

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2018/2726/F	<b>Date of Committee:</b> 10 <sup>th</sup> March 2020
<b>Proposal:</b> Social housing development of 20no semi-detached dwellings and 2no apartments.	<b>Location:</b> Lands to the rear of 7-19 Aghery Walk and 86 - 112 Areema Drive, Dunmurry
<b>Referral Route:</b> Residential development in excess of 12 units with objections	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Apex Housing Association The Gasworks 6 Cromac Place Belfast BT7 2JB	<b>Agent Name and Address:</b> JNP Architects 2nd Floor Alfred House 21 Alfred Street Belfast BT2 8ED
<p><b>Executive Summary:</b> This application seeks full planning permission for a social housing development consisting of 20 no. semi-detached dwellings and 2 apartments (Total 22 units) with access from Areema Drive.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Design and impact on character and appearance of the area</li> <li>• Impact on trees / draft Local Landscape Policy Area / ecology</li> <li>• Impact on amenity</li> <li>• Access, Movement and Parking</li> <li>• Archaeology</li> <li>• Flooding / Infrastructure Capacity</li> <li>• Contamination</li> </ul> <p>The application site is unzoned 'whiteland' within the settlement limits of the Lisburn Area Plan 2001. In Draft BMAP (2004), the site is zoned for social housing under ML06/05. At examination of Draft BMAP (2004), the Planning Appeals Commission (PAC) recommended that there should be no change to the site being indicated as existing open space. In the BMAP Adoption Statement 2014 by the then DOE, they did not except this recommendation and stated that the site was in fact zoned for Social Housing on Map. 3/019. The site was subsequently zoned for social housing under ML 04/08 of Draft BMAP 2015 (final draft version prior to adoption).</p> <p>The site would fall under the definition of open space as per the annex to PPS8 and the proposal would result in the loss of open space. However, it is considered that there are material considerations that would outweigh the loss of open space in this exceptional instance. These considerations include the zoning of land for social housing within both Draft BMAP (2004) and Draft BMAP 2015 (final draft version prior to adoption), the extensive housing need within this area and the remaining retention of open space of the larger site.</p> <p>In addition, the proposal would not adversely impact the character and appearance of the area including the draft LLPA and amenity of nearby residents or human health. The proposal is acceptable in terms of highway safety, parking, flooding, archaeology and contamination.</p>	

Rivers Agency, HED, NI Water, DAERA, BCC Environmental Health, BCC Planning Policy, BCC Tree Officer, BCC Landscaping Section were consulted and have offered no objection to the proposal. Whilst there is an outstanding final consultation response from DFI Roads, the consultee has raised no issues of principle with only minor detailing required in respect of the proposed layout.

A total of 171 letters of objection have been received (104 letters based on the amended plans), summarised as:

- Encroachment on the Green Belt;
- Obstruction of light;
- Pressure on aged infrastructure;
- Flooding;
- Impact on wildlife;
- Loss of greenspace, important for physical and mental well-being;
- Traffic congestion;
- Encasement of playground which will make it unsafe for children;
- Mixed community, proposed social housing will change this balance;
- Will cause great physical and mental concern to the whole community
- No Environmental Impact Assessment or Air Quality Assessment;
- Pollution, impact on human health;
- Japanese knotweed, decrease to property values;
- Contrary to policies to encourage public transport, improving air quality and public health;
- Lack of transparency.

These matters are addressed in the main body of the report below.

The proposal has been assessed against and is considered to comply with PPS2, PPS3, PPS6, PPS7, PPS7 Addendum, PPS8, PPS12, PPS15 the SPPS, Draft BMAP and Lisburn Area Plan 2001. Having regard to the development plan, relevant planning policies, and other material considerations including third party representations, on balance, it is recommended that the proposal is approved.

**Recommendation – Approved subject to conditions**

It is requested that the committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the final wording of conditions.

# Case Officer Report

## Site Location Plan



- 17 - Hedera helix 'Walter'
- 18 - Hedera helix 'Walter'
- 19 - Prunus laurocerasus
- 20 - Prunus laurocerasus
- 21 - Prunus laurocerasus
- 22 - Prunus laurocerasus
- 23 - Prunus laurocerasus
- 24 - Prunus laurocerasus
- 25 - Prunus laurocerasus
- 26 - Prunus laurocerasus
- 27 - Prunus laurocerasus

Number	Species	Height
24	Prunus laurocerasus	4.5-5.0m

Notes on the site plan:

- 1. All trees shown on this plan are to be retained unless otherwise stated.
- 2. All trees shown on this plan are to be planted unless otherwise stated.
- 3. All trees shown on this plan are to be planted by the contractor.
- 4. All trees shown on this plan are to be planted by the contractor.
- 5. All trees shown on this plan are to be planted by the contractor.
- 6. All trees shown on this plan are to be planted by the contractor.
- 7. All trees shown on this plan are to be planted by the contractor.
- 8. All trees shown on this plan are to be planted by the contractor.
- 9. All trees shown on this plan are to be planted by the contractor.
- 10. All trees shown on this plan are to be planted by the contractor.

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>This application seeks full planning permission for the construction of a social housing development consisting of 20 no semi-detached dwellings and 2 no apartments. The housing mix consists of the following;</p> <ul style="list-style-type: none"> <li>• 2 x 1 bedroom apartments;</li> <li>• 4 complex needs bungalow;</li> <li>• 16 dwellings.</li> </ul> <p>The development is to be accessed via Areema Drive and the existing playground is to be retained.</p> <p>The scheme was amended over the course of the application to the include the following;</p> <ul style="list-style-type: none"> <li>• Additional elevational detailing to house types;</li> <li>• Reduction in hardstanding along frontage of plots.</li> </ul>
<b>2.0</b>	<p><b>Description of Site and Area</b></p> <p>The application site comprises an area of existing grassed open space (approx. 1.2 hectares) in front of housing along Areema Drive. There is an existing playground in the centre of the site. The ground is relatively flat with a dip in levels towards the south western corner. The site is bounded to the south and west by mature hedgerows, trees and Derryaghy River further to the west.</p> <p>The surrounding area is characterised by two storey terraced and semi-detached housing to the north and east of the site. Dunmurry Cricket grounds and Dunmurry Rec FC football grounds lie to the south</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>S/2014/0839/PREAPP - Outline permission for housing development – Withdrawn</p> <p>LA04/2015/0465/PAD - Social Housing Development – PAD concluded</p> <p>LA04/2015/1412/PAD - Proposed social housing development consisting of approximately 40 units including associated amenity space, parking, site works and access roads and infrastructure – PAD concluded</p> <p>LA04/2019/2914/F - Proposed foul pumping station with associated landscaping in connection with application LA04/2018/2726/F (housing) – Pending</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Lisburn Area Plan (2001)
4.1.1	Policy H2 Housing
4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 2015
	Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
	Draft BMAP 2004
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits

	4.2.2	Policy HOU3 Social Housing
	4.2.3	Policy ENV3 Local Landscape Policy Areas
		Designation ML01 Metropolitan Development Limit Lisburn
	4.2.4	Designation ML06/05 – Social housing
	4.2.5	Designation ML17 Local Landscape Policy Area Derryaghy River
		Draft BMAP 2015 (purported to be adopted)
	4.2.6	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
	4.2.7	Allocation HOU 2 Social Housing
	4.2.8	Policy ENV1 Local Landscape Policy Area
	4.2.9	Policy OS1 Community Greenways
	4.2.10	Zoning ML 04/08 Social Housing - Key Site Requirements
	4.2.11	Designation ML15 Local Landscape Policy Area Areema Derryaghy River
4.3		Regional Development Strategy 2035
4.4		Strategic Planning Policy Statement 2015
4.5		Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and The Built Environment Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 12: Housing in Settlements Planning Policy Statement 15: (Revised) Planning and Flood Risk
<b>5.0</b>		<b>Statutory Consultees Responses</b>
5.1		DFI Roads – No objection in principle, awaiting final response – Will be reported as a committee update
5.2		Rivers Agency – No objection
5.3		DAERA (Water Management Unit) – No objection subject to conditions
5.4		DAERA (Land and Groundwater Team) – No objection subject to condition
5.5		DAERA (Natural Environment Division) (NED) – No objection
5.6		Historic Environment Division (HED) – No objection
5.7		NI Water – Advice
<b>6.0</b>		<b>Non-Statutory Consultees Responses</b>
6.1		BCC Environmental Health – No objection
6.2		BCC Planning Policy Team – No objection, zoning of land within BMAP as social housing merits considerable weight. Proposed density of development seems lower than the potential capacity. Given emerging Local Development Plan (LDP) dPS 2035, maybe more appropriate to consider some provision of private or intermediate housing. Suggest Housing Executive are consulted in relation to housing need in terms of tenure, size and type.
6.3		BCC Tree Officer – No objection subject to conditions
6.4		BCC Landscaping Section – Scheme could be enhanced by refurbishment of existing playground. Recommend some minor amendments to landscaping / boundary treatment around playground. Request copies of Landscape Management and Maintenance Plan and Invasive Species Management Plan
<b>7.0</b>		<b>Representations</b>
7.1		The amended plans and additional information was neighbour notified on the 13 <sup>th</sup> January 2020. It was re-advertised in the local press on the 24 <sup>th</sup> January 2020. This consultation period expired on the 7 <sup>th</sup> February 2020.

A total of 171 objections have been received.

67 letters of objection were received based on the original plans, summarised as;

- There is plenty of unused properties within Northern Ireland that should be used;
- Proposal will change character of the estate;
- Encroachment on the Green Belt;
- Obstruction of light;
- Unsustainable pressure on aged infrastructure;
- Area prone to flooding, proposal will only exacerbate this;
- Removal of trees will make flooding worse;
- Impact on local wildlife;
- There is a large development planned for cricket grounds, this development risks overdevelopment the area;

**Officer Response:** *There is no current planning applications nor has planning permission been granted for the redevelopment of the cricket grounds.*

- Greenspace is a focal point for the community, and is important for its physical and mental wellbeing. To remove would hold a health and safety risk for all residents;
- We are a mixed community for over 30 years and only one of three in Northern Ireland, proposed social housing would change the balance of the area forever, there is no guarantee from any of the public bodies;

**Officer Response:** *Whilst this is not a material planning consideration, the applicant has confirmed that the proposed social housing is to be carried out as part of the Housing Executive's 'Shared Future Scheme'.*

- Proposal will cause traffic congestion;
- The proposed road and dwellings encase the playground which will make it unsafe for children.

104 letters of objection were received on the latest set of amended plans that were subject to re-consultation, summarised as;

- Area is prone to flooding;
- Greenspace is a focal point for the community, and is important for its physical and mental wellbeing. To remove would hold a health and safety risk for all residents;
- We are a mixed community for over 30 years and only one of three in Northern Ireland, proposed social housing would change the balance of the area forever;
- Proposal will cause traffic congestion and pollution;
- Impact on human health from pollution;
- The proposed road and dwellings encase the playground which will make it unsafe for children;
- Japanese knotweed is present and if disturbed will not only damage any new building but will spread to existing properties, this would result in existing housing losing their value;

**Officer Response:** *Impacts on property value is not a material planning consideration.*

- No Environmental Impact Assessment and Air Quality Assessment has been undertaken;
- Development encourages private car use in an areas with accessibility to buses and trains – this is contrary to policies of encouraging public transport use, improving air quality and public health;
- Lack of transparency to this whole process;

**Officer Response:** *Publicity and consultation of the application has been carried out in line with statutory requirements. A meeting was also facilitated for the local elected representative on behalf of the residents. The applicant also undertook public consultation prior to submitting the application.*

	<p>These issues are addressed either directly above or in the main body of the report below.</p> <p>A meeting was held with Councillor Heading and the applicant Apex on Tuesday 25<sup>th</sup> February 2020.</p>
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	<p>Living Spaces: An Urban Stewardship and Design Guide or Northern Ireland          Creating Places          The Belfast Agenda          DCAN 15          Parking Standards</p>
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> <li>- Principle of development</li> <li>- Design, Impact on character and appearance of the area</li> <li>- Impact on trees / Draft LLPA / ecology</li> <li>- Impact on amenity</li> <li>- Access, Movement and Parking</li> <li>- Archaeology</li> <li>- Flooding / Infrastructure Capacity</li> <li>- Contamination</li> </ul>
9.3	<p><u>Principle of development</u></p> <p>The application site is unzoned 'whiteland' within the settlement limits of the Lisburn Area Plan 2001. In Draft BMAP (2004), the site is zoned for social housing under ML06/05. At examination of Draft BMAP (2004), the Planning Appeals Commission (PAC) recommended that there should be no change to the site being indicated as existing open space. In the BMAP Adoption Statement 2014 by the then DOE, they did not except this recommendation and stated that the site was in fact zoned for Social Housing on Map. 3/019 and NIHE confirmed that there is a substantial housing need in and around Areema and noted planning permission for 10 units had lapsed. Please note reference to previous planning permission was an error as there is no previous planning history. The site was subsequently zoned for social housing under ML 04/08 of Draft BMAP 2015 (final draft version prior to adoption).</p>
9.4	<p>Currently the site would fall under the definition of open space as per the annex to PPS8 and the proposal would result in the loss of open space. In accordance with Policy OS1 of PPS8 and the SPPS there is a presumption against the loss of open space and this should only be set aside in specific exceptional circumstances. One of these exceptions is where it is clearly shown that the redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. In addition, regard must also be paid to the Local Development Plan.</p>
9.5	<p>The applicant has submitted an Open Space Statement in support of their application. This demonstrates that there is a high social housing need within the area with a 55% housing stress waiting list for families which this development would help address. Confirmation has also been provided from the Housing Executive that they would support the proposed housing mix. This represents a substantial community benefit.</p>
9.6	<p>The surrounding area has a large amount of existing open space, in addition, 34% of the site's existing green open space will remain and will continue to be maintained by the Housing Executive which will serve existing and proposed housing.</p>

9.7	Furthermore, the zoning of the land for social housing within both Draft BMAP 2004 and Draft BMAP 2015 (final version prior to adoption) merits substantial weight as confirmed by the BCC Planning Policy Team.
9.8	On this basis, the material considerations set out above are considered to outweigh the loss of open space in this exceptional instance. Therefore, the principle of housing is acceptable in accordance with Policies OS1 and OS2 of PPS8, the SPPS, Draft BMAP and the Lisburn Area Plan 2001.
9.9	<p><u>Design and Impact on the character and appearance of the area</u></p> <p>The proposed density of development at 18 dwelling per hectare (dph) would be in keeping with the surrounding area. It would also meet the key site requirement for 17 dwellings per hectare set out in Draft BMAP 2015 (final draft version prior to adoption). Whilst it is noted that Planning Policy consider the density of development seems lower than the potential site capacity and have recommended an increased density, not all the land indicated within the zoning is developable due to the flood plain in the south western corner, woodland buffers along the southern and western boundaries and existing NI Water infrastructure. In addition, following community consultation and pre-application discussions, the density of development was reduced to address concerns from residents and to ensure adequate amenity space.</p>
9.10	The proposed layout of development would be similar to that of the surrounding area and would include in-curtilage parking spaces and landscaped front gardens to reduce the dominance of cars.
9.11	The scale, massing, proportions and appearance of the proposed dwellings would be sympathetic with the existing streetscape with a mix of traditional two storey dwellings and bungalows finished in red brick, render and grey roof tiles with bay windows, gable ends, brick course, corbelled eaves to provide additional detailing. A variety of house types are also provided which would inject further visual interest.
9.12	Full details of boundary treatments have been provided which consist of railings, close boarded timber fence and brick walls. The proposed boundary treatments would be of a high quality nature, which help enclose site boundaries to clearly define private and public spaces. The development has been designed to deter crime and promote personal safety with back to back relationships and natural surveillance over parking areas and the playground.
9.13	Overall the proposal would respect its surrounding context, whilst making a positive contribution to the character and quality of the area. It would create a sustainable and quality residential environment in accordance with the SPPS, PPS7 and its addendum and Creating Places.
9.14	<p><u>Impact on Trees / Impact on Draft LLPA / Ecology</u></p> <p>A Tree Survey Report and Tree Constraints Plan have been provided. The proposed layout ensures the retention of the mature tree belts along the southern and western boundaries. Eight trees are required to be removed to accommodate the development, which are either dead or young in age class and as such, there is no objection to their loss. The loss of these trees is also compensated for by the planting of 26 new trees as per the proposed landscaping plan. The Council's Tree Officer was consulted and offers no objection to the proposal.</p>
9.15	The draft Derryagh River LLPA is characterised by a wooded landscape of high visual amenity value, the trees being of particular significance along with the extensive areas of recreational open space. The proposed development retains the woodland buffers with areas of open space surrounding the site which would ensure that the proposal would not adversely



9.16	<p>impact the Draft LLPA. The proposal would therefore accord with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, Policy ENV1 of Draft BMAP and the SPPS.</p> <p>An Ecological Survey Report was submitted in support of the application. No evidence of protected species was discovered on the site and the woodland buffers along the southern and western boundaries are to be maintained and protected. NED were consulted and are content with the proposal. On this basis, the proposal is unlikely to harm protected species or cause unacceptable adverse harm to natural heritage features in accordance Policies NH2 and NH5 of PPS2 and the SPPS.</p>
9.17	<p><u>Impact on Amenity</u></p> <p>The proposed housing is sufficiently separated from the existing dwellings by a minimum distance of 25 metres, which would ensure the development would not detrimentally affect their residential amenity.</p>
9.18	<p>Objections have been raised from local residents over air pollution. The Council's Environmental Health Department were consulted and offer no objection to the proposal. The addition of 22 units would not result in significant air pollution that would warrant refusal of the application. Any disturbance during construction would be for a temporary period and is covered by other environmental legislation. A construction management plan condition has been recommended to minimise disruption during the construction period.</p>
9.19	<p>The internal layout of the development has been sensitively designed to ensure sufficient separation distances to provide an adequate level of privacy for future occupiers of the development. The proposed dwellings would meet the space standards as set out in Annex A of PPS7 Addendum. Each dwelling would be provided with a suitable degree of outlook and light for their main habitable rooms.</p>
9.20	<p>Each property would be provided with their own private garden which would exceed the minimum recommended standard set out in Creating Places and would be in keeping with the prevailing character of surrounding area.</p>
9.21	<p>Further to the noise assessment carried out as part of the foul pumping station (ref: LA04/2019/2914/F), this identified elevated background noise levels mainly due to busy Creighton Road. A condition has subsequently been recommended requiring the inclusion of suitable noise mitigation measures within the proposed housing.</p>
9.22	<p>Having regard to Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, SPPS and Creating Places, the proposal is considered acceptable in respect of amenity for existing and future occupiers.</p>
9.23	<p><u>Access, Movement and Parking</u></p> <p>The planning application is accompanied by a Transport Assessment Form. A total of 48 car parking spaces would be provided within the development itself including 20 on-street spaces in line with the recommended parking standards.</p>
9.24	<p>The road is to be extended from Areema Drive to service the proposed development in line with the key site requirement set out in Draft BMAP 2015 (final draft version prior to adoption). The level of traffic generation from 22 dwellings is unlikely to have any significant impact on the local highway network. DFI Roads were consulted and offer no objection to the proposal in principle subject to minor revisions to the private streets determination drawing. Their final consultation response will be reported as a committee update.</p>
9.25	<p>Safety concerns have been raised from local residents regarding the new road around the playground. Boundary treatment is proposed around the perimeter of the playground with self-closing gated access. There are pedestrian crossing points directly in front of the playground</p>

	linking into the footpath and traffic calming measures within the road layout to reduce traffic speeds.
9.26	In light of the above, it is considered that the proposed development would be acceptable in terms of highway safety, capacity and car parking in accordance with the SPPS, Policies AMP1, AMP2 and AMP7 of PPS3 and Policy QD1 of PPS7.
	<u>Archaeology</u>
9.27	HED previously advised that the site was within an archaeologically sensitive landscape close to two recorded scheduled archaeological monuments (Dunmurry Fort and Mary Mount). An Archaeological Evaluation was carried out which would find no features of archaeological significance. This was reviewed by HED who offer no objection to the proposal. It is therefore considered to comply with Policies BH1, BH3 of PPS6 and the SPPS.
	<u>Flooding and Infrastructure Capacity</u>
9.28	A Flood Risk and Drainage Assessment has been submitted. The layout of development has been carefully designed to ensure that the proposed development does not fall within the 1 in 100 year fluvial flood plain extent in the south west corner of the site. The finished floor levels (FFL) of the proposed dwellings are set a minimum of 600mm above the predicted flood level.
9.29	An adequate maintenance buffer is maintained along the Derryaghy River in accordance with Policy FLD2 of PPS7. The Drainage Assessment includes attenuation to limit the discharge rate of surface water to the Greenfield run-off rate with an allowance for climate change. It demonstrates that adequate measures will be put in place to effectively mitigate flood risk to the proposed development and ensure that flood risk will not be increased elsewhere.
9.30	The submitted information has been reviewed by Rivers Agency who have cited no objection. The proposal would therefore accord with Policies FLD1, FLD2 and FLD3 of PPS 15 and the SPPS.
9.31	NI Water have confirmed that there is available capacity within the WWTW and a foul pumping station is proposed under application LA04/2019/2914/F to service the development. Water Management Unit (DAERA) were consulted on the application and are content with the proposal on the basis of the surface water environment.
	<u>Contamination</u>
9.32	A Contamination Assessment has been carried out on the site which has been reviewed by Environmental Health and DAERA (Land and Groundwater Team) who offer no objection to the proposal. The submitted evidence demonstrates that the site can be developed for its proposed end use with no unacceptable risks to human health or environmental receptors in accordance with the SPPS.
	<u>Other matters</u>
	<u>EIA Screening</u>
9.33	The proposed development falls within Schedule 2, Part 10(b) 'Urban development projects, including the construction of shopping centres and car parks' of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 as the site area would exceed 0.5 hectares. The development has been screened and it has been determined that it does not constitute EIA development.
	<u>Developer Contributions</u>
9.34	The proposed development does not meet the threshold set out in the Developer Contributions Framework January 2020 for the provision of a children's play area. However, the applicant has offered to make a contribution to an upgrade of the existing playground. In line with the

9.35	<p>SPPS and the Framework, this benefit cannot be considered a material consideration in the determination of this application.</p> <p><b>Invasive Species</b> Concern has been raised from local residents over the presence of Japanese knotweed. An Invasive Species Survey of the site was carried out which found one continuous strand of Japanese knotweed within the woodland along the southern boundary and Himalayan balsam along the western boundary. This matter is covered by separation legislation not planning. An Invasive Species Management Plan has been submitted in any case, which recommends various control measures to ensure that the proposed works do not cause them to spread on or off site.</p>
<b>10.0</b>	<p><b>Summary of Recommendation:</b> Having regard to the development plan, relevant policy context and other material considerations including third party representations, on balance, the proposal is considered acceptable. It is requested that the Planning Committee delegates authority to the Director of Planning and Building Control to grant conditional planning permission and to finalise the wording of conditions.</p>
<b>11.0</b>	<p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. Prior to the occupation of any of the dwellings hereby permitted, the foul pumping station approved under application LA04/2019/2914/F shall be fully constructed and maintained thereafter to NI Water adoption standards.  Reason: In the interests of public health.</li> <li>3. The development hereby permitted shall be constructed in the materials shown on the approved plans.  Reason: To protect the visual amenities of the area.</li> <li>4. The development hereby permitted shall be carried out in accordance with the approved landscaping plan Drawing Number XX stamped received by Belfast City Council XX. All landscaping shall be carried out in accordance with the approved scheme in the first planting season (November-March) following the completion of the development and maintained thereafter. Any retained or newly planted trees, shrubs or hedges which die, become seriously damaged or diseased or are removed or destroyed within a period of 5 years from the date of planting shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  Reason: In the interests of amenity and to preserve and enhance the character and appearance of the locality.</li> <li>5. Prior to any work commencing on the site, 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</li> </ol>

all associated materials and equipment are removed from site. Please notify council to inspect the erection of the fencing prior to the beginning of construction works on site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained.

6. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (MWA Ref:83755.Doc.01) prepared by MWA Partnership Ltd. stamped received by Belfast City Council 18<sup>th</sup> December 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity and to protect the general amenity and character and appearance of the locality.

7. No trees which are shown as being retained on approved drawing no XX stamped received by Belfast City Council XX shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Local Planning Authority.

Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area and in the interests of biodiversity.

8. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department 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 XX bearing the Department for Infrastructure Determination date stamp XX (Drawing No XX).

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

9. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Drawing No XX stamped received by Belfast Planning Service XX to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure adequate provision has been made for parking within the site.

10. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health and environmental receptors, 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 (and if required a Verification Report) should be prepared and submitted for appraisal.

Reason: Protection of environmental receptors and human health.

11. The development hereby permitted shall be carried out in accordance with approved Drawing Numbers XX stamped received by Belfast City Council XX. The means of enclosure including walls and boundary treatments shall be fully implemented in

accordance with the approved details prior to the occupation of any part of the development and thereafter maintained in accordance with the approved details.

Reason: In the interests of visual amenity and ensure a satisfactory level of amenity for future occupiers.

12. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment

13. The development hereby permitted shall be carried out in accordance with the submitted Construction Management Plan. The Management Plan shall be implemented as approved and maintained for the duration of the construction works.

Reason: In the interests of public safety and amenity.

14. Prior to the first occupation of the dwellings hereby permitted, noise mitigation measures shall be implemented and retained as such thereafter to ensure that internal noise levels within each dwelling shall:

- 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 ventilation provided in accordance with current building control requirements;
- not exceed 30 dB LAeq,(8hrs) between the hours of 23:00 and 07:00hrs within the proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements;
- not exceed 45 dB LAmax for any single sound event between the 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.

Reason: Protection of residential amenity.

**Notification to Department (if relevant):** N/A

**Representations from Elected members:** Meeting held with Councillor Heading and the applicant Apex on Tuesday 25<sup>th</sup> February 2020.

**Details of Neighbour Notification** (all addresses)

10 – 68 Alina Gardens, Dunmurry, Antrim, Northern Ireland, BT17 0QJ

10 - 132 Areema Drive, Dunmurry, Dunmurry, Antrim, BT17 0QH

9 - 19 Aghery Walk, Dunmurry, Dunmurry, Antrim, BT17 0QQ

7, Flat A-D, Aghery Walk, Dunmurry, Dunmurry, Antrim, Northern Ireland, BT17 0QQ