

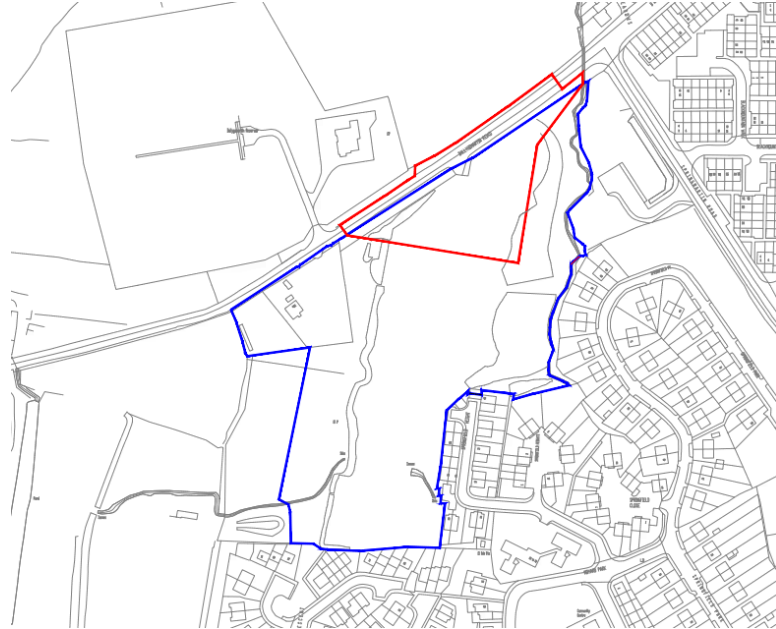
Development Management Report Committee Application

Summary	
Committee Meeting Date: 17th October 2023	
Application ID: LA04/2023/2338/F	
<p>Proposal: Full application for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long term sustainability of the adjacent building.</p>	<p>Location: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast BT13 3QZ Ballymurphy Belfast Antrim BT13 3QZ</p>
<p>Referral Route: Through 3.8.25 of the scheme of delegation, part C, those made by the Council. Funding for this project from Belfast City Council.</p>	
<p>Recommendation: Approval</p>	
<p>Applicant Name and Address: Black Mountain Shared Space - Forthriver Business Park 385 Springfield Road Belfast BT12 7DG</p>	<p>Agent Name and Address: Michael Montgomery 478 Castlereagh Rd Belfast BT5 6BQ</p>
<p>Executive Summary: This application seeks full planning permission for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long-term sustainability of the adjacent building.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of offices at this location • Scale, height, massing, design and layout • Community Cohesion and Good Relations • Climate Change • Drainage and flooding • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. • Natural Heritage <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided they are not substantive.</p>	

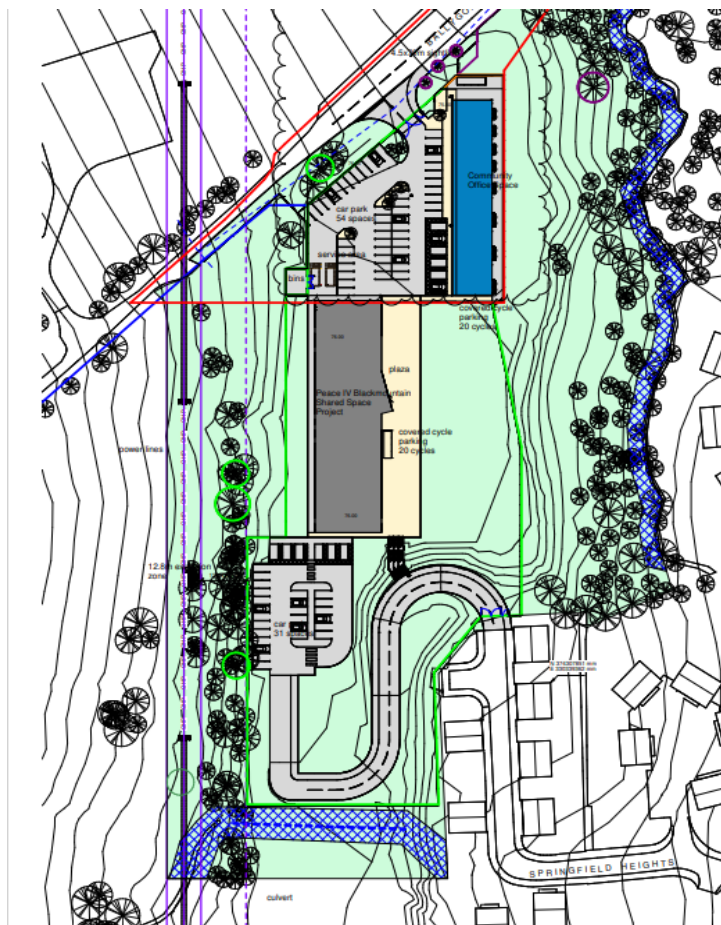
Officer Report

1.0 Drawings

1.1 Fig 1. Site Location Plan



1.2 Fig.2 Proposed Site Layout



2.0	Characteristics of the Site and Area
2.1	The application site is located on the site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park. It is adjacent to an approved two storey multi-purpose shared space building (LA04/2022/0853/F). There is housing to the south-east of the site.
2.2	The site is currently enclosed by high fencing, and vegetation and is not visible from the main Ballygomartin road. The site was occupied by the former Finlay's Packaging Factory. The factory was demolished in the early 2000s but the remains of the factory's concrete sub-floor can be seen on site.
2.3	The Ballymurphy River, otherwise known as the Springfield Park Stream, emerges from a culvert below Ballygomartin Road, to flow down the eastern side of the site to a culvert at the edge of Springfield Heights.
3.0	Description of Proposal
3.1	Planning permission is sought for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long-term sustainability of the adjacent building.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	Relevant Planning History
4.6	<i>Application Number: LA04/2016/1354/PAN Decision: Proposal of Application Notice Requires More Consultation Decision Date: 06 July 2016</i> <i>Proposal: Shared space building comprising sports hall, business units, café, upcycle centre, dance studio, drama studio, offices, meeting rooms and educational facilities; vehicular and pedestrian only accesses; nature trail; car parking; landscaping; and associated site works.</i>
4.7	<i>Application Number: LA04/2016/2207/F Decision: Permission Granted Decision Date: 21 March 2017</i> <i>Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, café, educational facilities and performing arts</i>

4.8	<p><i>space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works.</i></p> <p><i>Application Number: LA04/2021/2173/PAN Decision: PAN Concluded Decision Date: 21 October 2021</i></p> <p><i>Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works.</i></p>
4.9	<p><i>Application Number: LA04/2022/0853/F Decision: Permission Granted Decision Date: 30 September 2022</i></p> <p><i>Proposal: Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens, multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.</i></p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultations</p> <p>Dfl Roads – Content subject to conditions</p> <p>Dfl Rivers – Content</p> <p>NI Water – Recommended refusal</p> <p>DAERA NIEA – Content subject to conditions</p> <p>Shared Environmental Services (SES)- Content subject to conditions</p>
5.2	<p>Non-Statutory Consultations</p> <p>BCC Environmental Health – Content subject to conditions</p> <p>BCC Plans & Policy team – Advice.</p> <p>Senior Urban Design Officer- Advice.</p>
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p>
5.4	<p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1</p>
5.5	<p>The objection raises issues regarding the potential increase in vehicle traffic around Springfield Park and Springfield Heights. This matter will be addressed within the Planning Assessment at part 6.29 ‘Traffic, movement and parking’</p>
6.0	PLANNING ASSESSMENT
	Development Plan Context

6.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
	<p>Relevant Planning Policies</p>
6.6	<p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Strategic Policies</i> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SP8 – green and blue infrastructure network</p> <p><i>Spatial Development Strategy</i> Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i> Policy DES1 – Principles of Urban Design Policy CGR1- Community cohesion and good relations Policy C11- Community Infrastructure</p> <p><i>Creating a Vibrant Economy</i> Policy EC6- Office development Policy RET2- Out of centre development</p>

	<p><i>Transport</i> Policy TRAN1 – Active travel – walking and cycling Policy TRAN 2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i> Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adapting to Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable Drainage Systems (SuDS)</p> <p><i>Promoting a Green and Active Place</i> Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape Policy NH1- Protection of natural heritage resources</p> <p>6.7 <u>Supplementary Planning Guidance</u> Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development</p> <p>Key Issues</p> <p>6.8 The key issues are:</p> <ul style="list-style-type: none"> • Principle of offices at this location • Scale, height, massing, design, and layout • Community Cohesion and Good Relations • Climate Change • Drainage and flooding • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. • Natural Heritage <p>6.9 <u>Additional Information</u> Officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p> <p>6.10 The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
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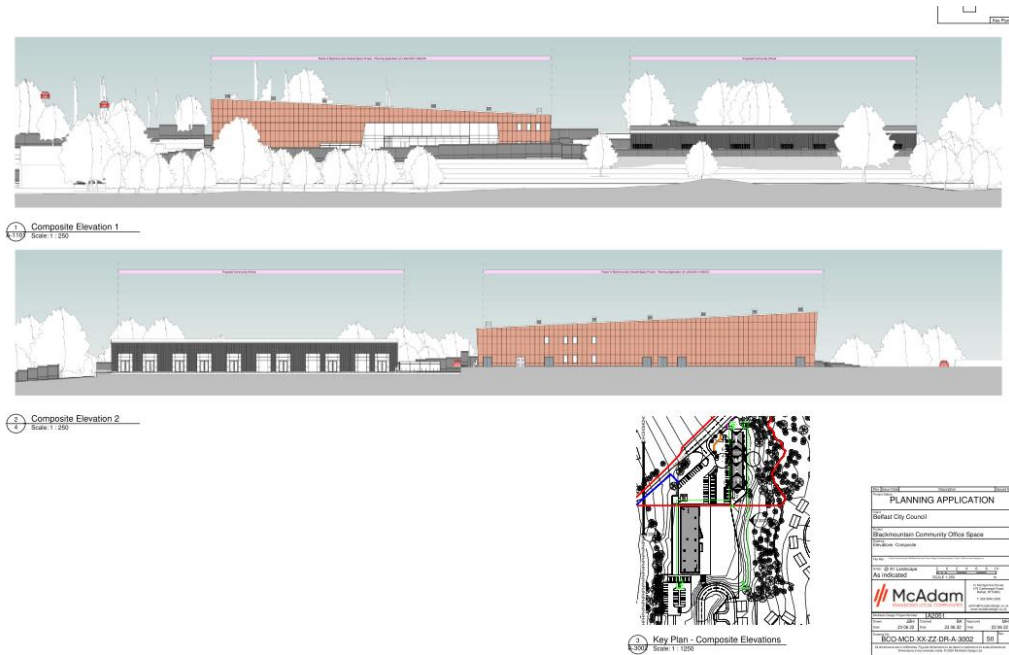
	<p>Principle of development</p>
6.11	<p>The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The proposal site is identified as whiteland within BUAP 2001 and whiteland within both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The last use of the site was a factory and there is planning permission for a two storey multi-purpose shared space building (LA04/2022/0853/F). The presumption is therefore in favour of development subject to planning considerations detailed below.</p>
6.12	<p>The Black Mountain Shared Space development was separated into two phases due to funding constraints. PEACE IV funding was sourced for Phase 1, whilst phase 2 was temporarily shelved until funding became available. Phase 1 has been secured under ref: LA04/2022/0853/F.</p>
6.13	<p>The buildings within Phase 1 and Phase 2 are to operate together. Black Mountain Shared Space (BMSSP) will operate out of the Peace IV Black Mountain Shared Space Project developed under Phase 1 (LA04/2022/0853/F) and the intention is they will use Phase 2 (LA04/2023/2338/F) to provide rental income to facilitate the long-term sustainability of the adjacent building. The proximity of the 2No. developments on the same site has been planned to allow BMSSP ease of daily operations and managing tenants.</p>
6.14	<p>The proposed offices fall under the definition of main town centre uses, therefore given their out of centre location consideration of the sequential test is required. The offices will be Class B1 of the Planning (Use Classes) Order (Northern Ireland) 2015 and the floorspace proposed totals 557sqm and comprises 8 units, 3 approximately 80sqm, 1 approximately 53sqm, with the remaining 3 approximately 40sqm. Given the project history and the intention that both buildings will operate cohesively through their proximity there is no alternative site which can be considered to deliver this. Likewise, the approved Business Case and funding are based on both phases being located on the same site for end users/tenants to go between facilities. If alternative sites were proposed the scheme could be subject to losing its funding. The applicant has clearly demonstrated that there are no further alternative sites that would allow Phase 2 to proceed regarding funding and Phase 1 and 2 to function as intended.</p>
6.15	<p>Therefore, on balance, it is considered that the proposal is appropriate and compliant with Policy EC6 (office development) and Policy RET2 in that there is not a sequentially preferable site, in or on the edge of centres due to the unique relationship between Phase 1 and 2 which is demonstrated above. It is necessary to restrict to this use by way of a condition, ensuring that the offices will be retained in B1 use and in conjunction with the BMSSP to ensure compliance with the policy.</p>
6.16	<p>Community Cohesion and Good Relations</p> <p>Policy CGR1 states that planning permission will be granted for development proposals at interface locations, in close proximity to peace infrastructure, or which are judged to impact upon contested community space where criteria a-e are addressed. The proposal is part of a wider shared space project. It is a significant project involving the building of a structure close to an interface area, where the former peace walls were removed. The Black Mountain Shared Space project, which this proposal is to provide additional funding for, aims to facilitate and encourage robust community consultation, relationship building, and attitudinal change for the reduction, removal, and declassification of interface barriers. The proposal is considered to meet the key principles a, d, and e within Policy CRG1 through engagement by the Council and relevant stakeholders in the project, the projection location and layout of the proposal. Criteria b and c are not considered relevant to the proposal due to the nature and location of the site.</p>

6.17 The proposal is also compliant to Policy CI1 in that the proposal provides development opportunities for the community and educational facilities based on the local need in line with the projected population over the plan period.

Scale, height, massing, design and layout

6.18 The proposed office building is finished in dark grey cladding to contrast against the approved Peace IV Black Mountain Shared Space building which has a copper effect finish.

Figure 3



6.19 Figure 3 above demonstrates visually how the two phases are linked. The choice of materials are considered to be sympathetic yet contrasting to differentiate between the two uses. The choice of materials for the office buildings integrates sympathetically with the backdrop of hills and trees. The proposal would not have an adverse impact on adjacent properties given restrict views from public viewpoints.

6.20 It is noted that the landscaping for the whole site is included under Phase 1 which is more extensive than the detail noted under the phase 2 application. The full site landscape and planting plans have been provided by the applicant and will be read alongside this application. It is considered that the landscaping proposals are acceptable and there would be no harm to the wider landscape.

6.21 The layout of the site has been designed to provide dual entrances with parking both from Springfield Heights and Ballygomartin Road. The building has been designed to benefit from maximum views of the city.

6.22 A series of 3D images have been provided to support the design of the proposal and the council are content that the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.

Climate change

6.23 Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce

	<p>greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p>
6.24	<p>In line with ENV2 the applicant has demonstrated that the development incorporates measures to mitigate environmental change and reduce greenhouse gases through the following measures:</p> <ol style="list-style-type: none"> 1. Building design and energy efficiency 2. Transport and Access 3. Water Efficiency 4. Materials Selection and Substitution 5. Thermal energy modelling to ensure the building does not overheat.
6.25	<p>In line with ENV3 the applicant has demonstrated that the development incorporates measures to adapt t environmental change through the following measures:</p> <ol style="list-style-type: none"> 1. Green Infrastructure 2. Water Sensitive Design 3. Design for Thermal Comfort 4. Resilient construction
6.26	<p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure that soft landscaping within the site introduces SUDS measures to meet ENV3 and comply with ENV 5.</p>
6.27	<p>All existing trees are being retained where possible. Furthermore, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding. There will also be wildlife friendly ground cover, hard wearing rye grass seeded area, species-rich grass seeded areas and proposed wildflower seeded area.</p>
6.28	<p>There will a net gain of 22 trees within both phase 1 and phase 2, the proposal will mitigate and adapt to climate change and complies with Policy TRE1.</p>
6.29	<p><u>Access, movement, and parking</u></p> <p>The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ol style="list-style-type: none"> a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.30	<p>The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site. It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.</p>
6.31	<p>Dfl Roads were consulted and is satisfied that access and parking arrangements are acceptable and is unlikely to have a significant impact on the local road network in terms</p>

	<p>of traffic and road safety. A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.</p> <p><u>Drainage</u></p>
6.32	<p>At the time of writing, a consultation response from DFI Rivers in relation to flooding and drainage issues remains outstanding. It is not anticipated that any related issues would preclude the development of the site for the proposal.</p>
6.33	<p>Delegated authority is therefore requested to the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DFI Rivers in the event this is not received prior to Committee.</p>
	<p><u>Waste-water infrastructure</u></p>
6.34	<p>NI Water has offered no objection to the proposal; therefore, it is acceptable in regard to Policy SP1A of the Plan Strategy.</p>
6.35	<p>DAERA has been consulted and the Water Management Unit and Regulation Unit and have no concerns with the proposal. In this regard, the proposal is considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035, and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.</p>
6.36	<p><u>Noise, odour and other environmental impacts including Contamination</u></p> <p>The proposed site has been assessed by Environmental Health and in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. DAERA NIEA were also consulted with regards to contaminated land. Both offer no objection and have provided conditions and informatives accordingly.</p> <p>The proposal is therefore considered acceptable regarding all matters listed above.</p> <p><u>Natural Heritage</u></p>
6.37	<p>The proposal has been assessed against Policy NH1, the protection of natural heritage resources. In assessing the proposal, the council seeks to ensure that new development will not have an unacceptable effect, either directly, indirectly, or cumulatively, on sites, habitats, species, or ecosystems and networks that are important for their nature conservation, biodiversity, or geodiversity value.</p>
6.38	<p>DAERA Natural Environment Division (NED) requested that a Biodiversity Checklist is submitted with a potential for a Preliminary Ecological Appraisal to assess the impacts to natural heritage features within the site. The Council has taken into account the first phase of the proposal approved under reference LA04/2022/0853/F, which included a Bat Use and Bat Roost Potential Survey and an Invasive Species Management Plan which both took into account the entirety of both phase 1 and phase 2 (application site). Considering this information and the consultation response from NED, the Council consider this information relevant from the 2022 application as the surveys consider this application site with regards to natural heritage issues.</p>
6.39	<p>Based on this information, the Council are satisfied there will be no adverse impacts on protected species subject to conditions. This application has to progress due to important time limited funding constraints to ensure this project is completed. To further comply with the policy requirements set out above, this application will be subject to a negative condition</p>

	to ensure an updated Bat Use and Bat Use Potential Survey are submitted before any development is carried out on site to ensure full mitigation of any impacts.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision raised by DfI Rivers, provided they are not substantive.

DRAFT CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No building shall be operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

3. No building shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawing, prior to the operation 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 area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted becomes operational and such splays shall be retained and kept clear thereafter.

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

6. No development shall commence until the applicant has submitted for agreement an environmental monitoring plan to include downstream surface water and downgradient groundwater monitoring points. The monitoring shall specify:

- The monitoring locations and schedule for monitoring prior, during and post development,
- The parameters and contaminants to be monitored, including the limits of detection for laboratory analyses.

If impacts are detected the provisions of conditions 7 and 8 will require additional risk assessment and if necessary a remedial strategy in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The results of the monitoring must be provided to discharge Conditions 7 and 8 of the decision notice.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed to and approved by the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed to and approved by the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on 'Piling Penetrative Ground Improvement methods on Land Affected by Contamination: Guidance on Pollution Prevention' has been submitted in writing and agreed to and approved by the Planning Authority. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK report entitled- Black Mountain Shared Space Project Remedial Strategy Phase 2: Black Mountain Shared Space Project Site of Former Finlay Factory, Ballygomartin Road, Belfast 604756 – R2 (00). Dated the 28th of September 2023.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

11. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for a commercial end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment

Agency and CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that:

- a) The gas protection measures as per BS 8485:2015+A1:2019 include:
A structural barrier e.g., Cast in situ monolithic reinforced ground bearing raft with minimal penetrations or a segmented, preformed, suspended concrete floor. A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019. Ventilation protection e.g., a passive sub floor dispersal layer which provides at least good performance. Gas protection measures must be verified in line with the requirements of CIRIA C735.
- b) The final site layout is as per the final ground floor plan in the figures section of the above report. (McAdam drawings BCO-MCD-XX S0 29/05/2023 P-XX-DR-A-1001 and BCO-MCD-XX-00-DR-A-2001) confirming areas of hard standing have been installed.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health

12. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted and agreed in writing with the council. The landscape management plan shall detail all soft landscaping including species, size and type, and include details of appropriate Sustainable Urban Drainage (SUDs) measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall be provided prior to the occupation of any part of the development hereby permitted and thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

13. All hard and/or 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 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 Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

14. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for office space associated with the Black Mountain Shared Space Project and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Local Development Plan and relevant material considerations, and to safeguard the vitality and viability of the City Centre and other Centres within the catchment.

15. No office unit hereby approved shall be subdivided or otherwise modified or amalgamated to create fewer units without the prior consent of the Council in writing.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location.

16. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall Natural Heritage & Conservation Areas be implemented in accordance with the approved details, and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a. Construction methodology and timings of works,
- b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Water Quality Monitoring Plan;
- e. Environmental Emergency Plan;
- f. Details of appropriate mitigation measures to protect protected and priority species.

Reason: To protect Northern Ireland priority species and habitats, to ensure implementation of mitigation measures identified within the Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.

17. No development activity shall take place until a final Landscape Management Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a. The retention of mature trees and Lowland Meadow NIPH on site;
- b. Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- c. Details of appropriate management measures to be implemented for the Lowland Meadow priority habitat (identified as Compartment 9 in the PEA);
- d. Planting Schedule to include appropriate numbers of native species of trees/shrub and wildflower species;
- e. Details of the aftercare of all planting on the site.

Reason: to compensate for the removal of trees/shrubs/hedgerows and to minimise the impact of the proposal on the biodiversity of the site.

18. No development activity, including ground preparation or vegetation clearance, shall commence until a final Invasive Species Management Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise approved in writing by the Planning Authority. The Plan shall include the following:

- a. Updated survey for invasive species to identify all locations on site where they occur;
- b. Details of the removal/eradication and/or treatment of identified invasive species;
- c. Details of any necessary mitigation measures to be implemented during the construction phase or thereafter to prevent the spread of invasive species;
- d. Details of any follow-up management or monitoring of invasive species on the site.

Reason: To prevent the spread of invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and to minimise the impact of the proposal on the biodiversity of the site.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 02B, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15B, 16, 17, 18A, 19 and 20.
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX**Date Valid**

15/12/2022

Date First Advertised

03/02/2023

Date Last Advertised

03/02/2023

Details of Neighbour Notification (all addresses)

There were 20 neighbour notifications