

Addendum Report

Development Management Report	
Application ID: LA04/2021/0319/F	Date of Committee: 14 th March 2023
Proposal: Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.	Location: 115 Blacks Road, Belfast BT10 0NF - Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.
Referral Route: at the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation	
Recommendation: Approval with conditions	
Applicant Name and Address: Colin Glen Trust 163 Stewartstown Road Dunmurry Belfast BT17 0HW	Agent Name and Address: Juno Planning 409 Lisburn Road Belfast BT9 7EW
<p>ADDENDUM REPORT:</p> <p>This planning application was previously listed for Planning Committee on 14th February 2023. However, the application was withdrawn from the agenda in view of late information from the applicant. The late information is an email from the applicant's agent, dated 9th February 2023 and uploaded to the Planning Portal, which provides further justification for the proposed car park.</p> <p>The applicant's email states:</p> <p><i>'The proposed overflow car park is part of the existing open space operations on the site and includes landscape planting. In this context we don't consider there to be a loss of open space. Notwithstanding, the removal of the overgrown vegetation was required to manage antisocial behaviour problems (of which Council and PSNI are both aware) and the provision of the overflow car park is required to support the 180,000+ members of the public who use the open space and recreation facilities every year; the re use and replanting of this area will therefore bring substantial community benefits that decisively outweigh the loss of the area of overgrown waste ground. It is notable that the overflow car park facilities are also used by people visiting the Council play parks on the access road where limited parking is provided, and that the Indoor Dome and Driving Range are both Council funded projects.'</i></p> <p>Officers maintain that the area to which the application relates is Open Space in accordance with the PPS 8 definition.</p> <p>The Council's Physical Programme team has been asked to provide comments in relation to existing parking pressures in the area. In relation to the Council's play park, it states that at certain times of day the public park cars on the kerb beside the playground instead of parking in the car park and walking down.</p> <p>The photographs provided within the applicant's 'Car Park Analysis' from 3rd January 2023, as well as the CCTV images from the 8th and 15th January, are consistent with the response from the Physical Programme team in that cars are parking on kerbs in the area rather than existing</p>	

spaces. The evidence demonstrates potential overspill from Colin Glen and other facilities in the area.

The applicant states that the provision of the overflow car park is required to support the members of public who use the open space and recreation facilities and the re use and replanting of this area would bring substantial community benefits that decisively outweigh the loss of the area of overgrown waste ground.

Whilst the condition of the area is not relevant under the definition of open space within PPS 8, it is evident there is a need for additional parking in the area and accepted that the proposed car park would support the function of Colin Glen and the community facilities provided within it.

Paragraph 5.8 of PPS 8 recognises that in relation to playing fields and sports pitches in urban areas, there may be exceptional circumstances where it is demonstrated that the retention and enhancement of the facility can only be achieved by the redevelopment of a part of the area. The redevelopment of the site is considered to support the Colin Glen Leisure facility and ensure adequate safe parking within. Whilst PPS 8 states that '*...applicants will generally be expected to demonstrate that their proposals are supported by the local community.*', in this case, given the evidence provided and nature of the issues, it is not considered that this is necessary.

In conclusion, given the evidence of need for the proposed car park, the characteristics of the land in question and that it is part of a much larger area of Open Space, on balance, it is considered that there are exceptional circumstances that decisively outweigh the loss of the open space. The proposal therefore satisfies Policy OS1 of PPS 8 and is acceptable.

Recommendation

It is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.

Committee Report

Development Management Report	
Application ID: LA04/2021/0319/F	Date of Committee: 14 th February 2023
Proposal: Proposed use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.	Location: 115 Blacks Road, Belfast BT10 0NF - Lands to north of square golf training area east of the 3G Dome south of 45 and 46 Garnock Hill.
Referral Route: at the discretion of the Director of Planning and Building Control in accordance with paragraph 3.8.7 of the Scheme of Delegation	
Recommendation: Refusal	
Applicant Name and Address: Colin Glen Trust 163 Stewartstown Road Dunmurry Belfast BT17 0HW	Agent Name and Address: Juno Planning 409 Lisburn Road Belfast BT9 7EW
<p>Executive Summary:</p> <p>The application seeks planning permission for the creation and use of a hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.</p> <p>The site is located at 115 Blacks Road. The site is within Colin Glen Leisure Park, which contains a playpark, sports pitches, a golf course and a driving range as well as associated parking. The proposed overflow car park is located off the access road and within close proximity to dwellings along Garnock Hill.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of the proposal, including Loss of Open Space • Impact on amenity • Impact on the character and appearance of the area • Other considerations <p>The site is located within lands reserved for landscape, amenity or recreation use within BUAP and is un-zoned "white land" within dBMAP.</p> <p>There have been no objections from consultees.</p> <p>Four objections have been received and are addressed within the main report.</p> <p>A statement was requested from the applicant to address the loss of open space under Policy OS 1 of PPS 8 but to date this has not been submitted. The statement was requested on the 27th June 2022 with further reminders sent on 6th August 2022, 15th September 2022, 10th November 2022, 12th December 2022, 20th December 2022 and 26th January. Without a statement to address the policy the application can only be determined on its merits as proposed. The proposal fails to accord with Policy OS 1 of PPS 8 with no exceptional circumstances advanced to justify the proposal.</p>	

Recommendation

Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be refused.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

Site Location Plan



Proposed Block Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the creation and use of hard standing area as overflow car park with a free draining surface and soft landscaping scheme, to serve existing approved uses on-site.
2.0	Description of Site
2.1	The site is located at 115 Blacks Road. The site is within Colin Glen Leisure Park, which contains a playpark, sports pitches, a golf course and a driving range as well as associated parking. The proposed overflow car park is located off the access road and within close proximity to dwellings along Garnock Hill.
2.2	The site is located within lands reserved for landscape, amenity or recreation use within BUAP and is un-zoned "white land" within dBMAP.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2017/0919/F, Colin Park, 115 Blacks Road, Belfast, BT10 0NF, Construction of Sports Dome with internal lighting, machine room and 3M security fence (Additional Information). Permission Granted
3.2	S/2011/0149/F, Colin Valley Golf Club, Proposed new driving range building, Permission Granted.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. DBMAP (both v2004 and x2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5.0	Statutory Consultees Responses DFI Roads- No objections
6.0	Non Statutory Consultees Responses Environmental Health- No objections Tree Officer- No objections following amendments.
7.0	Representations 7.1 The application was advertised on the 18 th February 2021 and neighbour notified on the 24 th February 2021 and the 15 th September 2021. 7.2 Four objections were received from residents of Garnock Hill, the housing to the immediate north, as summarised below: <ul style="list-style-type: none"> • Anti-social behaviour – Case Officer Response: there is no evidence that this would be a land-use planning matter in this case; this would be a police matter. • Management of landscaping • Lack of privacy • Noise and lights from cars • Potential for cars to hit fence – Case Officer Response: This would be a civil matter • Materials of car park • Lack of lighting • Cars parked at fence • Cars double parked • Amount of traffic • Health impacts associated with car fumes • Impact on wildlife • Climbing plants on fence not belonging to Colin Glen
9.0	Assessment
9.1	The key issues to be considered are: <ul style="list-style-type: none"> • The principle of the proposal, including Loss of Open Space • Impact on amenity • Impact on the character and appearance of the area • Other considerations <p>The principle of the proposal, including Loss of Open Space</p> 9.2 The proposed car park is located off the existing access road and north of the existing car parks. The car park contains a porous gravel surface and a proposed landscaping scheme to provide a buffer between the car park and residential properties on Garnock Hill to the immediate north. <i>Need for the proposed car park</i> 9.3 Policy AMP 10 of PPS 3 provides five criteria to be met for the extension of a private car park. The site is not within an area of parking restraint and therefore four criteria apply, as set out below. <ul style="list-style-type: none"> • The proposal does not significantly contribute to an increase in congestion, • It is not detrimental to local environmental quality;

	<ul style="list-style-type: none"> • The car park meets a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer; • It is compatible with adjoining land uses
9.5	A statement of need was provided by the applicant with the original application, which stated that the proposed car park is required to facilitate social distancing amid COVID-19 restrictions. It also stated that the landscaping scheme would remove the opportunity for anti-social behaviour. Anti-Social behaviour is not deemed sufficient justification for a car park as there are other ways to manage anti-social behaviour. Given that COVID-19 restrictions have now been removed by government there is no longer need for social distancing within the existing car park.
9.6	Given officers' concerns that the statement of need failed to address Policy AMP 10 of PPS 3, as outlined above, the applicant was afforded opportunity to submit further information. A further statement of need was submitted on the 20 th January 2023 and included a parking survey. The parking survey demonstrated that on the 3 rd , 7 th and 8 th January 2023, the existing car parks were full and this was supported by CCTV which showed cars parking on the access road rather than the car parks. Satellite imagery shows that since 2011 there has been no increase in formal car parking provision despite an increase in facilities. Officers consider that the parking statement, for which DFI Roads has not objected, satisfies Policy AMP 10 and sufficiently demonstrates a need for further car parking provision.
	<i>Loss of Open Space</i>
9.7	The application site is located within lands reserved for landscape, amenity or recreation use within BUAP and meets the definition of Open Space as defined in PPS 8. The area is situated within Colin Glen Park and while much of the vegetation and trees have been removed it is clear it provides an amenity value as a buffer between the existing dwellings and the park itself.
9.8	Policy OS1 of PPS 8 states that ' <i>the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space</i> '. <i>The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance.</i> '
9.9	The policy goes on to state that: ' <i>An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. An exception will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur:</i>
	<ul style="list-style-type: none"> (i) <i>in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or</i> (ii) <i>in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.</i>'
9.10	A statement was requested from the applicant to address the provisions of Policy OS 1 of PPS 8. This was formally requested by officers on the 27 th June 2022 but no statement was submitted. Further reminders were sent on 6 th August, 15 th September, 10 th

<p>9.11</p> <p>9.12</p> <p>9.13</p> <p>9.14</p> <p>9.15</p>	<p>November, 12th and 20th December 2022, and most recently 26th January 2023. However, no response or further information to address the PPS 8 issue has been received.</p> <p>The applicant has not demonstrated that any of the exception test set out in Policy OS 1 have been satisfied. It should be noted that where an exception on grounds of substantial community benefits, paragraph 5.5 of PPS 8 states that <i>'In such cases, applicants will generally be expected to demonstrate that their proposals are supported by the local community.'</i> There is no evidence that the proposal is supported by the local community, indeed, several objections to the applicant have been received from local people. The proposal fails to accord with Policy OS1 of PPS 8 and is unacceptable in principle.</p> <p>Impact on amenity</p> <p>Four objections have been received from properties within Garnock Hill, the residential properties to the immediate north. Concerns were raised about anti-social behaviour, lack of privacy, noise and light from the cars, anti-social behaviour and cars hitting the fence.</p> <p>The proposed hedgerow and existing fence would aid to provide privacy from the car park. The proposed landscaping and fence would provide a buffer from car lights while noise from cars parking would not be sufficient to cause an impact on amenity. Fumes from cars would not be a reason to refuse planning permission and Environmental Health has no objection to the proposal. The proposed car park would be an overflow car park which would be used during busy periods. However, given the facilities close at 10pm, cars would unlikely use the car park at unsociable hours. Were permission to be granted, conditions could be imposed to restrict the times that the car park could be used.</p> <p>Landscaping proposals</p> <p>The landscaping proposals are considered high quality comprising of grassland, a hedgerow, existing trees and shrubs and the planting of 12 heavy trees. The Tree Officer has been consulted and had no objections.</p> <p>An objection from a neighbouring resident questions how the landscaping will be managed and that the proposed planting is on a fence not within the ownership of the applicant. Revised plans have removed the climbing plants from the fence and conditions would be attached to ensure the landscaping proposals are carried out and permanently retained. An objection raises the possibility of damage to existing habitats through removal of trees, while trees appear to have been removed prior to the application being submitted they are not protected under a Tree Preservation Order. The proposals show no further trees to be felled within this application.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>The proposal fails to accord with Policy OS 1 of PPS 8 which seeks to protect open space. There are no material considerations which outweigh this policy presumption. It is therefore recommended that planning permission is refused.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>
<p>11.0</p>	<p>DRAFT REFUSAL REASON:</p> <p>1. The proposed car park would result in the loss of existing open space and is contrary to Policy OS1 (Protection of Open Space) of Planning Policy Statement 8: Open Space. Sport and Outdoor Recreation.</p>