

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2018/0020/F	<b>Date of Committee:</b> 2 July 2019
<b>Proposal:</b> Revision of existing Planning Application (Z/2014/1774/F) to include for new 510 seat Football Stand and Clubhouse with new Standing Terrace and toilet blocks.	<b>Location:</b> Recreational grounds at 'Blanchflower Playing Fields' Holywood Road Belfast
<b>Referral Route:</b> Proposal is for recreation above 1000 square metres gross floor space outside the City Centre.	
<b>Recommendation:</b>	<b>APPROVAL</b>
<b>Applicant Name and Address:</b> Belfast City Council 3rd Floor, 9 Adelaide C/o Cecil Ward Building, 4-10 Linenhall Street Belfast BT2 8BS	<b>Agent Name and Address:</b> Michael Mullan Architects Knockroe Clones Road Monaghan
<p><b>Executive Summary:</b></p> <p>The proposal is a 'Revision of existing Planning Application (Z/2014/1774/F) to include for new 510 seat Football Stand and Clubhouse with new Standing Terrace and toilet blocks'.</p> <p>Z/2014/1774/F is an application previously approved for 'New clubhouse and tiered seating area, 200 seat stand, and alterations to existing standing area. New 3G surface to existing pitches including floodlights, dugouts, fencing, security tower, turnstiles, toilet blocks &amp; associated ground works'.</p> <p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>• Impact on residential amenity.</li> <li>• Impact on access and parking.</li> <li>• Impact on open / recreational space.</li> <li>• Impact on natural heritage.</li> </ul> <p>16 objections have been received relating to this proposal raising issues including a number of technical matters around the planning fee, the Council's interest in the application, neighbour notification and whether the application should be treated as a 'Major' development. Parking problems and increased congestion in the local area and that current matches give rise to parking issues; and that the proposal will create additional noise and nuisance.</p> <p>The site is not zoned or designated in the BUAP. According to dBMAP, the site is designated as a local landscape policy area (ref. BT 113 – Blanchflower / Patton) with regard to local amenity importance and area of local nature conservation interest. The site is also acknowledged as an area of existing open space.</p> <p>The proposal does not result in the loss of existing open / recreation space therefore does not conflict with Policy OS1 of PPS 8. The proposal is also assessed against Policy OS4 of PPS 8 in relation to 'Intensive Sports Facilities', including stadia. It is considered the proposal complies with the policy</p>	

tests of OS4, in relation to residential amenity, built / natural Heritage, archaeology, design, access / mobility and roads issues, including access and parking. Furthermore, there are no issues with regard to drainage or contamination.

Issues relating to crowd safety will be managed in accordance with the Safety of Sports grounds (NI) Order 2006.

**Recommendation**

**Approve subject to Conditions**

It is considered that the proposal complies with planning policy and it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise Conditions.

## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

The proposal is 'Revision of existing Planning Application (Z/2014/1774/F) to include for new 510 seat Football Stand and Clubhouse with new Standing Terrace and toilet blocks'.

The proposal includes the provision of a new seated stand and clubhouse behind the goals at the western side of the site. A new standing terrace is proposed along the side of the pitch with two toilet blocks also located within the site.

The proposal includes the removal of the existing terrace standing area.

Z/2014/1774/F is an application previously approved for 'New clubhouse and tiered seating area, 200 seat stand, and alterations to existing standing area. New 3G surface to existing pitches including floodlights, dugouts, fencing, security tower, turnstiles, toilet blocks & associated ground works'.

### 2.0 Description of Site

The site falls within the development limits of Belfast, with an area of approximately 0.354 Ha. The site is irregularly shaped and covers an area to the north and west of an existing football pitch. Within the site boundary, there is a standing terrace along the side of the pitch with the rest of the site covered in a mix of hardstanding or grass. The standing terrace slopes upwards in a northerly direction towards another football pitch.

The site lies within the wider Blanchflower Park. Sydenham Bypass is located immediately to the west of the park and Holywood Road is located to the east. Surrounding land uses are characterised by recreational use within the park, with commercial and residential uses more prevalent along the nearby Holywood Road.



<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	Z/1978/1033 - Provision of playing fields and ancillary buildings – Granted
3.2	Z/2014/1774/F - New clubhouse and tiered seating area, 200 seat stand, and alterations to existing standing area. New 3G surface to existing pitches including floodlights, dugouts, fencing, security tower, turnstiles, toilet blocks & associated ground works – Granted 9/8/16
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
	4.1.1 White land - BUAP 4.1.2 Area of Existing Open Space – dBMAP Local Landscape Policy Area – dBMAP
4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 15: Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	NIEA - No objection, subject to conditions
5.2	DFI Roads – No objection
5.3	Historic Environment Division – No objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	Rivers Agency – No objection
6.3	NI Water - No objection
<b>7.0</b>	<b>Representations</b>
7.1	16 objections have been received relating to this proposal. The issues raised include:
7.2	<ul style="list-style-type: none"> <li>• Incorrect fee – Initial submission stated that the proposed floorspace was 974.5 sq m, however actual measurement was 1,450 sq m.</li> <li>• Proposal falls into category of ‘Major’ Development, in accordance with the Planning (Development Management) Regulations (NI) 2015.</li> <li>• Other inaccuracies with the P1 form, relating to land ownership, floorspace figures and the Council’s interest in the application.</li> </ul>

	<ul style="list-style-type: none"> <li>• Issues with the submitted drawings. Drawing marked ‘existing site plan’ actually depicts the proposed plan. ‘Proposed site plan’ shows the dugouts in a different location to the previous approval.</li> <li>• Issues with Noise impact assessment (NIA). NIA does not explain where capacity figures have been derived from and does not include all potential stands within the ground.</li> <li>• Transport Assessment Form (TAF) is flawed.</li> <li>• No neighbour notification has been carried out.</li> <li>• No consultation with PSNI has been undertaken with regard to crowd management issues.</li> <li>• Proposal will give rise to parking problems and increased congestion in the local area. Currently, matches at H &amp; W Welders give rise to parking issues.</li> <li>• Proposal will create additional noise and nuisance.</li> <li>• Council is attempting to push through the application without consulting the local community.</li> </ul> <p>The matters raised are discussed in the report below.</p>
<b>8.0</b>	<b>Assessment</b>
8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> <li>• Impact on residential amenity.</li> <li>• Impact on access and parking.</li> <li>• Impact on open space.</li> <li>• Impact on natural heritage.</li> </ul>
8.2	<p><u>Preliminary Matters</u> A number of issues were raised by objectors in relation to the planning fee, the Council’s interest in the application, neighbour notification and whether the application should be treated as a major development, in accordance with the Planning (Development Management) Regulations (NI) 2015.</p>
8.3	<p>Initially, the planning fee was incorrect as it related to an incorrect floorspace. This was rectified during the processing of the application when the applicant forwarded the additional planning fee.</p>
8.4	<p>As the Council is the applicant for this application, the Planning Scheme of Delegation does not apply to this application, therefore the application falls to be presented to the Planning Committee.</p>
8.5	<p>In accordance with Section 41 of the Planning Act (NI) 2011, there are no neighbours identified to be notified of this application.</p> <p>The thresholds for Major Developments are contained within the Planning (Development Management) Regulations (NI) 2015. Class 7 of the Schedule to these Regulations relates to Retailing, Community, Recreation and Culture, with a note stating '(according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015(a)). Including shops, financial, professional and other services, community and cultural uses, and assembly and leisure'. No class is specified in the Schedule to the Use Classes Order for the proposed use as a football stadium. Section 3 (4) (k) of the Use Classes Order states that 'No class specified in the Schedule includes use as a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations including those involving motorised vehicles or firearms'.</p>

8.6	<p>The proposed development therefore falls within Class 9 of the Schedule to the Development Management Regulations. As the proposed floorspace does not exceed 5000 square metres and the area of the site does not exceed 1 Hectare, it is considered that the proposed development is not a Major Development.</p>
8.7	<p><u>Casement Park Judgement</u>  An objector has raised the Casement Park Judicial review decision ([2014] NIQB 130) (CP Judgement) as a precedent in this application. The CP Judgement stated that the fall-back position must be based on historic attendance levels and not on a theoretical maximum capacity. It is considered that this planning application differs from the CP judgement in that the fall-back position relates to the extant approval Z/2014/1774/F granted 9 August 2016. There was no extant planning permission in place for a different scheme relating to Casement Park. The proposed scheme is for a smaller capacity than the extant approval. DFI Roads were consulted during the processing of the previous application and permission was granted, subject to roads conditions. For clarity, the Council also requested details relating to current matches with a typical match day attendance 100 -150 spectators and a high profile game approximately 285 spectators.</p>
8.8	<p><u>Context</u>  The proposal relates to the revision of existing planning approval Z/2014/1774/F. Z/2014/1774/F related to 'New clubhouse and tiered seating area, 200 seat stand, and alterations to existing standing area. New 3G surface to existing pitches including floodlights, dugouts, fencing, security tower, turnstiles, toilet blocks &amp; associated ground works'. The current proposal relates to a smaller site than the previous approval, specifically to accommodation / buildings at one of the football pitches.</p>
8.9	<p><u>Development Plan</u>  Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration. The site is not zoned or designated in the BUAP. According to dBMAP, the site is designated as a local landscape policy area (ref. BT 113 – Blanchflower / Patton) with regard to local amenity importance and area of local nature conservation interest. The site is also acknowledged as an area of existing open space.</p>
8.10	<p><u>SPPS</u>  The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS introduces core planning principles including 'improving health and well-being' and 'preserving and improving the built and natural environment'.</p>
8.11	<p><u>Public Open Space</u>  The proposal does not result in the loss of existing open space therefore does not conflict with Policy OS1 of PPS 8. The proposal is also assessed against Policy OS4 of PPS 8 in relation to 'Intensive Sports Facilities', including stadia. The policy provides key tests that should be complied with for acceptable developments which are discussed below.</p>
8.12	<p><u>Residential Amenity</u></p>

	<p>The nearest residential property is located approximately 90 metres away from the pitch (No. 417 -421 Hollywood Road), with mature vegetation creating an additional landscape buffer. The submitted information advises that the pitch will be used on weekday evenings from Monday to Thursday and Saturday afternoons.</p>
8.13	<p>BCC Environmental Health requested submission of a Noise Impact Assessment to demonstrate that there is no unacceptable impact on the amenity of neighbouring residents. A revised Noise Impact Assessment (NIA) was submitted reflecting full spectator capacity of both the existing (including development with extant permission Z/2014/1774/F) and the proposed. Full capacity in each of the 3 scenarios is as follows:</p> <ul style="list-style-type: none"> <li>- Existing development – 3,097</li> <li>- Extant approved development under Z/2014/1774/F – 3,291</li> <li>- Current Proposal – 2,588</li> </ul> <p>The current proposal has a spectator capacity 509 visitors lower than the existing development and 703 lower than the extant approval Z/2014/1774/F. The NIA concluded that there would be a low impact at residential premises. BCC Environmental Health have no objection to the development, subject to a condition in relation to hours of operation.</p>
8.14	<p>There are no other residential amenity concerns.</p>
	<p><u>Built / Natural Heritage and Archaeology</u></p>
8.15	<p>The site is located within a local landscape policy area. A Biodiversity checklist was submitted as part of the proposal, which indicated that a small area of hedgerow would be removed, however there are no impacts on the adjacent planted semi natural woodland. NIEA Natural Environment Division were consulted on the proposal and had no concerns.</p>
	<p>The site is located within proximity of an Archaeological Site / Monument, however the proposal does not conflict with the SPPS or PPS 6 in this regard. There are no impacts on features of the built heritage.</p>
8.16	<p><u>Design</u></p> <p>The proposal includes a new 510 seat Football Stand (with integral club rooms / changing rooms), a new covered standing terrace and two toilet blocks. The new football stand has a total height of 9.044 metres and is finished with a mix of white render and colinwell blocks, with brick plinth and natural basalt stonework at the entrance. The new standing terrace has a total height of 7.155 metres and is finished in single skin metal cladding. The toilet blocks are 3.016 metres in height and are finished with grey render and metal roof. The proposed buildings are largely screened from public views due to the intervening mature vegetation between the proposal and the Hollywood Road. It is considered that the proposed design is typical of this type of development and appropriate.</p>
8.17	<p><u>Access / Mobility</u></p> <p>The proposal takes into account the needs of people with disabilities, with seating areas for wheelchair users, internal lifts and level access to the building. The proposed location is accessible to pedestrians, cyclists and public transport.</p>
8.18	<p><u>Roads Issues - Access and Car Parking</u></p> <p>The proposed development relies on the parking previously approved under reference Z/2014/1774/F, which provided 216 no. car parking spaces and 8 no. bus spaces. The area for proposed parking, whilst not inside the site boundary, is on land under the control of the applicant (within the blue line) and can therefore be conditioned.</p>
8.19	<p>DFI Roads provided comments stating that there was no objection to the proposal on 8<sup>th</sup> August 2018. Following the receipt of objections, DFI Roads were consulted again and responded on 28<sup>th</sup> November 2018 with the following comments.</p>

	<p><i>On the basis that Belfast Planning Service are satisfied that the additional car and mini-bus parking spaces are to be provided in accordance with development application Z/2014/1774/F, (though these are contained within the area of the blue line of this development application as indicated on Planning Authority Drawing Nos.01A &amp; 02A bearing date stamp 31<sup>st</sup> October 2018), and having considered the letters of representation uploaded to the Planning Portal (up to and including 27<sup>th</sup> November 2018), the Department for Infrastructure retains its position of 8<sup>th</sup> August 2018.</i></p>
8.20	<p>As previously stated, the current proposal is a revision of the layout previously approved under Z/2014/1774/F, with a reduction in overall capacity from the extant approval. Therefore the Council is satisfied that the current proposal will not represent an increase in overall visitors from the extant approval.</p>
8.21	<p>An additional objection letter was received raising issues with the established fall-back position, indicating that the fall back should be based on actual attendance figures and not on a theoretical maximum existing capacity. The objector alleged that this resulted in a flawed consultation response from DFI Roads in relation to the extant approval Z/2014/1774/F and that increased parking should have been proposed to meet the standards. It is important to note that Z/2014/1774/F is an extant planning approval and has not been judicially reviewed. As a result, it the Council's position that this planning approval is the fall back scenario.</p>
8.22	<p>In addition, the objector raised an issue regarding the submitted Transport Assessment Form (TAF) as the submitted form related to the previously approved development. An updated TAF was submitted and DFI Roads were consulted further. At the time of writing, DFI Roads have not responded, however it is anticipated that a response is due imminently and will be added as a late item.</p>
8.23	<p><u>Public Safety</u> Under the Safety of Sports grounds (NI) Order 2006, District Councils are responsible for issuing and enforcing a safety certificate in respect of sports grounds designated by the Department for Communities (DFC) and stands that have been regulated. These are sports grounds that, in the opinion of DfC, have the potential to accommodate more than 5,000 spectators, and stands that have the potential to accommodate more than 500 spectators at smaller venues. Therefore, it appears that the proposed stand will require a Safety Certificate issued in accordance with the above Order.</p>
8.24	<p><u>Drainage</u> A Drainage Assessment was submitted in support of the application. Rivers Agency accept the logic of the reports and have no reason to disagree with the conclusions. However, the consent to discharge storm water has not yet been submitted. In the event of approval, this can be conditioned.</p>
8.25	<p><u>Contamination</u> A Contaminated land Assessment Report was submitted in support of the proposal. The report concluded that no unacceptable risks are posed to future site users from site soils, groundwater or ground gases and that no further consideration of contamination is required with regard to the current redevelopment of the site. Consequently, BCC Environmental Health and NIEA Regulation Unit have no objection to the proposal. NIEA Regulation Development provided conditions in the event of approval.</p>
8.26	<p><u>Proposed Fencing</u> The proposal includes three separate sections of 2.4 m high palisade fencing. Whilst this is not part of the description of development, this would be permitted development in accordance with Part 13 of the Schedule of The Planning (General Permitted Development)</p>

	Order (Northern Ireland) 2015. This palisade fencing secures the site and prevents access to the existing terraced standing area.
<b>9.0</b>	<b>Summary of Recommendation: Approval</b>
9.1	It is considered that the proposal complies with planning policy and it is concluded that, on balance, the proposal is considered acceptable. It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise Conditions.
<b>10.0</b>	<b>Conditions</b>
10.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
10.2	The development shall not be operational between the hours of 23.00- 07.00hrs on any weekday  Reason: In the interests of residential amenity
10.3	No site works of any nature or development shall take place until a letter from NI Water giving consent to discharge storm water runoff from the proposed site has been submitted to and approved in writing by the Council.  Reason: To ensure satisfactory drainage to the site.
10.4	If during the development works, new contamination and risks are encountered which has 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 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 Planning Authority in writing and subsequently implemented to its satisfaction.  Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.5	After completing any remediation works required under Conditions 1 and 2 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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 environmental receptors to ensure the site is suitable for use.
10.6	No development shall take place until samples of all external finishes for the clubhouse building hereby permitted and indicated on Drawing No. 05 date stamped received 18th December 2017 have been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.  Reason: In the interests of visual amenity and the character and appearance of the area.

10.7	<p>All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the buildings hereby approved.</p> <p>Reason: In the interests of visual amenity.</p>
10.8	<p>No development shall take place until detailed proposals for disposal of storm water and foul sewage have been submitted to, and approved in writing by Northern Ireland Water and verified by Belfast City Council Local Planning Authority. No part of the development hereby permitted shall become operational until the approved arrangements are in place.</p> <p>Reason: To ensure the provision of the necessary infrastructure to service the development.</p>
10.9	<p>Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include details of:</p> <p>Management of flat/shallow pitched roofs on buildings within the site which may be attractive to nesting, roosting and 'loafing' birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' (available at <a href="http://bit.ly/1S3H39D">http://bit.ly/1S3H39D</a>).</p>
10.10	<p>The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Belfast City Airport (BCA) Airfield Operations staff. In some instances it may be necessary to contact BCA Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof. The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable before the removal of nests and eggs. The Bird Hazard Management Plan shall be implemented as approved on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: It is necessary to manage buildings on the site in order to minimise their attractiveness to birds which could endanger the safe movement of aircraft and the operation of Belfast City Airport.</p>
10.11	<p>Roads Conditions to be attached</p>
<p><b>Notification to Department (if relevant)</b></p>	
<p><b>Representations from Elected members:</b></p> <p>N/A</p>	