

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 31 <sup>st</sup> August 2022	
<b>Application ID:</b> LA04/2022/0853/F	
<p><b>Proposal:</b> Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens and multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.</p>	<p><b>Location:</b> Site of the former Finlay's Factory SE of Ballygomartin Road, N of Moyard Crescent, NW of Springfield Heights and Springfield Park, Belfast, BT13 3QZ</p>
<b>Referral Route:</b>	Major development Belfast City Council application
<b>Recommendation:</b>	Approval
<p><b>Applicant Name and Address:</b> Belfast City Council Physical Programmes Department 9-21 Adelaide Street Belfast BT2 8DJ</p>	<p><b>Agent Name and Address:</b> Resolve Planning and Development Innovation Factory 385 Springfield Road Belfast BT12 7DG</p>
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for a shared space community building which incorporates a range of integrated services and facilities to include indoor leisure, outdoor recreation, community space, capacity support, health and wellbeing, educational links and multipurpose spaces.</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> <li>• The principle of the re-development of the site for the proposed community use;</li> <li>• Impact on the character and appearance of the area;</li> <li>• Archaeology</li> <li>• Access and parking;</li> <li>• Human health;</li> <li>• Drainage and flooding;</li> <li>• The impact on natural heritage;</li> <li>• Pre-application Community Consultation</li> </ul> <p>The site is located within the development limits of Belfast in the BUAP 2001 and draft BMAP</p>	

and is un-zoned, "white land" in the BUAP and dBMAP. A Housing Renewal Area is located to the south in the BUAP.

As the site is un-zoned "white land" within the settlement development limit and taking into account the site context, the last use of the site as a factory and previous planning permission for a multi-use community building on the site, the principle of community use is considered acceptable.

The design of the building is considered appropriate to its context. The proposal would not have an adverse impact on adjacent properties by way of noise and other impacts. The proposed access and parking arrangements are considered acceptable.

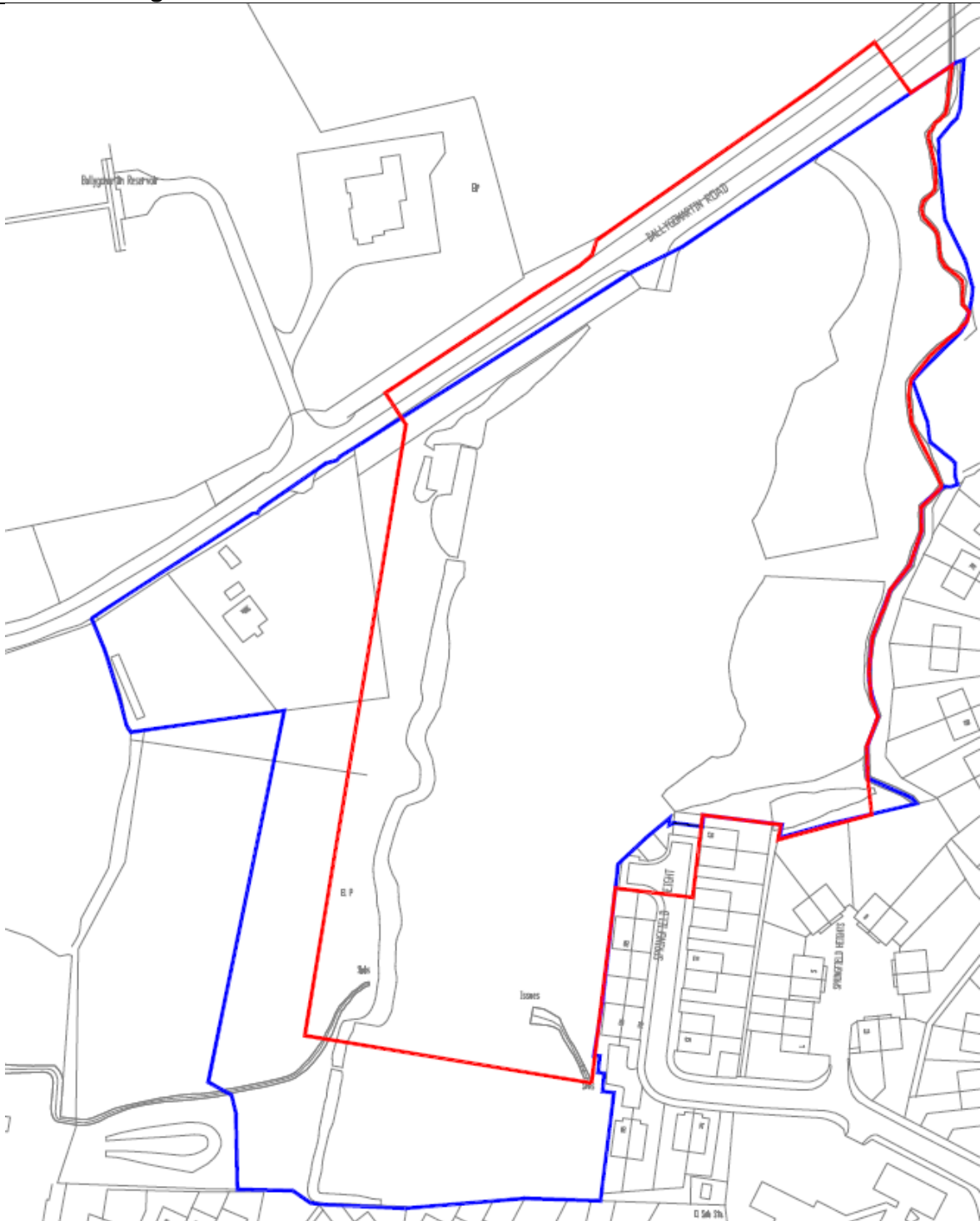
Consultees including DfI Roads, DAERA NIEA, DfC HED, NI Water, NIE, BCC Landscape Team and BCC Environmental Health have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report. At the time of writing a final response is awaited from DfI Rivers.

One representation has been received and is considered under Para 7.0 of the report.

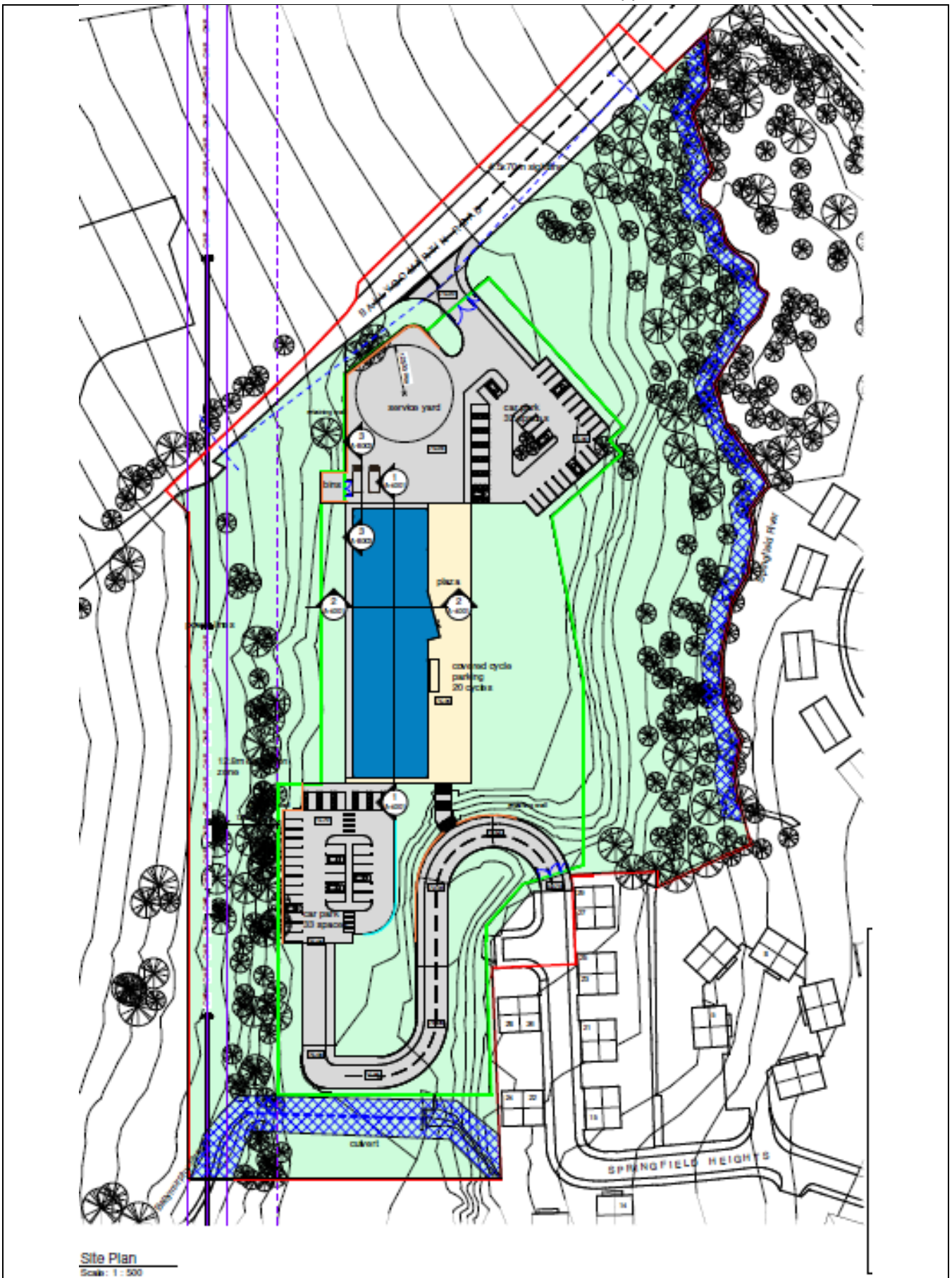
Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the conditions and resolve any further issues raised by DfI Rivers and any other matters.

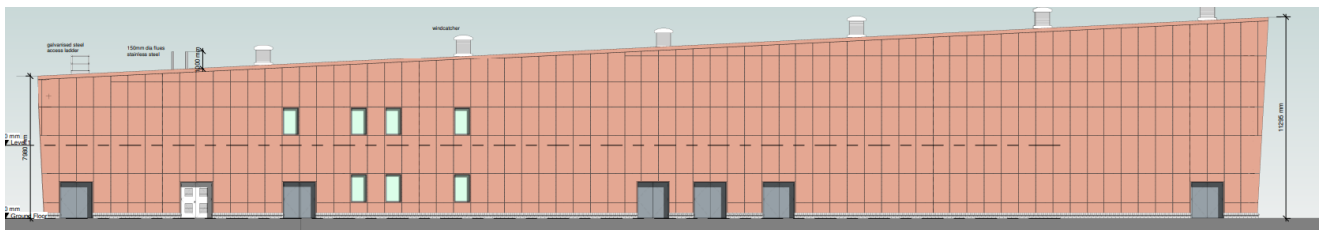
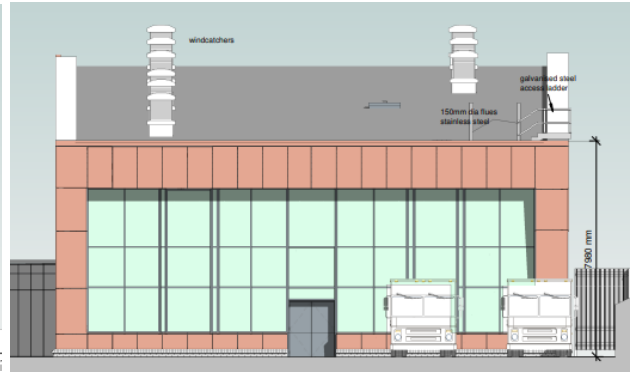
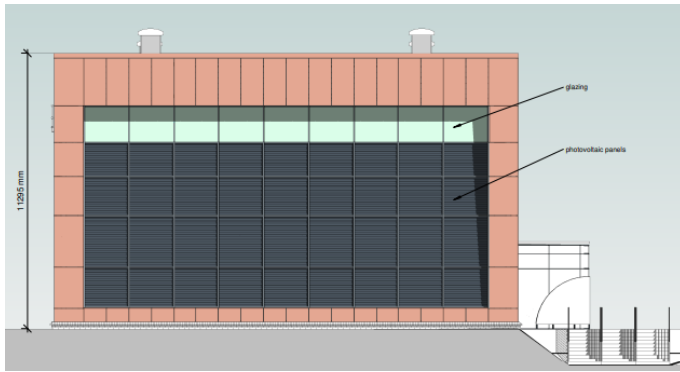
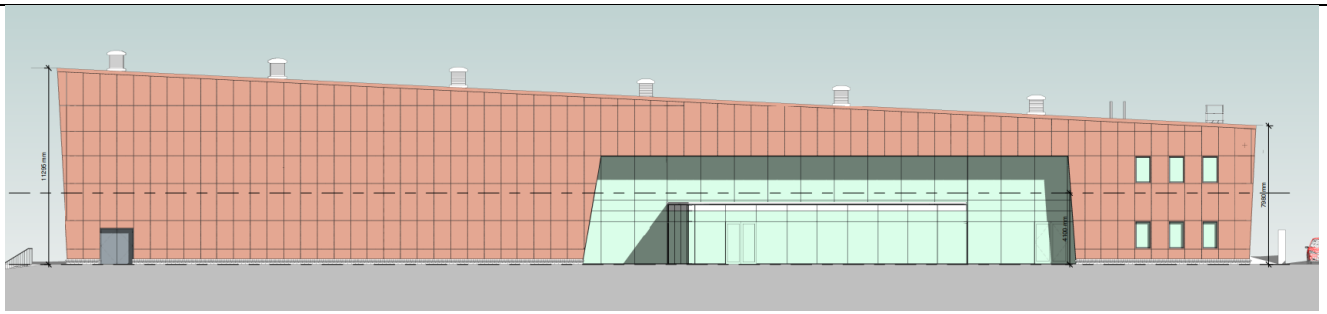
Case Officer Report

Plans and Drawings



1 SITE LOCATION PLAN  
1 :1250





CGI View from south and then north-east:





<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b><u>Description of Proposed Development</u></b>
1.1	<p>The application seeks full planning permission for the following:</p> <p><i>'Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens, multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.'</i></p>
1.2	<p>The applicant's Design and Access Statement states that the proposal aims to create a</p> <p><i>'multipurpose shared space building to facilitate and promote sustainable and meaningful engagement between local communities divided by significant physical and physiological barriers. Proposed on a vacant site, this new building will offer a range of integrated services and facilities to include indoor leisure, outdoor recreation, community space, capacity support, health and wellbeing, educational links and multipurpose spaces.'</i></p>
1.3	<p>The proposed building comprises two storeys and is orientated within the site to respond to the levels. It features a mono-pitch roof which slopes down from south to north. The exterior of the building is to be constructed using photovoltaic panels, curtain walling/copper facade and glazing. The entrance is on the east façade.</p>
1.4	<p>The proposed building contains approximately 110 square metres of solar panels on the south elevation and contains 'windcatchers' on the roof as a means of sustainable ventilation.</p>
1.5	<p>The application also proposes the creation of two vehicular accesses from Ballygomartin Road to the north and through the housing at Springfield Heights to the south. These would serve two carparks either end of the building, providing a total of 65 parking spaces including 13 wheelchair accessible spaces. There would also covered cycle parking for 20 bicycles.</p>
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	<p>The application site is located on lands adjacent to and immediately to the north of the housing at Springfield Heights and Moyard Crescent, and south of Ballygomartin Road. There is housing further to the east and open countryside to the west. The site extends to 3.1ha and is enclosed by walls, high fencing and vegetation along all boundaries.</p>
2.2	<p>There is a level difference across the site from west and east with a large flat area in the middle of the site. This part of the site was occupied by the former Finlay's Packaging Factory. The factory building was demolished in the early 2000s but the remains of the factory's concrete sub-floor can be seen on site. This is located at 75m AOD.</p>
2.3	<p>The Ballymurphy River, otherwise known as the Springfield Park Stream, emerges from a culvert below Ballygomartin Road, to flow down the eastern side of the site to a culvert at the edge of Springfield Heights. A smaller designated watercourse, (Ballymurphy Stream) crosses the south of the site. The Springfield Park Stream bank features a linear young plantation woodland along the length of the eastern edge of the site and to the north and this expands into a wider area at the junction. There is also a line of mature trees running along the western boundary of the site.</p>

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b> Full details of the planning history are provided at Annex A. Applications specific to the site are detailed below:
3.1	Ref ID: LA04/2021/2173/PAN Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works. Address: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast, BT13 3QZ., Decision: PAN Acceptable Decision Date: 21.10.2021
3.2	Ref ID: LA04/2016/2207/F Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, cafe, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works. Address: Land southeast of, Ballygomartin Road north of, Moyard Crescent and, Northwest of, Springfield Park and, Springfield Heights, Belfast, Decision: Permission Granted Decision Date: 21.03.2017
3.3	Ref ID: Z/2011/0726/O Proposal: Proposed site for residential development, new access and ancillary site works. Address: Lands northwest of 1-8 Springfield Heights and north of Moyard Crescent, Belfast, BT13, Decision: Permission Granted Decision Date: 11.01.2016
3.4	Ref ID: Z/2004/1444/F Proposal: Residential development of 60 no. dwelling units. Address: Former factory site, Ballygomartin Road, Belfast Decision: Permission Granted on appeal Decision Date: 21.12.2005
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Plan 2015 (v2014)  Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.

	<p>Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it 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. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached. Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 is considered to hold significant weight.</p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
4.2	<p>Regional Development Strategy 2035  Strategic Planning Policy Statement for Northern Ireland  Planning Policy Statement 2 – 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 Environment  Planning Policy Statement 8 – Open Space, Sport and Recreation  Planning Policy Statement 15 – Planning and Flood Risk</p>
5.0	<p><b><u>Statutory Consultees</u></b>  <b>DfI Roads</b> – no objections in principle, subject to conditions  <b>DfI Rivers</b> – awaiting final response  <b>NIEA Natural Heritage</b> – no objections  <b>NIEA Land, Soil, and Air</b> – no objections subject to conditions  <b>NI Water</b> – No objection  <b>UK Crown Bodies</b> – no objection  <b>DfC Historic Environment Division</b> – no objection subject to conditions</p>
6.0	<p><b><u>Non-Statutory Consultees</u></b>  <b>BCC Environmental Health</b> – no objection subject to condition  <b>BCC Landscape</b> – no objection  <b>Northern Ireland Electricity</b> – no objections  <b>BCC Tree Officer</b> – no objection subject to condition</p>
7.0	<p><b><u>Representations</u></b>  7.1 The application was first advertised on 18.05.2022 and re-advertised on 29.07.2022. Neighbour notifications were initially issued on 11.05.2022 and re-notified of amendments to the scheme on 03.08.22.  7.2 One representation has been received from the Belfast Hills Partnership.  7.3 The issues raised are summarised as follows:</p>



7.4	<ol style="list-style-type: none"> <li>1. Invasive species – there may be Japanese knotweed on the site which would need to be reported and treated professionally.</li> <li>2. Given the semi-rural location of the site, the size, height and building materials should be sympathetic to the surrounding landscape and there should be a buffer zone around the building.</li> <li>3. The building should be screened to protect visibility from Black Mountain.</li> </ol> <p>These issues are addressed as follows:</p> <ol style="list-style-type: none"> <li>1. Ecological considerations, including invasive species, are considered in the main report. NIEA were consulted and has no objection subject to condition.</li> <li>2. Design and landscaping are considered in the main report.</li> <li>3. As above at point 2, the site is within the development limit and given the scale of the building and site levels, the scheme is unlikely to impact long views. Regard is also had to the previous planning permission on the site for a large multi-use community building.</li> </ol>
8.0	<b><u>ASSESSMENT</u></b>
8.1	<b><u>Main Issues</u></b>
8.1.1	<p>The main issues relevant to consideration of the application are summarised below.</p> <ul style="list-style-type: none"> <li>• The principle of the re-development of the site for the proposed community use</li> <li>• Impact on the character and appearance of the area</li> <li>• Archaeology</li> <li>• Access and parking</li> <li>• Human health;</li> <li>• Drainage and flooding</li> <li>• The impact on natural heritage</li> <li>• Pre-application Community Consultation</li> </ul>
8.2	<b><u>The principle of community use at this location</u></b>
8.2.1	<p>The site is located within the development limits of Belfast in the BUAP 2001 and draft BMAP and is un-zoned, “white land” in the BUAP and dBMAP. A Housing Renewal Area is located to the south in the BUAP.</p>
8.2.2	<p>As the site is un-zoned “white land” within the settlement development limit and taking into account the site context, the last use of the site as a factory and previous planning permission for a multi-use community building on the site, the principle of community use is considered acceptable subject to consideration of Policy PED 7 of PPS 4.</p>
8.2.3	<p>As the site was most recently occupied by a manufacturing building, Policy PED 7 (Retention of Zoned Land and Economic Development Uses) of PPS 4, ‘Planning and Economic Development’, is a material consideration. Although demolition of the building and clearance of the site means that the site has a nil use in land-use planning terms. The proposal involves the loss of a previous manufacturing site to community use and Policy PED7 of PPS 4 applies.</p>
8.2.4	<p>Policy PED 7 states that on un-zoned land, a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that one of the following criteria is met:</p> <p>(a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or</p>

	<p>(b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or</p> <p>(c) the proposal is for the development of a compatible <i>sui generis</i> employment use of a scale, nature and form appropriate to the location; or</p> <p>(d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or</p> <p>(e) the site is unsuitable for modern industrial, storage or distribution purposes; or</p> <p>(f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or</p> <p>(g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.</p>
8.2.5	In this instance criterion (b) is considered to apply as the scheme is mixed regeneration of previously developed land. It comprises community uses which would bring substantial benefits to the community that outweigh the loss of employment land. Regard is also had to the previous planning permission for a multi-use community building on the site when the principle of a community building on the site was also accepted.
8.26	<p>Moreover, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be “special circumstances” in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:</p> <p><i>‘In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.’</i></p>
8.27	“Special circumstances” are not defined in the Planning Advice Note and the example it uses is a change of use from industrial to mixed use. There is no definitive list of what those special circumstances might be. In this case, Officers consider that the community benefits of the proposal outweigh the loss of land last used for employment.
<b>8.3</b>	<b><u>Impact on the character and appearance of the area</u></b>
8.3.1	Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity.
8.3.2	The layout of the site has been designed to provide dual entrances with parking both from Springfield Heights and Ballygomartin Road. The building has been designed to benefit from maximum views of the city.
8.3.3	The applicant’s Design and Access Statement (DAS) describes the building envelope as ‘a simple sculptural form with mono-pitch roof sloping from main hall down to the two-storey accommodation to the north of the building. The lift overrun is contained within the additional volume beside the Main Hall. This will provide a simple yet bold and recognisable form. The sculptural form will have cut outs for glazing where appropriate (i.e. entrance foyer) and for photovoltaic panels integrated in a matching curtain walling system (i.e. south facing façade to main hall). Punched windows are provided to the envelope where they are required.’

8.3.4	The proposed palette of materials proposed is predominantly copper cladding with ' <i>low clay brick plinth – Ibstock Staffordshire blue and curtain walling finished in dark grey with double glazed units providing punctuation to the architecture. The curtain walling on the south facing façade contains an integrated photovoltaic array</i> '.
8.3.5	The building has been designed to achieve maximum passive solar gain with 110sqm of solar panels on the southern elevation with the design overall achieving a 'Very Good' BREEAM rating.
8.3.6	The site contains landscaped areas within the site as well as areas of landscaping around the two carparks. The Council's Landscape, Planning and Development team were consulted and are content, stating that the detailed landscape proposals and planting schedules are acceptable and that the inclusion of proposed small unit paving for pedestrian areas is welcomed. The Tree Officer recommended the inclusion of a sedum roof and this was put to the applicant. A submission was then made which demonstrated that a sedum roof was not viable for the current scheme and that the roof would not be visible from key locations. Given the nature of the building and the financial implications set out by the applicant's team, it is considered that it is not reasonable to insist on the inclusion of the sedum roof. Following further consideration, the BCC Tree Officer has no objection subject to conditions.
8.3.7	A Landscape Management Plan has been provided and will be subject to condition.
8.3.8	The design of the building is considered innovative and attractive and demonstrates good quality. The proposed landscaping proposals are considered acceptable and there would be no harm to the wider landscape. It is considered that the character and appearance of the area would be preserved.
<b>8.4</b>	<b><u>Archaeology</u></b>
8.4.1	DfC HED: Historic Monuments notes that the site is located within the extent of the former White Rock Dyeing Works, the Beetling Works and Bleach Green. It concurs with the conclusions in the applicant's <i>Archaeological and Cultural Heritage Assessment</i> and is content that the proposal satisfies Policy BH4 of PPS 6 subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. Having regard to the advice from HED and subject to this condition, it is considered that the proposal would not have any adverse impacts on archaeology.
<b>8.5</b>	<b><u>Access and Parking</u></b>
8.5.1	The proposal includes two vehicular access, one from Ballygomartin Road to the north and the other through the housing at Springfield Heights to the south. The application also proposes the creation two carparks to the north and south sides of the building, creating a total of 65 parking spaces including 13 wheelchair accessible spaces. There is also covered cycle parking for 20 bicycles.
8.5.2	The proposal has been assessed against Policies AMP1, AMP2, AMP6, AMP7 and AMP8 of PPS3. DfI Roads is satisfied with the proposal and raises no objection, subject to a number of conditions. The proposed access and parking arrangements are considered acceptable.
<b>8.6</b>	<b><u>Contaminated Land</u></b>
8.6.1	The application is supported by a GQRA and Remedial Strategy which were considered by both DAERA NIEA and Environmental Health. Both offer no objection and have provided conditions and informatives accordingly. The proposal is considered acceptable with regard to land contamination.

<b>8.7</b>	<b><u>Noise</u></b>
8.7.1	Environmental Health has reviewed the Acoustic Design Analysis and BREEAM Report and advised that it meets the relevant requirements. Informatives have been provided. No unacceptable noise conflicts are identified.
<b>8.8</b>	<b><u>Air Quality</u></b>
8.8.1	Environmental Health has reviewed the proposal and advises that it has no objections subject to conditions. The proposal is considered acceptable with regard to air quality.
<b>8.9</b>	<b><u>Site Drainage/Flood Assessment</u></b>
8.9.1	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against Policies FLD 1-5 of Revised PPS 15. DFI Rivers advises that the Flood Risk Assessment is deemed to be robust with regards to managing flood risk. DFI Rivers has also advised they have no objections under Policies FLD 2, 4 and 5. With regards to Policy FLD 3, a Schedule 6 consent (to discharge into a watercourse) has been requested. An addendum to the Flood Risk Assessment was submitted by the applicant on 10 <sup>th</sup> August 2022, and final comments from DfI Rivers are awaited. Delegated authority is sought to resolve any further issues raised by DFI Rivers.
8.9.2	NI Water was consulted and notes that the proposal will discharge foul sewage to a private treatment plant and therefore they have no objections. The proposed arrangements for disposal of waste water are considered acceptable.
<b>8.10</b>	<b><u>Natural Heritage</u></b>
8.10.1	DAERA NIEA, Natural Environment Division (NED) acknowledges receipt of the Preliminary Ecological Appraisal (PEA) and the Outline Construction Environmental Management Plan (OCEMP), the Habitat Regulations Assessment (HRA), Bat Roost Potential Survey and Invasive Species Management Plan. Having considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, NED has no concerns subject to conditions.
8.10.2	NIEA: Water Management Unit were consulted and has no objections subject to the submission of a Construction Environmental Management Plan (CEMP). A condition is included accordingly.
8.10.3	Having regard to the advice from DAERA, the proposal is considered acceptable with regard to impact on natural heritage and ground water environment, and having regard to PPS 2 and the SPPS.
<b>8.11</b>	<b><u>Pre-Community Consultation</u></b>
8.11.1	For applications that fall within the Major category of development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
8.11.2	Section 27 also requires that a prospective applicant, prior to submitting an application for Major development 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 (LA04/2021/2173/PAN) was submitted to the Council on 17 September 2021 and was deemed acceptable on 21 October 2021.
8.11.3	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 (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application

<p>8.11.4</p> <p>8.11.5</p> <p>8.11.6</p>	<p>which details a digital public information event, letters, leaflets and the public advertisement.</p> <p>According to the PACC report, 101 comments and questions were made via 37 responses all of which were via the digital consultation.</p> <p>The consultation demonstrated that the majority of respondents were in favour of the proposed development. Concerns were expressed regarding car parking, cycle parking, design and use. The applicant states that all concerns were considered and where appropriate changes were made.</p> <p>It is considered that the PACC Report 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>
<p><b>10.0</b></p> <p>10.1</p> <p>10.2</p>	<p><b>Summary of Recommendation:</b></p> <p>Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable.</p> <p>It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the conditions and resolve any further issues raised by DFI Rivers and any other matters.</p>
<p><b>11.0</b></p> <p>1.</p> <p>2.</p>	<p><b>DRAFT CONDITIONS:</b></p> <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'Black Mountain Shared Space Project, Remedial Strategy, Black Mountain Shared Space Project, Site of Former Finlay Factory, Belfast, 603566-R2(00), October 2021', and as amended within the RSK (Ireland) Ltd letter dated 28th July 2022 (Planning Ref: LA04/2022/0853/F, RSK Ref: 603566 L01), have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <p>a) A minimum 400mm capping layer has been emplaced in the area shown in the figure titled 'Capping Layer Requirements 400mm' of the RSK (Ireland) July 2022 letter, formed from material that is demonstrably suitable for use (public open space near residential housing).</p> <p>b) Characteristic Situation 2 gas protection measures have been provided within the development in accordance with BS 8485:2015+A1:2019. Gas protection measures shall be verified in accordance with the requirements of CIRIA C735.</p> <p>c) Vapour protection measures have been provided within the development; these shall be installed and verified in accordance with the requirements of CIRIA C748.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p>

3.	<p>If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. 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.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p>
4.	<p>In the event that additional pollution sources, to include any substantial combustion sources (boilers, CHP or biomass) are proposed and there is a risk to human health receptor locations as per the criteria detailed within the <i>Environmental Protection UK and Institute of Air Quality Management, Land-use Planning &amp; Development Control: Planning For Air Quality (January 2017)</i>, this Service requests that an Air Quality Impact Assessment be carried out and submitted to the Planning Authority for review and approval in writing.</p> <p>Reason: Protection of human health.</p>
5.	<p>No development shall commence until a Final Construction Environmental has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
6.	<p>No development shall commence until an Environmental Monitoring Plan, to include downstream surface water and downgradient groundwater monitoring points, has been submitted to and approved in writing by the Council. The monitoring shall specify:</p> <ul style="list-style-type: none"> <li>• The monitoring locations and schedule for monitoring prior, during and post development,</li> <li>• The parameters and contaminants to be monitored, including the limits of detection for laboratory analyses.</li> <li>• If impacts are detected the provisions of Conditions 5 and 6 will require additional risk assessment and if necessary a remedial strategy in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks">https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks</a>.</li> <li>• The results of the monitoring must be provided to discharge Conditions 2 and 3 of the decision notice.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
7.	<p>In the event that piling is required, no piling work shall commence on this site until a Piling Risk Assessment has been submitted to and approved in writing by the Council. The Piling Risk Assessment shall be undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement</p>



	<p>Methods on Land Affected by Contamination: Guidance on Pollution Prevention” (or any guidance that. The methodology is available at:  <a href="http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf">http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf</a>.</p> <p>No piling shall be carried out unless in accordance with the approved details.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>8. No development shall be carried out unless a Final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include the following:</p> <ul style="list-style-type: none"> <li>a) Construction methodology and timings of works,</li> <li>b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;</li> <li>c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;</li> <li>d) Water Quality Monitoring Plan;</li> <li>e) Environmental Emergency Plan;</li> <li>f) Details of appropriate mitigation measures to protect protected and priority species.</li> </ul> <p>9. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To protect Northern Ireland priority species and habitats, to ensure implementation of mitigation measures identified within the Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.</p> <p>10. Notwithstanding the submitted details, no development activity shall take place until a Final Landscape Management Plan has been submitted to and approved in writing by the Planning Authority. The Plan shall include the following:</p> <ul style="list-style-type: none"> <li>a) The retention of mature trees and Lowland Meadow NIPH on site;</li> <li>b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;</li> <li>c) Details of appropriate management measures to be implemented for the Lowland Meadow priority habitat (identified as Compartment 9 in the PEA);</li> <li>d) Planting Schedule to include appropriate numbers of native species of trees/shrub and wildflower species;</li> <li>e) Details of the aftercare of all planting on the site.</li> </ul> <p>11. Any existing or proposed trees or plants indicated on the approved plans 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.</p> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: to compensate for the removal of trees/shrubs/hedgerows and to minimise the impact of the proposal on the biodiversity of the site.</p>
--	---

12.	<p>No development shall be carried out unless a Final Invasive Species Management Plan has been submitted to and approved in writing by the Council. The Plan shall include:</p> <ul style="list-style-type: none"> <li>a) Updated survey for invasive species to identify all locations on site where they occur;</li> <li>b) Details of the removal/eradication and/or treatment of identified invasive species;</li> <li>c) Details of any necessary mitigation measures to be implemented during the construction phase or thereafter to prevent the spread of invasive species; and</li> <li>d) Details of any follow-up management or monitoring of invasive species on the site.</li> </ul> <p>The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To prevent the spread of invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and to minimise the impact of the proposal on the biodiversity of the site.</p>
13.	<p>The development shall not become operational until weather protected cycle parking has been fully provided in accordance with Drawing Number X uploaded to the Planning Portal on Y. The weather protected cycling parking shall be retained at all times in accordance with the approved details.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
14.	<p>The development shall not become operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These parking areas shall be retained at all times and shall not be used other than for the parking of vehicles.</p> <p>Reason: To ensure acceptable parking facilities on the site.</p>
15.	<p>The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</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>
16.	<p>All redundant accesses from the site to the public road shall be permanently closed off on commencement of use of the new access points that they replace.</p> <p>Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.</p>
17.	<p>The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with ePIC Drawing No. 26A prior to the operation of any other works or other development hereby permitted and permanently retained at all times.</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>
18.	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm 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 interest of road safety and the convenience of road users</p>
19.	<p>The development shall operate at all times in accordance with the Travel Plan.</p>
	<p>Reason: To encourage alternative modes of transport to the private car.</p>
20.	<p>All landscaping works shall be carried out in accordance with the approved details on drawing no [xxxx, dated xxxx]. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. 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.</p>
	<p>Reason: In the interests of the character and appearance of the area</p>
22	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). Any trees or planting indicated on the approved drawings 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p>
	<p>Reason: In the interests of visual amenity.</p>
23.	<p>No development shall be carried out unless tree protective measures, protective barriers (fencing) and ground protection have been erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place for the duration of the construction process.</p>
	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
24.	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas of trees within the site and adjacent lands during the construction period.</p>
	<p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
25.	<p>The development shall not be carried out unless in accordance with the Arboricultural Method Statement (date 10th July 20220 – John Morris Arboricultural Consultancy) submitted in support of the application.</p>
	<p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees within the site.</p>
<b>12.0</b>	<p><b>Representations from Elected Representatives</b> (if relevant) N/A</p>

<b>13.0</b>	<b>Referral to Dfl (if relevant)</b> N/A
-------------	---

## ANNEX A

<b>Date Valid</b>	3 <sup>rd</sup> March 2022
<b>Date First Advertised</b>	20 <sup>th</sup> May 2022
<b>Date Last Advertised</b>	29 <sup>th</sup> July 2022

**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,  
15 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
16 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
17 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
18 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
19 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
20 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
21 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
22 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
23 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
24 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
25 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
26 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
27 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
28 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
29 Springfield Heights,Belfast,Antrim,BT13 3QZ  
The Owner/Occupier,  
300 Ballygomartin Road,Belfast,Antrim,BT13 3NN  
The Owner/Occupier,  
37 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
The Owner/Occupier,  
39 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
The Owner/Occupier,  
40 Vere Foster Walk,Belfast,Antrim,BT12 7QL  
The Owner/Occupier,  
45 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
The Owner/Occupier,  
65 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
The Owner/Occupier,  
67 Moyard Crescent,Belfast,Antrim,BT12 7HJ  
The Owner/Occupier,

68 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 69 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 70 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 71 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 72 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 73 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 74 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 75 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 76 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 77 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 78 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 79 Moyard Crescent,Belfast,Antrim,BT12 7HJ The Owner/Occupier, 80 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 82 Springfield Park,Belfast,Antrim,BT13 3PZ The Owner/Occupier, 87 Moyard Crescent,Belfast,Antrim,BT12 7HL The Owner/Occupier, 89 Moyard Crescent,Belfast,Antrim,BT12 7HL The Owner/Occupier, 91 Moyard Crescent,Belfast,Antrim,BT12 7HL James Boyd, Hills Conservation Officer,Belfast Hills Partnership	
<b>Date of Last Neighbour Notification</b>	3 <sup>rd</sup> August 2022
<b>Date of EIA Determination</b>	19th May 2022
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA04/2016/2207/F Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, cafe, educational facilities and performing arts space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works. Address: Land southeast of, Ballygomartin Road north of , Moyard Crescent and, Northwest of, Springfield Park and, Springfield Heights, Belfast, Decision: Permission Granted Decision Date: 21.03.2017	



Ref ID: LA04/2021/2173/PAN

Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works.

Address: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast, BT13 3QZ.,

Decision: PAN Acceptable

Decision Date: 21.10.2021

Ref ID: Z/2012/0117/RM

Proposal: Residential development of 123 no. dwellings consisting of semi-detached, townhouses, apartments and associated site works

Address: Site East of Ballygomartin Reservoir, Ballymartin Road, West Belfast, Co. Antrim,

Decision: Permission Refused

Decision Date: 21.08.2014

Ref ID: Z/2006/1101/O

Proposal: Site of 3.6 ha for mixed residential development of approximately 144 dwellings.

Address: Site east of Ballygomartin Reservoir, Ballygomartin Road, West Belfast, site accessed off Ballygomartin Road.

Decision: Permission Granted on appeal

Decision Date: 28.04.2009

Ref ID: Z/2004/1444/F

Proposal: Residential development of 60 no. dwelling units.

Address: Former factory site, Ballygomartin Road, Belfast

Decision: Permission Granted on appeal

Decision Date: 21.12.2005

Ref ID: Z/2010/0023/F

Proposal: Residential development - 4no semi detached dwellings (2 storey) replacing 6 no apartments as approved in planning application ref Z/2002/2479/F

Address: Lands at the end of Springfield heights (also adjacent to the former 'Finlays Packaging' factory off Ballygomartin Road), Belfast BT13

Decision: Permission Granted

Decision Date: 16.08.2010

Ref ID: LA04/2016/1354/PAN

Proposal: Shared space building comprising sports hall, business units, cafe, upcycle centre, dance studio, drama studio, offices, meeting rooms and educational facilities; vehicular and pedestrian only accesses; nature trail; car parking; landscaping; and associated site works.

Address: Land South East of Ballygomartin Road, North of Moyard Crescent and North West of Springfield Park and Springfield Heights, Belfast,

Decision: PAN Acceptable

Decision Date: 06.07.2016

Ref ID: Z/2011/0726/O

Proposal: Proposed site for residential development, new access and ancillary site works.

Address: Lands northwest of 1-8 Springfield Heights and north of Moyard Crescent, Belfast, BT13,

Decision: Permission Granted

Decision Date: 11.01.2016

