

# Development Management Officer Report

## Committee Application

Summary	
<b>Application ID:</b> LA04/2022/1819/F	<b>Committee Date:</b> 14 <sup>th</sup> October 2025
<b>Proposal:</b> Demolition of existing buildings and erection of 32 apartments in 3No. blocks (7@ 1no. bedroom & 25@ 2no. bedrooms) (6no. wheelchair adaptable) and associated site works.	<b>Location:</b> 39 Upper Dunmurry Lane Dunmurry BT17 0PT.
<b>Applicant Name and Address:</b> Joe Briers and John Maxwell 43 Millbank Road Templepatrick BT39 0AS	<b>Agent Name and Address:</b> Tony McCoey 3 Thirlmere Gardens Belfast BT15 5EF
<b>Referral Route:</b> Application for more than 12 units with objections	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Date Valid:</b> 07.10.2022	
<b>Target Date:</b> 20.01.2023	
<b>Contact Officer:</b> Ed Baker, Planning Manager (Development Management)	
<p><b>Executive Summary:</b> This application relates to land at Stewarts Mill, 39 Upper Dunmurry Lane. The application seeks full planning permission for the demolition of the existing Mill buildings and the erection of 32 apartments within three blocks.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• The principle of housing in this location</li> <li>• Demolition of existing buildings</li> <li>• Impact on the Historic Environment</li> <li>• Affordable housing</li> <li>• Housing density</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design and placemaking</li> <li>• Residential quality and impact on amenity</li> <li>• Provision of open space</li> <li>• Access and transport</li> <li>• Climate Change</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Natural heritage</li> <li>• Waste-water infrastructure</li> <li>• Flood risk and drainage</li> <li>• Section 76 planning agreement</li> </ul>	

The site is within the proposed Dunmurry Area of Townscape Character (ATC) of the most recent version of draft Belfast Metropolitan Area Plan 2015 (v2004).

The site is a suitable location for housing; the proposal would make effective use of previously developed land.

The height, scale and massing of the proposed buildings are considered acceptable in this mix use area.

The proposal will provide on-site parking which is considered acceptable. The site is in a highly sustainable location with convenience access to bus and rail travel, the travel plan has commitments to green travel measures.

The application will provide mix tenure types, secured via s.76 agreement; and provide an acceptable mix of house types.

NIHE was supportive of social housing provision, however housing association was not willing to accept pepper pot arrangement requesting an entire block. no objections raised by NI Water, DfI Roads, DfI Rivers, BCC Environmental Health, NIEA BCC Planning Housing and Economic Teams. Final comments are awaited from DfI Rivers and BCC Environmental Health and these will be reported as late items.

Eight third party objections have been received, expressing concerns mainly regarding increase traffic loss of historic building, noise form terrace design not in keeping with area. One letter of support received.

### **Recommendation**

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

### **Case Officer Report**

#### **Site Location Plan:**



## Site layout:



## Elevations of apartments: Mill Building



Proposed front elevation



Proposed side elevation 1



Proposed rear elevation



Proposed side elevation 2

## Ancillary Building



Proposed side elevation 1



Proposed front elevation

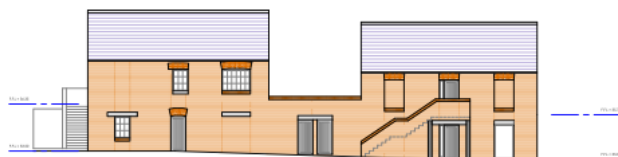


Proposed side elevation 2



Proposed rear elevation

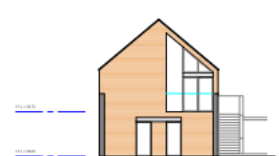
## Storage Building



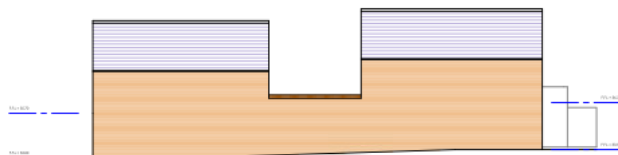
Proposed elevation along new access road



Proposed front elevation



Proposed inner elevation 1



Proposed side elevation along boundary



Proposed rear elevation



Proposed inner elevation 2

<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	Demolition of existing buildings and erection of 32 apartments in 3No. blocks (7@ 1no. bedroom & 25@ 2no. bedrooms) (6no. wheelchair adaptable) and associated site works.
1.2	The application follows a Pre-Application Discussion (PAD) with officers, following PAC appeal decision that found all but one of the refusal reasons unsustainable. The proposed plans are in general conformity with the agreed PAD design and site layout.
<b>2.0</b>	<b>Description of Site and Area</b>
2.1	The site fronts onto Upper Dunmurry Lane. The topography of the site varies as the site rises from east to west along Upper Dunmurry Lane which is reflected in the design of the largest mill building. There are a number of other buildings on the site at present including 4 buildings associated with the historic use of the site as a mill. A number of other additions/structures to the mill buildings and other more recent single storey buildings have been erected on the site. The Main mill buildings comprise of four elements. At present, the majority of the buildings are in use as car repair businesses.
2.2	<ul style="list-style-type: none"> <li>• Building No. 1 - The main Mill Building is 2 storey to 3 storey and fronts onto Upper Dunmurry Lane.</li> <li>• Building No. 2 - Is a two-storey adjunct to the main Mill building which sits forward of the main mill building and is painted white.</li> <li>• Building No. 3 - A third two storey mill building sits perpendicular to the road and is also painted white.</li> </ul>
2.3	The area around the buildings is tarmacked and used for the parking of vehicles associated with the businesses on site and a large mature tree is situated in the northern portion of the site. Part of the western and northern boundary is defined by a steel security fence approximately 2.5m high. The site is bounded by Dunmurry Office Park along its eastern boundary. To the south and west of the site, the predominant use is residential in the form of two storey terraced/semi-detached dwellings. Red brick is a dominant external finish with render also a feature. There are a few commercial properties in the area however residential is the predominant use. When viewed from Upper Dunmurry Lane the larger mill building is a predominant feature in the landscape.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Relevant Site History</b>
3.1	<p>Appeal Reference: 2019/A0085. Application Reference: S/2010/0436/F.</p> <p>Proposed Development: Demolition of existing mill building, annexes, stores, garages &amp; erection of 1 detached, 8 semi-detached dwellings and 14 apartments &amp; associated siteworks. Location: 39 Upper Dunmurry Lane, Dunmurry.</p> <p>Decision date: 31 July 2020: Appeal dismissed. However, the buildings for demolition were found not to make a material contribution to the draft ATC and were not worthy of retention.</p>

4.0	<b>Policy Framework</b>
4.1	<p><b>Development Plan – operational policies</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1 – Growth strategy  Policy SP1A – Managing growth and supporting infrastructure delivery  Policy SP2 – Sustainable development  Policy SP3 – Improving health and wellbeing  Policy SP5 – Positive placemaking  Policy SP6 – Environmental resilience  Policy SP7 – Connectivity  Policy SD1 – Settlement hierarchy  Policy SD2 – Settlement Areas  Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation  Policy DES1 – Principles of urban design  Policy RD1 – New residential development  Policy HC1 – Promoting healthy communities  Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV5 – Sustainable drainage systems (SuDS)  Policy OS3 - Ancillary open space  Policy LC1 – Landscape</p> <p><u>Supplementary Planning Guidance</u>  Affordable Housing and Housing Mix  Development Viability  Residential Design  Placemaking and Urban Design  Sustainable Urban Drainage Systems  Transportation  Trees and Development</p> <p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) (BUAP)  Draft Belfast Metropolitan Area Plan 2015 (v2004) (dBMAP v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014) (dBMAP v2014)</p> <p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>

	<b>Other Material Considerations</b> Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan) Creating Places (2000)
5.0	<b>Statutory Consultees</b>  <b>DFI Roads</b> – no objection subject to conditions and private streets determination <b>DFI Rivers Agency</b> – no objection <b>DAERA NIEA</b> Natural Environment Division – no objection subject conditions <b>NI Water</b> – no objection <b>HED</b> – no objection <b>Northern Ireland Housing Executive</b> – advised that there is social housing need in the area, applications include 11 elderly, 90 families, and 80 singles.
6.0	<b>Non-Statutory Consultees</b>  <b>Environmental Health BCC</b> – no objection subject to informatives <b>Planning Service Plans &amp; Policy Unit</b> – refer to main assessment  Please note that whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
7.0	<b>Representations</b>
7.1	Seven letters objections and one letter of support have been received.  The representations can be summarised as raising the following issues: <ul style="list-style-type: none"> <li>• Additional traffic flow</li> <li>• Additional impact on water and sewage infrastructure</li> <li>• Demolition of existing buildings</li> <li>• Proposal not in keeping with area</li> <li>• Anti-social behaviour along interface</li> </ul> The above issues are covered in the main report below.
8.0	<b><u>ASSESSMENT</u></b>
8.1	<b><u>Development Plan Context</u></b>
8.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
8.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

8.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (Departmental Development Plan) remain part of the statutory local development plan until the Local Policies Plan is adopted.
8.5	<u>Operational Policies</u>
8.6	The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in section 4.0 of the report.
8.7	<u>Proposals Maps</u>
8.8	Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
8.9	<u>Key Issues</u>
8.10	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• The principle of housing in this location</li> <li>• Demolition of existing buildings</li> <li>• Impact on the Historic Environment</li> <li>• Affordable housing</li> <li>• Housing density</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Design and placemaking</li> <li>• Residential quality and impact on amenity</li> <li>• Provision of open space</li> <li>• Access and transport</li> <li>• Climate Change</li> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Natural heritage</li> <li>• Waste-water infrastructure</li> <li>• Flood risk and drainage</li> <li>• Section 76 planning agreement</li> </ul>
8.11	<u>The principle of housing in this location</u>
8.12	The site is within the development limits of the BUAP and dBMAPs the presumption is therefore in favour of development.
8.13	The application site is on Upper Dunmurry Lane. The surrounding area comprises mainly residential uses with a mix of densities with higher density terrace housing



8.14	fronting onto Upper Dunmurry Lane and lower density dwelling on the adjoining streets. The surrounding area also comprises a number of commercial use with Dunmurry rail halt and line 200m south of the site.
8.15	Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.
8.16	<ul style="list-style-type: none"> <li>• <b>The site is suitable for housing</b> – the site is a sustainable location within an established residential area and considered suitable for housing.</li> <li>• <b>The location is accessible and convenient to public transport and walking cycle infrastructure</b> – the site is accessible being on a bus route and within close proximity to the Ormeau Road being a city corridor.</li> <li>• <b>Provision is made for any additional infrastructure required as a result of the development</b> – suitable infrastructure is in place to support the proposed development.</li> </ul>
8.17	The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.
8.18	<p><b><u>Demolition of Existing Buildings and impact on historic environment</u></b></p> <p>The site is located within the Dunmurry ATC within the draft BMAP 2015 Designated as ML 20. The presumption is for the retention of buildings considered to make a positive contribution to the character of the ATC. Planning Service previous approach towards demolition of these buildings within application S/2010/0436/F was for the retention of the buildings and offered refusal reasons to this point. A subsequent appeal (2019/A0085) held that the buildings were of a condition that would prevent repair and repurposing for other uses a similar approach offered by HED. Regarding to the contribution to the character of the ATC the appeal found that the buildings did not make a positive contribution to the character of the ATC and stated that it was the neighbouring cottages that were a contribution factor to the character.</p>
8.19	DfC HED is content with the proposal, having considered the effects of the proposal on the listed building HB19/20/005, First Presbyterian Church Glebe Road, and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that it's setting will remain unaffected.
8.20	HED (Historic Monuments) stated that the application includes the demolition of an upstanding IHR site. Historic Monuments sought additional information, in the form of a structural Report on the condition of the buildings. Following consideration of this report HED advised retention and restoration is not a viable alternative, therefore the application satisfies SPPS and Belfast Local Development Plan Strategy (2023) policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.
8.21	Policy ENV2 states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused.
8.22	The planning history of the site is a material consideration, and the PAC and the Council's structural reports at that time found the buildings to be "incapable of renovation and reuse".

8.23	<p>The applicant submitted a Demolition Justification Statement following the adoption of the Plan Strategy. The application site is currently occupied by a number early 20th century former mill buildings which are currently semi-vacant and in a very poor state of repair. An independent structural assessment of the buildings for a previous planning application to redevelop the site indicated that they have been subject to significant internal and external alteration and to be a generally poor structural condition. This opinion was further verified by a structural report commissioned by Belfast City Council Planning Department. As referred to at para. 3.0 above. The following issues were put forward within the Demolition Justification Statement to support this case:</p> <ul style="list-style-type: none"> <li>• the advanced nature of decay in the physical fabric;</li> <li>• the poor standard of construction materials originally used in substantial parts of the structure which makes the buildings in their current form unsuitable for re-use,</li> <li>• the siting of the mill buildings directly abutting the carriageway of Upper Dunmurry Lane where retention would preclude provision of a much needed footpath along the north side of the road,</li> <li>• the removal of the buildings would facilitate the provision of a much needed footpath and improve sightlines on a section of Upper Dunmurry Lane which has for many years been seen as having a road safety problem.</li> <li>• and the sub-standard means of access to the site which cannot be improved without demolition.</li> </ul>
8.24	<p>While the applicant states demolition is unavoidable, a condition is proposed to ensure that the redevelopment will incorporate reclaimed building materials into the new building while the demolition waste will be recycled where possible and rubble will form aggregates for use during construction. The application also proposed to create a 2m high wall along the boundary of the site with Upper Dunmurry Lane from reclaimed brick.</p>
8.25	<p>No objections have been received regarding the demolition of the building</p>
8.26	<p>Regard should also be had to the longevity of the application, which was submitted in September 2022 with a PAD submitted in August 2018, significantly pre-dating adoption of the Plan Strategy in May 2023.</p>
8.27	<p>Having regard to the above assessment, demolition of the existing building is considered acceptable, having regard to Policy ENV2.</p>
8.28	<p><b><u>Affordable housing</u></b> Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.</p>
8.29	<p>In this case, the applicant initially proposed a larger scheme of 47 units and this included 20% affordable housing. The proposal was reduced to 33 units in order to address road safety concerns raised by DfI Roads as well as other matters.</p>
8.30	<p>Section 5.2.11 of the 'Affordable Housing and Housing Mix' Supplementary Planning Guidance (SPG) notes that the Council's over-riding aim when considering the suitability of alternative affordable housing provision is to secure the maximum viable number of affordable housing units on-site as part of mixed tenure development.</p>
8.31	

8.32

Advice was sought from the Northern Ireland Housing Executive regarding social need within the area. They advised that the site is located close to the Areema Common landlord Area, within the Outer West Belfast which has unmet need of 784 units for the 2022-27 period.

Areema/Dunmurry Lane Waiting List June 2023

	Elderly	Families	Singles	Total
Total Applicants	11	90	80	181
Housing Stress Applicants	8	72	67	147
Allocations	8	2	5	15

8.33

The applicant entered into negotiations with a social housing provider regarding the uptake of units. The housing provider indicated that they were only willing to take on a full block of 14 units and not individual units in a pepper pot fashion as usually required. The applicant has agreed a s.76 agreement to provide 7 units (20%) as affordable housing to meet the policy requirement.

8.34

**Housing density**  
Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.

8.35

The target density for Outer Belfast is 25 to 125 dwellings per hectare (dpa) the site is some 0.4ha which means that the scheme has a density of 80 dwellings dpa, which is compatible with the policy and the density of the scheme is considered acceptable.

8.36

**Housing mix**  
Policy HOU6 requires proposals for new residential developments on sites greater than 0.1ha and/or containing 5 or more dwelling units to provide a suitable mix of house types and sizes to promote choice and assist in meeting community need. The policy requirement will not apply to apartment development in such schemes housing mix will be considered acceptable with the provision of various unit sizes.

8.37

The proposal provides the following unit sizes

- 7no. 1-bedroom apartments (22%);
- 25no. 3-bedroom detached dwellings (78%)

8.38

As can be seen, the larger majority of units on offer are 2-bedroom units. It is considered that the proposal does not promote a significant variety of choice but the offer of 2 and 1 bedroom apartments is considered, on balance, to satisfy Policy HOU6 in line with housing need and mix in the wider area.

8.39

**Adaptable and accessible accommodation**  
Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.

8.40

	<p>The submitted plans shows 6 units, within the development to be Wheelchair Accessibility. Officers are satisfied that 6 (19%) of the units are designed to wheelchair accessible standards. It is considered that the proposal is compliant with Policy HOU7.</p>
8.41	<p><b><u>Design and placemaking</u></b></p> <p>The proposal has been assessed against Policies SP5, DES1, DES2 and RD1 of the Plan Strategy, the SPPS and Creating Places. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials.</p>
8.42	<p>Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list 11 criteria, a. to k. Not all the criteria is directly relevant to this proposal but it is accepted that the proposal shall respond positively to the local context through such items as height, scale building lines and materials. The proposal should reinforce a sense of place by demonstrating locally distinctive features. Also, provide adequate levels of enclosure; create well connected public realm that supports welcoming pedestrian environments. Supports safe communities and natural surveillance of public spaces; promote active frontages; promote efficient use of the lands via density of use; promote access to public transport and support walking and cycling. New developments should maximise energy efficiencies; ensure no undue impact on neighbouring amenity and ensure sufficient level of parking and traffic movement.</p>
8.43	<p>The design of the Mill Building and Storage Building units draw reference from the existing buildings on site in terms of heights and scale. These two buildings will have aspects projecting onto Upper Dunmurry Lane and beyond and therefore impacts on the draft setting of the area, a draft ATC.</p>
8.44	<p>The Mill and Storage Buildings will be constructed mainly in red facing brick that is reflective of the existing cottages and other buildings neighbouring the site. The Storage building is designed with a pitched roof, like the building it is to replace, and is designed with natural slate which is reflective of the wider surrounding dATC area.</p>
8.45	<p>The building line of the existing Mill and Storage building is to be adjusted to allow a footpath to be constructed this will aid pedestrians access to the neighbouring train station and other forms of public transport. The design of these buildings has introduced windows with an outlook onto Upper Dunmurry Lane providing a natural level of supervision, a grass and planted area between the building and the footpath allows a defensive space to be created between the building and the public footpath.</p>
8.46	<p>The grass and planted area also soften the build form in the area increasing the level of green infrastructure to an area dominated by hard build form and road infrastructure. The introduction of the softer landscaping will contribute to the immediate area and thus the wider dATC. The proposal is designed with an area of public amenity space in the centre of the development this allows a soft landscape relief of the development and provides a natural break out area for the residents of the development.</p>
8.47	<p>The current proposal differs from a previous refusal to develop the site in terms of impact on the dATC. The previous proposal for a detached house, located fronting Upper Dunmurry Lane at the southern end of the site, 14 apartments in a new Mill Building and 8 semi-detached dwellings dispersed within the site. The quantity of open space was limited in the previous design with large areas given to car parking</p>

	space. The design of the Mill Building resulted in dead frontage at ground floor level onto Upper Dunmurry Lane. It was considered that the design of the proposal was unacceptable and failed to contribute to the dATC.
8.48	In conclusion, the design and layout of the proposal is considered appropriate. It is considered that the proposal is acceptable having regard to Policies DES1 and RD1, relevant provisions of the SPPS and Creating Places.
8.49	<p><b><u>Residential quality and impact on amenity</u></b></p> <p>Policies DES1, and RD1 provide policy criteria in relation to requiring a high-quality residential environment and that development does not adversely impact on the residential amenity of existing properties including overshadowing, loss of light, outlook and privacy.</p>
8.50	
8.51	Planning guidance, Creating Places, supports for apartments, external amenity space of between 10 and 30 sqm per residential unit should be provided. The apartments have shared access to an area of 1888 sqm hard and soft amenity space and 62sqm of terrace space equating to an average of 12.6sqm per apartment.
8.52	Creating Places advocates a minimum separation of 15m from the apartment to the common boundary. The separation distance between the apartment block annotated as the auxiliary building and the boundary wall of the nearest terrace dwelling on Upper Dunmurry Lane is 25m. The distance between the side gable of the apartment block annotated as the Mill building and this terrace dwelling is 19m. The separation distance between the rear of the auxiliary building and the rear boundary at the closest distance is 8m, this boundary is shared with a car parking area. Other measures considered as protection of neighbouring amenity is the change in levels, boundary planting the orientation of the apartments and the use of 1.8m high obscure screening to terraces areas. The design details of all boundary treatment are to confirmed prior to commencement and completed prior to occupation of the development.
8.53	The Mill Building apartment block will have a road frontage onto Upper Dunmurry lane and will project a three-storey height, the existing building is three and two storeys in height along this frontage. The separation distance between the apartment block and the terrace facing is 13 to 16m apart; the apartment block is north of the terrace therefore no impact in terms of over shadowing. The articulation of windows and change in the colouring of materials helps prevent a monolithic appearance reducing the perception of dominance.
8.54	Having regard to the separation distances and orientation of the apartment with neighbouring dwellings there would be no adverse impacts on amenity by way of overlooking, loss of sunlight/daylight or outlook either between the proposed nor within the site itself.
8.55	It is considered that Policies DES1, RD1 and relevant provisions of the SPPS and Creating Places are satisfied.
8.56	<p><b><u>Provision of open space</u></b></p> <p>Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to:</p>
8.57	a) the normal expectation will be at least 10% of the total site area; and

8.58	b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.
8.59	<p>The proposed site is circa 4200sqm of which 1888 will be soft and hard landscaping circa 44% of the site.</p> <p>The proposal is considered compliant with Policy OS3.</p> <p><b><i>Landscaping and Trees</i></b></p>
8.60	The scheme includes a Landscape Plan accompanied by a Landscape Management and Maintenance Plan. The proposal includes the planting of 13 trees in total, the additional of ornamental shrub planting beds around the site, open space grassed amenity areas. The car parking areas are designed to be finished in Grasscrete to minimise the appearance of hard standing within the development
8.61	Policy TRE1 states that the Council will seek to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.
8.62	The site is relatively free from trees and vegetation, the limited vegetation appears to be due to a lack of ground maintenance than thought out planted areas. No trees that make a contribution to the surrounding amenity will be lost to the development, trees surrounding the boundary appear to be outside of the site. The proposed tree planting results in a net gain of 13 trees within the site.
8.63	The proposal is considered to accord with Policy TRE1.
8.64	<p><b><u>Access and Transport</u></b></p> <p>The proposal has been assessed by DfI Roads Service, have access to both the plans and public comments. Roads offers no objection to the proposal and is content with subject to planning conditions.</p> <p>It is considered that the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.</p> <p><b><u>Climate change</u></b></p>
8.65	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere.
8.66	The applicant has provided details on the various sustainable design features which will be incorporated in the development. There is demolition proposed and so this aspect of Policies ENV2, 3 & 5 applies.
8.67	<p>All dwellings would be designed to incorporate the following measures:</p> <ul style="list-style-type: none"> <li>• a fabric first approach to energy use and conservation;</li> </ul>

	<ul style="list-style-type: none"> <li>• high levels of thermal insulation and air tightness to the dwelling envelopes combined with construction detailing;</li> <li>• high efficiency boilers to provide the heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage;</li> <li>• solar panels;</li> <li>• naturally ventilated dwellings;</li> <li>• significant areas of soft landscaping (SuDS) to public open spaces as well as in private;</li> <li>• amenity spaces which allows natural ground filtration to absorb water during periods of rainfall and reduction in surface water entering the drainage system and avoidance of potential for flooding;</li> <li>• incorporate material from demolition into the site</li> </ul>
8.68	<p><b><u>Health impacts</u></b></p> <p>Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.</p>
8.69	<p>The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance to Dunmurry Train Halt as well as Sir Thomas and Lady Dixon Park and Lagan Valley Regional Park. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. Good levels of amenity space will be provided within the development of communal terraces open space.</p>
8.70	<p>The proposal is considered to satisfy the requirements of Policy HC1.</p>
8.71	<p><b><u>Environmental protection</u></b></p>
8.72	<p><b><u>Contaminated land</u></b></p>
8.73	<p>Both DAERA and Environmental Health (EH) has advised that contamination risks can be dealt by way of conditions. These will require submission of a detailed remediation strategy and verification report.</p>
8.74	<p><b><u>Air quality</u></b></p>
8.75	<p>EH has not raised any concerns with regards to air quality and in this regard the proposal is acceptable.</p>
8.76	<p><b><u>Noise</u></b></p>
8.77	<p>EH is content that noise impacts can be dealt with by planning conditions the proposal is considered compliant with Policy ENV1.</p>
8.78	<p><b><u>Natural heritage</u></b></p> <p>Policy NH1 relates to the protection of natural heritage resources. The Council will adopt the precautionary principle when considering the impacts of proposed development on local, national or international natural heritage resources.</p>

8.79	<b><u>Protected Species</u></b>
8.80	In consultation with DAERA NIEA: Natural Environment Division (NED), surveying and confirmation of trees with bat roost potential was requested and provided. Subject to retention of important trees, NED is content subject to a condition regarding lighting.
8.81	The presence of protected birds has been confirmed and NED is content subject to a condition restricting construction to outside the bird nesting season.
8.82	Subject to the conditions by SES and DAERA, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.
8.83	<b><u>Waste-water infrastructure</u></b>
	NI Water has not objected to the proposal subject to condition, regarding surface water connection.
8.84	<b><u>Flood risk and drainage</u></b>
	The site is located outside the floodplain. The application is supported by a Drainage Assessment. DfI Rivers was consulted and subject to a condition requiring approval of a final drainage assessment and detailed drainage network design, offers no objection.
	DAERA NIEA: Water Management Unit was consulted and are content subject to a condition requiring confirmation of consent to discharge prior to commencement of development.
	Subject to appropriate conditions, the proposal is considered compliant with Policy ENV4 and relevant provisions of the SPPS.
8.85	<b><u>Section 76 planning agreement</u></b>
8.86	Should planning permission to be granted, it should be subject to a Section 76 planning agreement to secure the following obligations. These are considered necessary to make the proposed development acceptable. <ul style="list-style-type: none"> <li>• Provision of 7 units as affordable housing to be first agreed by the Council;</li> <li>• Implementation of the Travel Plan;</li> <li>• Implementation of specific green travel measures – travel cards for 3 years and membership and promotion of a car club; and.</li> <li>• Management of the open space and common parts of the site;</li> </ul>
<b>9.0</b>	<b><u>Conclusion and Recommendation</u></b>
9.1	The development is considered to be in conformity with the area plan and relevant planning policies. Consultees have offered no objections to the proposal; consideration has been given to concerns raised within objections.
9.2	Having regard to the Development Plan and relevant material considerations, and in the planning balance, it is considered that the proposal is acceptable. It is recommended that planning permission is granted subject to conditions
9.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.



10.0	<p><b>DRAFT CONDITIONS</b></p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. All external facing and roofing materials shall be carried out as specified on the approved plans.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p><b><u>DESIGN AND PLACEMAKING</u></b></p> <p>3. Notwithstanding the submitted details, no development shall commence unless final details of climate change measures to mitigate and adapt to climate change have been submitted to and approved in writing by the Council. The development shall not be occupied unless the climate change measures have been implemented in accordance with the approved details. The climate change measures shall be retained in accordance with the approved details at all times.</p> <p>Reason: To mitigate and/or adapt to climate change.</p> <p>4. Notwithstanding the submitted details, the development hereby permitted shall not commence until details of boundary walls, fences or other means of enclosure have been submitted to and approved in writing by the Council. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.</p> <p>Reason: In the interests of the character and appearance of the area and amenity.</p> <p><b><u>Environmental Health</u></b></p> <p>5. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Tetra Tech Consulting (Northern Ireland) Limited report entitled 'Upper Dunmurry Lane, Updated Generic Quantitative Risk Assessment (GQRA) &amp; Detailed Remedial Strategy, 787-B040265, First Issue, Ardowen Developments Ltd, August 2022' and as clarified within the email from Tetra Tech dated 24th October regarding '39 Upper Dunmurry Lane Clarification Email - Proposed Capping System Thicknesses', have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <p>a) All above ground and any underground fuel storage tanks, and all</p>
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associated infrastructure, have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27).

b) A minimum 600mm capping system has been emplaced in all private amenity grassed areas and the grassed amenity area, formed from material that is demonstrably suitable for use (residential without plant uptake).

c) A minimum 500mm capping system has been emplaced in all planting areas, grass verges and the planted bank along the north boundary, formed from material that is demonstrably suitable for use (residential without plant uptake).

d) All capping layers are underlain by a geomembrane marking the distinction between the made ground and the capping layer.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

6. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an Air Quality Impact Assessment be submitted in writing to the Planning authority for review and approval. Where the Air Quality Impact Assessment indicates exceedances of air quality objectives, appropriate mitigation measures shall be presented, and these mitigation measures shall be installed and retained thereafter.

Reason: Protection of human health

7. Prior to occupation of the development, the noise mitigation measures and alternative means of acoustically attenuated ventilation specified within the sections titled 'Mitigation measures', 'Acoustic Design Statement' and 'Figure 6' of the submitted Noise Impact Assessment report, dated January 2025 and referenced 'Proposed Residential Development, Stewarts Mill,

Upper Dunmurry Lane, Dunmurry', shall be installed within habitable rooms of the development and retained at all times.

Reason: To safeguard the amenity of occupants of the building hereby approved.

**DfC Historic Environment Division**

8. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Belfast City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 7.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

10. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition L15a. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated, and the excavation archive is prepared to a suitable standard for deposition

**DFI ROADS**

11. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.JPC001 uploaded to the Planning Portal 28th

	<p>February 2025, prior to the commencement of any other works or other development hereby permitted.</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> <p>12. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced 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> <p>13. Any existing street furniture or landscaping within the visibility splays as conditioned above shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</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> <p>14. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>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 No.JPC001 bearing the Department for Infrastructure Determination date stamp 4th June 2025.</p> <p>Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>15. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.</p> <p>Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p> <p>16. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.JPC001 uploaded to the Planning Portal 28th February 2025 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.</p> <p>Reason: To ensure adequate provision has been made for parking within the site.</p> <p>17. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Private Streets Determination drawing No.JPC001 uploaded to the Planning Portal 28th February 2025.</p>
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Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

18. The development hereby permitted shall operate in accordance with the Residential Travel Plan (revised February 2025) uploaded to the Planning Portal 28th February 2025.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

### **DFI RIVERS**

19. Prior to the construction of the drainage network, the applicant shall submit a

Drainage Assessment, compliant with 4.8 and Appendix E of SPG, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%).

Reason – In order to safeguard against surface water flood risk.

### **INFORMATIVES**

#### **NOT01          Drawing Numbers**

This decision relates to the following approved drawing numbers: [TBC]

#### **NOT04          Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which secures the following planning obligations:

- Provision of 7 units as affordable housing to be first agreed by the Council;
- Implementation of the Travel Plan;
- Implementation of specific green travel measures – travel cards for 3 years and membership and promotion of a car club; and
- Management of the open space and common parts of the site;

#### **NOT02          Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

#### **NOT03          Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

	<p><b>NOT05 Non-planning requirements</b></p> <p>The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.</p> <p><b>NOT06 Protected Species</b></p> <p>The applicant or developer's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence to:</p> <ul style="list-style-type: none"> <li>a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;</li> <li>b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;</li> <li>c) Deliberately disturb such an animal in such a way as to be likely to: <ul style="list-style-type: none"> <li>(i) affect the local distribution or abundance of the species to which it belongs;</li> <li>(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or</li> <li>(iii) Impair its ability to hibernate or migrate;</li> </ul> </li> <li>d) Deliberately obstruct access to a breeding site or resting place of such an animal; or</li> <li>e) To damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.</p>
<b>11.0</b>	<p><b>Representations from Elected Representatives</b> (if relevant)</p> <p>N/A</p>
<b>12.0</b>	<p><b>Referral to DfI</b> (if relevant)</p> <p>N/A</p>

ANNEX A	
<b>Date Valid</b>	07/10/2022
<b>Date First Advertised</b>	07/10/2022
<b>Date Last Advertised</b>	NA
<b>Date of Last Neighbour Notification</b>	12.10.2020
<b>Date of EIA Determination</b>	NA, <0.5ha.
<b>ES Requested</b>	No