

**Development Management
Addendum Officer Report
Committee Application**

Summary	
Committee Meeting Date: 14 March 2017	
Application ID: LA04/2016/1864/F	
Proposal: Residential development comprising 6 dwellings, car parking, landscaping and associated site works.	Location: Former community centre approximately 12 meters of 8 Moyard Park Belfast BT2 7FT
Referral Route: The proposal is for more than 4 dwelling units.	
Recommendation:	Approval
Applicant Name and Address: Clanmil Developments Ltd Northern Whig House 3 Waring Street Belfast BT1 2DX	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
ADDENDUM REPORT	
<p>This application was previously presented to Belfast City Council Planning Committee on 14th February 2017. The planning application was deferred to allow for a site visit and consultation with the Northern Ireland Housing Executive (NIHE) for the following reason:-</p> <p style="padding-left: 40px;"><i>The Committee agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. The Committee agreed also that the Housing Executive Estates Department be contacted to clarify the zoning of the site.</i></p> <p>Belfast Planning Service wrote to the NIHE on 20th February 2017 following the receipt of correspondence sent to Members prior to the previous planning Committee which stated that 'The building sits on land designated by the Northern Ireland Housing Executive in 1991, as a communal recreation amenity for the local community'. Clarification was requested as to whether the recreational facility for the local community referred to the former community centre or the surrounding area of open space. NIHE response (copy attached as Appendix 1) clarified that the letter refers to the surrounding open space.</p> <p>The letter also highlighted that there is a high social housing need in the Moyard area and there are difficulties in securing development sites to meet this need.</p> <p>In addition a site visit took place on 27th February 2017. Members agreed that enhancements to the area of open space for the benefit of the local community should be explored. Planning Service contacted the agent to enquire whether the applicant would be willing to provide such community benefits in the form of an upgrade to the area of open space. The agent has indicated verbally that efforts have been made to contact the applicant, NIHE (land owner) and political representatives in the local community with a view to investigating the requirements and potential for the provision of enhanced facilities in the open space area surrounding the application site for the local community.</p> <p>Potential mechanisms to secure such enhancements are considered below.</p>	

Planning Conditions

Given that the open space is outside the application site it would not be reasonable to attach conditions to secure such enhancements. In addition the site is in separate ownership and the applicant has no power to carry out such works and would therefore be unable to comply with any such conditions.

Section 76

Section 76 (1) of the Planning Act (Northern Ireland) 2011 makes provision for any person with an estate in land to enter into an agreement with the relevant authority to:

- facilitate or restrict the development or use of the land in any specified way
- require specified operations or activities to be carried out in, on, under or over land
- require the land to be used in any specified way
- require a sum or sums to be paid to the relevant authority or to a Northern Ireland government department on specified date / dates or periodically.

The Strategic Planning Policy for Northern Ireland (SPPS) details where a Council may consider the use of a planning agreement where what is required cannot be adequately addressed by the imposition of planning conditions and:

- is needed to enable the development to go ahead;
- will contribute to meeting the costs of providing necessary facilities in the near future;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not to be permitted without it;
- is designed to secure an acceptable balance of uses;
- is designed to secure the implementation of development plan policies in respect of a particular area or type of development; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development.

Officers advise that the upgrading of the open space area is not fundamentally necessary to make the proposed development acceptable. The requirement therefore fails the first test set out above.

Community Benefits

Community benefits cannot be considered material considerations in decision making and are offered on a voluntary basis. Planning Service can facilitate engagements between interested parties with a view to seeking community benefits in the form of enhancements to the area of open space. However such engagements would take place outside the decision making process.

Recommendation

The recommendation therefore remains to approve the application as per the original case officer's report attached as Appendix 2 to this addendum report.

APPENDIX 1 - NIHE response

**Housing
Executive**

REGIONAL SERVICES
Land and Regeneration

The Housing Centre
2 Adelaide Street
Belfast
BT2 8PB
T 03448 920 900
W nihe.gov.uk
@nihecommunity

Ms Ursula Caddell
Belfast Planning Service
Cecil Ward building
4-10 Linenhall Street
Belfast
BT2 8BP

Your Ref: LA04/2016/1864/F
Our Ref: RH

Dear Ursula

Re Planning Application LA04/2016/1864/F- Residential development comprising 6 dwellings, car park, landscaping and associated site works, Moyard Park

Further to your letter dated the 20th February concerning the above. The proposed social housing development site is located on the footprint of the former NSPCC building and lands. This land was transferred to Save the Children in 1987 for the specific development of a Family Centre. The letter, attached to your correspondence, from the Housing Executive, dated 1991 four years later, refers to the surrounding open space.

The transfer of land in 1987 to Save the Children (NSPCC) was by way of a 999 year lease and could only be used for the construction of a Family Centre. The premises have now been closed for a number of years. NSPCC looked at a number of options to utilize the building and obtained a waiver of the 'restrictive covenant' contained in the lease from the Housing Executive in November 2016. The site has now been acquired by Clanmil HA for the development of new social housing.

There is a high social housing need in the Moyard area and it is difficult to secure potential development sites to meet that need. A new build scheme, Moyard Park Clanmil HA (6 No. 2 bedroom 3 person houses) is currently included in the Social Housing Development Programme. It is hoped that this scheme will commence before the end of March 2017.

I trust this clarification will allow the planning approval to progress. If I can be of any further assistance please contact me. Email robin.hawe@nihe.gov.uk or telephone 028 95982356



Robin Hawe
Head of Place Shaping, Belfast
Land and Regeneration Services

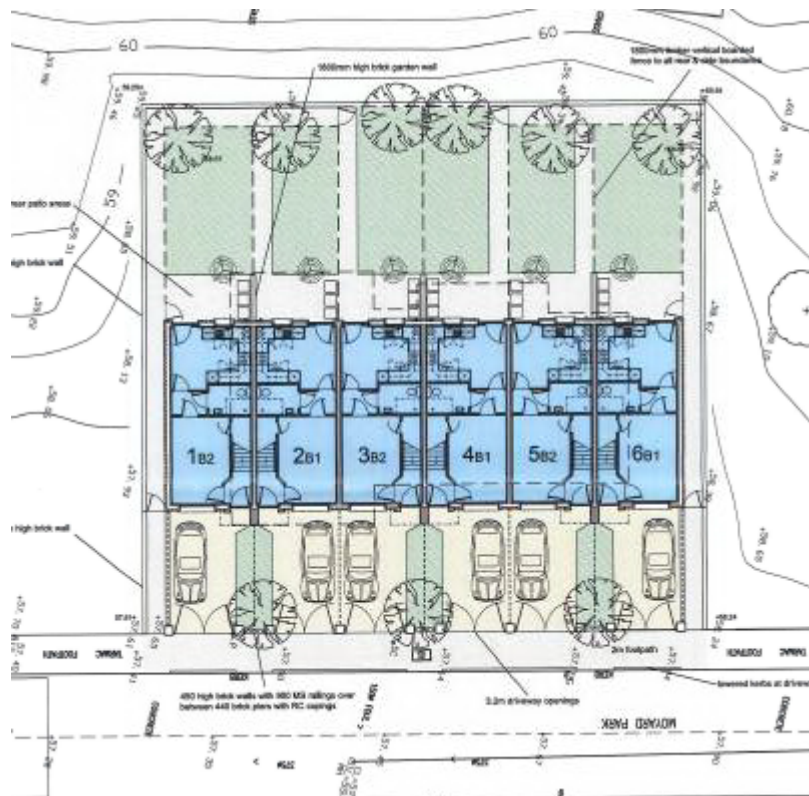


APPENDIX 2
Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 14 February 2017	
Application ID:	LA04/2016/1864/F
Proposal: Residential development comprising 6 dwellings, car parking, landscaping and associated site works.	Location: Former community centre approximately 12 meters of 8 Moyard Park Belfast BT2 7FT
Referral Route: The proposal is for more than 4 dwelling units.	
Recommendation:	Approval
Applicant Name and Address: Clanmil Developments Ltd Northern Whig House 3 Waring Street Belfast BT1 2DX	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary: This application seeks planning permission for 6 dwelling units.</p> <p>The development plan (BMAP) identifies the site as within the development limits of Belfast.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> (a) Principle of residential use on the site (b) Road Safety (c) Visual and residential amenity <p>The proposal has been assessed against the development plan, the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3: Access, Movement and Parking, Planning Policy Statement 7- Quality Residential Environments, Addendum to PPS7- Safeguarding the character of established residential areas and PPS15 Planning and Flood Risk. The proposal complies with these policies.</p> <p>65 letters of objection were received regarding to this proposal and the issues raised considered in the report.</p> <p>Consultees have no objection to the proposal.</p> <p>An approval with conditions is recommended as set out in the case officers report.</p>	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	Env Health Belfast City Council	No objection subject to conditions
Non Statutory	Transport NI - Hydebank	No objection subject to conditions
Non Statutory	NI Water - Multi Units East - Planning Consultations	No objection subject to conditions
Statutory	NIEA	No objection subject to conditions
Representations:		
Letters of Support	None Received	
Letters of Objection	65	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
1.0 Characteristics of the Site and Area		
<p>1.1 This 0.1hectare site is located at Moyard Park which is off the Springfield Road in West Belfast. The site comprises a vacant building and curtilage of a former Irish medium school.</p> <p>1.2 The land within the site is flat and defined on all boundaries by palisade fencing. The open space surrounding the site falls from west to east and there is a level change of approximately 1m to the land above.</p>		
Planning Assessment of Policy and Other Material Considerations		
2.0 Description of Proposal		
2.1 Residential development comprising 6 no. social housing dwelling units, car parking, landscaping and associated site works.		
3.0 Planning History		
The last use of this facility was as an Irish Medium School. Planning records show permission was granted for a temporary mobile classroom to the rear of the site in 2003. The school has been closed for a number of years. Prior to this the facility was used as a 'family centre'.		
4.0 Policy Framework		
BMAP 2015 – Policy Sett2		
SPPS Strategic Planning Policy Statement for Northern Ireland (SPPS)		
PPS3 Access, Movement and Parking		
PPS7 Quality Residential Environments Policy QD1		
PPS7 Addendum Safeguarding the character of established residential areas Policy LC1; Annex A -Space Standards		
PPS15 Planning and Flood Risk - Policy FLD3		
Creating Places		
Parking Standards		
5.0 Statutory Consultee Responses		
5.1 Transport NI assessed the application against PPS3 Access, Movement and Parking, and raised no objection to the proposal subject to the inclusion of a number of conditions and		

informatives.

5.2 NIEA – NIEA was consulted as a result of Environmental Health raising the issue of potential contamination. They concluded that no unacceptable risks to environmental receptors have been identified and raised no objection to the proposal.

6.0 Non Statutory Consultee Responses

6.1 Environmental Health – Environmental Health was consulted and advised that there was potential that the land may be contaminated as a fuel storage facility and paper and pulp manufacturing factory were located close by. A contamination report was submitted and Environmental Health is satisfied that the site poses no risk to human health if developed. Environmental Health recommended an informative relating to contamination should be included if approval is recommended.

7.0 Assessment

7.1 Principle of Residential Development

7.2 The proposed development is located within the settlement development limit of Belfast, and is in adherence with Policy Sett 2 as it is sensitive to the size and character of the settlement in terms of scale form design and use of materials. The dominant land use within this area is residential use and the principle of residential development on the site is considered acceptable.

8.1 Protecting Local Character, Environmental Quality and Residential Amenity

8.2 The proposed density is very similar to that in the established area. The pattern of development is in keeping with the overall character and environmental quality of the established residential area in keeping with policy LC1 of the addendum to PPS7. The scheme promotes a sustainable form of development by facilitating a high degree of integration with local facilities and public transport accessible from the nearby Springfield Road. In this respect the design of the proposal is appropriate to the local context.

9.0 Design and Layout

9.1 The proposed dwellings are laid out in a terrace of 6 units. They are 2 storey and will be constructed with red multi clay bricks, block work will be rendered. The hipped roofs will be finished in blue black concrete tiles with clay ridge tiles. There are small obscured windows on either gable end of the terrace.

10.0 Visual and Residential Amenity

10.1 The proposal will not result in an adverse effect on the local character, environmental quality or residential amenity of the surrounding area, the layout of the proposed dwellings is acceptable. The proposal is in keeping with the local context/ character of the area. The proposed design is acceptable in terms of criteria (a)-(g) of PPS7. There is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, over shadowing, noise or other disturbance properties in keeping with policy QD1. The proposed properties are of similar design to those in proximity and as such the proposal respects the surrounding context.

11.0 Space Standards

11.1 Space standards for dwellings in established medium and low density residential areas is set out in Annex A of the addendum to PPS7 – Safeguarding the character of established residential areas. Whilst the area is high density the proposed units comprise 75.4 sqm and comply with the space standards which requires a three person /two bedroom property to have a minimum floor space area of 70sqm.

12.0 Amenity Space

12.1 The minimum area of private amenity space per dwelling is set out in design guide 'Creating

Places'. A minimum of 40sqm is required for dwelling unit. The rear gardens of these properties range from 45 -50 sqm. The development is also surrounded by green open space. There is sufficient private amenity space for this development.

13.0 Parking

13.1 A terrace of 6no. 3 person/ 2 bedroomed properties is proposed. One in curtilage space has been incorporated into the design of the proposal. Parking standards require a 2 bedroom terrace house to make provision for 1.75 parking spaces. Therefore 10.5 parking spaces are required in accordance with parking standards. 6 spaces have been allocated in this proposal. The applicant submitted a parking survey demonstrating sufficient spare capacity/ availability of on street parking within in vicinity to accommodate the development during peak periods of parking demand. Transport NI was satisfied with the parking survey submitted. It is considered the proposal complies with PPS3.

14.0 Representations

65 identical letters of objection have been received. The issues raised were

•The developer failed to consult local residents

There is no requirement for the developer to undertake public consultation given the scale of the proposal. Belfast City Council have carried out neighbour notification (73 neighbours were notified) and 65 responses were received. The proposal was also advertised in local newspapers.

•The building sits on land designated by the Northern Ireland Housing Executive (NIHE) in 1991 as a communal recreation amenity for the local community

There is a building on the site which is not zoned in BMAP. BMAP is the statutory plan for the area which does not include zone the site for a specific nor is the site an area of open space given there is a building on the site.

•Concern about the impact development will have on the community, quality of life through noise, pollution, overcrowding and disruption to family life.

The proposals are considered acceptable and will not adversely impact on the area by way of noise, pollution, overcrowding and disruption to family life. Environmental Health has considered the proposal in terms of noise, pollution and general amenity and has not raised any concerns regarding these matters.

•Implications over road safety

Transport NI, the authoritative body on road safety has been consulted and have no objection to the proposal

•Over populating an area that has insufficient amenities for existing resident leading to increased car use for schools, shopping, work, recreation

It is considered that the proposal will not result in a detrimental impact on local amenities given the scale of the development. As indicated above Transport NI consider the proposal acceptable and did not raise and concerns regarding access, parking and traffic generation associated with the proposal.

- **Consideration of relevant Planning Policies**

The objection letters also goes on to state that Council should assess the application against PPS3 Access, Movement and Parking, PPS7 Quality Residential Environments, Addendum to PPS7 Safeguarding the Character of Established Residential Areas and PPS15, Planning and Flood Risk. The Council has assessed the proposal against PPS3, PPS7 & Addendum to PPS7 as set out above. With regard to PPS15 Planning and Flood Risk Rivers Agency Flood Plain map has been analysed and it is evident that there surface water flooding may occurs on the outskirts of the site. Policy FLD 3 states that if there is potential for surface water flooding it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Appropriate conditions are proposed to ensure drainage details are submitted and agreed with the Council to ensure drainage is managed effectively.

Neighbour Notification Checked	Yes
<p>Summary of Recommendation: Having regard to the development plan, planning policies and all other material considerations including the objections received, it is recommended the application be approved subject to conditions set out below.</p>	
<p>Conditions:</p>	
<p>1. 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>2. The development hereby permitted shall not be occupied until the vehicular accesses have been constructed in accordance with Drawing No.02A bearing the date stamp 30th January 2017.</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. Any existing street furniture within the extent of the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</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 access gradient shall not exceed 8% (1 in 12.5) over the first 5m 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>	
<p>5. Gates, if erected, shall not open out over the public footway.</p>	
<p>Reason: In the interests of road safety and the convenience of road users.</p>	
<p>6. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No.02A bearing the date stamp 30th January 2017, to provide for parking within the curtilage of each 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 that adequate provision has been made for parking within the curtilage of each site.</p>	
<p>7. 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). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented and verified to its satisfaction.</p>	
<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>	
<p>8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should</p>	

present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

10. Development shall not be occupied until details of surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

ANNEX	
Date Valid	6th September 2016
Date First Advertised	23rd September 2016
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10 Moyard Park,Ballymurphy,Belfast,Antrim,BT12 7FS, M Henry10,Moyard Park,Belfast Theresa Hughes 10,Springfield Heights,Belfast The Owner/Occupier, 12 Moyard Park,Ballymurphy,Belfast,Antrim,BT12 7FS, D McEvoy 12,Moyard Park,Belfast The Owner/Occupier, 12,Moyard Park,Belfast The Owner/Occupier, 14 Moyard Park,Ballymurphy,Belfast,Antrim,BT12 7FS, The Owner/Occupier, 14,Moyard Park,Belfast The Owner/Occupier, 16 Moyard Park,Ballymurphy,Belfast,Antrim,BT12 7FS, The Owner/Occupier, 16,Moyard Park,Belfast The Owner/Occupier, 16,Moyard Park,Belfast The Owner/Occupier, 18,Moyard Park The Owner/Occupier, 2 Moyard Park,Ballymurphy,Belfast,Antrim,BT12 7FS, Eireann Armstrong 2,Moyard Park,Belfast Jacqueline Armstrong 2,Moyard Park,Belfast The Owner/Occupier, 20,Moyard Park,Belfast The Owner/Occupier, 20,Moyard Park,Belfast Danielle Townsend 22,Moyard Park,Belfast Margaret McKeown24,Moyard Park,Belfast McKeown 24,Moyard Park,Belfast K McCourt 28,Moyard Park,Belfast C McCaffrey 28,Moyard Park,Belfast Lauren Ramsey 3,Springfield Heights,Belfast Kellie Murdock 3,Springfield Heights,Belfast Danielle O'Hare 30,Moyard Park,Belfast The Owner/Occupier, 30,Moyard Park,Belfast Angela Bridge 32,Moyard Park,Belfast Kieran Gibson 32,Springfield Park,Belfast,BT13 3PY B Gibson 32,Springfield Park,Belfast,BT13 3PY Aidan McLaughlin 33, Springfield Park, Belfast, Antrim, Northern Ireland, BT13 3PY Stephen McMorro 33,Springfield Park,Belfast Ann MCLaughlin 33,Springfield Park,Belfast 13 Natasha Kane 33,Springfield Park,Belfast,BT13 3PY C Keenan 34,Moyard Park,Belfast M Keenan 34,Moyard Park,Belfast G Close 35,Springfield Park,Belfast,BT13 3PY U Close 35,Springfield Park,Belfast,BT13 3PY The Owner/Occupier, 36,Moyard Park,Belfast S Kelly 36,Springfield Park,Belfast,BT13 3PY Eilis Kelly 36,Springfield Park,Belfast,BT13 3PY</p>	

Sean Kelly 36, Springfield Park, Belfast, BT13 3PY
 Brenda Kelly 36, Springfield Park, Belfast, Bt13 3PY
 The Owner/Occupier, 38, Moyard Park, Belfast
 The Owner/Occupier, 4 Moyard Park, Ballymurphy, Belfast, Antrim, BT12 7FS,
 Debbie Gill 4, Moyard Park, Belfast
 Peter McKeown 4, Moyard Park, Belfast
 The Owner/Occupier, 4, Springfield Heights, Belfast
 D Hamill 4, Springfield Heights, Belfast
 S Quinn 46, Moyard Park, Belfast
 P Boyce 46, Moyard Park, Belfast
 The Owner/Occupier, 46, Moyard Park, Belfast, BT12 7FT
 Danielle Teggart 48, Moyard Park, Belfast, BT12 7FT
 Conor Teggart 48, Moyard Park, Belfast, BT12 7FT
 Danny Hutchings 5, Springfield Heights, Belfast
 D Hutchings 5, Springfield Heights, Belfast
 The Owner/Occupier, 50, Moyard Park, Belfast
 Charlotte McNeill 54, Moyard Park, Belfast
 The Owner/Occupier, 6 Moyard Park, Ballymurphy, Belfast, Antrim, BT12 7FS,
 T Connolly 6, Moyard Park, Belfast
 D P O'Reilly 63, Moyard Park, belfast, BT12 7FT
 Philip Shandon 66, Moyard Park, Belfast
 William Reid 68, Moyard Park, Belfast
 Patricia Mackin 7, Springfield Heights, Belfast
 Peter Mackin 7, Springfield Heights, Belfast
 The Owner/Occupier, 8 Moyard Park, Ballymurphy, Belfast, Antrim, BT12 7FS,
 Bridie McGurk 8, Moyard Park, Belfast
 Thomas McGurk 8, Moyard Park, Belfast
 P and L Mervyn 8, Springfield Heights, Belfast
 B Elley 80, Moyard Park, Belfast, BT12 7FT
 Brian McLaughlin 83, Springfield Park, Belfast
 Louise Dargan 84, Moyard Park, Belfast, BT12 7FT
 N Boswell 86, Moyard Park, Belfast
 Wilma McCourt 9, Springfield Heights, Belfast

Date of Last Neighbour Notification

20th October 2016

Date of EIA Determination**ES Requested**

Yes /No

Planning History

Summary of Consultee Responses
Drawing Numbers 01, 02a, 03, 04, 05
Notification to Department (if relevant) Date of Notification to Department: Response of Department: