

## Development Management Officer Report Committee Application

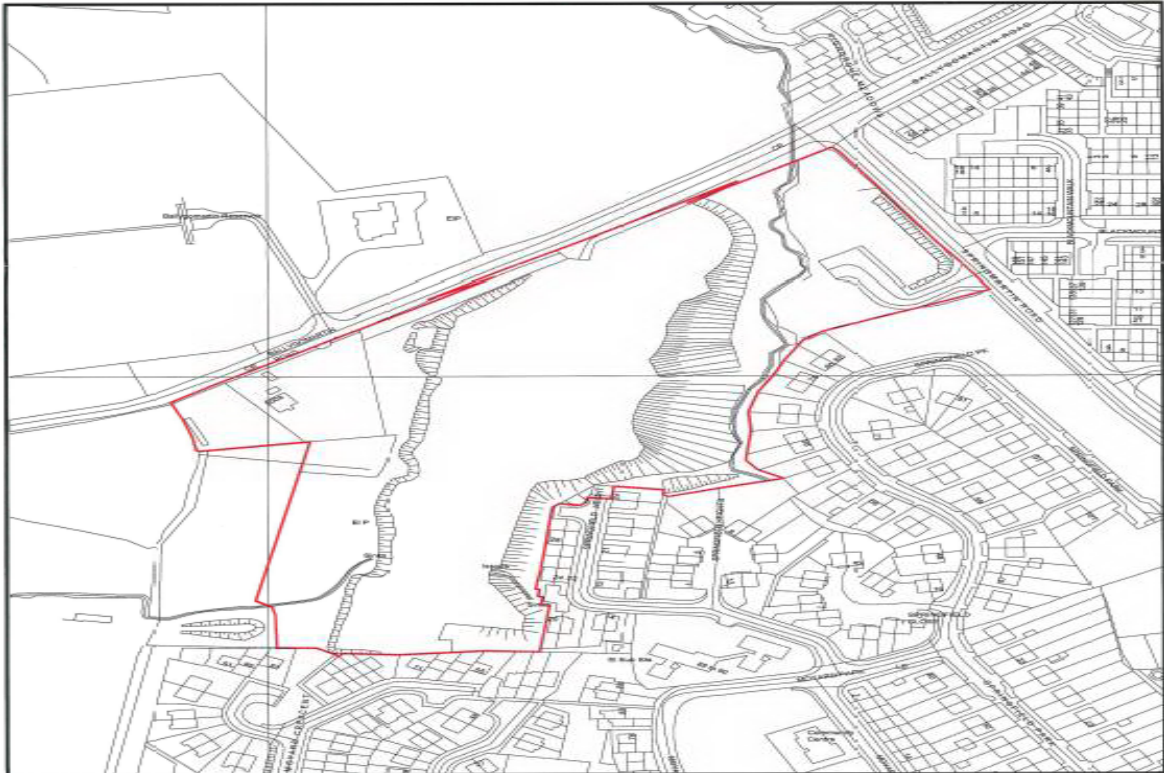
<b>Summary</b>	
<b>Committee Meeting Date:</b> 14 March 2017	
<b>Application ID:</b> LA04/2016/2207/F	
<p><b>Proposal:</b> Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, café, 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.</p>	<p><b>Location:</b> Land southeast of Ballygomartin Road north of Moyard Crescent and Northwest of Springfield Park and</p>
<b>Referral Route:</b> Major Planning Application	
<b>Recommendation:</b>	Approval
<p><b>Applicant Name and Address:</b> Black Mountain Shared Space Project Farset Enterprise Park 638 Springfield Road Belfast BT12 7DY</p>	<p><b>Agent Name and Address:</b> MBA Planning 4 College House Citylink Business Park Belfast BT12 4HQ</p>
<p><b>Executive Summary:</b> The application seeks Full Planning Permission for a shared space community building which incorporates a mixture of leisure and social enterprise uses as well as ancillary office accommodation, café, associated parking vehicular accesses from the Ballygomartin Road, and Springfield heights and pedestrian accesses to Moyard, Springmartin and the Ballygomartin Road.</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 use, the loss of land last used for an economic and employment use at this location; the acceptability of a community use at this location;</li> <li>- Impacts on the environment and amenity; and</li> <li>- Impacts on existing roads infrastructure.</li> </ul> <p>The site lies within the development limit for the Belfast on the edge of the north western limit of the city and previously contained the Finlay Factory. The factory was demolished in the early 2000s and has lay vacant since.</p> <p>Transport NI, NI Water, NIEA and Belfast City Council Environmental Protection Units and Parks unit have offered no objections to the proposal subject to conditions being applied.</p> <p>One objection was received, raising concerns with issues of overlooking, dominance and parking.</p> <p>Having had regard to the development plan, relevant planning policies and other material</p>	

considerations including the previous planning history it is concluded that the proposal is in accordance with BMAP and all other material consideration and is on balance acceptable. The redevelopment of this interface site for a shard space building will provide the regeneration of a site which has been vacant and or derelict for approximately 20 years.

Approval is recommended subject to conditions set out at Paragraph 11.0

# Case Officer Report

## Site Location Plan



<b>1.0 Description of Site and Area</b>	
1.1	The proposed site is located on lands adjacent to and immediately to the north of Springfield Heights and Moyard Crescent, and has the Ballygomartin Road as its northern boundary and the Springmartin Road as its eastern boundary. The land is enclosed by walls, high fencing and overgrown vegetation along all boundaries.
1.2	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.
1.3	To the west of this level area the land is mainly used for agricultural purposes and in the north western corner of the site there is a derelict two storey house. The eastern part of the site is quite steep as it runs down towards the boundary with Springfield Park. There are a lot of trees and vegetation in this part of the site.
1.4	The site is located on the edge of the development limit and as such has open fields to the north and west with medium to high density housing to the south and east. The Springmartin Road runs along the eastern boundary of the site and this part of the road is the only stretch which does not include a peace wall which runs along the full length of the Springmartin Road to its junction with the Springfield Road. The site is very much located within an interface area.
<b>2.0 Description of Proposed Development</b>	
2.1	The proposal is for a 2-3 storey red brick community building which will include the following uses; sports hall, drama/ dance studio, social enterprise workshops, business units, performing art space, café, offices, meeting rooms, counselling rooms and education facilities. There will be additional ancillary accommodation in the form of changing facilities, toilets and storage rooms.
2.2	The building will have dual vehicular access from the Ballygomartin Road and from Springfield Heights both access points will be served by their own parking areas. There is no through access for vehicles and servicing for the site will be from the Ballygomartin Road entrance. The proposal also includes a children's play park, significant landscaping works around the building as well as enhanced pedestrian entrance points from Moyard Crescent, Springfield Heights, and Springmartin Road and allows a link to a future Belfast Hills access point proposed at the Ballygomartin Road.
<b>Planning Assessment</b>	
3.0	Planning History
3.1	Z/2004/1444/F Residential Development of 60 dwelling units approved on appeal December 2005.
3.2	Z/2011/0726/O Proposed site for residential development, new access and ancillary site works. Approved December 2015.
<b>4.0 Policy Framework</b>	
4.1	Belfast Metropolitan Area Plan 2015
4.2	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 Built Heritage. Planning Policy Statement 8 – Open Space, Sport and Recreation

5.0	<b>Statutory Consultees</b>
	Transport Ni _ No objections subject to conditions. NI Water – No objection NIEA – Land, Soil and Air, Natural heritage and Water Management Unit – No Objection subject to conditions HED – No Objection UK Crown Bodies – No objections
6.0	<b>Non Statutory Consultees</b> Belfast City Council – Environmental Protection Unit – No objection subject to conditions Belfast City Council Parks and Recreation. – No objection subject to conditions.
7.0	<b>Representations</b>
7.1	Following statutory notifications one objection was received from a local resident which raised the following concerns; <ol style="list-style-type: none"> <li>1. Impact of 2-30,000square feet building on local residents in terms of dominance, proximity to housing, spacing between building and housing, noise disturbance, increased traffic impact, pollution, hours of operation and loss of trees.</li> <li>2. Impact on own property 73 Moyard Crescent, unacceptable disturbance and noise, not feel safe and enjoy property in the same way, overshadowing causing unacceptable loss of privacy and sunlight.</li> <li>3. Drainage issues given the sloping nature of the site.</li> <li>4. No evidence that the community facility will be achievable and there are already many of these facilities in the area.</li> </ol>
8.0	<b>Assessment</b>
8.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> <li>- The principle of the re-development of the site for the proposed use, the loss of land last used for an economic and employment use at this location; the acceptability of a community use at this location;</li> <li>- Impacts on the environment and amenity; and</li> <li>- Impacts on existing roads infrastructure.</li> </ul>
8.2	<b>Principle of redeveloping the site and proposed use at this location</b>  Article 6 (4) of the Planning (Northern Ireland) 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.  The proposed development lies on the inner edge of the development limit for Belfast City and appears as whiteland. The site is not subject to any zonings and a proposed Belfast Hills access point lies just outside the northern boundary of the site.  As the site is located within the development limits of the Belfast Metropolitan Area Plan the presumption is in favour of development subject to the planning considerations detailed below.
8.3	<b>Loss of Land last used for Economic Use</b>
8.3.1	The proposal has been assessed under Policy PED7 of PPS4 given the former use on the site. The policy states that on unzoned 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: (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or

	<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>
8.3.2	In this instance criterion (b) applies, the proposal is for a shared space mixed use building which includes community use and which has the potential to bring substantial community benefits which will outweigh the loss of land for economic development. The proposal also includes economic development uses in the form of social enterprise workshops and ancillary office accommodation.
8.3.3	In terms of assessing the acceptability of the scheme it is the significance of the proposed community benefits which would be brought about as a result of the development that should outweigh the loss of the existing land for economic development use. Firstly, It is important to look at the planning history on the site.
8.3.4	Planning application Z/2004/1444/F Residential Development of 60 dwelling units was approved on appeal December 2005. The Commissioner in his report referred to development in interface locations and to other similarly located approvals stating "To refuse on the basis that the site is in an interface area would mean that all potential development sites in such areas will have development stifled and thereby significant regeneration benefits that can be brought to these locations will be lost."
8.3.5	Having taken the commissioners findings into account planning application Z/2011/0726/O also for residential development was approved in 2015.
8.3.6	<p>There can be little argument that a shared space facility in an interface area has the potential to bring about substantial community benefits; the applicant in their submitted planning statement has included a copy of the Black Mountain Shared Space Project Constitution which has as its basic objectives to promote benefits to the Upper Springfield and Springmartin areas and to promote reconciliation.</p> <p>The addition of these uses at this location is attracting a proposed maximum of 465 people per day, alongside the redevelopment of a vacant and derelict site is considered on balance to meet the tests set out in PED 7 of PPS 4 and as such the principle of the uses at this location are considered acceptable.</p>
8.4	<b>Impact on neighbouring amenity and the environment</b>
8.4.1	Paragraphs 4.11 and 4.12 of the SPPS states that there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development. The planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process.

8.4.2	<p>Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.</p>
8.4.3	<p>The proposed building is 2-3 storeys (8-10.5 metres) in height and is modern in design with red brick walls, concrete shuttered walls and aluminium windows.</p> <p>Given the changes in level across the site the building will sit above neighbouring residents in Springfield Heights and Moyard Crescent. The building itself is 50 metres from the nearest residential property and whilst it may appear dominant given the vacant nature of the land at present; the former factory which occupied the site was of significantly greater scale; furthermore the housing development indicatively approved had built form closer to the existing residential properties than is proposed through this application.</p> <p>As would be expected when a brownfield site is brought back to use following a period of dereliction there will be an increased impact in terms of activity on those in the immediate vicinity of the site however visual impact and overlooking will be limited given the orientation of the building and the uses proposed in the southern façade ensure that this is not to an unacceptable degree.</p>
8.4.4	<p><u>Contaminated Land</u>          NIEA and Environmental Protection Unit (EPU) have agreed with the methodologies contained in the updated Environmental Site Assessment and GQRA submitted with the application.</p> <p>NIEA are satisfied subject to conditions that the localised contamination is unlikely to impact the culverted water courses under current site conditions.</p> <p>BCC: EPU are satisfied subject to conditions that there will be no unacceptable risk to human health.</p>
8.4.5	<p><u>Site Drainage</u>          The proposal has also been assessed against Policy FLD1, 2, 3 and 4 of the revised PPS15. Drainage assessment by D Ryan was received and considered, dated November 2016.</p> <p>Rivers Agency have reviewed the above document and have stated that a Schedule 6 consent and consent to discharge storm water are the only matters lacking.</p> <p>A small portion of the east and south of the site lies within the Q100 floodplain; given the development is on elevated land out of the floodplain no issues arise. The area of flooding is required to be conditioned to ensure land is not raised in this area or reduced by unsuitable planting. For design purposes all finished floor levels in this area should also be placed at a minimum 600mm above the 100 year fluvial flood level.</p>
8.4.6	<p><u>Natural Heritage</u>          The proposal has been assessed against Planning Policies of PPS2.</p> <p>In light of the bat and badger survey information submitted NIEA consider that the survey effort is proportional to the risk associated with the site. As the remaining surveys were</p>

	<p>carried out during optimum conditions, meet their specifications and recorded a limited number of species, they therefore consider that the survey meets requirements. NIEA Natural Heritage considered that the overall potential risk/ impact to bats on site is low, have welcomed the retention of the majority of the vegetation on site and consider that to ensure any resident bat population is protected recommends a condition is attached ensuring that lighting is not directed toward the woodland to the east or the central tree line.</p> <p>No badger's setts were identified in the ecological assessment and as such the development is unlikely to impact the local badger population.</p>
<p>8.4.7</p>	<p><u>Archaeology</u> The proposal has been assessed against PPS 6.</p> <p>HED were consulted given the potential impacts within an area of archaeology potential. HED have no objection to the proposal due to extensive previous ground disturbance within the application site and are satisfied the proposal meets the policy requirements of the SPPS and PPS 6.</p>
<p>8.4.8</p>	<p><u>Transport, Parking and Access</u> The proposal has been assessed against Policies AMP1, AMP2, AMP6, AMP7 and AMP8 of PPS3.</p> <p>In terms of impact on the road network there are 119 parking spaces proposed split between two separately accessed parking areas. A reduction on the impact of the previous site use and previous housing approvals on this site.</p> <p>Transport NI is satisfied with the proposal subject to a number of conditions. These conditions are detailed below in section 11.</p>
<p>9.0</p>	<p><b>Representations</b></p>
<p>9.1</p>	<p>One objection was received from a local resident who raised the following concerns;</p>
<p>9.1.1</p>	<p><u>Impact of 2-30,000square feet building on local residents in terms of dominance, proximity to housing, spacing between building and housing, noise disturbance, increased traffic impact, pollution, hours of operation and loss of trees.</u> As stated at paragraph 9.4.3 above the proposed building is 50 metres from the nearest residential property at Springfield Heights it is 65metres form Springfield Park and 150metres from Moyard Crescent. Given the urban location within which the development sits this will not have an unacceptable impact on those residents. The uses proposed are not considered to be significantly noise generating and Environmental Health have assessed the proposal in terms of impact on human health and have no objection subject to conditions. A landscape plan has been submitted with the application and the majority of vegetation on the site is to be retained and enhanced. Transport NI have also been consulted and have no objection to the increased impact.</p>
<p>9.1.2</p>	<p><u>Impact on own property 73 Moyard Crescent, unacceptable disturbance and noise, not feel safe and enjoy property in the same way, overshadowing causing unacceptable loss of privacy and sunlight.</u> The proposed building is 150 metres away from 73 Moyard Crescent; it is unlikely that an 8-10 meters building will cause any overshadowing to the property or loss of sunlight.</p>
<p>9.1.3</p>	<p><u>Drainage issues given the sloping nature of the site.</u> Rivers Agency were consulted on the proposal and a drainage assessment submitted. Rivers Agency have no objections to the proposal subject to conditions.</p>



9.1.4	<p><u>No evidence that the community facility will be achievable and there are already many of these facilities in the area.</u></p> <p>Planning policy does not require need to be assessed in relation to the provision of community facilities. BMSSP in their community report have highlighted that a need for a shared space building in this interface area was identified. No further evidence has been submitted to counter this.</p>
10.0	<b>Pre-Application Community Consultation</b>
10.1	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
10.2	Section 27 also requires that a prospective applicant, prior to submitting a major application 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 (LA04/2016/1354/PAN) was submitted to the Council on 1 <sup>st</sup> July 2016.
10.3	<p>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 to accompany the planning application. A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <p>The Public Consultation Event took place in the Farset International Hostel, on Thursday 4<sup>th</sup> August 2016. This event was advertised in the Belfast Telegraph on Tuesday 26<sup>th</sup> July 2016. An invitation leaflet containing details of the public event was distributed to properties in the immediate vicinity of the site. Direct invites were also issued to Councillors in the Black Mountain and Court DEAs and to representatives of local community organisations. 25-30 members of the public attended the event and ten feedback forms were completed.</p>
10.4	Following the public event, a further round of informal door to door consultation with residents adjacent to the site was conducted in August 2016. It is stated that residents on the whole expressed support for the proposal with some expressing concern about proposed access point which the report states may be due to legacy issues such as rioting and antisocial behaviours during the years the site was vacant.
10.5	It is considered that the Pre-Community Consultation Report submitted 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.
11.0	<b>Summary of Recommendation</b>
11.1	<b>Approval</b>
11.2	The proposal is considered to be in accordance with the development plan, taking account of all other material consideration including the relevant planning policies and planning history and is recommended for approval subject to conditions as set out below.
12.0	<b>Conditions</b>
12.1	Time Limit
12.2	Transport and access
12.3	Contaminated Land
12.4	Lighting impact on bats.
12.5	Fencing detail prior to commencement

12.6	Finished floor levels and drainage
12.7	Landscaping
12.8	Construction management Plan

<b>ANNEX</b>	
<b>Date Valid</b>	27th October 2016
<b>Date First Advertised</b>	11th November 2016
<b>Date Last Advertised</b>	17th February 2017
<p><b>Details of Neighbour Notification (all addresses)</b></p> <p>The Owner/Occupier, 149 Blackmountain Way</p> <p>The Owner/Occupier, 149 Springmartin Road,Ballymurphy,Belfast,Antrim,BT13 3PL,</p> <p>The Owner/Occupier, 151 Blackmountain Way</p> <p>The Owner/Occupier, 16 Black Mountain Walk,Ballymurphy,Belfast,Antrim,BT13 3TX,</p> <p>The Owner/Occupier, 18 Blackmountain Way</p> <p>The Owner/Occupier, 2 Blackmountain Way</p> <p>The Owner/Occupier, 2 Highgrove Meadows</p> <p>The Owner/Occupier, 20 Blackmountain Way</p> <p>The Owner/Occupier, 20 Springfield Heights</p> <p>The Owner/Occupier, 22 Black Mountain Walk,Ballymurphy,Belfast,Antrim,BT13 3TX,</p> <p>The Owner/Occupier, 24 Springfield Heights</p> <p>The Owner/Occupier, 27 Springfield Heights</p> <p>The Owner/Occupier, 28 Springfield Heights</p> <p>The Owner/Occupier, 29 Springfield Heights</p> <p>The Owner/Occupier, 300 Ballygomartin Road,Ballymurphy,Belfast,Antrim,BT13 3NJ,</p> <p>The Owner/Occupier, 37 Vere Foster Walk,Ballymurphy,Belfast,Antrim,BT12 7QL,</p> <p>The Owner/Occupier, 39 Vere Foster Walk,Ballymurphy,Belfast,Antrim,BT12 7QL,</p> <p>The Owner/Occupier, 4 Black Mountain Way,Ballymurphy,Belfast,Antrim,BT13 3UA,</p> <p>The Owner/Occupier, 40 Vere Foster Walk,Ballymurphy,Belfast,Antrim,BT12 7QL,</p> <p>The Owner/Occupier, 45 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,</p>	

The Owner/Occupier,  
6 Black Mountain Way,Ballymurphy,Belfast,Antrim,BT13 3UA,  
The Owner/Occupier,  
6 Springfield Heights,Ballymurphy,Belfast,Antrim,BT13 3QZ,  
The Owner/Occupier,  
60 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
62 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
64 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
65 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
66 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
67 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
68 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
69 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
7 Springfield Heights,Ballymurphy,Belfast,Antrim,BT13 3QZ,  
The Owner/Occupier,  
70 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
71 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
72 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
Amanda Lawlor  
73 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
74 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
75 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
76 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
77 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
78 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
79 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
8 Springfield Heights,Ballymurphy,Belfast,Antrim,BT13 3QZ,  
The Owner/Occupier,  
80 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,  
81 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HJ,  
The Owner/Occupier,  
82 Springfield Park,Ballymurphy,Belfast,Antrim,BT13 3PZ,  
The Owner/Occupier,

87 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HL, The Owner/Occupier, 89 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HL, The Owner/Occupier, 91 Moyard Crescent,Ballymurphy,Belfast,Antrim,BT12 7HL,	
<b>Date of Last Neighbour Notification</b>	15th February 2017
<b>Date of EIA Determination</b>	10 <sup>th</sup> November 2016
<b>ES Requested</b>	No
<b>Drawing Number.</b> 01, 02B, 03, 04A, 05, 06, 07A and 08.	
<b>Notification to Department (if relevant) – Not Applicable</b>	