

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2018/0323/F	<b>Date of Committee:</b> 11 <sup>th</sup> September 2018
<b>Proposal:</b> Sports 'Active Zone' with sprint track, covered MUGA area, outdoor gym equipment, street lighting, landscaping, toilet pod, high security fencing, storage area, car parking with access from Albert St; Community Garden Zone including raised bed planting, polytunnel, junior play area, street lighting, landscaping and high security fencing; new ramp access to Westlink Footbridge; extension of car park and play area at Frank Gillen Centre	<b>Location:</b> Lands adjacent to west side of Westlink between 23 Albert Street and Frank Gillen Centre Belfast
<b>Referral Route:</b> BCC interest in the development	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Department for Communities Level 3 Causeway Exchange 1-7 Bedford Street Belfast BT2 7EG	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for the creation of a Sports 'Active Zone' with sprint track, covered MUGA area, outdoor gym equipment, street lighting, landscaping, toilet pod, high security fencing, storage area, car parking with access from Albert St and Community Garden Zone including raised bed planting, polytunnel, junior play area, street lighting, landscaping and high security fencing, new ramp access to Westlink Footbridge, extension of car park and play area at Frank Gillen Centre.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design, Impact on character and appearance of the area</li> <li>• Archaeology</li> <li>• Access, Parking, Transport</li> <li>• Impact on amenity</li> <li>• Infrastructure capacity</li> <li>• Contamination</li> <li>• Flooding</li> </ul> <p>The application site is partly unzoned land and zoned housing renewal land in the BUAP. In Draft BMAP it is unzoned land within the development limits. The proposal would retain the open space use of the land in accordance with Policy OS1 of PPS8 and the SPPS. It would also help to revitalise the area and contribute to the core planning principles of the SPPS including improving health and well-being.</p>	

DAERA, Historic Environment Division, Transport NI, NI Water and the Council's Environmental Health Unit were consulted and have offered no objection.

There is an outstanding consultation response from Rivers Agency following the submission of the Drainage Assessment, however it is not considered that this presents any principle issues of objection and any matters can be resolved through consultation with Rivers Agency.

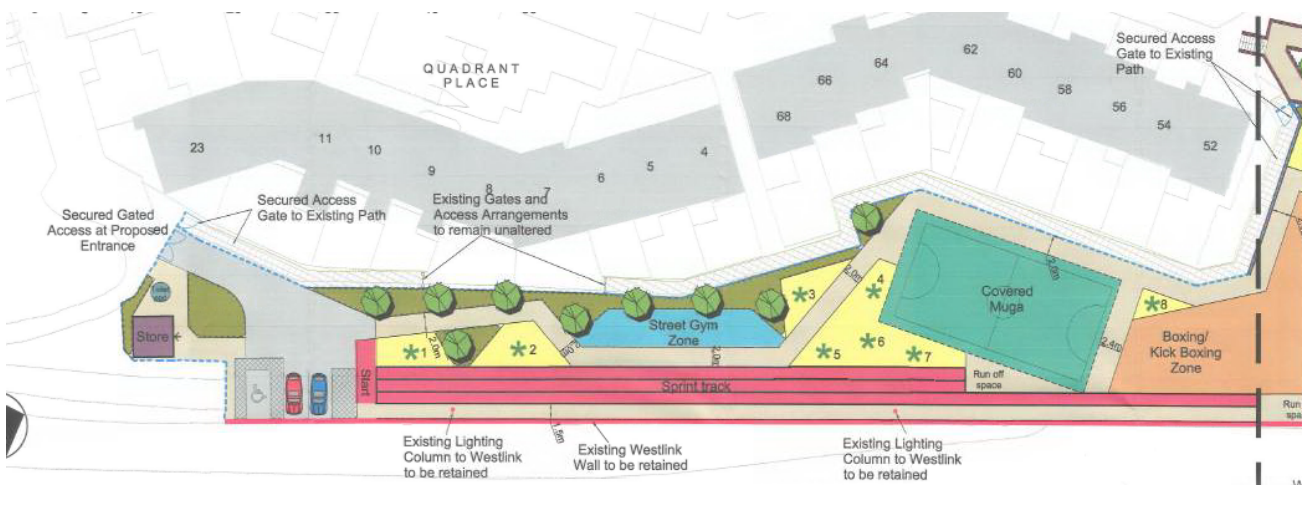
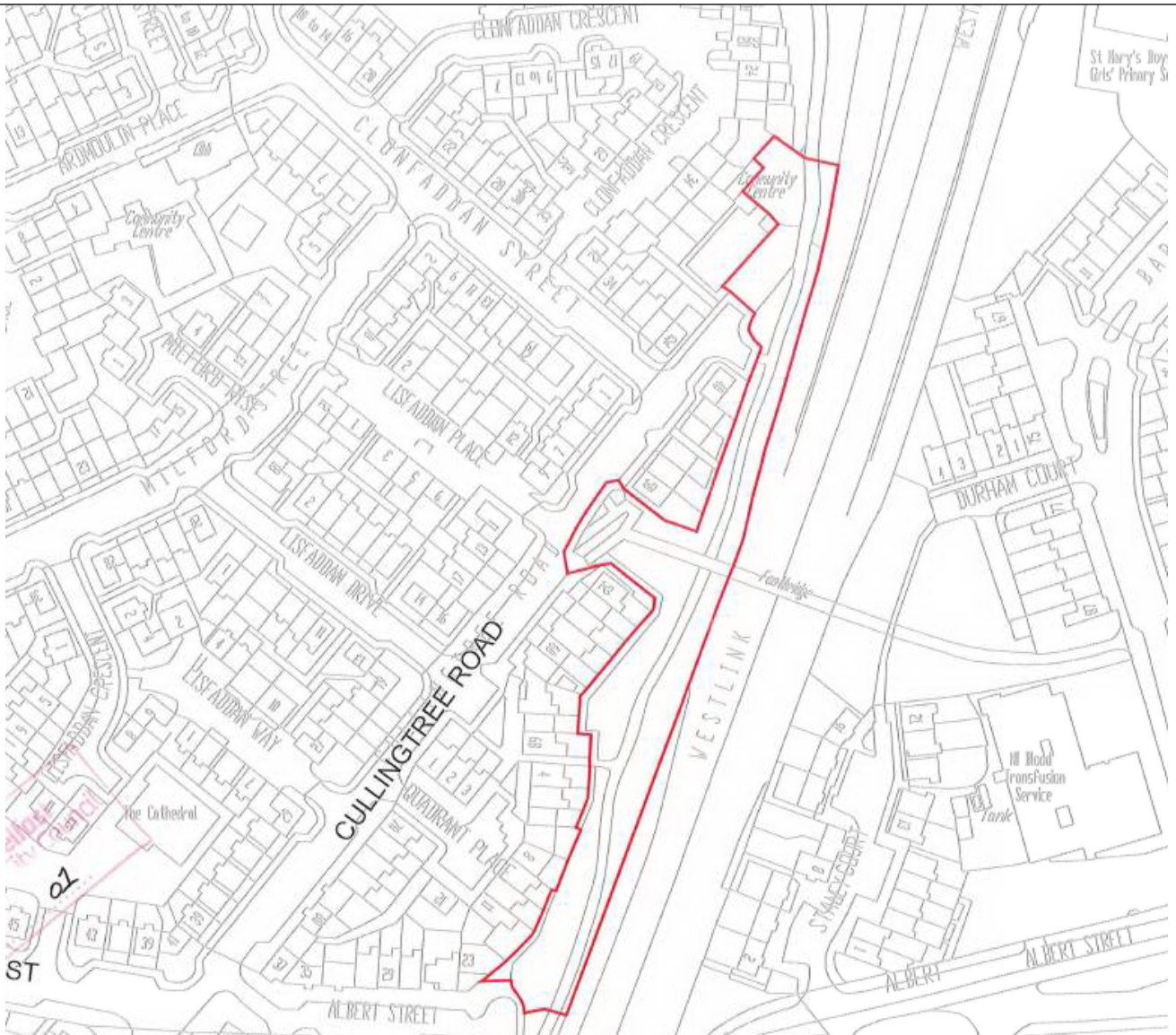
The proposal has been assessed against, and is considered to comply with, the SPPS, BUAP, Draft BMAP, PPS3, PPS6, PPS8 and PPS15. Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.

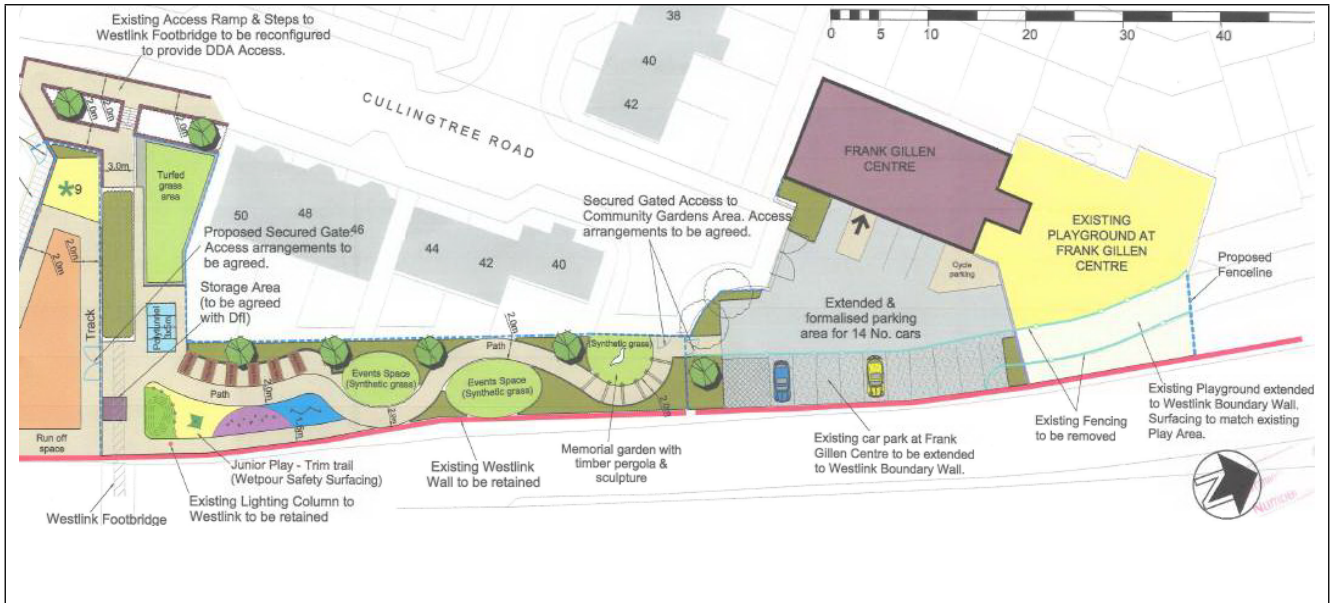
**Recommendation**

It is requested that committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission and to deal with any outstanding representations from the Rivers Agency.

# Case Officer Report

## Site Location Plan





**Characteristics of the Site and Area**

**1.0 Description of Proposed Development**

This application seeks full planning permission the creation of a Sport 'Active Zone including

- a 92 metre sprint track,
- covered MUGA (12 metres x 23 metres) with 3 metre high paladin fencing and polycarbonate roof at a height of 4.8 metres;
- outdoor gym equipment;
- street lighting, landscaping, toilet pod, high security fencing (1.2 - 3.6 metres), storage area;
- car parking (3 spaces) with access from Albert Street;
- Community Garden Zone including raised bed planting, polytunnel, junior play area, street lighting, landscaping and high security fencing (1.2 - 3.6 metres);
- A new ramp access to Westlink Footbridge;
- Extension of car park (14 spaces) and play area at Frank Gillen Centre.

**2.0 Description of Site and Area**

The application site known as the Westlink Backpath is an area of open space (approx. 0.45 hectares) which runs between the Westlink and the rear of properties along Albert Street, Quadrant Place, Cullingtree Road and the Frank Gillen Centre. It also includes the ramped access to the Westlink footpath. The boundaries are defined by the Westlink wall and palisade fencing along rear of the residential properties.

**Planning Assessment of Policy and other Material Considerations**

**3.0 Site History**

No relevant site history on the application site.

Lands situated at corner of Divis Street/West Link junction

LA04/2016/0149/F – Lionra Uladh is a new build facility for Raidio Failte to house Irish Language Broadcast, Training, Recording and Archiving and community Visitors facilities – Approved 22.09.2016

LA04/2015/0566/F - Removal of existing fencing and erection of new mesh fencing 3.0m high – Granted 18.08.2015

**4.0 Policy Framework**

4.1 Belfast Urban Area Plan 2001 (BUAP)

4.2	(Draft) Belfast Metropolitan Area Plan 2015  Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 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.
4.2.1	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	Regional Development Strategy 2035
4.4	Strategic Planning Policy Statement 2015
4.5	Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 15 – Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Transport NI – No objection
5.2	NI Water – No objection
5.3	Rivers Agency – <ul style="list-style-type: none"> <li>• In accordance with Policy FLD2, a working strip of appropriate width should be retained to enable riparian landowners access to the culverted watercourse;</li> <li>• If the site exceeds 1000m2 of hardstanding, a Drainage Assessment would be required;</li> <li>• Artificial modification of a watercourse is a matter for planning and should be assessed in accordance with Policy FLD4.</li> </ul> <p><i>Officer Response: The existing watercourse is already culverted and it is not proposed to modify the culverted watercourse. Policy FLD4 is therefore not applicable.</i></p>
5.4	Historic Environment Division – No objection
5.5	DAERA (Land, Soil and Air) – No objection subject to conditions
5.6	DAERA (Water Management) – No objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection
<b>7.0</b>	<b>Representations</b>
7.1	The application was neighbour notified on the 4 <sup>th</sup> April 2018 and advertised in the local press on the 23 <sup>rd</sup> March 2018.  A 14-day re-notification was carried out with neighbours on the additional information and amended plans which expired on the 31 <sup>st</sup> July 2018.  No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Parking Standards DCAN 15: Vehicular Access Standards
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design, Impact on character and appearance of the area</li> </ul>



	<ul style="list-style-type: none"> <li>- Archaeology</li> <li>- Access, Parking, Transport</li> <li>- Impact on amenity</li> <li>- Infrastructure capacity</li> <li>- Contamination</li> <li>- Flooding</li> </ul>
9.3	<p><u>Principle of development</u></p> <p>The application site is partly unzoned land and zoned housing renewal land in the BUAP. However, the site is located outside the existing housing development in this instance and as such would remain unaffected by this. In Draft BMAP it is unzoned land within the development limits. It would fall under the definition of existing open space as set out in PPS8 and the proposed redevelopment would retain its open space use in accordance with Policy OS1 and the SPPS. The proposal would provide new community/ sporting facilities which would contribute to a core planning principle of the SPPS in improving health and well-being. It would help revitalise the surrounding area and make more effective use of the land. In light of the above, the principle of development is acceptable subject to the material considerations as set out below.</p>
9.4	<p><u>Design, Impact on character and appearance of the area</u></p> <p>At present the existing site fails to positively enhance the character and appearance of the area. The proposed development would introduce public realm improvements including soft landscaping including tree planting, mixed array of surfacing, play areas and new fencing. The proposed covered MUGA would have a lightweight appearance and would be of appropriate scale in the context of the area between the two storey residential dwellings and the Westlink.</p>
9.5	<p>The proposed development would also encourage greater use of the land thus improving natural surveillance and security for the wider area.</p>
9.6	<p>Overall the proposed development would be of a high quality design and would enhance the character and appearance of the area in accordance with Draft BMAP, PPS8 and the SPPS.</p>
9.7	<p><u>Archaeology</u></p> <p>The application site is located on the former site of the Linen Mill and Spinning Mill. However, given the extent of previous ground disturbance during the construction of the motorway and the previous landscaping of the site for adjoining housing, it is likely that any remains of the mill have been destroyed. The Historic Environment Division were consulted and have no objection to the proposal. It is therefore considered that the proposed development is unlikely to have an adverse archaeological impact in accordance with PPS6, PPS8 and the SPPS.</p>
9.8	<p><u>Access, Parking and Transport</u></p> <p>A total of 17 car parking spaces would be provided. The site is also within a highly sustainable location with the proposed facilities in easy walking distance for the surrounding community. There is also on street parking capacity. For these reasons and having regard to the scale of development proposed, the level of parking is considered satisfactory and the proposal is unlikely to have any significant impact on the local highway network.</p>
9.9	<p>An acceptable access arrangement to Albert Street has been shown. The proposal will also improve disabled access to the Westlink Footbridge through the provision of a new access ramp. Whilst the proposal will remove an existing pedestrian path that runs through the application site, it now holds little public value as there will be no linkage to Divis Street given the Radio Failte development approved on land to the north. As such, no issue is raised.</p>
9.10	<p>Transport NI were consulted and have no objection to the proposed development. The proposal is therefore considered acceptable in terms of highway safety, capacity and parking.</p>

	<p>It would also positively contribute to creating a more accessible environment in accordance with Draft BMAP, PPS3, PPS8 and the SPPS.</p>
	<p><u>Impact on amenity</u></p>
9.11	<p>The proposed development would be directly adjoined by the rear boundary of the residential properties along Albert Street, Quadrat Place and Cullingtree Road. Given the design of the proposed fencing which is non-solid and the light weight covered MUGA, the separation distances and intervening boundary treatment, it is not considered that the proposal would result in an unacceptable overbearing impact, loss of light or level of overshadowing on the neighbouring properties.</p>
9.12	<p>No floodlighting is proposed as part of the application. The scheme is to be served by street lighting columns which is appropriate for an urban residential environment such as this. Therefore, it is not considered that the additional lighting would have an unacceptable impact on the amenity of neighbours.</p>
9.13	<p>It is acknowledged that the proposed redevelopment of the area would lead to an intensification in its use. However the existing housing is already located beside the busy Westlink, in addition the proposed MUGA is covered which would act as a noise barrier and along with the inclusion of appropriate conditions (e.g. restricting the hours of use), it is not considered that the proposal would lead to an unacceptable level of disturbance or noise.</p>
9.14	<p>Environmental Health were consulted and advised that they had no objection in terms of noise, air pollution and general amenity. In light of the above, the proposal would therefore accord with Policies OS4 and OS5 of PPS8 and the SPPS.</p>
	<p><u>Infrastructure Capacity</u></p>
9.15	<p>NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised. Connections to the water and foul sewer system would be covered by separate legislation.</p>
	<p><u>Contamination</u></p>
9.16	<p>The application is supported by a Generic Quantitative Risk Assessment which concluded that the redevelopment of the site did not pose any unacceptable risks to environmental receptors and future users. Environmental Health and Water Management Unit (DAERA) were consulted and have no objection to the proposal. As such, there are no concerns in respect of contamination. It is acknowledged that Water Management Unit recommended an unexpected contamination condition, however this would not be an enforceable planning condition and as such it is recommended to be attached as an informative.</p>
	<p><u>Flooding</u></p>
9.17	<p>The site is not located within the fluvial or coastal flood plain. In line with the requirements of the SPPS and Policy FLD3 of PPS15 the application is supported by a Drainage Assessment. This is currently being reviewed by Rivers. It is considered that a drainage scheme can be adequately put in place to effectively mitigate the flood risk to the proposed development and from development elsewhere and as such does not present in any in principle issues of concern. It therefore requested that the Planning Committee gives delegated authority to deal with any issues raised by the Rivers Agency.</p>
9.18	<p>It is noted that the proposed MUGA would be constructed above part of the culverted watercourse. Given the nature of proposed MUGA which is a generally open structure with the exception of the covered roof, it is not considered that this would hinder access for its maintenance in accordance with Policy FLD2 of PPS15.</p>

<b>10.0</b>	<p><b>Summary of Recommendation:</b> Having regard to the policy context and other material considerations above, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to grant conditional planning permission and to deal with any outstanding representations from the Rivers Agency.</p>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: Time Limit.</li> <li>2. The materials to be used on the external surfaces of the development hereby permitted shall be in accordance with those specified in the application and retained as such thereafter.  Reason: In the interests of the visual amenities of the area.</li> <li>3. The covered MUGA (Multi-Use Games Area) hereby permitted shall not be used outside the hours of 0800 to 2200.  Reason: In the interests of the amenity of neighbouring properties.</li> <li>4. No starter gun or signalling whistle(s) shall be used in association with the use of the new facilities outside the hours of 0800 to 2200.  Reason: In the interests of the amenity of neighbouring properties.</li> <li>5. The development hereby permitted shall not commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which specifies species, planting sizes, spaces and numbers of trees/ shrubs and hedges to be planted. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development whichever is the sooner and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  Reason: In the interests of amenity and biodiversity and to preserve and enhance the character and appearance of the area.</li> <li>6. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked out in accordance with the approved plan Drawing No 03A stamped received by Belfast City Council 30<sup>th</sup> May 2018 for vehicles to park and turn. The parking and turning area shall be used and retained exclusively for its designated purpose.  Reason: To ensure sufficient on-site turning and parking.</li> <li>7. The vehicular access shall be provided in accordance with approved Drawing No 03A stamped received by Belfast City Council 30<sup>th</sup> May 2018 prior to the first occupation of</li> </ol>



	the development hereby approved.
	Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

**Notification to Department (if relevant):** N/A

**Representations from Elected members:** N/A

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

The Owner/Occupier,  
 1 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 10 Quadrant Place,Belfast,Antrim,BT12 4HX,  
 The Owner/Occupier,  
 11 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 11 Quadrant Place,Belfast,Antrim,BT12 4HX,  
 The Owner/Occupier,  
 13 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 15 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 17 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 23 Albert Street,Belfast,Antrim,BT12 4HB,  
 The Owner/Occupier,  
 28 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 3 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
 The Owner/Occupier,  
 30 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 32 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 34 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 34 Clonfaddan Street,Belfast,Antrim,BT12 4SG,  
 The Owner/Occupier,  
 36 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 36 Clonfaddan Street,Belfast,Antrim,BT12 4SG,  
 The Owner/Occupier,  
 38 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
 The Owner/Occupier,  
 38 Clonfaddan Street,Belfast,Antrim,BT12 4SG,  
 The Owner/Occupier,  
 4 Quadrant Place,Belfast,Antrim,BT12 4HX,

The Owner/Occupier,  
40 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
The Owner/Occupier,  
40 Clonfaddan Street,Belfast,Antrim,BT12 4SG,  
The Owner/Occupier,  
40 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
The Owner/Occupier,  
42 Clonfaddan Crescent,Belfast,Antrim,BT12 4SQ,  
The Owner/Occupier,  
42 Clonfaddan Street,Belfast,Antrim,BT12 4SG,  
The Owner/Occupier,  
42 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
The Owner/Occupier,  
44 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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46 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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48 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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5 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
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5 Quadrant Place,Belfast,Antrim,BT12 4HX,  
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50 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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52 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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66 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
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68 Cullingtree Road,Belfast,Antrim,BT12 4BA,  
The Owner/Occupier,  
7 Albert Court,Belfast,Antrim,BT12 4HP,  
The Owner/Occupier,  
7 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
The Owner/Occupier,  
7 Quadrant Place,Belfast,Antrim,BT12 4HX,  
The Owner/Occupier,  
8 Quadrant Place,Belfast,Antrim,BT12 4HX,  
The Owner/Occupier,  
9 Cullingtree Road,Belfast,Antrim,BT12 4JT,  
The Owner/Occupier,

9 Quadrant Place, Belfast, Antrim, BT12 4HX,  
The Owner/Occupier,  
Divis Joint Development Committee, Frank Gillen Centre 1a, Cullingtree Road, Belfast, Antrim, BT12  
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