

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th June 2015	Item Number:
Application ID: Z/2014/0077/F	Target Date:
Proposal: 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.	Location: Glassmullin Gardens/Slieveban Drive Belfast BT11
Referral Route: Application on Council owned land.	
Recommendation:	Approval
Applicant Name and Address: De La Salle College	Agent Name and Address: Gregory Architects 4 Crescent Gardens Belfast BT7 1NS
<p>Executive Summary: This application seeks full planning permission the erection of a new sports 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.</p> <p>The Development Plan identifies the site as an Area of Existing Open Space.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> ● principle of development ● effect on residential amenity, including noise, nuisance, disturbance, and floodlighting ● road safety ● flooding <p>The proposal was assessed against Planning Policy Statement 1: General Principles; Planning Policy Statement 2: Natural Heritage; Planning Policy Statement 3: Parking, Access and Movement and Planning Policy Statement 8: Open Space, Sport and Recreation; and Planning Policy Statement 15: planning and Flood Risk. The proposal complies with these policies.</p> <p>Environmental Protection Unit does not consider the floodlighting will have any adverse impact on residential amenity. Rivers Agency following the submission of a Drainage Assessment stated no objections to the development. Transport NI has no objection to the proposal from a road safety point of view. Private Streets Determination drawings have been submitted and approved by Transport NI also. NIEA Natural Heritage confirmed there is no risk to any natural heritage assets.</p> <p>There were almost 1000 representations received with over 600 objections and almost 400 representations of support. The most common points raised were loss of existing open space,</p>	

road safety, traffic, and effect of floodlighting.

The original submission was considered unacceptable on a number of points. Transport NI and BCC Environmental Protection Unit both requested additional details to address concerns. A Transport Assessment Form; Private Streets Determination drawings; Extinguishment Plan as well as amendments to the plans were submitted and considered acceptable by Transport NI. Floodlighting details were amended and a Floodlighting Assessment was submitted no longer showing an unacceptable impact on the amenities of people living nearby.

The proposal will not result in a loss of open space to a competing land use but will instead have a multiple function as described within Annex A of PPS 8.

All consultees offered no objections in principle to the amended proposal, and suggested conditions and informatives should approval be granted.

The proposal is recommended for Approval subject to conditions including limitation on the hours of use of floodlighting.

Signature:

Characteristics of the Site and Area

1. Description of Proposed Development

The application seeks permission for a new pavilion, 3G all weather pitch with perimeter and spectator fencing, ball catch nets, floodlighting and improvements to pedestrian and vehicular access to include a new access, footpath and car parking.

2. Description of Site

The site is identified as an area of existing open space adjacent to Glassmullin Drive, north of Slieveban Drive. The Eastern and Southern boundaries are undefined. The South Eastern boundary displays paladin fencing separating the site from Slieveban Avenue. Paladin fencing also exists to the North East which separates the site from an existing playground. The site is relatively flat in level. The site is located within a mainly residential area with a number of commercial properties to the North of the site

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

No relevant site history exists on the site.

4.0 Policy Framework

- 4.1 Belfast Metropolitan Area Plan 2015
 - 4.1.1 Existing Open Space and Recreation OS/BCC/0131
- 4.2 Planning Policy Statement (PPS) 1: General Principles
 - 4.2.1 Good Design paras. 15-19
- 4.3 Planning Policy Statement (PPS) 2: Natural Heritage
 - 4.3.1 Policy NH 2 - Species Protected by Law
- 4.4 Planning Policy Statement (PPS) 3: Access, Movement and Parking
 - 4.4.1 Policy AMP 2 - Access to Public Roads
- 4.5 Planning Policy Statement (PPS) 8: Open Space, Sport and Recreation
 - 4.5.1 Policy OS 1 – Protection of Open Space
 - 4.5.2 Policy OS 4 - Intensive Sports Facilities
 - 4.5.3 Policy OS 7 - The Floodlighting of Sports and Outdoor Recreational Facilities
- 4.6 Planning Policy Statement (PPS) 15: Planning and Flood Risk
 - 4.6.1 Policy FLD 1: Development in Fluvial (River) and Coastal Flood Plains

5.0 Statutory Consultee Responses

- 5.1 DARD - Rivers Agency - No objection
- 5.2 DoE - NIEA - Natural Heritage - No objection
- 5.3 DoE - NIEA - Waste Management - No objection subject to conditions
- 5.4 NI Water - No objection
- 5.5 DRD - Transport NI - No objection subject to conditions

6.0 Non - Statutory Consultee Responses

- 6.1 BCC Environmental Health Protection Unit (EPU) - No objection subject to conditions

7.0 Representations

- 7.1 The application has been neighbour notified and advertised in the local press. There were almost 1000 representations received with over 600 objections and just

under 400 representations of support.

8.0 Other Material Considerations

8.1 Development Control Advice Note (DCAN) 15 – Vehicular access Standards

8.1.2 Paras 4.1 and 4.2

8.2 Parking Standards

9.0 Assessment

9.1 The Development Plan identifies the site as an area of Existing Open Space. The proposed development will create a new 3G all weather pitch with 2 proposed 10m high ball catch nets at either end. The proposed single storey sports pavilion is to the North East of the site adjacent to proposed car parking and a new access. The pitch will be defined by proposed 2.4m high steel paladin fencing and there are eight proposed 18m high flood lighting columns, four positioned on either side of the pitch. The proposal complies with the Development Plan.

9.2 The key issues are:

- principle of development
- effect on residential amenity
- road safety
- flooding

9.2 The issues raised through objections were as follows:

- increased traffic/parking
- invasive lights/light pollution
- anti social behaviour
- other vacant Belfast City Council facilities
- drainage issues
- not a competitive/championship sized pitch so who is this for?
- support letters do not reference the address
- noise pollution
- effect on wildlife
- devalue price of homes
- loss of open green space
- artificial turf pitches have possible links to cancer
- restrictions in NIHE's lease to BCC
- concern for health and wellbeing of the community
- lack of space for children to play
- may affect sleep of those on shift work/children
- too close to children's playpark
- no clear overriding community benefit
- the reduction of green space in West Belfast
- there will be a monetary charge to use it
- Loss of view
- Increase in litter

9.3 PPS 2 - NH 2

An Environmental Impact Assessment was carried out on the proposal given that it fell within category 10(B) of the Planning EIA Regulations (NI) 2012 and the site was greater than 0.5 hectares. However it was considered that the environmental impacts would not be so significant as to warrant an Environmental Statement. NIEA were consulted however regarding any potential impact the proposal could cause on any natural heritage on or surrounding the site. They stated that the site has low biodiversity

value. The proposal has been considered against Policy NH 2 of PPS2 and is acceptable.

9.4 PPS 3 - AMP 2

A new vehicular access is proposed to the North East of the site which Transport NI consider acceptable. An increase in traffic and effect on road safety around the site is a concern of many objectors. The original submission was considered unacceptable and a number of amendments were requested as well as a Transport Assessment Form; Private Streets Determination (PSD); Parking Statement and Extinguishment Plan. Transport NI was unwilling to adopt the first area of parking spaces or the footway to the north of this off Slievegallion Drive. Transport NI approved the submitted PSD and stated no objections subject to conditions and informatives. The proposal will not prejudice road safety or inconvenience the flow of traffic in their opinion. Therefore the proposal is acceptable when assessed against Policy AMP 2, Parking Standards and DCAN 15.

9.5 PPS 8 - OS 1

OS 1 of PPS 8 states there is a general presumption against the loss of open space to competing land uses. The loss of existing open space is a concern of many individuals opposed to the development. Annex A of same PPS defines 'open space' and a range of uses that are of public value and offer important opportunities for sport and outdoor recreation. The existing use of the site falls within A2 (iii) as amenity green space, a communal green space within housing. The proposed use falls within A2 (ii) outdoor sports facilities which includes sports pitches or school playing fields of natural or artificial surface. Although De La Salle School is the applicant the sports facilities are not exclusively for educational use, however it will have exclusivity during school hours (8:30 – 4:30 Monday – Friday). The School are seeking to establish a Management Committee for the facility to include members of Belfast City Council and Community Representatives in order to set appropriate price points as stated by the Agent in letter dated 09/02/15. All revenue generated by the facility is to cover operating costs, including upkeep and maintenance. The purpose of the proposed floodlighting is to allow for the pitch to be made available for wider public/community use. It is considered that the proposed development will not result in a loss of existing open space but will fulfil a strategic function catering for recreational need in the area and promote health and well being. This has been echoed in representations of support from members of the community, employees of the school and pupils of the school.

9.6 PPS 8 - OS 4

The proposed changing pavilion displays a pitched roof of 5m from ground level to the highest point, and measures 24m in length, by 7.8m in width. It displays a front projection measuring 8m by 10m. The proposed external materials, aluminium insulated roofing, and render with accents of natural slate, are considered acceptable for the area. The proposed pavilion building is sited adjacent to dwellings currently under construction, and will be integrated into existing development. There are no issues of overshadowing or overlooking on residential amenity. Car parking is proposed to the side of the pitch. The development includes landscaping with a pedestrian pathway and native species of trees to provide visual integration. There will be no unacceptable impact on features of importance to nature conservation, archaeology or built heritage. Light pollution and noise pollution were concerns raised by a number of objectors. BCC EPU was consulted and has no objection in relation to noise or light pollution. The issue of light pollution is further considered at para 9.7. It is considered that the proposal will have no unacceptable impact on the amenities of people living nearby by reason of noise and disturbance.

9.7. PPS 8 - OS 7 – Impact on the amenities of people living nearby

The proposal includes eight 18m high flood lighting columns, four positioned on either side of the pitch. A Floodlighting Assessment carried out on the original submission of six 16m high flood lighting columns showed the angle of illumination required to achieve the necessary pitch illumination levels would result in light overspill, causing an unacceptable impact on the amenities of people living nearby. Following the submission of the amended proposed floodlighting including the aiming positions and lighting overspill EPU (the relevant authority to comment on effects of floodlighting on residential amenity) stated no objections (subject to two appropriate conditions). One condition is to ensure light pollution and glare is kept to a minimum and one to limit the hours floodlighting will be in use. This addresses a common concern throughout many of the objection letters received.

9.8 PPS 8 - OS 7 – Impact on visual amenity or character of the locality

The proposed floodlighting columns will have no greater impact visually than a street lighting column. It is considered that the proposed floodlighting shall not have an unacceptable impact on visual amenity or character of the area given the surrounding urban context.

9.9 OS 7 – Public Safety

Transport NI stated no objection to the proposed floodlighting subject to one condition. The proposed floodlighting will not impact on public safety.

9.8 FLD 1

Rivers Agency having reviewed the Drainage Assessment cannot sustain a reason to object to the proposed development from drainage or flood risk. The proposal is considered an exception under FLD 1 of PPS15 since the site is in an area which does not benefit from flood protection but the proposed use of the land is for sport and recreation.

9.9 Conclusion

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.

Neighbour Notification Checked

Yes

Recommendation: Approval with conditions and informatives

Conditions

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Prior to first use the floodlighting shall be provided as per drawing referenced LS21438/1 of the submitted Aecom report (referenced Job No 600mgt14.07.04, Reference P1, 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.

3. 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.

4. The lighting installation shall not commence until it has been verified to comply with the document "CIE 150:2003: Guide on the limitation of the effects of obtrusive lighting from outdoor lighting installations" 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.

5. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No SK19 Rev 3 bearing the date stamp 3/12/14, 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.

6. The development shall not become operational until hard surfaced areas have been provided for parking in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

7. The development shall not become operational until provision has been made for cycle parking in accordance with the approved plan. 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.

8. The development shall not become operational until provision has been made to the satisfaction of Transport NI, for a footway in accordance with Drg SK19 Rev 3.

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

9. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary as per drawing reference SK 19 rev 3. 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.

10. 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 date stamp 10/12/14.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of

the Private Streets (Northern Ireland) Order 1980.

11. 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.

Informatives

1. No construction to be made, trees planted or other obstruction made within 3m (or 1.5 times the depth whichever is greater) of sewers, or 4m (or 1.5m times the depth whichever is greater) of watermains. A diversion may be necessary. Consultation with NI Water is required at an early design stage.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department of Regional Development to make the roads and sewers in accordance with the Private Streets Construction Regulations.

3. Separate approval must be received from Transport NI in respect of detailed standards required for the construction of streets in accordance with the Private Streets Construction Regulation.

4. Notwithstanding the terms and conditions of Belfast City Council's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Transport NI Section Engineer whose address is Belfast South Section Office, 1A Airport Road, Belfast BT3 9DY. A monetary deposit will be required to cover works on the public road

5. As a public water supply is available within 20m the site, consultation with NIW is required to determine how your proposals can be served. Application to NIW is required to obtain approval to connect.

6. As a foul sewer is available within 20m of the site, consultation with NIW is required to determine how your proposal can be served.

7. Although it has been determined above if NIW infrastructure is within 20m of this proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to determine how this proposal may be served.

8. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.