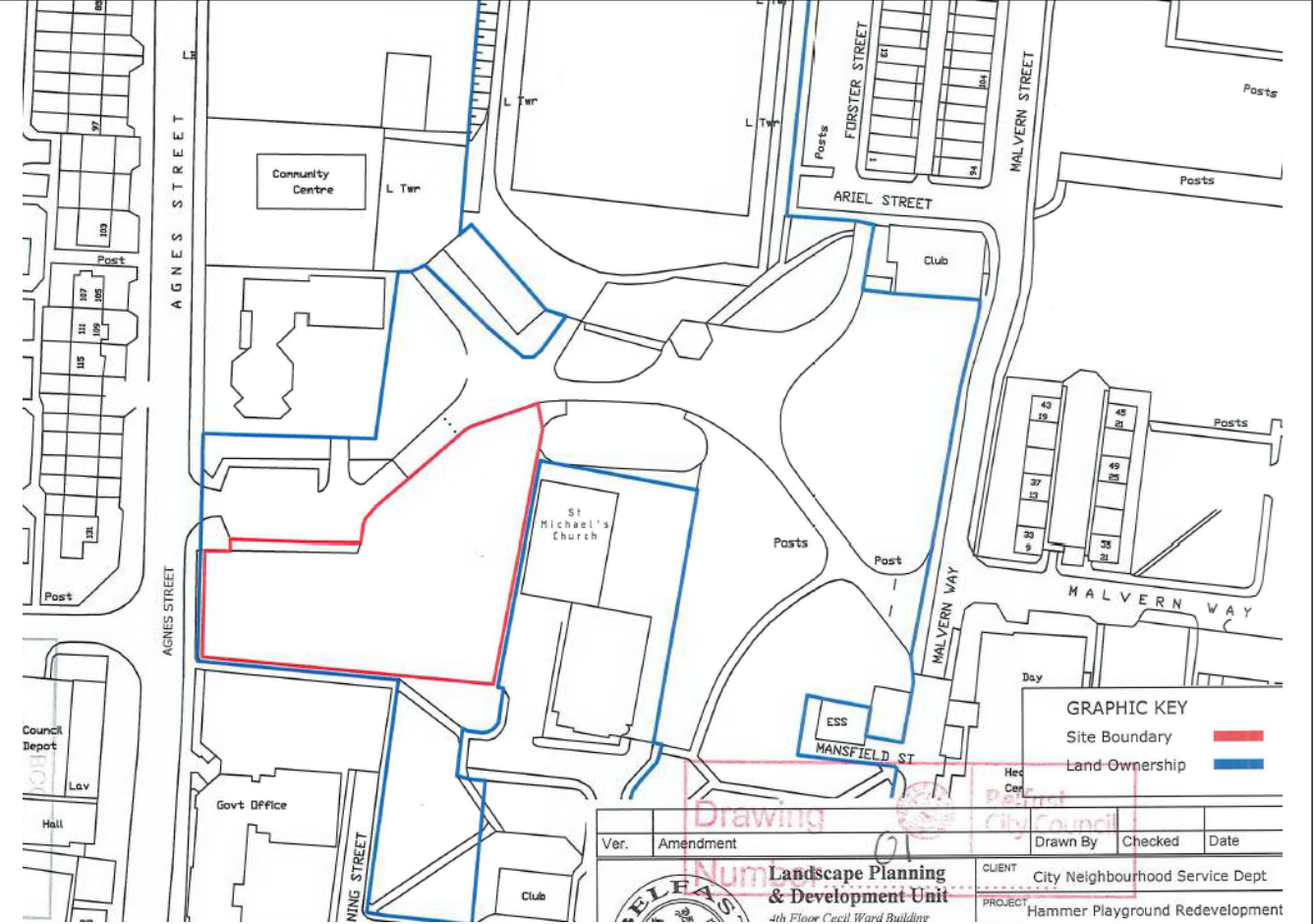


Committee Application

| Development Management Report | |
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| Application ID: LA04/2018/1458/F | Date of Committee: 11 th September 2018 |
| Proposal: Refurbish existing playground facilities and construct a bitmac Multi Use Games Area 33.0 x 18.0 metre with 5.0 metre high ball stop fencing. Replace existing boundary fencing with 2.40 and 1.80 metre high Paladin fencing. | Location: Hammer Playground Agnes Street Belfast City BT13 1GG |
| Referral Route: Applicant is Belfast City Council | |
| Recommendation: | Approval |
| Applicant Name and Address: Belfast City Council Cecil Ward Building 4-10 Linenhall Street Belfast BT2 8BP | Agent Name and Address: |
| <p>Executive Summary:</p> <p>Full permission is sought for the refurbishment of Hammer Playground and provision of a bitmac multi-use games area with new perimeter fencing. The site is currently occupied by a grass playing field with goal posts and a bitmac play area.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Open space provision • Impact on residential amenity of neighbours; • Parking provision and access; • Other environmental factors. <p>The principle of development and the proposed recreational use as open space is established and will continue.</p> <p>One representation has been received.</p> <p>Environmental Health and Rivers Agency have no objection to the proposal.</p> <p>There is an outstanding consultation response from DfI Roads following the submission of an updated plan to indicate cycle provision within the site, however it is not considered that this presents any principle issues of objection and any matters can be resolved through consultation with DfI Roads.</p> <p><u>Recommendation:</u> Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. It is requested that Committee delegate authority to the Director of Planning and Place to agree the final wording of the conditions.</p> | |

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

Planning permission is sought for a bitmac multi-use games area (33 x 18m) (MUGA) with 5m high ball stop fencing, where a grassed area/ football pitch is currently in place. The MUGA will be used for football and basket-ball, with 2 no. basketball and goal combination units to be installed.

It is proposed to refurbish the existing playground facilities with new playground equipment, resurfacing the play area with safety surfacing and resurfacing pathways between play zones to the upgraded football pitch. The lighting column and base currently in place adjacent to the play area is to be retained.

It is also proposed to replace the existing boundary fencing with 2.4m high paladin fence on the southern and eastern boundary; and to replace a low brick wall with railings on top with a 1.8m paladin fence on the north-west boundary close to the play area.

Areas beyond the play area and MUGA will be levelled, top soiled and turfed. Trees on the boundary with St. Michael's church are to be retained.

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| 2.0 | <p>Description of Site</p> <p>The site is located on Agnes Street, on the right side travelling north. It is 90m from the junction of Agnes Street and the Shankill Road. It is opposite a high density housing estate and adjacent to a listed church - St. Michaels. The site has an area of 0.32 hectares.</p> <p>The site is predominantly a grass playing field, with goal posts to the west; and a bitmac play area in the north east corner. There is a light column with concrete base adjacent to the bitmac play area.</p> <p>The grassed area is enclosed by a 1.8m palisade fence, and the play area enclosed by a low brick wall with railings on top.</p> |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | <p>Site History</p> <p>Z/1981/0320 – Running track and children’s play area. Permission granted</p> <p>Z/2005/2337/F – Floodlit polymeric surfaced multi-use games area with 8m high perimeter ball stop fence. Permission granted 28.02.2006</p> |
| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan |
| 4.2 | Draft Belfast Metropolitan Area Plan 2015 |
| 4.3 | <p>SPPS</p> <p>4.2.1 Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>4.2.2 Planning Policy Statement 3: Access, Movement and Parking</p> <p>4.2.3 Planning Policy Statement 8: Open Space and Recreation</p> |
| 4.4 | <p>Planning Policy Statements 8 – Open Space, Sport and Outdoor Recreation</p> <p>Policy OS1 – Protection of open space</p> <p>Policy OS7 – Floodlighting of sports and recreational facilities</p> |
| 5.0 | Statutory Consultees Responses |
| 5.1 | DfI Roads has requested that consideration is given to the provision of cycle stands. 2 no. cycle stands have now been incorporated into the scheme. DfI Roads have been reconsulted on the amended layout showing the inclusion of the cycle stands. |
| 5.2 | <p>DfI Rivers</p> <p>DfI Rivers stated in their consultation response that ‘a drainage assessment is required if an additional hard standing of 1000sqm or greater is proposed’. The senior landscape planning and development officer at BCC/ applicant confirmed that less than 800sqm of additional hard standing is proposed; therefore a drainage assessment is not required. Planning informatives are recommended.</p> |
| 5.3 | Historic Environment Division (HED) - HED was consulted as the site is adjacent to a listed building – St Michaels Church. HED are satisfied that proposed works will not affect the setting of this listed building. |
| 6.0 | Non Statutory Consultees Responses |
| 6.1 | BCC Environmental Health raised no objection to the proposal. |

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| 7.0 | Representations |
| 7.1 | <p>The application has been neighbour notified and advertised in the local press. One representation was received from neighbours at St. Michael's Church, which is directly to the east of the playground. They do not object to the upgrade of the playground, however, there are a number of trees on the common boundary (in the playground) that are causing concern. These trees are over grown and touching church buildings. St. Michaels believe that the Council should arrange for trees to be pruned back and damage to the fence caused by the trees during a storm should be repaired. St. Michaels also are concerned about damage done during a storm to the boundary fence that is currently in place.</p> <p>A copy of St. Michael's representation has been forwarded to Senior Landscape Planning and Development officer at BCC.</p> <p>A condition will be attached to the planning approval to ensure trees on this boundary are retained and maintained. Furthermore, new 2.4m high paladin fence proposed on this boundary as part of this application will resolve boundary fence concerns of St. Michaels.</p> |
| 8.0 | Other Material Considerations |
| 8.1 | None |
| 9.0 | Assessment |
| 9.1 | The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 is now the statutory development plan for the area. |
| 9.2 | 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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. |
| 9.3 | As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration |
| 9.4 | The proposal is considered to be in compliance with the development plan. The land is designated as an area of existing open space in BMAP. The proposal is in keeping with this designation as the open space is to be retained. |
| 9.5 | The proposal is in keeping with Core Planning Principles set out in the SPPS which include improving health and wellbeing; creating and enhancing shared space; supporting good design and positive place making; and preserving and improving the built and natural environment. Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. |
| 9.6 | <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> • Principle of development and use; • Impact on amenity of neighbours; • Parking provision and access; |

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| 9.7 | <p><u>Principle of Development and Use</u></p> <p>The proposal is to retain and upgrade an existing area of open space. This is in keeping with BMAP, where the land is designated as an existing open space; and Policy OS1 of PPS8 – which requires existing areas of open space to be retained. The development is acceptable in principle.</p> |
| 9.8 | <p><u>Impact on amenity of neighbours</u></p> <p>Noise - With regard to the number of staff and visitors attending the site daily, there is no expected increase. On this basis it is not expected that noise levels should increase significantly. As such amenity of those living nearby will not be compromised in keeping with Policy OS5 of PPS8.</p> <p>Light - No new floodlighting is proposed in this application, as such there will be no harm to residential amenity, visual amenity or the character of the locality. The proposal is in keeping with Policy OS7 in that floodlighting currently in place is to be retained.</p> <p>Environmental Health were consulted and raised no concerns in terms of noise or disturbance to neighbours from the refurbished playpark and multi-use games area. The recreational use is established and the proposed works will enhance what is already in use as a play area and pitch.</p> |
| 9.9 | <p><u>Parking provision and access</u></p> <p>The refurbished facilities will utilise the existing access and car park. The asphalt path to the frontage of the car park will be resurfaced and will have a dropped kerb to provide access to the locked maintenance vehicular access to the MUGA. Transport NI were consulted and required the provision of cycle stands; a revised layout has now been submitted indicating the inclusion of 2 No. 50mm dia. 316 brushed stainless steel cycle rack. The final consultation response from Roads pursuant to the amended layout indicating cycle provision is outstanding, however given that the applicant has provided the cycle stands as requested, it is not considered that this presents any principle issues of objection and any matters can be resolved through consultation with Roads.</p> |
| 9.13 | <p>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 DfI Roads.</p> |
| 10.0 | <p>Summary of Recommendation: Approval</p> |
| 11.0 | <p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No works shall commence on site (including demolition and site clearance) unless a Tree Protection Plan (“TPP”) to BS5837:2012 (or any standard that reproduces or replaces this standard) has been submitted to and approved in writing by the City Council. The TPP shall detail the methods of tree/hedge protection and clearly detail the position and specifications for the erection of tree protective fencing and a programme for its implementation. The works shall not be carried out unless in accordance with the approved details and the measures specified by the TPP shall remain in place until the completion of the construction.</p> <p>Reason: To safeguard existing trees in the interests of visual amenity. Approval is required upfront to ensure that important trees are not permanently damaged or lost.</p> |

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| | <p>3. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the City Council. 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 City Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>Informatives Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc requires the written consent of DfI Rivers. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.</p> |
| <p>Notification to Department (if relevant)</p> <p>N/A</p> | |
| <p>Representations from Elected members:</p> <p>N/A</p> | |