

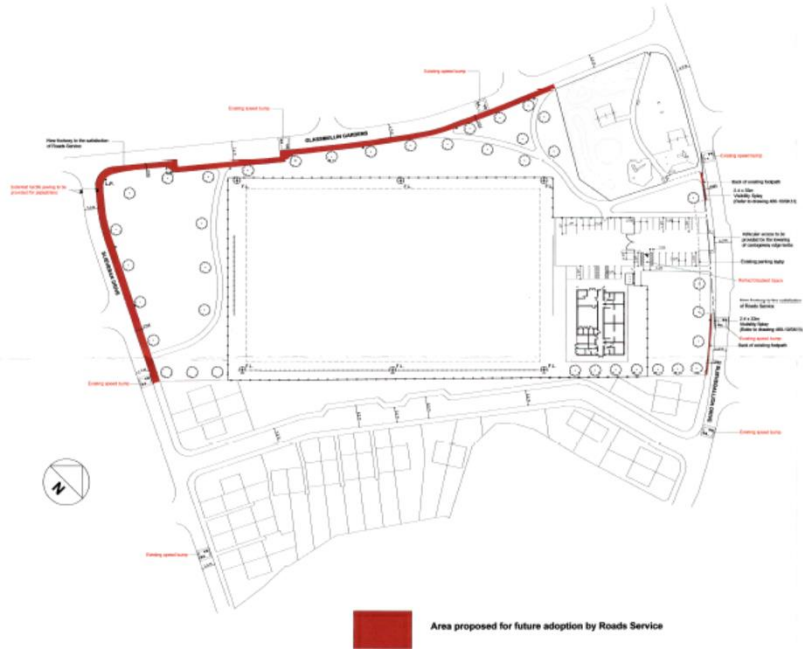
## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 16 <sup>th</sup> November 2021	
<b>Application ID:</b> LA04/2021/2127/F	
<b>Proposal:</b> Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2020/1864/F (erection of new pavilion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking to vary conditions 4, 7 and 9 (seeking to vary the Private Street Determination drawing to be implemented).	<b>Location:</b> Glassmullin Gardens/Slieveban Drive, Belfast
<b>Referral Route:</b> Varying Conditions relating to Major development	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> De La Salle College 38 Edenmore Road Belfast BT11 8LT	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> The application seeks to vary conditions 4, 7 and 9 of planning permission LA04/2020/1864/F under Section 54 of the Planning Act (Northern Ireland) 2011. The original application grants planning permission for the Erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking. Z/2014/0077/F was granted permission on 25/06/2015. The development was commenced within the time limits.</p> <p>The site is located within the development limits of Belfast within the Belfast Urban Area Plan 2001 and both versions of Draft Belfast Metropolitan Area Plan (2015). The site is within an existing area of open space now characterised by the development previously approved.</p> <p>The variation of conditions 4, 7 and 9 seeks to amend the approved private streets determination drawing, by addressing fundamental concerns which the local community have relating to the orbital footpath approved under Z/2014/0077/F.</p> <p>DfI Roads Service were consulted in relation to the amended proposal and responded with no objections to the proposed variations and also advised that condition 7 should be deleted.</p> <p>On balance the proposed revisions are acceptable. It is recommended that the proposal is approved subject to the conditions set out in the report with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.</p>	

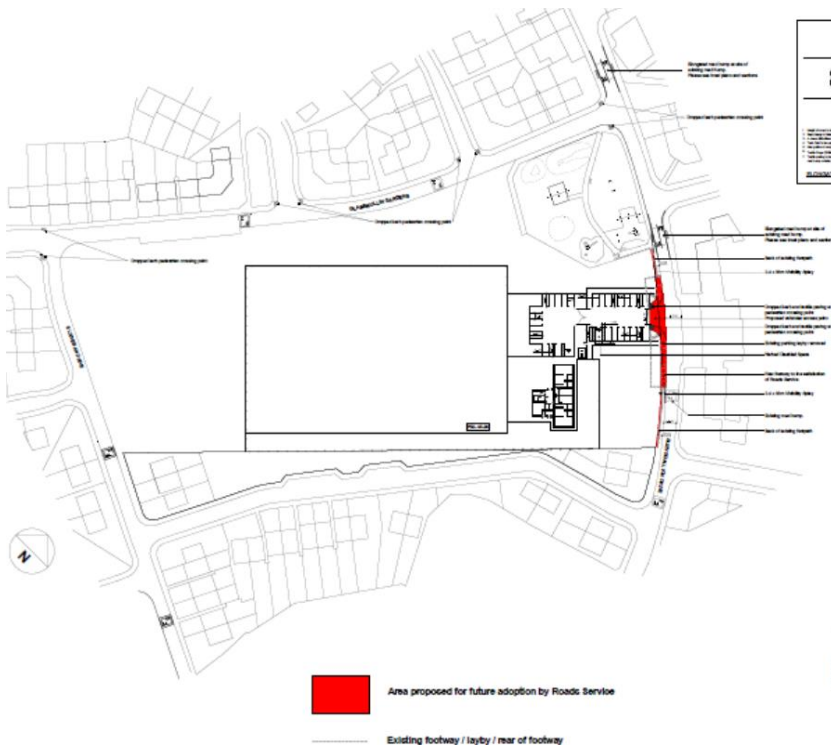
## Case Officer Report

### Site Location Plan





Original approved PSD



Proposed PSD

**Representations:**

Letters of Support	0
Letters of Objection	0
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

This is an application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2020/1864/F (erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking to vary conditions 4, 7 and 9 (seeking to vary the Private Street Determination (PSD) drawing to be implemented).

### 2.0 Description of Site

The application site is approximately 1.9ha in size within a mainly residential area, with a number of commercial properties to the North of the site. Development is at an advanced stage of the previously approved application under Z/2014/0077/F. The site is located within the development limits of Belfast within the Belfast Urban Area Plan 2001 and both versions of Draft Belfast Metropolitan Area Plan (2015), and identified as an existing area of open space.

## Planning Assessment of Policy and Other Material Considerations

### 3.0 Site History

3.1 There is relevant planning history on the site under application reference Z/2014/0077/F for "Erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking" which was approved permission on 22/06/15.

3.2 The most recent history on the site is planning permission LA04/2020/1864/F (which this proposal seeks to vary), which was granted on 30<sup>th</sup> March 2021 for "Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission Z/2014/0077/F (erection of new pavilion, new 3G all-weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented)"

### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001

4.2 Draft Belfast Metropolitan Area Plan 2015 (v2004)

4.3 Draft Belfast Metropolitan Area Plan 2015 (v2014)

4.4 Strategic Planning Policy Statement (SPPS)

4.5 Planning Policy Statement (PPS) 3: Access, Movement and Parking

### 5.0 Statutory Consultees

5.1 DfI Roads Service – no objection subject to amended conditions

### 6.0 Non-Statutory Consultees

6.1 None

### 7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. No comments have been received.

7.3 This application seeks only to vary Conditions 4, 7 and 9 of LA04/2020/1864/F which relate solely to road safety issues. No other aspects of the approved development will be revisited having been assessed already as part of the previous application.

### 8.0 Other Material Considerations

None

## 9.0 Assessment

9.1 Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard 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) 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 considerations indicate otherwise.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now The Belfast Urban Area Plan 2001. 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. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious).

9.3 This application seeks to vary Conditions 4, 7 and 9 of planning permission LA04/2020/1864/F under Section 54 of the Planning Act (Northern Ireland) 2011 to allow for amendments to the PSD drawing to be implemented. The development permitted under Z/2014/0077/F was required by Section 61 of the Planning Act (Northern Ireland) 2011 to commence before 22nd June 2020. A site visit has confirmed that the development was commenced and that the original permission remains extant.

9.4 The proposal seeks to address local community concerns by reducing the orbital footpath approved under Z/2014/0077/F, and to deliver a development which is embraced and supported as a valued community asset. The community remain strongly opposed to the landscaping and the orbital footpath approved under the original permission (Z/2014/0077/F) as this is considered to erode the remaining open space at Glassmullin Green.

9.5 The key issues in the assessment of the proposal are as follows:

- Access, movement, road safety and parking

### 9.6 Access, movement, road safety and parking

The proposed variation seeks to update the approved PSD drawing referenced in each of the respective conditions to incorporate two main changes: -

1. The removal of the orbital footpath to Glassmullin Gardens and Slieveban Drive and introduction of a number of localised improvements to the pedestrian environment as set out in the Atkins Technical Report and reflected on the proposed PSD drawing; and
2. Minor adjustments to the approved access arrangements from Slievegallion Drive to include radius kerbs.

9.7 Currently Condition 4 of LA04/2020/1864/F reads as:

*“The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No SK19 Rev 3 bearing the DRD date stamp 05/12/14, prior to the commencement of any other works or other development hereby permitted.*

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

9.8 Currently Condition 7 of LA04/2020/1864/F reads as:

*“The development shall not become operational until provision has been made to the satisfaction of Transport NI, for a footway in accordance with Drawing SKI 9 Rev 3 bearing the DRD date stamp 05/12/14.*

*Reason: To ensure acceptable pedestrian facilities around the site in the interests of road safety.”*

9.9 Currently Condition 9 of LA04/2020/1864/F reads as:

*“The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department of Regional Development hereby determines that the width, position and arrangement Of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:SK19 # Rev 3 bearing the DRD date stamp 05/12/14.*

*Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.”*

9.10 It was proposed to amend only the PSD drawing reference within conditions 4 and 9, but vary the wording of condition 7 to

*“The development shall not become operational until provision has been made to the satisfaction of DfI Roads for localised improvements to the pedestrian environment in accordance with Drawing SK19 Rev 5 bearing the date stamp XXXXXXXX.*

*Reason: To ensure acceptable pedestrian facilities around the site in the interests of road safety.”*

9.11 The implications of the proposal were assessed by DfI Roads Service, the authoritative body on road safety and parking matters and the proposed changes are considered acceptable, as stated within their comments dated 18<sup>th</sup> October 2021. They have no objections to the proposed variation of conditions on road safety and traffic progression grounds, however they have advised that condition 7 can be deleted. Therefore conditions 4 and 9 (previously 9 but now 8) shall read as follows:

*4 - “The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 1467-01 SK19 Rev 5 bearing the DfI Roads determination stamp of 14/10/21, prior to the commencement of any other works or other development hereby permitted.*

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

*9 -“The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 1467-01 SK19 Rev 5 bearing the DfI Roads determination stamp of 14/10/21.*

*Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.*

## **10 Conclusion**

10.1 The proposal to vary conditions 4, and 9 to amend the PSD drawings is considered to be on balance acceptable. Condition 7 shall be omitted as the localised improvements to the pedestrian environment are no longer proposed. There are no technical objections to the application. Having regard to the planning policy context, the variation of condition is considered acceptable.

10.2 The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision.

### 11 Recommendation

11.1 Having regard to the policy context and other material considerations above including the planning history, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions subject to no new issues raised by third parties.

11.2 **Summary of Recommendation:** Approval with conditions

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to conditions

### Conditions

1. The floodlighting shall be provided in accordance with design drawing referenced LS21438/1 of the submitted Aecom report (referenced Job No 600mgt14.07.04, Reference PI, date created 30 June 2014) which outlines the scheme design indicating vertical illumination levels in accordance with the specified guidance ILP (2011) Guidance for the Reduction of Obtrusive Light.

Reason: In the interests of residential amenity.

2. The floodlighting shall only operate between 8:30am - 9pm Monday to Friday and 10am - 6pm Saturday and Sunday.

Reason: In the interests of residential amenity.

3. The lighting installation shall not commence until it has been verified to the satisfaction of Belfast City Council that the lighting installation complies with the document "CIE 150:2003; Guide on the limitation of the effects of obtrusive lighting from outdoor lighting installation" by a Member of the Institution of Lighting Professionals, or equivalent competent exterior lighting Engineer.

Reason: In the interests of visual amenity, road safety and convenience of road users

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 1467-01 SK19 Rev 5 bearing the DfI Roads determination stamp of 14/10/21, prior to the commencement of any other works or other development hereby permitted.

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

5. The development shall not become operational until hard surfaced areas have been provided for parking in accordance with the approved plan. Drawing No 03F date stamp received 03/12/14. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

6. The development shall not become operational until provision has been made for cycle parking in accordance with the approved plan, Drawing No 03F date stamp received 03/12/14. These facilities shall be permanently retained.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

7. The access gradient 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.

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

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 1467-01 SK19 Rev 5 bearing the DfI Roads determination stamp of 14/10/21.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. Prior to first use all redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Transport NI.

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.

10. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and those trees shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

11. The existing planting as indicated on Drawing No 0450 - 01E, received on 18/02/21, shall be permanently retained and the proposed planting, as indicated on the same stamped drawing, shall be undertaken during the first available planting season after the commencement of operation occupation of the development hereby approved.

Reason: In the interest of visual amenity

12. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.



<b>ANNEX</b>	
<b>Date Valid</b>	3rd September 2021
<b>Date First Advertised</b>	24th September 2021
<b>Date Last Advertised</b>	
<p><b>Details of Neighbour Notification (all addresses)</b></p> <p>The Owner/Occupier, 10 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 11 Slieveban Avenue,Andersonstown,Belfast,Antrim,BT11 8RY</p> <p>The Owner/Occupier, 12 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 12 Slieveban Avenue,Andersonstown,Belfast,Antrim,BT11 8RY</p> <p>The Owner/Occupier, 14 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 16 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 18 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 2 Killeen Park,Belfast,Antrim,BT11 8HH</p> <p>The Owner/Occupier, 20a ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 20b ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 20c ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 20d ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 22a ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 22b ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 22c ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 22d ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 24 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 26 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 28a ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier, 28b ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ</p> <p>The Owner/Occupier,</p>	

28c ,Glassmullin Gardens,Belfast,Antrim,BT11 8NJ  
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57-59 ,Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP  
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 72 Slieveban Drive,Andersonstown,Belfast,Antrim,BT11 8HG  
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 8 Glassmullin Gardens,Belfast,Antrim,BT11 8NJ  
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 80 Slieveban Drive,Andersonstown,Belfast,Antrim,BT11 8HG  
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 Flat A,49 Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP  
 The Owner/Occupier,  
 Flat B,49 Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP  
 The Owner/Occupier,  
 Flat C,49 Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP  
 The Owner/Occupier,  
 Flat D,49 Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP  
 The Owner/Occupier,  
 Flat E,49 Slievegallion Drive,Andersonstown,Belfast,Antrim,BT11 8JP

<b>Date of Last Neighbour Notification</b>	6th October 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No

## Planning History

Ref ID: LA04/2020/1864/F

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission Z/2014/0077/F (erection of new pavillion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking) to vary Condition 13 (seeking to vary the scheme of landscaping to be implemented)

Address: Glassmullin Gardens/Slieveban Drive, Belfast, BT11,

Decision: PG

Decision Date: 30.03.2021

Ref ID: LA04/2021/2127/F

Proposal: Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2020/1864/F (erection of new pavilion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include new access, footpath and car parking to vary conditions 4, 7 and 9 (seeking to vary the Private Street Determination drawing to be implemented).

Address: Glassmullin Gardens/Slieveban Drive, Belfast, BT11.,

Decision:

Decision Date:

Ref ID: Z/2011/0899/F

Proposal: Development of 25no general needs social housing dwellings with associated site access and infrastructure

Address: Land to the north of Slieveban Drive, Andersonstown, Belfast, BT11 8HF,

Decision:

Decision Date: 06.04.2012

Ref ID: Z/1994/2977

Proposal: Erection of 3M perimeter palisade fence

Address: ANDERSONSTOWN SOCIAL SECURITY OFFICE SLIEVEBAN DRIVE  
ANDERSONSTOWN ROAD BELFAST BT11

Decision:

Decision Date: 02.03.1995

Ref ID: Z/1990/2649

Proposal: Replacement of mobile playgroup building

Address: ADJACENT TO 51-67 SLIEVEGALLION DRIVE, BELFAST BT11

Decision:

Decision Date:

Ref ID: Z/1990/2935

Proposal: Temporary accommodation for decanting purposes (6 No. mobile homes + furniture stores)

Address: OPPOSITE NO.51 SLIEVEGALLION DRIVE BELFAST

Decision:

Decision Date:

Ref ID: Z/2014/0077/F

Proposal: Erection of new pavillion, new 3G all weather pitch with associated perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular

access to include new access, footpath and car parking. (Amended plans and additional information).

Address: Glassmullin Gardens/Slieveban Drive, Belfast, BT11,

Decision: PG

Decision Date: 26.06.2015

**Notification to Department (if relevant)**

Date of Notification to Department: N/A

Response of Department: N/A