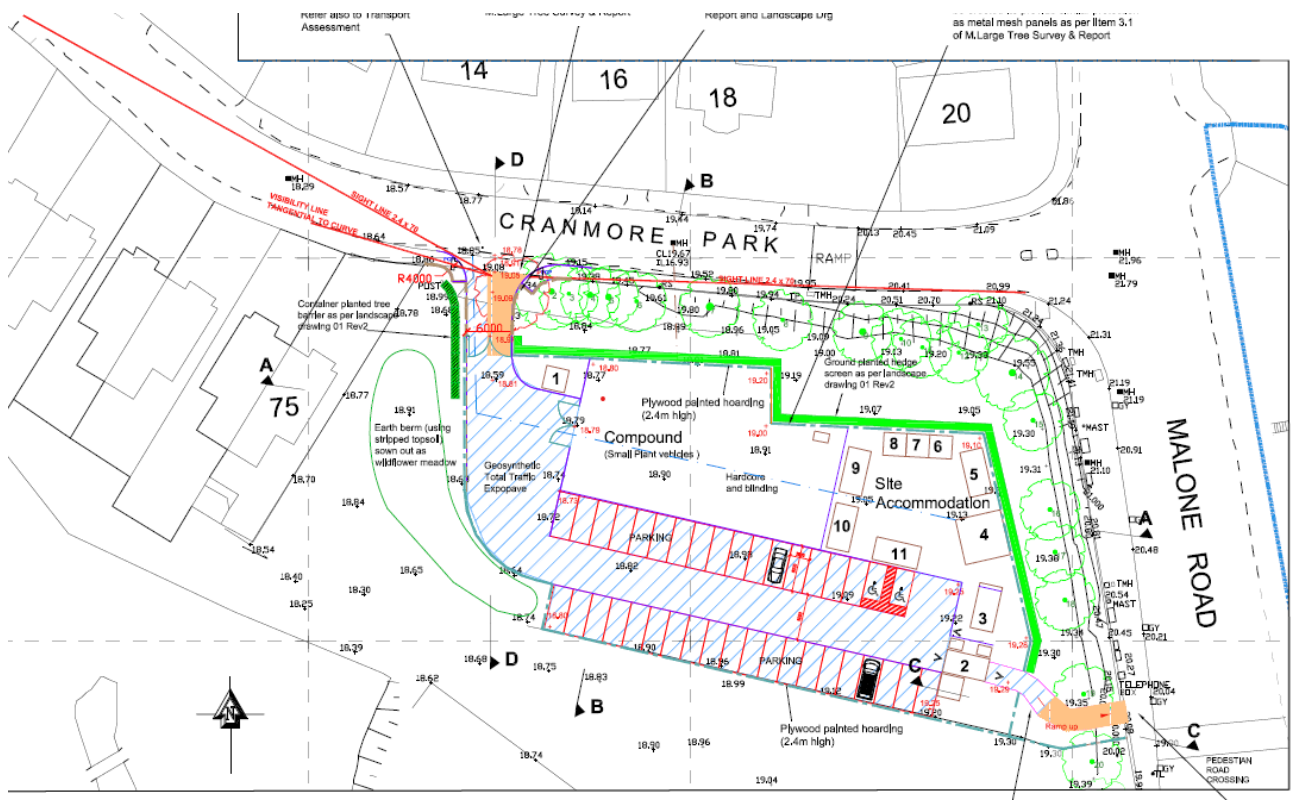
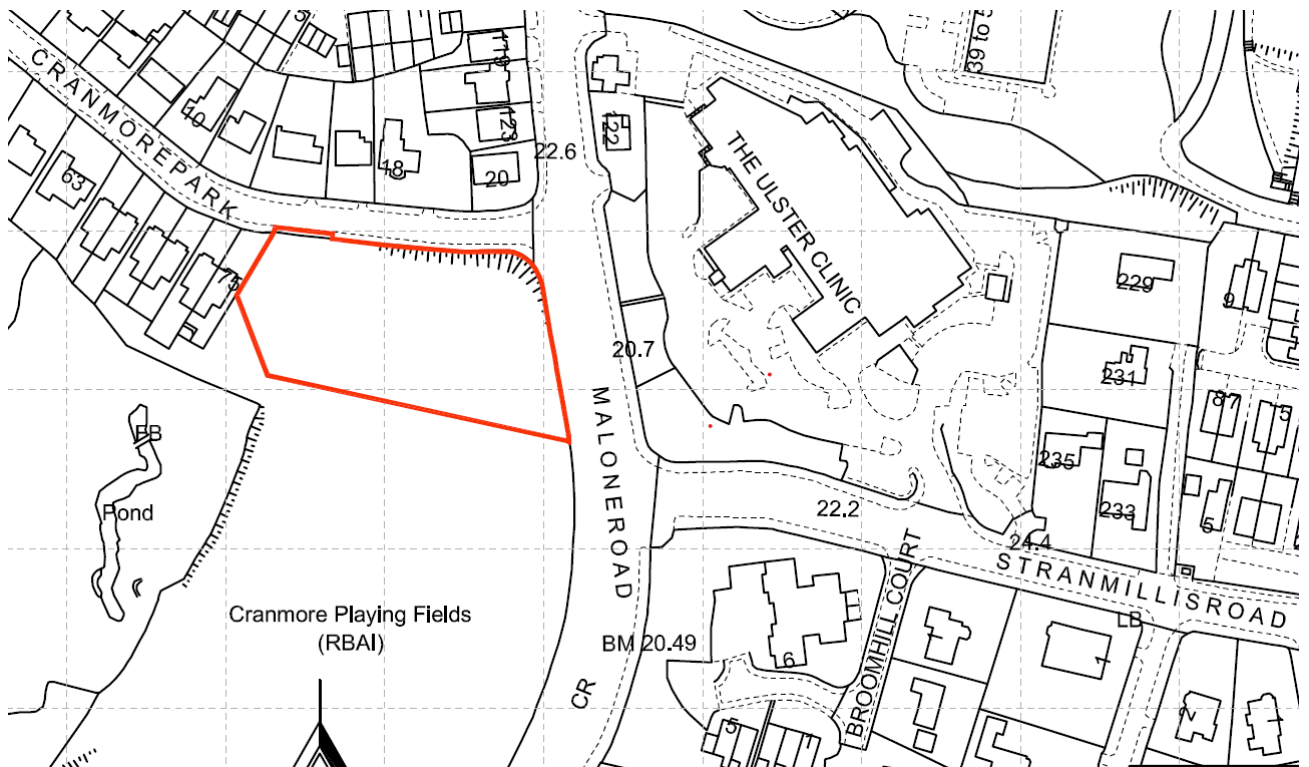
#### Recommendation – Approval

Having had regard to the extant development plan, the draft development plan, relevant planning policies, and other material considerations including third party objections, on balance the proposed development is acceptable for a temporary period.

It is recommended that the application is approved subject to conditions with delegated authority given to the Director of Planning and Building Control to finalise the completion of a Section 76 agreement and wording of conditions.

## Case Officer Report

### Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	Contractor's Temporary Site Compound (for proposed development at adjacent Ulster Independent Clinic planning ref: LA04/2019/0318/F) to include Contractor's buildings, storage, car parking, planted bank, Covid-19 Marshall Station / Testing Area and associated operational development with new, temporary site access from Cranmore Park and new, temporary pedestrian access to the Malone Road. A temporary of 3 years has been sought.
<b>2.0</b>	<b>Description of Site.</b>
2.1	<p>The site is an area of open space adjacent to and associated with a school playing fields at the road junction of Malone Road and Cranmore Park. The site and the playing fields are currently in the ownership of the Royal Belfast Academical Institution (RBIA). The site is located within Sub Area I of the Malone Conservation Area Guide and adjacent to Sub Area F Bawnmore/Cranmore/Osborne.</p> <p>The site is enclosed behind a medium height picket fence and an array of mature planting of various heights, the boundary planting is sparse and allows views over the site and the adjoining playing fields. The open aspect of the site and associated playing fields contributes to the surrounding character of the area creating an openness to the Malone and Cranmore Sub Areas.</p> <p>Opposite the site's Malone Road frontage (east), is a four lane carriageway beyond which is the Ulster Independent Clinic. A low-level stone boundary wall with mature hedging and other taller planting behind forms the boundary of the Clinic and prevents views from road level into the Clinic site. This boundary treatment of stone wall topped with mature vegetation continues further along the Malone Road for the domestic dwellings that adjoin the road.</p> <p>The Cranmore Park frontage sees the continuation of the picket fencing but with a higher percentage of mature planting, there is however several gaps in the planting to allow for views over the site. The road at this point is much smaller in scale being a common two-lane carriageway. Opposite the site (north) is four large detached two storey dwellings (nos. 14 - 20) of various design and materials. Two of these dwellings having mature vegetation to the front boundary which somewhat obscures views of the site. The remaining two dwellings have a wall and timber fencing boundaries circa 1.5m high with an open frontage onto the site allowing unhindered views.</p> <p>The western boundary of the site is shared with a modern two storey dwelling (no.75), the boundary treatment between the two is circa 1.5m high steel fence.</p> <p>The surrounding character is distinctly different between the busy arterial route of the Malone Road with no properties fronting the road, at this section, and the residential nature of Cranmore Park with dwellings fronting the road.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
	No relevant planning history on site.
	<u>Surrounding area</u>
	LA04/2019/0318/F - Refurbishment and extension to operating theatre and sterile supplies departments to upgrade existing facilities and provide additional storage, staff changing and rest room accommodation – Granted 17 <sup>th</sup> July 2019
<b>4.0</b>	<b>Policy &amp; Legislative Framework</b>

4.1	<p>Belfast Urban Area Plan 2001(BUAP)  Draft Belfast Metropolitan Area Plan 2004-2015 (dBMAP)  Strategic Planning Policy Statement for Northern Ireland (SPPS)  <i>The SPPS is also relevant planning consideration for all development and advises that planning permission ought to be granted for sustainable development that accords with the area plan and causes no demonstrable harm to interests of acknowledged importance.</i>  <i>The SPPS also advises on Conservation Areas, Natural Heritage and Open Space.</i>  Planning Policy Statement 2 Natural Heritage (PPS 2)  Planning Policy Statement 3 Access, Movement and Parking (PPS 3)  Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation (PPS 8)  Malone Conservation Area Design Guide  Section 104 of the Planning Act (Northern Ireland) 2011  “Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises.”</p>
<b>5.0</b>	<b>Statutory Consultee Responses</b>
	<p>DfI Roads Service – No objection with conditions  DAERA (Natural Environment Division) - No objection</p>
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
	<p>BCC Environmental Health – No objection with conditions  BCC Conservation &amp; Heritage Team – Objection  BCC Trees and Landscaping Team – No objection with tree planting request</p>
<b>7.0</b>	<b>Representations</b>
7.1	<p>The application has been neighbour notified (37 addresses) and advertised in the local press. To date the Council has received nine objections from six individuals, summarised as:</p> <ul style="list-style-type: none"> <li>• Increase traffic congestion at Cranmore Park and busy road junction and associated road safety concerns regarding nearby schools;</li> <li>• Location of Cranmore site entrance, should be relocated to Malone Road;</li> <li>• Impact on the surrounding character with inappropriate development</li> <li>• Impact on wildlife - Badgers within site;</li> <li>• Removal of trees;</li> <li>• Noise and disturbance associated with the proposed use;</li> <li>• Concern regarding dates of traffic survey – undertaken during Covid restrictions.</li> </ul>
<b>8.0</b>	<b>Other Material Considerations</b>
	None
<b>9.0</b>	<b>Assessment</b>
9.1	<p><b>Principle of development / Loss of Open Space:</b>  The site is within the existing development limits for the city in the development plans. Within the BUAP the site is shown as whiteland i.e. no specific land use designation. The site within the draft BMAPs is designated as an area of existing open space and within a local landscape policy area (BT 103). It is stated within BT103 that the site and playing fields is an area of local nature conservation interest and a major green wedge in the urban fabric providing a visual link between the Lisburn Road and Malone Road.</p>
9.2	<p>The proposal will result in the loss of existing open space. In accordance with Policy OS1 of PPS8 and the SPPS, there is a presumption against the loss of open and this should only be set aside in exceptional circumstances. One of these exceptions is where it is clearly shown that the redevelopment will bring substantial community benefits that decisively outweigh the loss of open space.</p>
9.3	<p>In this case, supporting statements have been provided by the applicant to demonstrate why the proposal should be considered an exceptional case. This sets out the substantial</p>

	community benefits – with the proposal supporting the construction of increased hospital facilities to a key healthcare facility and the provision of services to the NHS which also assist with current waiting lists. There are also the indirect benefits of training for the medical profession.
9.4	The information also demonstrates why the compound can't be located within the existing site of the Ulster Independent Clinic with the current application site being the only suitable and available site. The developer's choice of site is based on three criteria, site location (to enable isolation of covid testing point for operatives from the hospital site), site area (size and right topography to facilitate the storage and accommodation units) and site availability (availability for duration of construction works). A search area of 400m was carried out with surrounding lands which indicated that all three criteria could not be achieved with the exception of the application site.
9.5	Having regard to the above, officers consider that this represents substantial community benefits not just to the Belfast area but to the wider province. When considered against the temporary loss of open space, it is considered that this outweighs the loss in this exceptional instance in accordance with Policy OS1 of PPS8 and the SPPS.
9.6	<p><b>Impact on Malone Conservation Area:</b></p> <p>BCC Conservation Team was consulted on the proposal and advised that the proposal is contrary to the Malone Conservation Area Guide and concluded the following. <i>"It is considered that the proposal would be contrary to policy BH12 criterion C, the scale, materials and detailing fails to respect the area; criterion E important views within the area will be affected and criterion; criterion F trees and other landscape features are protected and would be affected by the proposal, the proposal will fail to comply with the associated conservation area design guidance for similar reasons. Given that the proposal includes industrial containers, surface covering and associated site equipment, it is considered that the proposal would negatively impact upon the existing green space which makes an important contribution to the character and appearance of the conservation area"</i></p>
9.7	The points of concern expressed by the Conservation Officer are shared by officers' and the permanent retention of the proposal would not meet the standards for approval for development within the Conservation Area. It is appreciated that the use of land as a site compound including storage containers and hoarding are a significant alteration from the existing open space / soft landscaping and would not be in accordance with Section 104 of the Planning Act (NI) 2011 which requires development to either enhance the area where there is an opportunity to do so and to preserve where there is no opportunity which is also echoed in paragraph 6.18 of the SPPS and is the guiding principle of policy BH12 of PPS 6. Paragraph 6.18 of the SPPS advises that this general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations in the public interest.
9.8	In this instance, the proposal would temporarily adversely impact the Malone Conservation Area. However, officers consider that the proposed temporary impacts on the conservation area must be balanced against the substantial community / public benefit that will derive from an extended hospital which would be of a greater benefit to the wider community. As such it is considered that this presumption against the development can be relaxed in this instance, having regard to Section 104 of the Planning Act, Policy BH12 of PPS6 and the SPPS. Amendments have been secured to lessen the potential impacts of the proposal though additional planning around the boundaries of the site and a planted bund. It is proposed that the temporary planting is conditioned to ensure compliance.
9.9	<b>Impact on trees / LLPA</b>

	<p>The site is designated within the draft BMAPs as being in an area of existing open space BT067 (Historic Park, Gardens and Demesne Cranmore) and a landscape policy area BT103 (Cranmore/Bladon Local Landscape Policy Area) within the draft BMAP. It is noted that the proposal involves the removal of an existing tree from the site to accommodate an access point. It is proposed that the tree is replaced after the site compound is removed and to ensure compliance will be subject to a S76 agreement. Any temporary adverse impacts on the LLPA is offset by the substantial community discussed above.</p>
9.10	<p><b>Impact on Neighbouring Amenity:</b></p> <p>Officers acknowledge that the operations of a builder's compound can have an impact on the amenity of neighbouring residential dwellings. In partnership with the BCC Environmental Health (EHO), officers have sought to reduce any potential impact to a minimum. A Noise Impact Assessment has been carried out. The scheme has been amended to remove the materials storage and skip area along with the jet wash facility. In this regard, EHO has assessed the proposal and subsequent supporting information in terms of noise / impact on the neighbouring residential dwellings. EHO have offered no objection and have recommended the inclusion of planning conditions to ensure the operating hours of the site, the inclusion of an acoustic barrier to limit noise escape from the site and controls on plant and machinery. On this basis, it considered that the proposal would not unacceptably impact the residential amenity of neighbouring properties in accordance with the SPPS.</p>
9.11	<p><b>Impact on Natural Heritage:</b></p> <p>Representation was received to indicate that the site may be an area for local wildlife, with badgers being of interest. Officers sought the advice and guidance of the Natural Environment Division regarding potential for impact on wildlife. NIEA requested and received additional information including a badger survey and having considered the submitted information stated there was no natural heritage concerns regarding the proposal. The proposal is therefore considered to accord with PPS2.</p>
9.12	<p><b>Impact on Traffic/Parking</b></p> <p>Several objections expressed concerns regarding the additional vehicle movements that will be associated with the proposal. Comments relate to increase traffic at Malone/Cranmore junction and the potential for conflict with local school traffic and pedestrians, in addition to the dates when traffic surveys were undertaken. DfI Roads was consulted on the proposal and the objections received and found the proposal to be acceptable subject to standard conditions. The proposal includes 38 parking spaces. It is not expected to significantly impact existing traffic flows. It is noted that the site operating times will have most arrivals prior to school starting times and leaving times later than school closing times, avoiding peak school times. Overall the proposal is considered to accord with PPS3.</p>
9.13	<p><b>Other Considerations:</b></p> <p>Officers are of the opinion that although the hospital is a private facility, the information provided has confirmed that it provides and will be providing services to the NHS regarding the current waiting lists for NHS patients. The proposal will allow the construction of additional hospital facilities that will contribute not just to a private benefit but also to a public benefit, the temporary loss of the open space when considered against the public benefit outweighs the concerns regarding the temporary loss of amenity and temporary impact on the Conservation Area.</p>
9.14	<p><b>Section 76 Agreement:</b></p> <p>The following areas of the proposal will be secured through a section 76 agreement</p>

9.15	<ul style="list-style-type: none"> <li>• The reinstatement of the lands to its prior condition before commencement of development</li> <li>• The replanting of a semi-mature tree to be agreed with BCC Tree Officer</li> <li>• Reinstatement of boundary fencing to its prior condition before commencement of development.</li> </ul> <p><b>Conclusion:</b> Officers consider that the proposal will result in the loss of open space and will have a detrimental impact on the surrounding amenity for the Malone Conservation Area. However, the impact will be time limited, maximum 3 years, and will not be a permanent unacceptable alteration to the conservation area character. The proposal will allow construction works to proceed in a timely manner to a hospital facility which will have a benefit to the people of the city and beyond. It is recommended that a temporary grant of permission is given to the proposal.</p>
10.0  10.1	<p><b>Summary of Recommendation: Approval Subject to Conditions/ Completion of S76 agreement</b></p> <p>Having had regard to the extant development plan, the draft development plan, relevant planning policies, and other material considerations including third party objections, the proposed development is acceptable for a temporary period.</p>
11.0	<p><b>Conditions</b></p>
	<p>1. The permission hereby granted shall be for a limited period of 3 years only and shall expire on 15<sup>th</sup> April 2024.</p> <p>Reason: To enable Council to consider the development in light of circumstances then prevailing.</p> <p>2. The vehicular access, including visibility splays and any associated works to the public road, shall be provided in accordance with Drawing No. No.201/2 uploaded to the planning portal on 20th April 2021.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No. No.201/2 uploaded to the planning portal on 20th April 2021, to provide for parking within the site. No part of these hard-surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>Reason: To ensure adequate provision has been made for parking within the site.</p> <p>5. Following within 1 month of the cessation of operations at the site, the redundant vehicular access from the site to the public road shall be permanently closed and the footway reinstated to the satisfaction of the Department for Infrastructure.</p>



Reason: To minimise the number of access points onto the public road in the interests of road safety and the convenience of road users.

6. The hereby permitted compound shall not operate outside the following hours:

- ☐ Monday to Friday: 7am – 7pm
- ☐ Saturdays: 7am – 1pm.
- ☐ At no time on a Sunday or bank holidays.

Reason: in the interests of residential amenity

7. The sound rating level (dBLAr,T) of all combined plant and equipment associated with the proposed development shall not exceed the existing daytime and night time background noise level (dB LA90) at nearest sensitive receptors as measured in line with BS4142:2014 *Methods for rating and assessing industrial and commercial sound*.

Reason: in the interests of residential amenity

8. Mobile plant operating within the development shall be fitted with broadband “white noise” (full spectrum) reversing alarms as necessary.

Reason: in the interests of residential amenity

9. Prior to operation of the development, an acoustic barrier shall be erected along the site boundary as presented in the submitted drawing - *Proposed Site Plan* dated Dec 2020, Drawing No 201/2 Job no 20730. The barrier shall be constructed of timber panelling (close lapped with no gaps) with a surface density or superficial mass of at least 15kg/m<sup>2</sup> and shall be retained thereafter.

Reason: in the interests of residential amenity

10. The landscaping detailing, as proposed within drawing 03B published to the planning portal 20<sup>th</sup> August 2021 shall be completed with one month of the compound becoming operational.

Reason: To mitigate the impact of the proposal on the conservation area.

ANNEX	
<b>Date Valid</b>	13 <sup>th</sup> January 2021
<b>Date First Advertised</b>	15 <sup>th</sup> January 2021
<b>Date Last Advertised</b>	21 <sup>st</sup> May 2021
<b>Elected representative Interest:</b>  None	
<b>Neighbours notified &amp; Advertised :</b>  37 Neighbours	
<b>Date of Last Neighbour Notification</b>	12 <sup>th</sup> May 2021
<b>Date of EIA Determination</b>	None required
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01 Site Location Plan 03B Site Plan 04 Sections / Elevations	
<b>Notification to Department (if relevant) – Not required</b>   	