

## Committee Report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2023/2362/F	<b>Date of Committee:</b> 18 <sup>th</sup> April 2023
<b>Proposal:</b> Proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works. (amended description)	<b>Location:</b> Cherryvale Playing Fields, Ravenhill Road, Belfast, BT6 8EE
<b>Referral Route:</b> Planning Committee (BCC application)	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Stephen McCullough Physical Programmes at Belfast City Council Belfast City Council 4-10 Linenhall Street Belfast BT2 8BP	<b>Agent Name and Address:</b> Andrew Gibson AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP
<p><b>Executive Summary:</b></p> <p>The application seeks planning permission for a proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works.</p> <p>The site is located at Cherryvale Playing Fields, Ravenhill Road Belfast which is a Council community park centred around a playpark, sports pitches, a clubhouse building and associated parking. There are a number of mature trees throughout the site and around the site periphery.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> <li>• Impact on amenity</li> <li>• Impact on the character and appearance of the area</li> <li>• Other considerations</li> </ul> <p>The site is within Cherryvale Local Landscape Policy Area. The use of the area for sports pitches, some of which already contain floodlighting and nets, means the proposal will have no impact on the Local Landscape Policy Area.</p> <p>There have been no objections from consultees.</p> <p>Seventeen objections have been received, two comments of support and one neutral comment. These are addressed within the main report.</p> <p><b>Recommendation</b></p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved. Delegated authority to the Director of Planning and Building Control is sought to resolve the following:</p>	

1. Consider and resolve where appropriate, any further representations received following readvertisement and re-notification of neighbours and objectors of a correction of the description of the proposal;
2. Resolve any matters arising from the outstanding consultation response from Environmental Health in the event this is not received prior to Committee.



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The application seeks full planning permission for proposed 30m (length) x 11m (height) ball stop fencing, spectator fencing, with a pathway surrounding the existing pitch, and associated site works.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at Cherryvale Playing Fields, Ravenhill Road Belfast which is a Council community park centred around a playpark, sports pitches, a clubhouse building and associated parking. There are a number of mature trees throughout the site and around the site periphery.
2.2	The site is located within a Local Landscape Policy Area designated in dBMAP. To the North of the site is St Joseph's College and Aquinas Grammar School. To the West of the site is the Ravenhill Road with residential use on the other side of the road. Rosetta Park is located to the south of the site and Knock Eden Park located to the east which comprise residential dwellings.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	Z/2014/1124/F Cherryvale Playing Fields 3G pitch with 2.4m perimeter fencing, 15m high ballstop fencing, floodlighting (20m high masts), single storey extension to existing changing rooms, re-siting of existing storage container and landscaping along boundary with Knock Eden Park. Permission Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the 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.  The site is located within a Local Landscape Policy Area (LLPA) ref: BT116 within dBMAP (v2004), and Designation BT 098 within dBMAP (v2014).
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 2: Natural Heritage
4.6	Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation
<b>5.0</b>	<b>Non Statutory Consultees Responses</b> Environmental Health- No objections Tree Officer- further information requested.
<b>6.0</b>	<b>Representations</b>
6.1	The application was advertised on the 19 <sup>th</sup> January 2023 and neighbour notified on the 23 <sup>rd</sup> January 2023.
6.2	Seventeen objections were received as summarised below: <ul style="list-style-type: none"> <li>• Old maps used, demonstrating inaccuracy</li> <li>• Fencing removing access to open space for residents</li> <li>• Dog Fouling</li> <li>• No Public Consultation</li> <li>• Aesthetically unsightly</li> <li>• Impact on trees</li> <li>• Blocking of Trim trail path</li> <li>• Parking and traffic movements</li> </ul>
<b>7.0</b>	<b>Assessment</b>
7.1	The key issues to be considered are: <ul style="list-style-type: none"> <li>• Impact on amenity</li> <li>• Impact on the character and appearance of the area and LLPA;</li> <li>• Other Considerations</li> </ul>
7.2	<b>Impact on Amenity:</b> The proposed ball stop fencing and netting is not located close to any neighbouring dwellings for any loss of light or overshadowing to occur. Environmental Health was consulted on potential noise from the spectator and ballstop fencing. They had no concerns with the ballstop fencing however raised queries over the spectator fencing. Information was provided from the agent stating that the spectator fencing will be similar to the existing spectator fencing on the other sports pitches at Cherryvale. Ethylene Propylene Diene Monomer (EPDM) inserts will be placed behind the clamp bar within the fence fixings to mitigate against noise from ball strikes. Environmental Health have been consulted on these details but, at the time of writing, this response remains outstanding. Subject to confirmation that these details are acceptable, a condition requiring the provision and retention of these noise mitigation measures is necessary. Delegated authority is sought to resolve this issue if Environmental Health have not responded prior to Committee.
7.3	<b>Character and Appearance of the Area:</b> The original proposal included 2.4m perimeter fencing however has now been removed from the proposal resulting in a visual improvement of the scheme. The proposed ball stop net and 1.2m spectator fencing is considered appropriate for the use of the playing pitch it will border. The use of slim steel posts with the net means is considered sympathetic to the existing site and surrounding area, taking account of similar structures within the wider Cherryvale site. Weight must also be afforded to permitted development rights for means of enclosure under the Planning (General Permitted Development) Order 2015 under Part 3 Minor Operations which allows for the erection of a means of enclosure up to 2m in height where not adjacent to a public road. Public views of the ballstop and spectator fencing would

largely be limited to near distance views from the Ravenhill Road frontage of the park. It is considered that existing trees and vegetation around the site periphery would also filter views of the structures and on balance, the proposal would not result in unacceptable detrimental visual impacts and accordingly would not adversely impact on the draft LLPA as designated in both version of dBMAP.

#### **Other Considerations**

7.4 Belfast City Council Trees Department was consulted and requested additional information which has been sought from the applicant. Subject to adequate information regarding protection measures, Root Protection Zones, and compaction avoidance measures being submitted, they have no concerns with the proposal. Notwithstanding this information request, these matters are technical in nature and can be secured through an appropriate condition to ensure retained trees are protected. The proposal would not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. No trees will be felled and there will be no loss of open space in accordance with policy OS1 of PPS8. The proposal also satisfies Policy OS4 of PPS8 relating the intensive sports facilities. Appropriate conditions are necessary to ensure the protection of existing trees and vegetation.

#### **Representations**

7.5 The points below have been raised in objections and are considered as follows:

- Old maps used, demonstrating inaccuracy

*Case Officer Response: An amended and updated site location plan has been submitted which now follows the fencing path surrounding the pitch. This ensures that room is left for the trim trail and no trees will be impacted by the development. It also now includes additional connections to the trim trail/paths surrounding the pitch.*

- Fencing removing access to open space for residents

*Case Officer Response: The 2.4m perimeter fencing has now been removed from the proposal meaning public and community access will be retained. The 1.1m spectator fencing will remain with its purpose relating directly to the use of the sports pitch. This issue is further considered above*

- Dog Fouling

*Case Officer Response: This is not a material planning consideration and the Council are unable to withhold permission on this basis. This is a site management issue for BCC Parks Department.*

- No Public Consultation

*Case Officer Response: The application under consideration is a local scale application therefore is not a requirement from planning legislation for a community consultation event to take place. The application has been advertised in a local newspaper and all relevant neighbours notified through a neighbour notification letter in accordance with requirements of the legislation.*

- Aesthetically unsightly

*Case Officer Response: The proposal of ballstop fencing and spectator fencing is in keeping with the existing use of the site of a sports pitch. The spectator fencing is 1.1m in height therefore will not appear dominant or intrusive to the area. The*

	<p><i>ballstop fencing is also considered acceptable and will have limited views from outside of the site due to the existing trees and vegetation. This is further considered above.</i></p> <ul style="list-style-type: none"> <li>• Impact on trees</li> </ul> <p><i>Case Officer Response: Belfast City Council Trees department was consulted on the application and have no objections to the proposal following the submission of additional information. There will be no felling of trees as set out in the above assessment.</i></p> <ul style="list-style-type: none"> <li>• Blocking of Trim trail path</li> </ul> <p><i>Case Officer Response: Following amendments, the trim trail path will remain in place with improved connectivity. The asphalt path is now on the eastern side of the pitch, extended to meet trim trail at north and south.</i></p> <ul style="list-style-type: none"> <li>• Parking and traffic movements</li> </ul> <p><i>Case Officer Response: It is considered that the proposal will not create any additional traffic within Cherryvale Playing fields.</i></p>
<p><b>8.0</b></p>	<p>Having regard to the Development Plan and other material considerations, the proposal is considered acceptable and approval is recommended subject to conditions outlined below. Delegated authority to the Director of Planning and Building Control is sought to:</p> <ol style="list-style-type: none"> <li>1. Consider and resolve where appropriate, any further representations received following readvertisement and re-notification of neighbours and objectors of a correction of the description of the proposal;</li> <li>2. Resolve any matters arising from the outstanding consultation response from Environmental Health if this is not received prior to Committee.</li> </ol>
<p><b>9.0</b></p>	<p><b>Summary of Recommendation: Approve subject to conditions</b></p>
<p><b>10.0</b></p>	<p>Conditions (delegated Authority to finalise conditions to the Director of Planning and Building Control requested):</p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</li> </ol> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> <li>2. Materials for the development hereby permitted shall be constructed in accordance with the approved plans.</li> </ol> <p>Reason: In the interests of the character and appearance of the area.</p> <ol style="list-style-type: none"> <li>3. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).</li> </ol> <p>(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species</p>

and shall be planted before the expiration of the next available planting season to the satisfaction in writing by the Local Planning Authority.

No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

4. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the any part of the development hereby permitted becoming operational. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. Prior to any part of the development hereby permitted becoming operational, a verification report demonstrating that all perimeter and ball stop fencing has been installed, including all noise mitigation measures, in accordance with the approved details. All perimeter and ball-stop fencing shall be permanently retained in accordance with these details thereafter.

REASON: In the interests of safety and amenity.

**Informatives:**

1. This decision notice relates to the following approved drawing numbers: 01a, 02a, 03, 04, 05