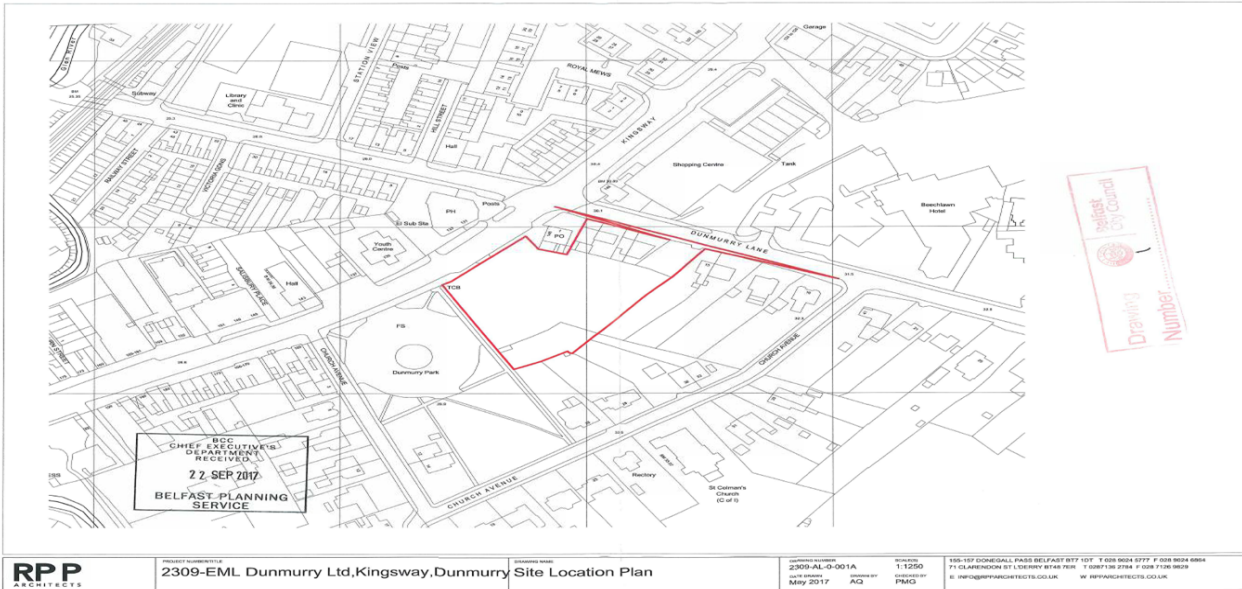


## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 9 April 2019	
<b>Application ID:</b> LA04/2017/1784/F	
<b>Proposal:</b> Retention of existing residential premises 3 & 5 Dunmurry Lane, retention & extension of existing residential premises 7 & 9 Dunmurry Lane, and the erection of 1Nr. apartment block comprising of 27nr. 2 bedroom apartments and 16 nr. 1 bedroom apartments including communal circulation & ancillary areas along with associated site works, carparking, roads and landscaping.	<b>Location:</b> Nrs. 148-158 (Evens) Kingsway Dunmurry and Nrs. 3-11 (odds) Dunmurry Lane Belfast BT17 9AA.
<b>Referral Route:</b> Third Party representations received that contradict case officer's recommendation.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> EML Dunmurry Ltd 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> RPP Architects Ltd 155-157 Donegall Pass Belfast BT7 1DT
<p><b>Executive Summary:</b></p> <p>The main issues to be considered are;</p> <ul style="list-style-type: none"> <li>- The principle of the proposal at this location;</li> <li>- The impact of the development on the character and appearance of the surrounding area and the Area of Townscape Character;</li> <li>- The impact on traffic and parking; and</li> <li>- Third party representations.</li> </ul> <p>23no third party consultations have been made. These are all objections regarding the proposal. and raise concerns with Overlooking; dominance; loss of light; over-development; increase in traffic; insufficient proposed parking provision; impact on existing parking; waste disposal arrangements; out-of-character with surrounding area; existing property values; increased risk of flooding.</p> <p>The principle of the proposal is acceptable on the basis that the site is within the development limits in both the extant and draft plans and is zoned for housing in dBMAP.</p> <p>The proposal conforms to the area plan zoning and planning policy. The proposed design is considered acceptable and unlikely to adversely impact on the character of the area.</p> <p>All consultees offered no objections to the proposal.</p> <p>It is recommended that the application is approved subject to conditions as set out in the report.</p>	

## Case Officer Report

### Site Location Plan



Letters of Support	None Received
Letters of Objection	23
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Characteristics of the Site and Area

1.0	<p><b>Description of Proposed Development</b></p> <p>Retention of existing residential premises 3 &amp; 5 Dunmurry Lane, retention &amp; extension of existing residential premises 7 &amp; 9 Dunmurry Lane, and the erection of 1Nr. apartment block comprising of 27nr. 2 bedroom apartments and 16 nr. 1 bedroom apartments including communal circulation &amp; ancillary areas along with associated site works, carparking, roads and landscaping.</p>
2.0	<p><b>Description of Site</b></p> <p>The application site is located at the corner of Dunmurry Lane and Kingsway. This comprises a brownfield plot of land currently in use as a hand car wash facility and incorporates 4no. existing dwellings along Dunmurry Lane that are in a state of dereliction. The site is bounded by open space to the south-west; residential properties to the south-east; and commercial properties on the opposite side of Dunmurry Lane and Kingsway to the north-east and north-west respectively. A detached building in use as a post office abuts the site to the north side.</p>
2.1	<p>The surrounding area is characterised by mixed use development comprising commercial and residential uses in eclectic architectural designs. The site abuts a Local Centre.</p>

Planning Assessment of Policy and other Material Considerations	
3.0	<b>Site History</b>
3.1	LA04/2016/0715/PAD - New residential development comprising 46 apartments. Concluded.
3.2	LA04/2015/0669/F - Nrs. 148-158 (evens) Kingsway Dunmurry and Nrs. 1-11 (odds) Dunmurry Lane, Belfast, BT17 9AA. Demolition of existing commercial and residential premises and the erection of 1 nr. apartment block comprising of 9nr. 2 bedroom apartments, 1nr. apartment block comprising of 5nr.1 bedroom apartments and 14nr. 2 bedroom apartments, 2nr. apartment blocks comprising of 4nr. 1 bedroom apartments and 12nr. 2 bedroom apartments (4nr. apartment blocks, 60nr. apartments in total) and communal circulation areas along with associated siteworks and landscaping. Permission refused.
3.3	S/2002/0671/F - 150-158 Kingsway and No.11 Dunmurry Lane, Dunmurry. Residential development (Amended Proposal - reduced from 60 to 58 apartments). Approved – 25/08/2004.
4.0	<b>Policy Framework</b>
4.1	Draft Belfast Metropolitan Area Plan 2015 Belfast Urban Area Plan 2001
4.2	Regional Development Strategy 2035; Belfast Urban Area Plan 2001; Belfast Metropolitan Area Plan (BMAP) 2015 (draft); Strategic Planning Policy Statement for NI (SPPS); Planning Policy Statement 7: Quality Residential Environments Addendum to Planning Policy Statement 7: Residential Extensions and Alterations Addendum to Planning Policy Statement 6: Areas of Townscape Character Planning Policy Statement 3 - PPS3: Access, Movement and Parking; and Planning Policy Statement 15 – Planning and Flood Risk. Creating Places.
5.0	<b>Representations</b>
5.1	23 no separate representations have been made in respect of this application. All of these are objections to the proposal. The following concerns and points have been raised: <ol style="list-style-type: none"> <li>1. Impact on car parking / traffic and road safety;</li> <li>2. insufficient proposed parking provision;</li> <li>3. Excessive noise and disturbance and anti-social behaviour;</li> <li>4. waste disposal arrangements – bin storage is directly to the rear of existing private residential properties;</li> <li>5. Overlooking;</li> <li>6. dominance;</li> <li>7. loss of light;</li> <li>8. over-development;</li> <li>9. impact on existing parking;</li> <li>10. out-of-character with surrounding area;</li> <li>11. 1 an d12 bedroom apartments are unsuitable for families and therefore will not add anything to the area;</li> </ol>

	<p>12. Increased risk of flooding;          13. Impact on existing property values; and          14. Potential for increase in crime.</p> <p>All of the above points with the exception of No's 13 and 14 are material planning considerations and will be addressed in the assessment below. In respect of numbers 13 and 14, these are non-material to planning; individual property values are considered a private interest and the SPPS states that the planning system exists to regulate land in the public interest. The PSNI is the statutory body that is responsible for anti-social behaviour and crime.</p>
<p>6.0</p> <p>6.1</p> <p>6.2</p> <p>6.3</p> <p>6.4</p>	<p><b>Assessment</b></p> <p><b>Consultations:</b>          The following bodies were consulted as part of the processing of this application:          TransportNI;          Rivers Agency;          NIWater; and          Belfast City Council's Environment and Health Services Dept.          None have any objection in principle to the proposal.</p> <p><b>Constraints:</b>          The site is located within the development limits in both the Lisburn Area Plan 2001 (LAP); and the draft Belfast Metropolitan Plan 2015 (BMAP). The site is unzoned whiteland in the LAP; and zoned for housing (ML 04/04) in draft BMAP. It is also within a proposed ATC; opposite a Local Centre (ML 10); and on a Protected Route in both plans. No objections to these zonings were received during the consultation period of the draft plan and as such it is likely that they will be included in any future adopted version of BMAP.</p> <p><b>Principle:</b>          The site is within a mixed area characterised by commercial development interspersed with residential development along an arterial route. As such the proposed use is compatible with the character of the surrounding area. The site also benefits from being in an accessible location that is served by public transport, with a bus lane on the opposite side of the road on the city bound lane. There is also a train halt nearby. The proposed use is therefore deemed to be viable and acceptable in principle at this location. The proposal therefore falls to be assessed under regional planning policy.</p> <p>The key issues to be considered are as follows:</p> <ul style="list-style-type: none"> <li>(a) Parking/ traffic flow / roads safety;</li> <li>(b) Amenity;</li> <li>(c) Design; and</li> <li>(d) Impact on character and appearance of the Dunmurry ATC.</li> </ul> <p><b>Proposed Apartments</b></p> <p><b>Siting:</b>          The apartment block of 43no apartments is proposed along the south-west end of the site, abutting open space at Dunmurry Park. Its south-east end will abut the rear boundaries of residential properties at No's 28, 30 and 32 Church Avenue. The north-west end of the block will face onto Kingsway. Communal car parking is provided incurtilage in the form of a courtyard between the apartments and the existing dwellings</p>

	<p>along Dunmurry Lane that form part of the proposal. The vehicular access is from Dunmurry Lane.</p>
6.5	<p><b>Design:</b> The apartment block will be 3.5 storeys in height along the Kingsway and Dunmurry Park elevations before stepping down to 3 storey at the rear along the Church Avenue elevation. Full length windows with balustrades define all elevations. Both the extant LAP 2001 and dBMAP 2015 are silent on development along protected routes so the proposal will fall under regional policy. Kingsway is not designated as an Arterial Route but it is a main route between two the city centres of Belfast and Lisburn.</p>
6.6	<p>As with arterial routes, a higher density can be accommodated along main roads such as Kingsway which is supported by public transport links such as bus routes, etc. From an urban design perspective, the height of the proposal will not detract from overall character of the area due to its position on the street, separated from the adjacent two-storey terrace by a public road. It is also on a corner site which allows for scope for greater building heights.</p>
6.7	<p><b>Materials and finishes:</b> The proposed apartment block will be finished in a mix of red brick and render; dark grey concrete roof tiles; timber cladding; uPVC gutters; downpipes and fascia; cast iron balustrades on balconies.</p>
6.8	<p>The design and finishes are compliant with criteria (g) of Policy QD 1 of PPS 7; and Policy ATC 2 of APPS6.</p>
6.9	<p><b>Overlooking:</b> The proposed windows on all elevations are at an acceptable distance from all adjacent properties. The closest residential properties that are of any concern are at No's 28-32 Church Road; and No. 13 Dunmurry Lane.</p>
6.10	<p>The apartment block is to be located at a distance of 35m-40m approx. from the rear elevations of dwellings at 28 – 32 Church Avenue. This is sufficient distance to prevent unacceptable overlooking and complies published standards in Creating Places which advocates a separation distance of 20m from the rear of new dwellings to the rear of existing buildings to minimise overlooking. It is acknowledged that the proposal fails to maintain a distance of 10m to the common boundary which is also advocated by Creating Places; however, this is just a guide which in this case, given the separation distances, is not critical to prevent overlooking. In addition to this, the dwellings to the rear of the site at 28 and 32 Church Avenue are on a higher level than the application site which will also mitigate the overlooking from the proposed 3 storey block. An existing hedge along the boundary between the application site and No. 28 Church Avenue will be retained while two proposed heavy standard trees will be planted along this boundary.</p>
6.11	<p>No. 13 Dunmurry Lane is at a distance of 60m approx. from the nearest windows in the apartment block which is more than adequate space to ensure that overlooking will not be an issue.</p>
6.12	<p>The dwellings at 3-9 Dunmurry Lane that are part of the proposal are also between 30m and 50m distance and at a 45 degree approx. angle from the apartment block. This, in addition to proposed planting of trees will mitigate overlooking.</p>
6.13	<p>The proposal complies with Policy AD 1 (h) insofar that it will not conflict with adjacent land uses by way of unacceptable overlooking.</p>

6.14	<p><b>Dominance / Loss of Light:</b></p> <p>The proposed 4no storey block is higher than the average density in the surrounding area which is characterised by 1 and 2 storey buildings. The proposal's frontage along Kingsway will be 14m approx. in height. However, there is adequate separation distances between the proposal and surrounding buildings which will ensure that dominance / loss of light will not be an issue.</p>
6.15	<p><b>Traffic and Access:</b></p> <p>The departmental Parking Standards document outlines the level of parking provision required for apartments at 1.25 spaces for 1 bed units; and 1.5 spaces per 2 bed units. Therefore the amount of parking required for 27no 2 bed units and 16no. 1 bed units will be 60.5 spaces. A total of 40no in curtilage car parking spaces are proposed for the apartments including two allocated for disabled users, leaving a shortfall of 20.5 spaces.</p>
6.16	<p>Policy AMP 7 of PPS 3 allows for a reduced level of car parking provision in certain circumstances. One allowance is if the site is in a highly accessible location well served by public transport. A residential travel plan has been provided by the applicant that outlines public transport links in the area. The developer will also provide 15no travel cards to residents in an attempt to promote the use of public transport as a sustainable alternative to the private car. DfI Roads has been consulted and is content with the level of car parking provision and the travel plan, subject to conditions.</p>
6.17	<p><b>Landscaping:</b></p> <p>An adequate amount of soft planting is proposed within the site. The Council's tree officer is content with the amount of soft landscaping, species etc. A tree to the south-west corner of the site is subject of a Tree Preservation Order (TPO). The tree officer is content that the proposed development will not impact tree.</p>
6.18	<p><b>Bin Store:</b></p> <p>The bin storage arrangements will be communal and in a corral style compound to the north-east of the site. This will be screened by proposed planting. A separate area close to the access to the site is allocated as a bin collection area.</p>
6.19	<p><b>Land Contamination:</b></p> <p>The applicant submitted a Preliminary Contamination Risk Assessment in support of their proposal. Environmental Health was consulted on this and provided comments. Environmental Health is content in principle.</p>
6.20	<p><b>Noise:</b></p> <p>Third party representations raised concerns around impact on existing residential amenity in respect of potential noise, nuisance and disturbance from prospective tenants of the apartments, stating that they will likely be social housing tenants. Unless the noise, nuisance and disturbance is from an industrial process associated with the development, noise from residents is not a material planning consideration. Environmental Health is the regulatory body that manages and enforces against such sources of noise.</p>
6.21	<p><b>Proposed Refurbishment of Dwellings:</b></p> <p>The proposed refurbishment of a row of 4no existing dwellings along the north-east boundary of the site is also proposed. These face onto Dunmurry Lane. All are currently derelict. These were originally proposed for demolition under the 2015 application (see planning history). However, the Council expressed a preference for their retention as it is considered that they make a material contribution to the overall character of the area and the proposed Dunmurry ATC. Two of these units will be extended as part of their refurbishment. All works are in general compliance with Policy EXT1 of APPS7; and Policy ATC2 of APPS6 and associated published guidance.</p>

7.0	<b>Recommendation:</b>
7.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to the following conditions:
8.0	<b>Conditions</b> , to include Standard 5 Year Time Condition.
8.1	<p>The new build apartment block element of the proposal hereby approved shall only become operational when the full, conservation and restoration of the 4no dwellings at Nos 3, 5, 7 and 9 Dunmurry Lane has been completed in accordance with stamped approved drawing No. 01C, date stamped 11 March 2019; and stamped approved drawing No. 04A, date stamped 6 November 2017.</p> <p>Reason: To ensure the character and appearance of the proposed Dunmurry Area of Townscape Character is maintained and enhanced at this location.</p>
8.2	<p>No development shall commence on site until details and samples of the materials to be used for the external walls, roofs and window frames have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and the character and appearance of the area.</p>
8.3	<p>The sound insulation of all the residential units shall include the implementation of the noise and vibration mitigation measures outlined in the Noise Assessment by FR Marks Associates entitled 'Noise Impact Assessment, Proposed Residential Development, Kingsway, Dunmurry' dated November 2017; and as detailed on stamped approved drawing No 12B Acoustic Mitigation dated 11 March 2019.</p> <p>Reason: In the interests of residential amenity.</p>
8.4	<p>The entire window system (including frames, seals etc.) and ventilator units to the residential units shall be so installed so as to ensure that internal noise levels within any proposed residential unit shall:</p> <ul style="list-style-type: none"> <li>• Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any bedroom, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</li> <li>• Not exceed 45 dB LAmx more than 10 times between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements.</li> </ul> <p>Reason: In the interests of residential amenity.</p>
8.5	<p>No part of the development hereby permitted shall become operational until the revised access onto Dunmurry Lane, including visibility splays and any forward sight distance, have been constructed to the satisfaction of Dfl Roads. This will be generally in</p>

	<p>accordance with the drawing entitled 'Proposed Private Streets Determination Plan Layout', Revision A, bearing the Belfast City Council Planning Office date stamp 11 March 2019. 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 and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
8.6	<p>The Private Streets (Northern Ireland) Order 1980. The Department hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing 'Proposed Private Streets Determination Plan Layout', Revision A, bearing the Belfast City Council Planning Office date stamp 11 March 2019 and bearing the Department for Infrastructure – Roads date stamp 28 March 2019. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).</p> <p>Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p>
8.7	<p>The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 01C, 'Proposed Site Plan' bearing the Belfast City Council Planning Office date stamp 11 March 2019 to provide 2 No. disabled parking spaces and 38 No. spaces for residents staff and adequate facilities for servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>Reason: To ensure that adequate provision has been made for parking and servicing.</p>
8.8	<p>A minimum of 8 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by residents and visitors to the development.</p> <p>Reason: to encourage the use of alternative modes of transport for development users.</p>
8.9	<p>The development hereby permitted shall operate in accordance with the approved Residential Travel Plan published by the Belfast City Council Planning Office on 11 March 2019. This shall include provision of 15 No. Translink Annual Travelcards to residents during the first year of operation. The Residential Travel Plan will be monitored and reviewed annually and records kept to demonstrate successful implementation to the satisfaction of the Council.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.</p>
8.10	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity.</p>



8.11	<p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p>
	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
8.12	<p>The developer shall inform Belfast City Council Planning Authority on completing the installation of all tree protection measures, so that Council or their representative may pass such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.</p>
	<p>Reason: To ensure adequate protection measures are put in place around tree(s) prior to the commencement of development to ensure that the trees are not damaged or otherwise by building operations and soil compaction.</p>
8.13	<p>Any works to the existing tree and hedges on the site as illustrated on stamped approved drawing No. 10A, date stamped 5 November 2018 shall be carried out and managed in accordance with the Landscape Management / Maintenance Plan; and Tree Survey and Report, both bearing the Council's date stamp 5 November 2018. These works shall be supervised by a suitably qualified tree specialist.</p>
	<p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging</p>
8.14	<p>All soft landscaping works shall be carried out in accordance with the approved details on approved drawing No. 10A, bearing the Council's date stamp 5 November 2018. The works shall be carried out prior to the occupation of the first apartment unless otherwise agreed in writing by the Council, and Planning Service informed within 2 weeks of completion of the works so that a site inspection can be carried out. Any trees or plants indicated on the approved scheme 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.</p>
	<p>Reason: In the interests of the character and appearance of the area</p>
8.15	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p>
	<p>Reason: To avoid compaction within the RPA.</p>
8.16	<p>Prior to commencement full details of the retained boundary walls and a proposed landscaping plan, shall be submitted and agreed with the Council, for Nos 3, 5, 7 and 9 Dunmurry Lane and thereafter retained as agreed.</p>
	<p>Reason: To ensure the character and appearance of the proposed Dunmurry Area of Townscape Character is maintained and enhanced at this location.</p>

8.17	<p>Notwithstanding the cycle stands detailed on drawing 01C and 10A the final location shall be agreed in writing with the Council prior to the first occupation of any dwelling unit hereby approved, and thereafter installed as agreed.</p>
	<p>Reason: To ensure the protection of, and maximise the use of the areas of open space,</p>
9.0	<p><b>Informatives:</b></p>
9.1	<p>If tree roots are accidentally damaged the council must be notified and given the opportunity to inspect the damage before it is covered over.</p>
9.2	<p>Should any unforeseen ground contamination be encountered during the development, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination - CLR11) that details the nature of the risks and any necessary mitigation measures should be prepared and submitted for appraisal.</p>
9.3	<p>The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p>
9.4	<p>The developer is required to enter into a licence agreement with the Department for Infrastructure for the kerb re-alignment and remarking of the parking bays on Kingsway and for the creation of the site access, prior to the commencement of any works to the public road network.</p>
9.5	<p>The licence agreement shall be issued through Development Control, Network Planning Section, DfI Roads, Eastern Division, Annex 6, Castle Buildings, Stormont Estate, Belfast, BT4 3SQ, and the developer should allow up to three months for completion of the licence. Accordingly the developer is advised to make an early personal application for the issue of the licence.</p>
9.6	<p>Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads' Street Lighting Consultancy, (Annex 7, Castle Buildings, Stormont Estate, Belfast, BT4 3SQ). The Applicant is advised to contact Roads Service Street</p>
9.7	<p>Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.</p>
9.8	<p>Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.</p>
9.9	<p>All construction plant and materials shall be stored off the adopted road.</p>
9.10	<p>It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.</p>
9.11	<p>Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication 'Guidance on the use of Tactile Paving'.</p>

9.12	<p>The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:</p> <ul style="list-style-type: none"> <li>• kill, injure or take any wild bird; or</li> <li>• take, damage or destroy the nest of any wild bird while that nest is in use or being built; or</li> <li>• at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or</li> <li>• obstruct or prevent any wild bird from using its nest; or</li> <li>• take or destroy an egg of any wild bird; or</li> </ul> <p>disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or</p> <ul style="list-style-type: none"> <li>• disturb dependent young of such a bird.</li> </ul> <p>Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season including 1st March to 31<sup>st</sup> August.</p>
9.13	<p>The applicant's attention is drawn to Article 15 of The Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant included in Part II of Schedule 9 of the Order, which includes Japanese knotweed (<i>Fallopia japonica</i>). This highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause it to spread either on or off the site.</p>
9.14	<p>Japanese knotweed spreads entirely via fragments of plant material or rhizome (root) material. Any soil, containing such material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002 (as amended). The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 (as amended) places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of Japanese knotweed it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains Japanese knotweed as part of the waste transfer process.</p> <p>Please see the following link for Best Practice Guidance:  <a href="http://invasivespeciesireland.com/toolkit/invasive-plant-management/terrestrial-plants/japaneseknotweed/">http://invasivespeciesireland.com/toolkit/invasive-plant-management/terrestrial-plants/japaneseknotweed/</a></p> <p>Further advice can be sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605</p>
9.15	<p>Public water supply within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.</p>
9.16	<p>Foul sewer within 20m of your proposal, the Developer is required to consult with NIW to determine how the proposed development can be served. Application to NIW is required to obtain approval to connect.</p>
9.17	<p>No surface water sewer within 20m of your proposal, developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.</p>

9.18	The water requirements for your proposal may be eligible for the provision of a public watermain if it will serve more than 1 property (1 property if accessed directly from a public road / area) and each property will have an individual supply direct from the proposed public watermain under Article 76 of the above order.
9.19	<p>The Developer must enter into an Agreement for Adoption of the Sewers under Article 161 of the above order. They must be designed to meet the criteria as set out in the current Sewers for Adoptions specification. A connection to the public sewer will not be permitted until such times as the Article 161 Agreement has been authorised by NIW.</p> <p>No construction to be made, trees planted or other obstruction made within</p> <ul style="list-style-type: none"> <li>• 3m (or 1.5 times the depth whichever is greater) of sewers, OR</li> <li>• 4m (or 1.5 times the depth whichever is greater) of watermains &lt;350mm diameter or 8m of watermains of 350mm diameter or greater.</li> </ul> <p>A diversion may be necessary. Consultation with NIW is required at an early design stage.</p>
9.20	The applicant is advised to contact NIW Waterline on 03457 440088 or <a href="mailto:waterline@niwater.com">waterline@niwater.com</a> , upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.
9.21	If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the pipe. Notify NIW Waterline on 03458 770002.
9.22	Although it has been determined above if NIW infrastructure is within 20m of your proposal, consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.

<b>ANNEX</b>	
<b>Date Valid</b>	26th September 2017
<b>Date First Advertised</b>	22nd September 2017
<b>Date Last Advertised</b>	16 <sup>th</sup> November 2018
<b>Date of Last Neighbour Notification</b>	13 <sup>th</sup> November 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
<p>Drawing No. 01C Type: Proposed Site Plan</p> <p>Drawing No. 03 Type: Existing Plans / Elevation</p> <p>Drawing No. 04A Type: Proposed Plans/Eles of Refurb/Extension to 3-9 Dunmurry Lane</p> <p>Drawing No. 05B Type: Proposed Apartment Block Plans</p> <p>Drawing No. 06B Type: Proposed Apartment Block Elevations</p> <p>Drawing No. 07B Type: Proposed Apartment Block Elevations</p> <p>Drawing No. 08B Type: Proposed Apartment Block Sections</p> <p>Drawing No. 10A Type: Planting Proposals</p> <p>Drawing No. 11 Type: Site Location Plan</p> <p>Drawing No. 12B Type: Acoustic Mitigation</p> <p>Drawing No. 13A Type: Proposed Street Elevation</p> <p>Drawing No. - Type: Private Streets Determination</p>	

