# Development Management Officer Report Committee Application

Summary			
Committee Meeting Date: 17 November 2015	Item Number:		
<b>Application ID:</b> Z/2011/0726/O			
<b>Proposal:</b> Proposed site for residential development, new access and ancillary site works.	<b>Location:</b> Lands northwest of 1-8 Springfield Heights and north of Moyard Crescent Belfast BT13		
Referral Route: Major Application (> 50 Residential Units)			
Recommendation:	Approval		
Applicant Name and Address: First Trust	Agent Name and Address: Turley Associates Hamilton House Joy Street Belfast BT2 8LE		
<b>Executive Summary:</b> The proposal is for an Outline Planning Applicat indicate approx 63 dwellings and 11 apartments.	ion for residential development; the drawings		
The application was presented as an Approval to the Belfast City Council Town Planning Committee on 4 <sup>th</sup> April 2013 and was subsequently deferred. See full detailed planning report on the Planning Portal under application reference Z/2011/0726/O.			
<ul> <li>The main issues to be considered are:</li> <li>1. The principle of residential development at this location.</li> <li>2. The acceptability of the proposed illustrative scheme</li> <li>3. The impact of the proposal on future and current residents.</li> </ul>			
Two local elected members have made written representations to the Planning Service and 214 objections have been received from local residents.			
A previous full approval was granted on the site for 60 residential units in December 2005. The principle of residential development has therefore already been established on the site and there has been no significant change to or significant additional material considerations in the intervening period that would outweigh this.			
Consultees have offered no objections subject to conditions.			
The proposal is considered to comply with the development plan and all prevailing planning policy and given the planning history on the site it is recommended for Outline Planning Approva subject to conditions as set out below.			
Case Officer Report			
Site Location Plan			



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		Response	
NI Transport - Hydebank		No Objections subject to Conditions	
NI Water - Multi Units East - Planning Consultations		No Objections subject to Conditions	
Env Health Belfast City Council		No Objections subject to Conditions	
Land and Resource Management		No Objections subject to Conditions	
Natural Heritage		No Objections subject to Conditions	
Rivers Agency		No Objections subject to Conditions	
Letters of Support		None Received	
Letters of Objection		214	
Number of Support Petitions and		No Petitions Received	
Number of Petitions of Objection and signatures		eived	
	nning Cons / Health Bel id and Reso nagement ural Heritag ers Agency and	nning Consultations / Health Belfast City Council ad and Resource nagement ural Heritage ers Agency None Received 214 and No Petitions Rece	

## Summary of Issues

The principle of residential development at this location and whether the scale of development proposed can be accommodated on this site.

# **1.0** Description of Proposal and Site

1.1 The proposed site is located on lands adjacent to and immediately to the north east of 1-8 Springfield Heights and north of Moyard Crescent in Belfast. The land is enclosed by walls and high fencing along the northern and southern boundaries. The west and east boundaries are quite open.

1.2 There is a levels difference across the site from west and east. There is a large area in the middle of the site which is completely flat. This part of the site was once used for former Finlay's Packaging Factory. On site the remains of the factory can be seen.

1.3 To the west of this level area the land is mainly used for agricultural purposes and in the north western corner of the site there is a derelict two storey house. The eastern part of the site is guite steep as it runs down towards the boundary with Springfield Park. There are a lot of trees and vegetation in this part of the site.

## Addendum Report

# 2.0 Background

The application was presented to Belfast City Council on 4<sup>th</sup> April 2013, with an opinion to approve. The full report can be viewed on the Planning Portal under the application reference number Z/2011/0726/O.

A deferred office meeting took place on 17<sup>th</sup> April 2013 with the Councillor Corr, Councillor Austin and Liam McStravick of Black Mountain Shared Space Project. This was followed up by a further office meeting on the 3<sup>rd</sup> Oct 2013.

In early 2015 Belfast City Council purchased the site to facilitate the Black Mountain Shared Space Project. Mr G Millar Director of Property and Projects wrote to the applicant's agent in August 2015 informing them of the purchase of the site and of the shared space proposals for the site. It was requested that the application be withdrawn but to date this has not occurred.

In total 214 objections were received from local residents and elected representatives; raising concerns with the proposed housing use on the site.

## 3.0 Further Planning Assessment of Issues Raised at Deferred Meeting.

The main concern raised at the deferred meeting and at subsequent office meetings was the lack of support from the local communities for housing at this site given its interface location; and the impact any approval would have on the Black Mountain Shared Space Project.

No further information was submitted for consideration at the deferred meeting therefore the only other issues to be considered in addition to those addressed in the main case officers report is where there has been a change in policy and this has been set out below.

## 4.0 Additional Policy Considerations

## 4.1 Development Plan - Belfast Metropolitan Area Plan 2015 adopted 9th September 2014

4.1.1 BMAP 2015 was adopted on 9 September 2014. The site lies within the development settlement limits for Belfast City and is not zoned for any particular purpose. It was previously last used as an employment and industry and the use falls to be considered in the context of PPS 4 which was the case in 2013 and is set out in the main case officer report.

4.1.2 Given the site's location within the development limits of Belfast as whiteland it is considered that some form of development is acceptable on this site, providing it complies with other planning policy and guidance.

## 4. 2 Strategic Planning Policy Statement issued September 2015.

4.2.1 The proposal is considered to comply with the SPPS and its Core Planning principles in that proposed development will not cause demonstrable harm and the design is compatible with its surroundings.

## 5.0 Representations and Objections

5.1 Paul Maskey MP and Pat Sheehan MLA made further representations in 2013 post council objecting to the proposal on behalf of local residents.

212 other letters of objection were also received and have been considered in the determination of this application the consideration of which can be seen in the previous case officer reports.

However the main areas of concern raised were;

- 1. The location of the site on an interface and approval would lead to further unrest.
- 2. Loss of a future potential shared space.
- 3. Encroachment of nationalist housing towards the protestant community.
- 4. Issues relating to the access and pressure on existing infrastructure
- 5. Flood Risk and
- 6. Lack of community consultations.

It should be noted that any approval for housing on this site would not prevent the submission of any future application for any other use including any shared space initiative.

#### 6.0. Other Material Considerations

6.1 Planning History - Z/2004/1444/F Residential Development of 60 dwelling units approved on appeal December 2005.

6.2 The Commissioner in his report referred to development in interface locations and to other similarly located approvals stating "To refuse on the basis that the site is in an interface area would mean that all potential development sites in such areas will have development stifled and thereby significant regeneration benefits that can be brought to these locations will be lost."

Neighbour Notification Checked

Yes

#### 7. Summary of Recommendation:

- The planning history has deemed the site suitable for principle of residential development.
- The indicative layout is deemed acceptable subject to conditions.
- The application is considered to comply with the development plan all other material consideration.
- The issues raised by the objectors in terms of the shared space potential of this site do not form part of this planning application.

The proposal complies with the development plan and all other material considerations and on balance considering the planning history on the site is considered acceptable in principle subject to the conditions set out below.

Recommendation: Approval.

#### Conditions:

01 As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

02 The under-mentioned reserved matters shall be as may be approved, in writing by the Council:-

Siting, Design. External Appearance, access and landscaping.

Reason: To enable the Council to consider in detail the proposed development of the site.

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03 As part of any reserved matters application a landscape and planting schedule shall be submitted, showing which trees and hedgerows are to be removed and which are to be retained.

Reason: To enable the Council to consider the impact of the proposal on the biodiversity of the site.

04 As part of any reserved matters application a lighting scheme shall be submitted.

Reason: To enable the Council to consider the impact of the proposal on the biodiversity of the site.

05 Protection measures for retained trees and hedgerows in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council.

Reason: To protect existing, retained trees and minimise the impact of the proposal on biodiversity.

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

Reason: To compensate for the loss of existing trees and minimise the impact of the proposal on the biodiversity of the site.

07 A species list of native rough grass and wildflower species to be planted along with location and area covered.

Reason: To compensate for the loss of semi improved grassland

08 The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors from the made ground and across the site has been submitted. This strategy needs to be informed by appropriate quantitative risk assessments that address the LRM response to planning of 6th July 2012. This strategy must be submitted in writing and agreed with the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them

(including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

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

09 No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. This condition only applies if a piling foundation is being used at the site

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

10 The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under condition 8 have been detailed in an implementation plan and have been implemented to the satisfaction of the Council. Management of all waste materials generated on site need to be demonstrated through a Site Waste Management Plan (see http://www.netregs.gov.uk). The Council must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of health and environmental receptors to ensure the Asinti astis at 1801 4/30.32/O

11 If during the development works, contamination is encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

12 After completing the remediation works under conditions 8, 10 and 11; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

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

13 A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed as generally indicated on Drawing 02b dated by Planning Service 16/4/12.

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

14 Parking shall be in accordance with the requirements of the Council's current design guide (Creating Places).

REASON: To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

15 The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is occupied 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.

16 The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses 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.

17 The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The development shall be in accordance with the requirements of the design guide (Creating Places) and, for the purpose of adopting private streets as public roads, the Council shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

18 All redundant accesses from the site to the public road shall be permaneination of Roads Service.

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.

19 Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report titled: 'Contamination Remediation Strategy' (dated March 2011 and referenced PM10-1111a(i) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Residential with Plant Uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate that:

a. That the site layout is as per the proposed development layout as presented in appendix 1 of the PM10-1111a(i) 'Contamination Remediation Strategy' (March 2011).

b. that the above ground fuel storage tank (and associated pipework) has been decommissioned and removed in line with the Environment Agency Pollution Prevention Guidelines PPG2: Above Ground Oil Storage Tanks.

c. the full extent of the underground structure within the vicinity of TP 1 where asbestos containing materials (chrysotile) were encountered should be further delineated, any suspected asbestos containing materials (ACM) tested for and, where identified, these ACMs should be removed from site as outlined in section 7 of the Pentland Macdonald report (PM10-1111a(i)) Any ACM removal must be undertaken by a licensed asbestos removal contractor under supervision of a suitably qualified asbestos surveyor.

d. that all fuel impacted soils on site are excavated and disposed off-site by an appropriately licensed contractor at an appropriately licensed facility outlined in section 3 of the PM10-1111a(I) 'Contamination Remediation Strategy. This is to include:

(i) excavation and removal of soils from within the area of concern as delineated on figure 1 of the report ensuring the total depth of made ground is removed along with any obviously fuel contaminated soils in the upper horizons of the underlying natural clays;

(ii) recovery of representative validation samples from the base and sides walls of the excavation. Soil analysis must include speciated petroleum hydrocarbons;

(iii) assessment of the validation samples against appropriate assessment criteria;

(iv) all imported fill material must be demonstrably fit for the residential with plant uptake end use.

e. that all private garden areas and communal landscaped areas within the areas of reduced quality made ground as delineated in Figure 6 of the Pentland Macdonald report (PM10-1111a) have been encapsulated in accordance with the schemes outlined in section 4 and section 5 of the report no:PM10-1111a(i) as follows:

(i) For all private gardens the made ground has been excavated to a depth of 1m below final ground levels and encapsulated with a minimum 1m thick capping layer comprising of material demonstrably suitable for the Residential with Plant Uptake end-use. This capping layer is to include a minimum 300mm capillary break layer overlain by a minimum of 700mm of clean subsoil and topsoil.

(ii) For all communal landscaped areas the made ground has been excavated to a depth of 0.5m below final ground levels and encapsulated with a minimum 0.5m thick capping layer comprising of material demonstrably suitable for the Residential with Plant Uptake end-use.

f. that ground gas protection measures have been incorporated into all buildings on the site which include:

• re-enforced concrete cast in-situ floor slab (suspended, non suspended or raft) or a suspended beam and block floor with minimal penetrations by service entry points.

• a proprietary ground gas resistant membrane installed and certified by a specialist contractor under CQA. All service entrance points, joints and penetrations must be identified and demonstrated to be sealed.

• Sub-floor voids with a proven ability to provide a 'Good' classification rating for a passive ventilation system as described in the Partners in Technology (1997) report titled Passive Venting

of Soil Beneath Buildings, Guide for Design and proven using theplipethodD:p4699141603240 BS5925:1991.

Reason: Protection of human health

20 In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

## Representations from elected representatives.

Paul Maskey MP 6.8.2011 and 29.4.2013 (+written submission) Pat Sheehan MLA 29.4.2015 (+written submission) Deferred Meeting attended by Councillor Corr and Councillor Austin 17.4.2015 Gearldine McAteer oon behalf of West Belfast partnership 12.08.2011 Cllr Steven Corr on behalf of Black Mountain Shared Space project (BMSSP) 29.7.2011

ANNEX		
Date Valid	3rd June 2011	
Date First Advertised	24th June 2011	
Date Last Advertised		
Details of Neighbour Notification (all at 1 Springfield Heights, Ballymurphy, Belfast 10 Springfield Park Ballymurphy Belfast 101 Springfield Park Ballymurphy Belfast 101 Springfield Park Ballymurphy Belfast 11 Springfield Park Ballymurphy Belfast 11 Springfield Park Ballymurphy Belfast 12 Moyard Parade Ballymurphy Belfast 12 Springfield Heights Ballymurphy Belfast 13 Springfield Heights Ballymurphy Belfast 13 Springfield Heights Ballymurphy Belfast 13 Springfield Park Ballymurphy Belfast 13 Springfield Park Ballymurphy Belfast 13 Springfield Park Ballymurphy Belfast 13 Springfield Park Ballymurphy Belfast 15 Springfield Park Ballymurphy Belfast 15 Springfield Park Ballymurphy Belfast 16 Black Mountain Walk,Ballymurphy,Belfast 16 Springfield Heights, Belfast, BT13 3Q2 16 Springfield Heights, Belfast, BT13 3Q2 16 Springfield Heights, Belfast, BT13 3Q2 17 Springfield Heights, Belfast, BT13 3Q2 18 Springfield Heights, Belfast, BT13 3Q2 18 Springfield Heights, Belfast, BT13 3Q2 20 Springfield Heights, Belfast, BT13 3Q2 21 Springfield Heights, Belfast, BT13 3Q2 21 Springfield Heights, Belfast, BT13 3Q2 21 Springfield Park Ballymurphy Belfast 22 Springfield Heights, Belfast, BT13 3Q2 23 Springfield Park Ballymurphy Belfast 24 Springfield Park Ballymurphy Belfast 25 Springfield Park Ballymurphy Belfast 25 Springfield Heights, Belfast, BT13 3Q2 20 Springfield Park Ballymurphy Belfast 21 Springfield Park Ballymurphy Belfast 23 Springfield Park Ballymurphy Belfast 24 Black Mountain Walk,Ballymurphy Belfast 23 Springfield Park Ballymurphy Belfast 24 Black Mountain Walk,Ballymurphy Belfast 25 Springfield Park Ballymurphy Belfast 24 Black Mountain Walk,Ballymurphy Belfast 25 Springfield Park Ballymurphy Belfast 26 Moyard Park Ballymurphy Belfast 26 Springfield Park Ballymurphy Belfast 27	t,Antrim,BT13 3QZ, st t st ast st Of The Tae NB, Ifast,Antrim,BT13 3TX, Z t t,Antrim,BT13 3QZ, Z Ifast,Antrim,BT13 3TX, Z	

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