

Committee Application – Addendum Report 5

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 27 th June 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received and proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
<u>ADDENDUM REPORT</u> <p>This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning Portal on 15th September 2021. The application was then due to be considered by the Planning Committee on 21st October 2021. Prior to the meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.</p> <p>The application was then considered by the Planning Committee on 18th January 2022. The application was presented and discussed at this Committee meeting. It was subsequently deferred for officers to consider how to secure the proposed pathway towards Lagan Lands East in the event of permission being granted.</p> <p>The application was listed on the Planning Committee Agenda for 15th February 2022 advising that the developer is willing to enter into a Section 76 planning agreement to secure the creation of a pathway and facilitate access to Lagan Lands East through the application site. Subsequently, the application was withdrawn from the agenda so that officers could provide more information to the Committee in relation to the detailed requirements of the proposed Section 76 planning agreement.</p> <p>The Committee should consider this Addendum Report in conjunction with the original and addendum planning reports, which are appended.</p>	

Section 76 Planning Agreement

As noted above, the application was previously withdrawn from the Agenda of the Planning Committee on 15th February 2022 so that officers can provide more information to the Committee in relation to the detailed requirements of the proposed Section 76 planning agreement.

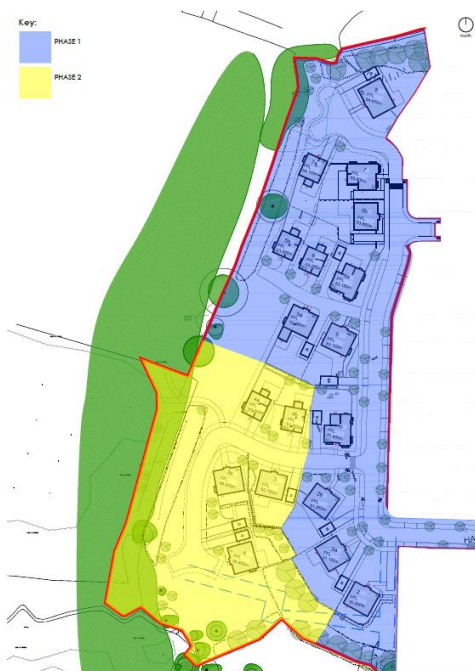
The purpose of the Section 76 planning agreement is to secure the creation of a pathway and facilitate access through the site to and from Lagan Lands East.

The draft terms of the Section 76 planning agreement have been the subject of negotiation between the developer and the Council over the last several months. The main obligations are as follows:

- An access will be provided for pedestrians and cyclists from Hampton Park to Council land which will allow access to the Lagan Gateway project;
- The provision of the access will be subject to permitted closures for the purposes of public safety, maintenance, to assert rights of proprietorship or other necessary closures provided that the closure is agreed in advance by the Council. Any closures are to be kept to a minimum;
- The access can be permanently closed if a public path is provided by virtue of Articles 11 or 12 of the Access to the Countryside (Northern Ireland) Order 1983 which ensures suitable alternative public access from the development through to the Council lands;
- Following the sale of the last of the Residential Units the Owner shall transfer the ownership of the Access and Footway to a management company incorporated for the purpose of (inter alia) managing and maintaining the access in accordance with this Agreement; and
- The owner will organise a quarterly meeting with local residents and Councillors to review the management arrangements for the construction and maintenance of the Development in such a way so that it is not seriously detrimental to the amenities of the neighbourhood.

A copy of the relevant schedules of the agreement are provided at **Appendix 1**.

The phasing plan of the proposed development is shown below (Phase 1 – blue, Phase 2 – yellow):



The location plan below shows the position of the proposed access:



Developer's summary programme of construction

The developer has advised the Council of a summary programme of construction for the proposed development, in the event of approval:

- First occupation of Phase 1: 9-12 months (post commencement of development)
- Completion of Phase 1: 24 months
- Phase 2 occupation: 30-36 months

OTHER MATTERS

DAERA Northern Ireland Environment Agency (NIEA)

A representation was received from the Northern Ireland Badger Group in March 2022. The objection noted that the badger survey was carried out in 2019 and questioned whether this information was valid anymore, as more than two years had lapsed.

Following this, the Council re-consulted with NIEA NED. During the consultation process, additional badger information was submitted by the agent, '*Badger Activity Survey – February 2022 – Ayre Environmental Consulting Ltd*'.

With regard to the badger information, NIEA NED confirmed that they are content that the information is in date and valid. In overall terms, NIEA NED confirmed they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, have no concerns subject to recommendations.

Local Development Plan Update

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy

has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration, it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

Representations

Following publication of the Committee report in February 2022, an additional 8 objections have been received prior to the Council meeting on 15th February 2022. Members will note these additional objections were document in the late items report.

Subsequently, an additional 25 objections have been received in relation to the proposed development. Consequently, the overall number of representations stands at 274, with 271 objections, 2 supports and 1 non-committal response.

New issues raised include:

- Biodiversity checklist identified potential risks to environmental receptors, therefore the development will cause too much ecological damage and should cease immediately.
Biodiversity checklist identified various ecological assessments required. All assessments were completed and submitted to the Council. Following consideration, NIEA NED have no objections to the proposal, subject to conditions.
- Without a Northern Ireland Independent Environmental Protection Agency, there are no reliable assurances that the proposal will not devastate local wildlife habitats and ecologies.
NIEA NED have no objections to the proposal, subject to conditions.
- Removal of Tree 30 has potential to impact the badger setts and a nearby tree.
Tree 30 is proposed for retention, as per Drawing No. 49D uploaded to the portal on 13th August 2021.
- Concerns regarding validity of the Badger Survey information. Badger survey carried out in 2019 and cannot therefore be regarded as valid as more than 2 years have lapsed.
Additional Badger information was submitted to the Council in March 2022 (Badger Activity Survey – February 2022 – Ayre Environmental Consulting Ltd). The Council reconsulted with NIEA, who advised they have no objection, subject to conditions.
- Proposed development is contrary to Belfast City Council's Local Biodiversity Action Plan.
The Council's Local Biodiversity Action Plan is currently under review. However, NIEA NED have no objection to the proposed development, subject to conditions.
- All applications relating to this development should be seen as one application and the planning rules for such a vast development should be applied.
Each application is dealt with on its own merits. The Council's statutory role is to assess each individual application in accordance with Section 45 of the Planning Act (NI) 2011.
- The clearance of meadowland in 2021 should be regarded as environmental damage.
There is an extant approval for 35 dwellings within the overall application site, under ref. Z/2007/1401/F. The application LA04/2020/2324/LDP established the lawful completion of the residential development previously approved under Z/2007/1401/F as the approved development had commenced within 5 years.
Alleged unauthorised works outside the application boundary were referred to the Council's Planning enforcement team.

- The applicant has created a 'constructive degradation' of the lands and disturbed ancient turf land.
No evidence has been provided to demonstrate that there is 'ancient turf land' within the application site. Furthermore, this has not been raised as an issue by any statutory consultees.
- Case officer recommendation that final wording of conditions should be delegated to the Director of Planning and Building Control is undemocratic.
Delegation of final wording of conditions is standard procedure as all issues to which conditions relate have been set out in the case officer report and or raised by Committee.
- Landowner has made premature alterations to the site, including construction of access road and garage foundations.
The access road has been in place for a significant period of time (circa 2001). The garage foundations were constructed in relation to Z/2007/1401/F. The foundations were constructed within the 5 year period, therefore that approval is still extant.
- Objector states there can be no separation between the application site and the Lagan Valley Regional Park (LVRP).
The application site is not located within the designated LVRP, however the site is located adjacent to it.
- The advice that the decision can be dealt with by reserved matters or conditions does not equate to proper purpose.
The application is a full planning application, therefore no matters will be reserved. Planning conditions are used to control the way a planning permission is implemented and the use of conditions are considered standard procedure when planning permission is granted.
- Ongoing construction work is unlawful, as previous approvals Z/2007/1401/F and Z/2012/1326/F expired prior to works commencing.
There is an extant approval for 35 dwellings within the overall application site, under ref. Z/2007/1401/F. The application LA04/2020/2324/LDP established the lawful completion of the residential development previously approved under Z/2007/1401/F as the approved development had commenced within 5 years.
- Council has failed to consider and act with regard to various environmental legislation, including the Wildlife and Natural Environment (NI) Act 2011, the Environmental Better Regulation (NI) 2016, the Wildlife (NI) Order 1985 and the Water Environment (Water Framework Directive) Regulations (NI) 2017.
In accordance with Section 45 of the Planning Act (NI) 2011, when dealing with applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. During this process, the Council consults with a range of bodies, including DFI Roads, NIEA, NI Water etc. Consultees assess and provide comment on the proposed development, in accordance with relevant legislation, policy and advice. With regard to the above legislation, NIEA have provided comment on the proposal and advised they have no objection, subject to conditions.
- Objector has requested clarification regarding time limits – how many years does planning permission endure for if the applicant does not proceed with the development? Are there circumstances in which a grant of planning permission is rescinded if this lies in abeyance for a long period of time?
In accordance with Section 61 of the Planning Act (NI) 2011, every planning permission granted must be begun within 5 years of the date on which the permission is granted or such other period deemed appropriate by the Authority. Condition 1 of Z/2007/1401/F specified that the development shall be commenced before the expiry of 5 years from the date of the permission. LA04/2020/2324/LDP established that the residential development previously approved under Z/2007/1401/F had commenced within the five years and could therefore be lawfully completed.

An unimplemented permission will typically expire after a period of 5 year for a full planning permission. A commenced development has permission in perpetuity.

- Dr Andy Bridge of Lagan Valley Regional Park made a representation to the Council on 8th February 2022 advising of concerns with ongoing excavations and heavy plant activity beyond the application site boundary (to the west within the LVRP). The letter set out a number of serious concerns in relation to these unauthorised works, including impact on landscape, breach of HRA previously carried out, impact on invasive species, run off, impact on Belvoir SLNCl, potential ecological impacts.

Complaint relates to lands outside the boundary of the application site. The alleged unauthorised works were referred to the Council's Planning enforcement team.

Recommendation – approval

As per the previous Committee and Addendum reports, the case officer recommendation remains unchanged. It is considered that the proposal is acceptable having regard to the Development Plan, retained planning policies, consultation responses, representations, the planning history of the site and other material considerations. Therefore, the recommendation is to approve, subject to conditions and formal completion of the Section 76 planning Agreement.

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

Committee Application – Addendum Report 4

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: Tuesday 15 February 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received – Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was considered by the Planning Committee on 18th January 2022. The application was presented and debated at this Committee meeting. It was subsequently deferred for officers to consider how to secure the proposed pathway towards Lagan Lands East in the event of permission being granted.

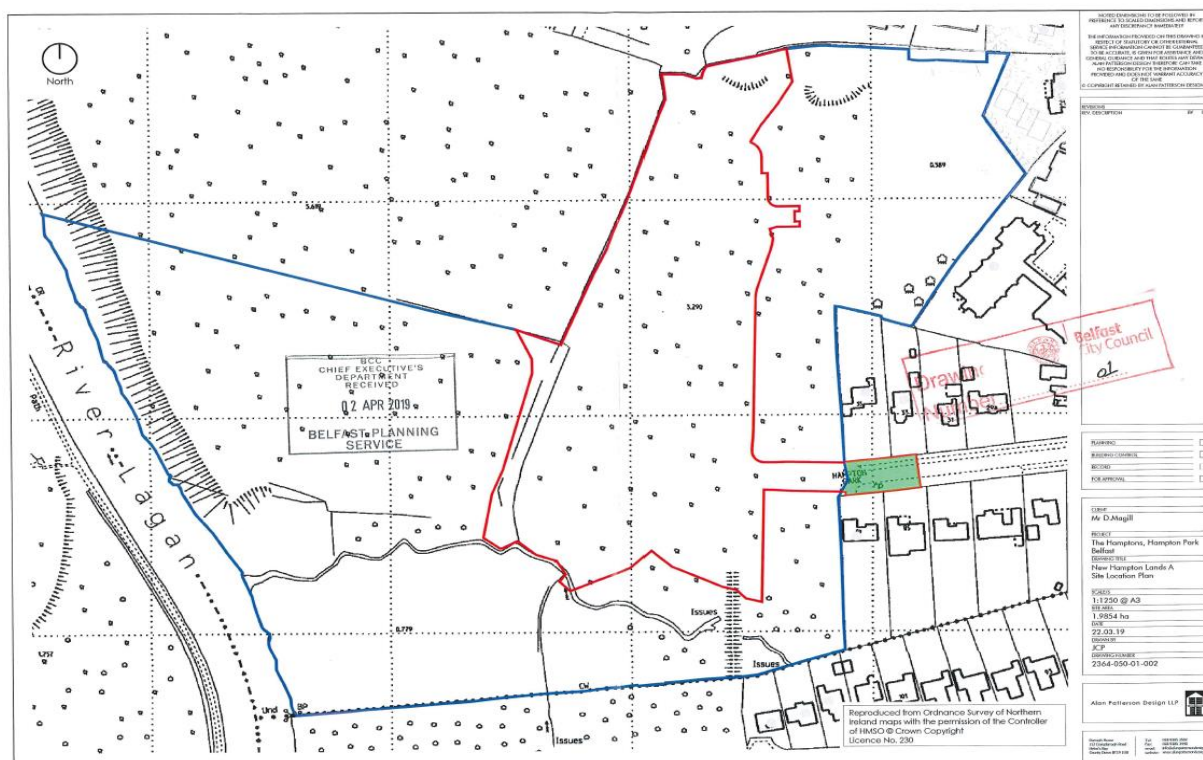
This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning portal on 15th September 2021. Further to this, the application was due to be considered by the Planning Committee on 21st October 2021. Prior to that meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

The Committee should read this Addendum Report in conjunction with the original and addendum planning reports below.

Access / Connectivity

The planning agent has engaged with the Council subsequent to the January 2022 Planning Committee meeting, advising that the developer is willing to enter into a Section 76 Legal Agreement to secure the creation of a pathway and facilitate access through the site to and from Lagan Lands East. The Planning Agent has advised that they intend to submit a draft Agreement to the Council prior to the February Planning Committee meeting. In consultation with legal Services, it was considered that this is the best method to secure the creation of the access and ensuring that it remains open the majority of time in the long term. Committee should note that the lands beyond the

site are not all within the ownership of the applicant, therefore, access can be provided to the lands, but permission for walkers to cross those lands will ultimately be a matter for the land owner.



Representations

The previous Addendum report incorrectly stated that an additional 19 objections had been received following additional neighbour notification in December 2021. This was an error – a further 16 objections had been received when the report was published. Further to publication of the report and prior to the January committee meeting, three further objection letters were received in relation to the proposed development, including one from Paula Bradshaw MLA. No new issues were raised. Consequently, a total of 19 additional objections were received prior to the January committee meeting, bringing the total number of objections at that stage to 231.

Following the January Committee meeting, an additional 6 objections have been received in relation to the proposed development. Consequently, the total number of objections to the proposed development is 237.

New issues raised include:

- Planning Committee procedure. The objector complained about the 'refusal to allow area residents to speak publicly at meetings, to adequately register their objections and concerns and to participate fully in decision making'.

Two community representatives and one local Councillor addressed the Planning Committee at the January meeting. The Council has invited comments from third parties throughout the application process and these have been dealt with in some detail in the case officer reports. The application has been advertised in the local press and neighbours / objectors have been notified of the initial proposal and subsequent changes to the proposal, in accordance with statutory requirements.

- Cumulative risk of flooding, associated with the current application and previous approval Z/2007/1401/F.

DFI Rivers Agency (RA) were consulted on the proposed development and offered no objections to the proposed development (Paras 8.61 and 8.62 of the original case officer report).

There is a designated watercourse, known as Galwally Stream, flowing immediately along a portion of the south western corner of the site. The application site does not lie within the 1 in 100-year fluvial floodplain. RA have advised that the proposed development will not impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

- Objector requests that the Planning Authority seek an independent Environmental Statement, given that the two submitted were solicited by the developer. Requested Assessments and reports missing from the portal.

It is normal procedure for the developer to provide environmental information prepared by independent consultants. Upon submission of this information, the Council consults with NIEA, the statutory body for protection of the environment. The submitted environmental information is assessed by NIEA and a recommendation is made to the Council. Through the course of this application, NIEA have been consulted on six occasions, with a significant amount of supporting environmental information submitted. As per para 8.30 of the original case officer report, not all the submitted information is available on the planning portal due to sensitive information.

Recommendation

As per the previous Committee and Addendum reports, the case officer recommendation remains unchanged. It is considered that the proposal is acceptable having regard to the Development Plan, retained planning policies, consultation responses, representations and other material

considerations. Therefore, the recommendation is to approve, subject to conditions and Section 76 Legal Agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the terms of the Section 76 Agreement, subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 3

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 18 January 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received – Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was due to be considered by the Planning Committee on 21st October 2021. Prior to the meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning portal on 15th September 2021.

The Committee should read this Addendum Report in conjunction with the original and addendum planning reports below.

Sewage capacity

NIEA provided further comments in respect of the proposal on 14th September 2021.

Its Water Management Unit (WMU) noted that in its previous consultation response on 17th May 2019, it had advised that it was content with sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW). It also advised that it continually reviews potential impacts to the surface water environment from proposed developments connected to the various WWTW's including loadings and treatment regimes at those treatment works, as well as considering whether or not the works have been upgraded. Following this review, WMU were now concerned that the sewage loading associated with the above proposal had the potential to cause an environmental impact if transferred to this WWTW.

However, WMU advised that if NI Water (NIW) confirms that it is content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU would have no objection to this aspect of the proposal.

Following receipt of this advice from NIEA, the Council reconsulted with NIW. A response was received on 8th November 2021. NIW confirmed there was available capacity at the nearby waste water treatment works.

However, within the text of the consultation response, NIW stated that they '*recommend that this application for planning approval should be refused. The proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works. Before NI Water would be prepared to recommend approval of this application, confirmation that the requirements of Planning Policy Strategy PPS11, particularly Policy WM5, [is required]. As the site is located wholly or partially within the Wastewater Treatment Work's 400m odour consultation zone boundary, an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. Depending on circumstances this may also require the procurement of an Odour Dispersion Model to NI Water specification*

Although NIW had advised that an odour assessment was required, it was not recommending refusal of the application as it was not a ground for refusal under the extant planning permission.

In its conclusion, NIW's recommendation was: '*Approved with Standard Planning Conditions and response specific conditions*'.

Policy WM 5 of PPS 11 specifically relates to 'Development in the vicinity of waste management facilities. It states that proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all of the following criteria are met:

- It will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- It will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Notwithstanding NIW's advice and the extant planning permission, the developer submitted an odour assessment directly to NIW. Further to this, the agent forwarded to the Council a letter from NI Water Operations Technical Support team stating that NIW have assessed the proposal and will not raise any objection on the grounds of 'incompatible development'. This letter was uploaded to the Planning Portal and a further consultation to NIW was issued by the Council. A response was received from NIW on 10th December 2021, indicating that the odour assessment was "positive". Consequently, NIW's overall recommendation was: '*Approved with Standard Planning Conditions and response specific conditions*'.

Having regard to the advice from NIW, it is considered that the proposed development complies with the tests of Policy WM5 of PPS 11.

Representations

Further neighbour notification was undertaken in respect of the proposal following submission of amended drawings and additional information. Further to this, an additional 19 objections were received. New issues raised include:

- Questions raised regarding the number of amendments that can be made to a planning application.

There is no statutory limit on the number of amendments that can be made to a planning application. This objector comment followed the most recent neighbour notification letters being issued, whereby the only amendment related to the proposed planting plan (tree number 30 proposed for retention rather than removal).

- Questions raised regarding timing of neighbour notification letters prior to Christmas.

Issuing of neighbour notification letters took place in accordance with Section 41 of the Planning Act (NI) 2011. All representations will be considered until a decision has been made on the application.

- Not everybody has access to a car to find similar sites for recreation purposes.

Proposed development is located immediately adjacent to Lagan Valley Regional Park and in very close proximity to Belvoir Forest Park.

- Proposal flies in the face of plans to develop the waterways.

It is not considered that the proposed development impinges on the development potential of the River Lagan. The proposed development does not include lands along the southern bank of the River Lagan. The western boundary of the application site is located approximately 120 metres to the River Lagan at the closest point.

- Proposed development will block potential pathways along southern bank of the River Lagan.

Proposed development does not include lands along the southern bank of the River Lagan. The western boundary of the application site is located approximately 120 metres to the River Lagan at the closest point.

- Proposal results in loss of access to the River Lagan.

Proposed development includes a pathway to Lagan Lands East. As per para 8.60 of the original case officer report, The Council's Access officer has confirmed it is the intention for this path to link into existing path infrastructure within Lagan Lands East in the future, thereby enhancing connectivity and access to the wider LVRP and Lagan gateway bridge.

- Developer appears to have encroached on to adjoining site to the west.

This comment relates to lands outside the application site and is currently being investigated separately.

- Developer has already installed street lights without permission. The Council should stay aware of works undertaken on site without planning permission.

This is not relevant to consideration of the current application which should be assessed on its own merits.

- Proposed development results in twice the number of houses from the original planning permission.

There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that the previously approved development under ref. Z/2007/1401/F has lawfully commenced. If the current application is approved, the overall number of approved units would increase by 11 to 46 dwellings.

- Proposal will affect the water table, increasing flood risk.

DFI Rivers were consulted on the proposal and raised no objections.

- Questions raised regarding the proportion of affordable housing within the proposed development.

There is no requirement to provide affordable housing.

- Issues raised regarding NI Water consultation response.

The agent submitted a letter from NI Water 'Operation Technical Support Team' dated 19th November 2021. The letter states that NI Water will object to new development proposed close to existing wastewater treatment works, however they will not object if it can be demonstrated that the amenity of the proposed population will not be adversely affected by the operations of NIW. The letter goes on to state that NIW have considered the location and their assessment concludes that 'NIW will not, on the grounds of 'incompatible development' raise an objection to any proposed development or reuse of the site'. This letter was uploaded to the Planning portal prior to re-consultation with NI Water Infrastructure planning team. As noted above, NIW's response advised 'Approved with Standard Planning Conditions and response specific conditions.

- Proposed development will ruin views from the towpath.

It is not considered that the proposed development will have a detrimental impact on views from the Lagan towpath. In any case, impact on views is not a material consideration.

Recommendation

As per the previous Committee and Addendum reports, the case officer recommendation remains unchanged. It is considered that the proposal is acceptable having regard to the Development Plan, retained planning policies, consultation responses, representations and other material considerations. Therefore, the recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 2

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 21 October 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
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Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 17th August 2021. The item was withdrawn from the agenda to allow the members to undertake a pre-emptive Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. Following this, the application was re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal (set out below).

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.

Habitats Regulations Assessment

Shared Environmental Services (SES) completed a Habitats Regulation Assessment (HRA) on 23rd April 2021. The consultation response was uploaded on 23rd April 2021. SES concluded that the proposal is unlikely to have a significant effect on any European Site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. The HRA checklist / form was emailed to the Council and uploaded to the Planning portal on 15th September 2021.

NIEA consultation response

The Council reconsulted NIEA following receipt of objections raising natural heritage interests. NIEA's consultation response was received on 14th September 2021.

Water Management Unit (WMU) noted that in the previous consultation response on 17th May 2019, they advised they were content with sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW). They advised that they continually review

potential impact to the surface water environment of proposed developments connecting to the various WWTW's including loadings and treatment regimes at those treatment works as well as considering whether or not the works have been upgraded. Following this review, WMU are now concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to this WWTW.

WMU advised that if NIW confirm that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU has no objection to this aspect of the proposal. WMU provided additional conditions in the event of approval.

Condition: *No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.*

Reason: *This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.*

Condition: *Once a contractor has been appointed, a Construction Method Statement (CMS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site.*

Reason: *To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.*

NIEA Inland Fisheries has considered the application and is content that, with appropriate mitigation, there is unlikely to be any significant impact to fisheries interests in the vicinity of the proposal, however, would advise that a permit will be required for the proposed headwall construction.

Inland Fisheries have no data in relation to the watercourse to the south of the site, however they are content that there is some potential for fisheries interests within the stream, although water quality may not be an issue. There is the potential for deleterious materials including suspended solids to enter the watercourse and thus the River Lagan during the construction phase, however this can be appropriately mitigated. As per Para 10.22 of the original case officer report, a condition should be placed on any potential approval requiring submission and agreement of a construction method statement prior to the commencement of works.

NIEA Natural Environment Division (NED) state that they have reviewed the representation letters and with the information available within the Phase 1 Habitat survey, consideration has been taken with regards to impacts on badger, bats, otters and habitat interest of the site. NED noted that further concern was raised in relation to squirrels and butterflies and considers that the proposal is unlikely to significantly impact these natural heritage features. In summary, NED advise that with the information submitted, the proposal complies with PPS 2, provided the recommendations as previously advised are conditioned and attached to the decision notice.

Recommendation: Approval subject to Conditions

As per the full case officer report and the previous Addendum report, the case officer recommendation remains unchanged. It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 1

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 14 September 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
<u>ADDENDUM REPORT</u> <p>This full application was previously listed for Planning Committee on 17th August 2021. The item was withdrawn from the agenda to allow the members to undertake a pre-emptive Planning Committee site visit. The site visit took place on Thursday 2nd September 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p><u>Representations:</u> An additional 29 representations have been received in respect of this planning application, 27 objections and 2 support letters. Consequently, this results in a total of 212 objections and 2 of support.</p> <p>Additional issues raised by the objections include:</p> <ul style="list-style-type: none"> EIA determination is incomprehensive to understand. Objector advises that the mitigation measures should be listed clearly. <i>Response – The EIA Determination sheet is set out as per guidance and best practice. The mitigation measures are contained within the submitted documents and are referred to in the August 2021 Planning committee case officer report. Furthermore, the mitigation measures are included within the suggested conditions of this report (Section 10).</i> Proposed development is an area of public amenity at Belvoir Forest. <i>Response – the site is not located within Belvoir Forest Park.</i> Potential for Hampton Park to become a through road from Annadale Avenue. <i>Response – the proposal does not include a through road from Annadale Avenue.</i> 	

- Issues raised with regard to short notice / timing of application on Planning Committee list and the duration of time afforded to objectors to address the Planning Committee. People should be allowed to challenge the Planning Authority's recommendations and decisions.

Response – Notice of the Planning Committee List for 17th August 2021 was published on the Council's website on 10th August 2021, as per normal procedure. The method / duration for objectors to address the Planning Committee is consistent and set out in guidance. Any individual can comment on any planning application. The issues raised will be set out in the case officer report and taken into account by the Planning Authority when formulating a recommendation and making a decision.

The support letters raised the following issues:

- Proposal will impact positively on anti-social behaviour issues within the area.
- Ecological and other planning concerns have been addressed.
- Positive impact of investment and employment.

Density issue:

Para 8.26 of the August 2021 Planning committee case officer report incorrectly noted that Hampton Manor has a residential density of approximately 20 dwellings per Hectare. The actual residential density of Hampton Manor is approximately 25.5 dwellings per Hectare.

This does not impact on the previous conclusion made with regard to residential density. Whilst it is acknowledged that Hampton Park exhibits a lower residential density than the surrounding area, there are several examples of medium density housing within the surrounding area and immediately off Hampton Park, i.e. Hampton Manor, Mornington and Galwally Avenue. Additionally, the density of the proposed development is similar to that previously approved and under construction within the application site. It is therefore considered that the proposed density (approx. 12 dwellings / Ha) is acceptable in relation to the surrounding area.

NIEA consultation response:

As noted in Para 8.38, NIEA NED raised no objections to the proposal. NIEA were sent the objections in relation to ecological impact of the proposal. At the time of publication, no further response had been received. Committee will be advised in the late items pack of NIEA's response if received by the date of Committee. If NIEA raise any new issues thereafter, the application will be re-presented to Planning Committee.

Recommendation: APPROVAL

As per the full case officer report, the case officer recommendation remains unchanged. It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 17 August 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
Executive Summary: <p>The proposal is for 'Erection of 18 dwellings to include a revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)'.</p> <p>185 representations have been received in relation to this proposed development. 184 are objections to the proposal, with 1 non-committal. Objections have been received from Councillor Brian Smyth, Councillor Donal Lyons and Paula Bradshaw MLA. Councillor Smyth has requested that the Planning Committee carry out a site inspection, prior to making a decision on the application.</p> <p>The site is undesignated whiteland within the BUAP and is zoned for housing within dBMAP (ref. SB05/04). The site is also located within the Lagan Valley Area of Outstanding Natural Beauty (AONB), The Belvoir Site of Local Nature Conservation Importance (SLNCI) and a small portion of the site is located within the Hampton Park Area of Townscape Character (ATC). The site lies immediately adjacent to Lagan Valley Regional Park (LVRP).</p> <p>There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that works have been carried out in accordance with the previously approved development under ref. Z/2007/1401/F can lawfully be completed.</p> <p>The key issues to consider in the assessment of this proposed development are:</p> <ul style="list-style-type: none"> • Impact on ecology. • Impact on traffic, road safety and access. • Impact on character of the area. • Impact on potential rights of way. 	

Through the processing of the application numerous amendments have been received to address issues around the settlement limit boundary, the topography of the site, the inter relationship of units and internal boundaries, residential amenity and landscaping.

It is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern and layout; the design scale and density of the development is appropriate and generally in keeping with the overall character of the area; and the environmental quality of the established residential area will be maintained. There will be no significant negative impacts to the amenity of existing residents and the scheme will result in a quality residential environment for prospective residents.

Supporting information has been submitted in relation to the impact on ecology, specifically in relation to habitats and protected species, including badgers. Following consultation with NIEA, it is considered that the proposed development complies with the policy tests of PPS 2, subject to conditions mitigating potential ecological impacts.

It is therefore also considered the proposed development complies with planning policy in relation to amenity space, protection of open space, flooding / drainage, infrastructure, landscaping and archaeological heritage.

DFI Roads have provided comments on the proposed development, including access, car parking, intensification of Hampton Park junction. Following amendments to the scheme, DFI Roads have no objection, subject to conditions.

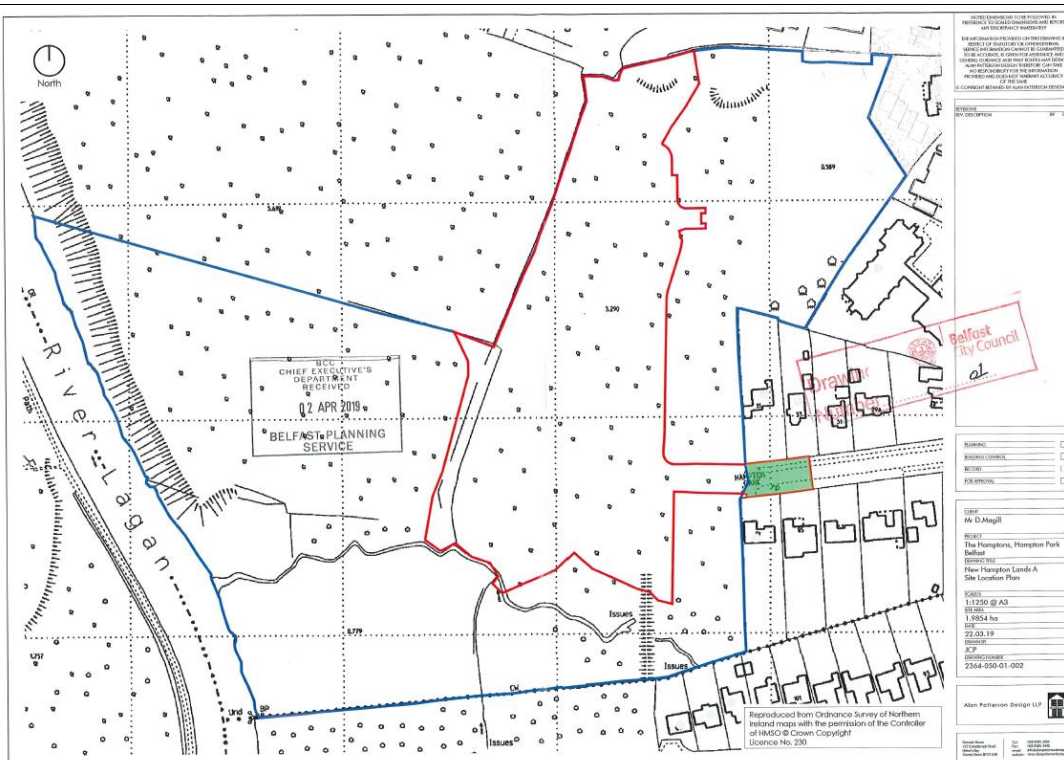
The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has also advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as such.

The scheme is considered on balance to be acceptable.

Recommendation – APPROVAL SUBJECT TO CONDITIONS

It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of conditions.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for 'Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)'.
1.2	The site is accessed directly from the end of Hampton Park. The existing road at Hampton Park continues for approximately 45 metres before taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction, providing access to proposed dwellings.
1.3	All 18 no. dwellings are detached and two storeys in height. The dwellings are primarily finished in red brick, however some of the house types also utilise smooth white render as a secondary material. The dwellings are also finished with black roof tiles, red brick chimneys, black aluminium rainwater goods, hardwood doors and hardwood / uPVC windows.
2.0	Description of Site
2.1	The site is located within the urban limits of Belfast. The site is secured by a vehicular gate; the gate was open for pedestrian access at the time of the site visit. Part of an access road has already been created within the site. Additionally, it appears the foundations of a garage have been dug approximately 25 metres from the access gate.
2.2	The site is irregularly shaped, measuring approximately 1.98 Ha. The northern portion of the site is relatively flat, however the land falls away significantly in the south western corner of the site. There is an existing watercourse in this south western corner. The site benefits from existing mature vegetation along the southern, northern and western boundaries of the site. The eastern boundary of the site is largely undefined, as the application site is part of a larger site.
2.3	The surrounding area is defined by low density residential housing on lands to the east. Lagan Valley regional Park is located immediately to the west of the site. The River Lagan is situated approximately 120 metres to the west of the site.





Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2021/1371/F - Erection of 4 no. dwellings (change of house type to sites 1, 33, 34, 35 of previous approval Z/2007/1401/F), garages, and all other associated site works – <u>Under consideration</u>
3.2	LA04/2020/2324/LDP – Proposed completion of residential development of 35 dwellings, previously approved under ref. Z/2007/1401/F (Amended Description) – Permitted Development 22/4/21
3.3	Z/2012/1326/F – Lands at Hampton Park - Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary the wording of planning condition 11 attached to planning permission Z/2007/1401/F – Granted 19/3/13
3.4	Z/2007/1401/F – Lands at Hampton Park - Proposed residential development encompassing 35 dwellings, garages and associated site works – Granted 30/1/09
3.5	Z/2003/1250/O – Hampton Park - Proposed residential development – Granted 14/1/05
3.6	Z/1994/0877 – Hampton Park – Layout of Housing Development and provision of roads – Granted
3.7	Z/1988/0257 – Lands to north and west of Hampton Park – Private Housing Development – Refused
3.8	Z/1982/0775 – Hampton Park – 18 dwellings – Refused
3.9	Z/1981/0274 – Hampton Park – Housing Development – Refused
3.10	Z/1974/0043 – Hampton Park – Low Density Housing Development – Refused
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 2 Natural Heritage</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 6 Planning, Archaeology and the Built Heritage</p> <p>PPS 6 Addendum Areas of Townscape Character</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 8 Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p> <p>Creating Places</p> <p>DCAN 15 Vehicular Access Standards</p>

5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions.
5.2	Historic Environment Division – No objection, subject to conditions.
5.3	NI Water – No objection.
5.4	NIEA – have raised no issues. Objections have been sent to NIEA any further comments will be included in the Late Items pack.
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection.
6.2	Rivers Agency – No objection.
6.3	BBC Tree and Landscaping Officer – No objection, subject to conditions.
6.4	Lagan Valley Regional Park – Issues raised.
6.5	Shared Environmental Services – No objection.
7.0	Representations
7.1	185 representations have been received in relation to this proposed development. 184 are objections to the proposal, with 1 non-committal. Objections have been received from Councillor Brian Smyth, Councillor Donal Lyons and Paula Bradshaw MLA. Councillor Smyth has requested that the Planning Committee carry out a site inspection, prior to making a decision on the application.
7.2	<p>The objections raised the following issues, the matters raised are dealt with through out the assessment:</p> <p>Procedural Matters</p> <ul style="list-style-type: none"> • Issues with neighbour notification. • Application site encroaches into the Lagan Valley Regional Park (LVRP) and extends outside the settlement limit. • Issues raised regarding the proposal description, <i>'The application description appears more confused than before and fails the key test of bringing to the mind of a reasonable person what is proposed (the Morrelli test)'</i>. • Inconsistencies with submitted drawings. • Issues raised with the completed P1 form, specifically Q 14. • Site area is over 2 Ha, therefore the application should be categorised as a major development. • Part of the site lies within an Area of Townscape Character (ATC), therefore a Design and Access statement should be submitted. • Proposal partly relates to a change of house type of Z/2007/1401/F. No evidence has been submitted to the Council proving that this approved development commenced on time. • Issues raised regarding the Council considering the application as it is 'environmentally destructive'. • Proposed development is a case of the council taking from the area without proper consultation of the people they represent who already live here.

- Issue raised regarding construction of street lights within the application site.
- Issue raised regarding commencement of works prior to the grant of planning permission.
- Objection received questioning if a full detailed assessment has been carried out to confirm the amount of land required.
- Issue raised with 14-day period for response to neighbour notification letters.

Ecology and Landscape / Open Space

- Proposal fails to provide a landscape buffer as set out in draft BMAP. Landscape buffer should also be provided around the badger protection area.
- Proposal will result in destruction of habitats. It contains mature woodland and open parkland which provides important habitat for a range of wildlife.
- Destruction of habitat during nesting season.
- Loss of meadowland will detrimentally impact on local insect population and pollination.
- Proposed development will result in light pollution for the local bat population.
- Large number of active badger setts on site, which require protection. Proximity of proposed development to active badger setts.
- Badger habitat is contracting due to the encroachment of creeping development such as this.
- Loss of a large proportion of this area will have a detrimental knock on effect to species in the surrounding area and will further displace vulnerable species.
- Site location constitutes an important high quality waterfront habitat not for humans but for biodiversity and wildlife.
- Detrimental impact on mature trees and species rich hedgerows. Issues raised regarding removal of mature trees to facilitate development.
- Application site located within a Site of Local Nature Conservation Importance (SLNCI).
- Extraordinary increase in dwellings for an extremely sensitive site.
- Lagan Meadows should be kept as a nature reserve, for the health and enjoyment of all. Concern that more meadowland is being taken from communities to further intensify urban density without provision of further green / recreational spaces for mitigation.
- There is a shortage of meadow type habitat within the area.
- Proposed development is located on the periphery of Belvoir Park Forest Park and LVRP, an important area in terms of ecological prowess within Belfast.
- Proposed development will increase connectivity between Belvoir Forest park and the new Lagan bridge, resulting in increased pedestrian and cycle use, thereby detrimentally impacting the natural environment.
- The subject lands should be incorporated into Lagan Lands East.
- Proposed development is located within an Area of Outstanding Natural Beauty (AONB) which should be protected.
- The area should be a conservation area to be protected and preserved, not built on.
- The submitted NI Biodiversity Checklist is unsatisfactory and devoid of sustainable proposed implementations to preserve the local species.
- Mitigation against invasive species is necessary.
- Proposed development should be accompanied by an Environmental Impact Assessment (EIA). An EIA should be compulsory on such a biodiverse rich site. An issue has been raised regarding the Council's 'token' assessment of environmental impact. Council failing in its duty if it does not insist upon submission of an extensive EIA. International law is clear that under the protective principle where there is the possibility for significant harm to the

	<p>environment, an environmental risk assessment should be undertaken.</p> <ul style="list-style-type: none"> • DAERA have not been consulted in relation to the impact on local wildlife. • Concerns raised regarding NIEA's consultation response in relation to potential adverse effects on surrounding natural environment and habitat. • Construction works may cause water runoff pollution. • Lack of studies assessing how the proposed development will impact the River Lagan. • The subject lands should be owned and preserved by the National Trust, not built over. • The existing site has stored carbon over time. Disturbing this ecosystem goes against recent commitments by Belfast City Council (BCC) to conserve nature and aim to reduce carbon emissions, improve air quality, reduce flooding (note the site's proximity to the Lagan), increase urban cooling, support and enhance biodiversity and improve the mental and physical wellbeing of people living in or visiting the area. • BCC has declared a climate and biodiversity emergency. • Current Building Regulations are totally inadequate to reduce carbon emissions, to preserve water and to reduce flooding. • Carbon neutralising green spaces such as this will become absolutely crucial in the future to tackle climate change locally. • The tree survey appears lacklustre, with little to no detail applied to the trees poised for removal. • Proposal goes against BCC's 'One Million Trees' initiative, where the Council has committed to plant one million native trees across the city, not cut them down. • Proposal does not support the Council's initiative to return 30% of the city to nature by 2030. • Proposal will result in additional light, noise and air pollution. • Open, green spaces such as the application site are a scarcity in the city and should be protected at all costs. During the Covid 19 pandemic, the value of outdoor amenity space was recognised. • Northern Ireland has the least amount of accessible green space in relation to other parts of the UK. • Access to open space / nature helps to maintain mental health and physical wellbeing. • Lagan Bank has been encroached over recent decades by private housing developments. • There are plenty of alternative brownfield sites within the city centre that could benefit from rejuvenation. • There is no need for extensive housing to be built within green areas so close to the city centre due to the change in work patterns with majority of people now working from home. • It is unclear whether the proposed development will include planting of mature trees along the roadside, similar to the existing arrangement along Hampton Park. <p>Design, Character, Density and Residential Amenity</p> <ul style="list-style-type: none"> • Proposed site is extremely close to Lowry Court, a residential facility, and will be detrimental to the comfort, safety and wellbeing of the residents. • Open space should be provided as an integral part of the development, in accordance with PPS 8. • Proposed development would be detrimental to the character of Hampton Park.
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	<ul style="list-style-type: none"> • Proposed development will be visible from LVRP, thereby changing the distinct character of the area. • Proposed density should not be significantly higher than the existing development along Hampton Park, in accordance with PPS 7 Addendum. Proposed dwellings are tightly squeezed together. • Proposed development should be low density and support green spaces within its boundaries. • Plot ratio is not respectful of surrounding context. • Proposed development envisages a higher density development than previously approved, including more extensive excavation and potentially, construction of retaining walls. • Proposed development may require retaining walls, contrary to Para 4.13 of PPS 7. • Proposed development will increase anti-social behaviour in the area. • Proposal will result in further criminal activity within the area. • Issues raised with quality / size of garden areas. • Proposal results in overdevelopment. Amount of development has more than doubled from original approval Z/2007/1401/F. • Proposed development is incompatible with the policies of the Belfast Urban Area Plan 2001, the statutory development plan for the Council area. Proposed development does not pass policy tests in relation to conservation, archaeology, recreation and transport. • Proposed design has little architectural merit, not in keeping with the strong heritage and highly sensitive nature of the surrounding contextual environment. • Proposed houses will affect views on to the Lagan Valley AONB for existing residents. • Detrimental impact on residential amenity of existing residents, specifically impact on privacy, natural light, noise, odour, late night activities. <p>Traffic, Parking and Movement</p> <ul style="list-style-type: none"> • Proposed development will result in increased traffic and an intensification of the Hampton Park junction with Ormeau Road. Issues raised regarding the number of dwellings served by a single road. • A survey should be conducted by Police Traffic Branch to assess the likely impact and safety risk due to the additional traffic generated by the proposal. • Traffic control will need to be introduced at the Hampton Park road junction. • Impact on road safety, particularly in relation to pedestrians (children and elderly) and cyclists. • There is no lighting or traffic infrastructure on the main road to access Hampton park. • Detrimental impact on access for emergency vehicles. • Construction vehicles will cause damage to Hampton Park roadway. • Proposed development does not include access to LVRP. • Proposed development should provide access to the Lagan Gateway greenway. • Issues raised regarding potential access to LVRP and users potentially parking in Hampton Park for access. • No consideration has been given to the path from Hampton Park through the site to Galwally Avenue. This path has been in operation for 40 years and is considered to constitute a public right of way (PROW).
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	<ul style="list-style-type: none"> Proposed development impacts on the current pathways interconnecting Galwally Avenue / Belvoir Forest Park, Hampton Park and the Annadale Embankment. These paths have been in use for over 30 years and should be designated PROWs. <p>Other Environmental Matters</p> <ul style="list-style-type: none"> Proposed development will cause a further strain to the drainage and sewage infrastructure of the surrounding area. Detrimental impact on archaeological heritage. Issues raised with plans to construct more houses beside the River Lagan on a flood plain.
8.0	Assessment
8.1	<p><u>Preliminary Matters</u></p> <p>It is considered that the proposal description is accurate, in accordance with Article 3 (2) (a) of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.2	A recent application for a Certificate of Lawfulness for proposed use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that the previously approved development under ref. Z/2007/1401/F has commenced and can lawfully be completed.
8.3	The application site has been measured at 1.98 Ha, therefore the proposed development is correctly classified as a local development, in accordance with the Planning (Development Management) Regulations (NI) 2015.
8.4	The front portion of the site extends into the Hampton Park Area of Townscape Character (ATC), therefore a Design and Access Statement is required for the proposed development, in accordance with Section 6 of the Planning (General Development Procedure) Order (NI) 2015. A Design and Access Statement was submitted as required.
8.5	Objections in relation to unauthorised commencement of development have been referred to the Council's Planning Enforcement Team. However, it is noted that there is an extant approval within part of the site for 35 dwellings, previously approved under ref. Z/2007/1401/F.
8.6	Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.
8.7	Issues have also been raised regarding the completion of the P1 application form, specifically Question 14 which asks if the applicant is ' <i>aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended)</i> '. The P1 form did not tick yes or no but referred to the submitted NI Biodiversity Checklist. Further inspection of the submitted Checklist provides reference to specific species that may be affected by the proposed development and what surveys / assessments are required to determine potential impacts.

8.8	A small portion of the application site is located outside the settlement limit of Belfast. This portion is located along the southern portion of the western boundary. No development is proposed within this part of the site.
8.9	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.10	The site is undesignated whiteland within the BUAP, however it is zoned for housing within dBMAP (ref. SB05/04). The Housing zoning includes a number of key site requirements (KSRs) in relation to residential density, access, natural environment, landscaping, connectivity, flood risk, watercourses and overhead lines. The PAC made general points regarding KSRs and advised that many of the KSRs were not in accordance with guidance set out in Para 39 of PPS 1 (now superseded by the SPPS) and in any case, many of the matters are covered by regional policy in PPS 7 and can be addressed in the concept plan and at detailed application stage. Subsequently, the adopted BMAP (since declared unlawful) retained the zoning but all KSRs were removed.
8.11	During the BMAP Inquiry, the PAC considered an objection to the housing zoning, which argued that part of the zoning was located within the LVRP, therefore in breach of the policies of the LVRP Local Plan 2005. The PAC concluded that the zoning was outside the LVRP and consequently, recommended no change to the plan. It is therefore assumed that in the event of adoption of BMAP, this housing zoning would be included.
8.12	The site is located within the Lagan Valley AONB. A small portion of the site (southern portion of western boundary) is located within the LVRP, however no development is proposed on this part of the site (following amendments). The remaining part of the site is not located within LVRP.
8.13	The front portion of the site is located within the Hampton Park ATC.
8.14	The site is located within Belvoir SLNCI and Area of constraint on mineral development. In addition, Lagan Meadows SLNCI is located approximately 185 metres to the west of the site and Galwally SLNCI is located approximately 320 metres to the east of the site.
8.15	dBMAP also included plans for a rapid transit scheme that passed close to the western boundary of the application site. During the BMAP Inquiry, the PAC recommended that details of this part of the route were deleted from the Plan and further assessment was undertaken.
8.16	<p><u>Principle of development</u></p> <p>There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP</p>

	confirmed that the previously approved development under ref. Z/2007/1401/F has lawfully commenced.
8.17	Furthermore, as noted in para 8.10, the application site is zoned for housing within dBMAP. It is therefore considered that the principle of residential development on the site is acceptable.
8.18	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS advises that within established residential areas, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents. The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. It also encourages sustainable forms of development, good design and balanced communities. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings.</p>
8.19	<p><u>Character / Layout / Design</u></p> <p>The surrounding area is characterised primarily by residential development to the east of the application site and green, open space to the west of the application site towards the River Lagan. Hampton Park is characterised by large, detached dwellings with generous gardens. It is a generously proportioned cul-de-sac, with wide tree lined verges on both sides. The western boundary of the site is defined by mature vegetation, signalling the entrance to LVRP immediately adjacent to the application site.</p>
8.20	The proposed development is for a total of 18 no. detached dwellings. The proposed dwellings are relatively large in size and set within generous plots with large gardens, ranging from approximately 95 sq metres to over 400 sq metres in area. The proposed development results in the existing road on Hampton Park continuing for approximately 45 metres, then taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction. The proposed building line is not uniform, however this is generally characteristic of surrounding development, particularly the residential development on the western side of Hampton Park. The proposed development includes wide tree lined verges on both sides along the main access road, thereby respecting an important characteristic from Hampton Park.
8.21	As previously noted, the northern portion of the site is relatively flat, however the land falls away significantly in the south western corner of the site. Overall, there is a level difference of approximately 13 metres from the northern boundary of the site to the southern boundary. In spite of this, the use of retaining walls is generally limited within the site. 4 sections of retaining wall are proposed within the site, however they are not overly prominent and located at the rear of proposed properties. The proposed development mainly utilises planted embankments to accommodate significant level changes, for example, planted embankment at rear of dwelling no. 4 covers a level difference of approximately 2.45 metres. It is considered that the layout design minimises the impact of differences in level between adjoining properties.

8.22	The presence of LVRP immediately adjacent to the site is significant and the proposed layout provides views towards the park as one traverses the development. The proposed layout includes a buffer along the full extent of the western boundary. No dwellings or garden areas are proposed along this buffer zone, thereby enhancing views and providing a clear separation with LVRP. Views of the development will be achievable from LVRP, however the strong western boundary and landscape buffer should assist in screening the development.
8.23	It is considered that design of the proposed development draws upon the best local traditions of forms, materials and detailing. Hampton Park is defined by a mix of design types and materials. Although the proposed development relates to a more uniform house type, the use of brick and render on external walls partly ascribes to the existing eclectic mix of Hampton Park.
8.24	The proposed boundary treatments are considered acceptable. In general, the more prominent boundaries at the front and sides of the proposed dwellings are defined by 2.1 metre brick walls (with capping), with the use of timber fencing primarily limited to the rear boundaries, with limited public views.
8.25	For the reasons outlined above, it is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established residential area.
8.26	<u>Residential Density</u> The residential density of the proposed development equates to approximately 12 dwellings per Hectare. The extant approval for 35 dwellings within a portion of the application site equated to approximately 11.5 dwellings per Hectare. With regard to the surrounding area, there is a slight contrast in terms of density between the lower density of Hampton Park and the medium density of Hampton Manor. The existing density of Hampton Park equates to approximately 7 dwellings per Hectare, whilst the density of Hampton Manor is approximately 20 dwellings per Hectare. Existing residential development to the north and south of the site at Mornington and Galwally Avenue respectively equates to approximately 11.5 to 14.5 dwellings per Hectare, similar to the proposed development.
8.27	It is acknowledged that Hampton Park exhibits a lower residential density than the surrounding area, however there are several examples of medium density housing within the surrounding area, i.e. Hampton Manor, Mornington and Galwally Avenue. Furthermore, the density of the proposed development is similar to that previously approved and under construction within the application site.
8.28	<u>Natural Environment / Ecology</u> The application site is in close proximity to a watercourse that is connected to the Belfast Lough Special Protection Area (SPA) / Inner Belfast Lough Area of Special Scientific Interest (ASSI) / Outer Belfast Lough ASSI which are of national and international importance.
8.29	As noted previously, the application site is located within Belvoir SLNCI. Belvoir SLNCI contains an important resource of woodland habitat, both planted and semi natural, and is important for local wildlife. It contains an important wild bird assemblage and protected and priority species, such as badgers, bats, otters and red squirrels (at the time of designation). Areas of semi-natural grassland, some of which is species rich, adds to the variety of habitats and the biodiversity value of the SLNCI.

8.30	<p>Several supporting documents have been submitted along with the proposal:</p> <ul style="list-style-type: none"> • NI Biodiversity Checklist • JNCC Extended Phase 1 Habitat Survey and Protected Species Surveys • Badger Survey • Street light Impact Study including Street lighting plan • Badger Sett temporary closure supporting info – Mitigation Plan including Proposed site plan with badger setts <p>The first two documents are available for viewing on the planning portal, however, please note the remaining three documents are not available for viewing due to sensitive information.</p>
8.31	<p>NIEA Natural Environment Division (NED) have considered the supporting information and provided comments. NED advise that the main badger sett is located more than 30 metres away from the site boundary and is unlikely to be significantly impacted by the development. NED are also content that the outlier setts will be protected by buffer zones / temporarily closed during construction. NED clarify that wildlife licenses will be required for temporary closure of setts and have advised of further mitigation during construction works etc.</p>
8.32	<p>Following assessment of the street lighting information, NED are content that the consideration has been given to the sensitivities of bats and badgers from excess lighting and appropriate measures have been proposed to limit the potential impact from the proposed street lighting. NED note that no details for external lighting of individual dwellings has been provided and advised that appropriate mitigation measures should be included in the Badger Mitigation plan should external lighting be proposed. It is considered that this can be dealt with by a planning condition in the event of approval.</p>
8.33	<p>NED highlight concerns for the local urban badger population (and other wildlife) if any future development in the area is proposed. It is noted that the western boundary of the site demarcates the settlement limit and it is not anticipated that further development in this direction would be considered acceptable.</p>
8.34	<p>NED note the potential for breeding birds on site, advising that birds and them nests are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED recommend that any tree felling / vegetation removal required as part of the proposal should take place outside of the bird breeding season (1st March – 31st August). In the event of approval, this can be dealt with by planning condition.</p>
8.35	<p>NED and Water Management Unit (WMU) have highlighted the presence of a watercourse adjacent to the southern boundary of the site and the small ditch which bisects the site. NED advise that a buffer of at least 10 metres should be retained between refuelling location, oil / fuel storage, washing area, storage of machinery / material / spoil etc. There shall be no direct discharge of untreated surface water run-off during the construction into the watercourse and storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS). In addition, WMU have advised that a Construction Method Statement for works in, near or liable to affect any waterway must be submitted and agreed prior to commencement of works. It is considered that the above issues can be addressed through planning condition, in the event of approval.</p>

8.36	NED have noted that a number of non-native tree species have been proposed within the landscaping plans. Given that the proposed site is within the Belvoir SLNCI, which was designated in part for its woodland coverage, NED would recommend that only species native to Northern Ireland are planted. In addition, the manager of LVRP endorses this approach with regard to native species. It is considered that this can be addressed through planning condition, in the event of approval.
8.37	NED note the presence of invasive species, specifically Japanese knotweed, which has been recorded just outside the boundary of the application site. NED advise that further mitigation will be necessary should this invasive species be recorded on the site.
8.38	NED raise no objections to the proposal. NIEA were reconsulted with the objections in relation to ecological impact of the proposal. At the time of publication, no response had been received. Committee will be advised in the late items pack of NIEAs response if received by the date of Committee. If NIEA raise any new issues thereafter, the application will be re-presented to Planning Committee.
8.39	<p><u>AONB</u></p> <p>It is considered that the siting and scale of the proposed development is sympathetic to the character of the AONB and the locality in general. It respects features that are important to the character and appearance of the AONB, for example, the retention of majority of existing trees, proposed buffer planting along the western boundary and the protection of nearby badger setts.</p>
8.40	<p><u>Environmental Impact Assessment</u></p> <p>The proposed development has a site area of 1.98 Ha and therefore 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 area of site would exceed 0.5 Ha. Consequently, the proposed development was screened in accordance with the above Regulations. In addition, following submission of objections, the Council re-screened the proposal for further clarity. It is considered that the proposal does not have the potential for significant environmental impacts by reason of size, nature and location therefore an Environmental Statement is not required.</p>
8.41	<p><u>Habitats Regulations Assessment (HRA)</u></p> <p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23rd April 2021. This found that the project would not be likely to have a significant effect on any European site.</p>
8.42	<p><u>Loss of open space</u></p> <p>A significant volume of objections has raised issues regarding the loss of existing open space. The open space has been recognised as an amenity and biodiversity asset within the local area. Policy OS 1 of PPS 8 seeks to protect existing open space from development. As previously noted, the application site is located at the edge of the settlement limit, immediately adjacent to LVRP. The site is zoned for housing in dBMAP and a large portion of the site benefits from an extant planning permission for residential development, which appears to be under construction at present.</p>

8.43	<p>The application site is quite open with an access road running through the middle of the site. There are also a number of informal pathways across the site linking Hampton Park with Belvoir Forest and LVRP. It would appear that the site itself is not necessarily of significant amenity value, however it does provide access to other amenity areas. The proposed development includes a pathway to the LVRP located to the south of the proposed communal amenity area, therefore existing users will still be able to access LVRP. It is noted from consideration of the approved site layout of Z/2007/1401/F that no linkage exists to LVRP therefore it is considered that the proposed development represents a betterment in relation to this.</p>
8.44	<p>Although it appears the site itself may not be of significant amenity value, Policy OS 1 clarifies that <i>'the presumption against the loss of existing open space will apply irrespective of its physical condition and appearance'</i>. Despite this, as noted in para 8.10, the site is zoned for housing and a large portion has planning permission for residential development. Consequently, it is not considered that Policy OS1 is applicable to this proposed development.</p>
8.45	<p><u>Amenity space</u></p> <p>Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. As previously noted, the garden areas range from approximately 95 sq metres to over 400 sq metres in area, representing generous provision of garden space.</p>
8.47	<p>The application site has an area of approximately 1.98 Ha, therefore public open space is required as an integral part of the development, in accordance with Policy OS 2 of PPS 8. Approximately 0.35 Ha of public open space is provided within the scheme, stretching along the western boundary of the site, with the primary area of open space surrounded by dwelling no's 3a, 4a, 5a and 5b measuring approximately 0.12 Ha. Consequently, it is considered that the proposed development complies with the tests of Policy OS 1 of PPS 8.</p>
8.48	<p><u>Landscaping</u></p> <p>The proposed development includes the retention of the majority of existing trees within the application site (proposal includes partial clearance of tree group 31g). Furthermore, additional planting is proposed within the development site in order to soften the visual impact of the development and assist in its integration with the surrounding area. A landscaped buffer is proposed along much of the western boundary to augment the existing trees and vegetation. Furthermore, additional trees are proposed along the southern boundary of the site. Planting at the edge of settlement is important and helps to assimilate and soften the impact of the development on the countryside and LVRP.</p>
8.49	<p>A landscaping plan has been submitted in relation to the proposed development. The Council's Tree and Landscaping Officer (TLO) has no objection to the proposal, however following advice from NED regarding proposed non-native species, it is considered appropriate to condition a further landscaping plan in the event of approval. The landscaping plan should broadly conform to the submitted plan, however only native species should be included. A landscape management plan has also been submitted in support of the proposed development. In the event of approval, a condition should be included to ensure the recommendations and methods of the management plan are implemented.</p>

8.50	<p><u>Residential amenity</u></p> <p>The proposal has been amended to address concerns regarding overlooking and privacy, particularly in relation to the southern portion of the site. As previously noted, there is a variation in ground levels at this part of the site, thereby increasing potential for overlooking. In order to address these concerns, the layout has been amended with increased separation distances, more effective boundary treatments, provision of planted embankments and retaining structures and further details regarding proposed ground levels. Following these amendments, it is considered that the proposed development will not result in an unacceptable adverse effect in terms of overlooking or lack of privacy.</p>
8.51	<p>The proposed dwellings are adequately spaced, with a generous provision of open space between buildings. Consequently, there are no concerns regarding the impact of overshadowing or lack of natural light. One objector raised an issue regarding the impact on natural light for existing residents. It is not considered that the proposed development will have a detrimental impact on existing residents in terms of natural light as the majority of proposed dwellings are quite far removed from existing dwelling (nearest existing dwelling is over 40 metres away from the closest proposed dwelling).</p>
8.52	<p>It is considered that the design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal.</p>
8.53	<p>BCC Environmental Health (EHO) have been consulted on the proposed development and have raised no objection in relation to noise or odour. With regard to air quality impact, the agent has confirmed that centralised hot water / heating combustion process or biomass type boilers will not be used therefore there is no requirement for air quality assessment. The proposed development is for 18 no. residential dwellings and it is not anticipated that this proposed use will give rise to late night activity / nuisance.</p>
8.54	<p><u>Contamination</u></p> <p>Contamination Information has been submitted in support of the proposed development. The Council has consulted with EHO and NIEA Regulation Unit Land and Groundwater Team (RU); both consultees are satisfied that the proposed development will not pose unacceptable risks to human health or environmental receptors. RU have provided conditions in the event of approval.</p>
8.55	<p><u>Access / Parking</u></p> <p>The proposed access is effectively a continuation of the existing roadway along Hampton Park. The existing road at Hampton Park continues for approximately 45 metres before taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction, providing access to proposed dwellings. The most southerly road is proposed for adoption, however the northerly road is a private road. The proposal includes 36 in curtilage parking spaces (2 per dwelling) and 18 on street spaces including 3 visitor spaces. DFI Roads have provided comments on the proposed development and following amendments to the scheme, have no objection, subject to conditions.</p>
8.56	<p>Following receipt of a significant volume of objections in relation to access, road safety, intensification of Hampton Park junction etc, the Council sought additional comments from DFI Roads. DFI Roads confirmed they retained their position set out in previous consultation responses.</p>

	<u>Movement pattern / local facilities</u>
8.57	The proposed development does not require the provision of local neighbourhood facilities, however the site provides easy access for vehicles, pedestrians and cyclists to nearby amenities and public transport facilities via Hampton Park.
8.58	A significant volume of objections raised the issue of potential Rights of Way, (ROWs) throughout the site, in particular the routes from Hampton Park to Galwally Avenue and from Hampton Park to Lagan Lands East. The Council has a statutory duty under Article 3 of the Access to the Countryside (Northern Ireland) Order 1983 to ' <i>assert, protect, keep open and free from obstruction any public right of way</i> '. The AO has confirmed that no ROWs have been asserted within the application site.
8.59	With regard to the aforementioned route from Hampton Park to Galwally Avenue, the AO has confirmed that this path does not have the hallmarks of a Public ROW for a number of reasons, including the presence of a wall blocking the route, part of the route is over the line of a large pipe and part of the path is not particularly well defined. Consequently, it is unlikely that the Council will assert this route as a Public ROW.
8.60	The proposed layout also includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The AO has also confirmed it is the intention for this path to link into existing path infrastructure within Lagan Lands East in the future, thereby enhancing connectivity and access to the wider LVRP and Lagan gateway bridge.
	<u>Flooding / Drainage</u>
8.61	DFI Rivers Agency (RA) advise there is a designated watercourse, known as the Galwally stream (U3BEL11) flowing immediately along a portion of the south western corner of the site. The application site does not lie within the 1 in 100-year fluvial floodplain. RA have advised that the proposed development will not impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.
8.62	A Drainage Assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. With regard to site drainage, the proposal is to attenuate surface water within oversized pipes and manholes in the overall development and limit/restrict the discharge to green field rate. RA advises that while not being responsible for the preparation of the DA, accepts its logic and has no reason to disagree with its conclusions. Consequently, the proposal complies with the tests of Policy FLD 3 of PPS 15.
8.63	<u>Sewage infrastructure</u> NI Water (NIW) have confirmed that there is a foul sewer within 20 metres of the proposed site, however there is no surface water sewer within 20 metres of the site. NIW have advised that the developer may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse. NIW have also confirmed that there is available capacity at a nearby Waste water treatment works to serve the proposed development.
8.64	<u>Archaeological heritage</u> An Archaeological programme of works has been submitted in support of the proposal. Historic Environment Division (HED) have provided comments, advising of no objection. HED agree with the archaeological mitigation strategy proposed and are content for the development to proceed to archaeological licensing. It is

	considered that this can be addressed by planning condition in the event of planning approval.
8.65	<p><u>Crime / Antisocial behaviour</u></p> <p>It is considered that the proposed development is designed to deter crime and promote personal safety. The primary area of public open space within the development benefits from passive surveillance from the nearby dwellings. Furthermore, the proposed rear gardens are enclosed and generally back onto each other. Proposed pathways, including the linkage to LVRP, also benefit from passive surveillance from adjacent dwellings.</p>
8.66	<p><u>Impact on views</u></p> <p>The impact of the proposed development on views of LVRP from existing dwellings is not a material consideration in the assessment of this planning application.</p>
9.0	Summary of Recommendation: APPROVAL
9.1	It is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established residential area.
9.2	Supporting information has been submitted in relation to the impact on ecology, specifically in relation to habitats and protected species, including badgers. Following consultation with NIEA, it is considered that the proposed development complies with the policy tests of PPS 2, subject to conditions mitigating potential ecological impacts.
9.3	DFI Roads have provided comments on the proposed development, including access, car parking, intensification of Hampton Park junction. Following amendments to the scheme, DFI Roads have no objection, subject to conditions.
9.4	The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as such.
9.5	It is also considered the proposed development complies with planning policy in relation to residential amenity, amenity space, protection of open space, flooding / drainage, infrastructure, landscaping and archaeological heritage.
9.6	It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions.
10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

10.2	<p>No dwelling shall be occupied until its related hard surfaced incut/tilage area has been constructed in accordance with the approved PSD Drawings No. P291-OCSC-DR-C-0707 Rev P09 and P291-OCSC-DR-C-0708 Rev P06 uploaded to the Planning Portal on 2nd September 2020 to provide adequate facilities for parking. These spaces shall be permanently retained.</p> <p>REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.</p>
10.3	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.</p>
10.4	<p>The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</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>
10.5	<p>Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in (verges/service strips) determined for adoption.</p> <p>REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.</p>
10.6	<p>Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.</p> <p>REASON: In order to avoid damage to and allow access to the services within the service strip</p>
10.7	<p>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 Drawings No: P291-OCSC-DR-C-0707 Rev P09 and P291-OCSC-DR-C-0708 Rev P06 bearing the Department for Infrastructure determination date stamp 23/9/20.</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>

10.8	<p>No development activity, including ground preparation or vegetation clearance, shall take place until a Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Planning Authority. The BMP shall include the following:</p> <ul style="list-style-type: none"> a. Provision of 25m buffers from all development activity to all retained Badger setts (clearly shown on plans); b. Details of wildlife corridors to allow movement of Badgers to and from setts and/or foraging areas; c. Details of appropriate fencing to protect Badgers and their setts/wildlife corridors; d. Details of appropriate measures to avoid illumination of Badger setts and the retention of dark corridors; e. Details of appropriate measures to protect Badgers from harm during the construction phase; f. Details of the appointment of a competent ecologist to oversee the implementation of Badger mitigation measures during the construction phase, including their roles, responsibilities and timing of visits. g. If external lighting to individual dwellings is proposed, full details and appropriate mitigation measures are required. <p>Reason: To protect Badgers and their setts.</p>
10.9	<p>No vegetation clearance/removal of trees/vegetation structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.</p> <p>Reason: To protect breeding birds.</p>
10.10	<p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 <i>Trees in relation to design, demolition and construction – Recommendations</i>.</p> <p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p>
10.11	<p>Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C697.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>

10.12	<p>All surface water run-off during the construction phase shall be directed away from the watercourse and site drains.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>
10.13	<p>A suitable buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel/spoil, construction materials, concrete mixing and washing areas and the watercourse and site drains.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>
10.14	<p>Prior to the commencement of development, a landscaping scheme shall be submitted to and agreed with the Council. The scheme shall broadly conform to the details already submitted, however all proposed species shall be native. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area and to ensure the provision of a high standard of landscape.</p>
10.15	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity</p>
10.16	<p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
10.17	<p>If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p>

10.18	<p>Careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.</p> <p>Reason: To avoid root severance</p>
10.19	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p>
10.20	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.21	<p>After completing the remediation works under Condition 20 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.22	<p>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 and agreed by the Council, at least 8 weeks prior to the commencement of the works or phase of works.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
10.23	<p>No site works of any nature or development shall take place until the programme of archaeological work previously submitted to and approved by the Council has been completed. An archaeological excavation licence will need to be granted prior to the commencement of excavation works.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
10.24	<p>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. These measures shall be implemented and a final archaeological report shall be submitted</p>

10.25	<p>to and agreed by the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.</p> <p>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.</p> <p>The open space and amenity areas indicated on Drawing No 04F uploaded to the Planning Portal on 10th June 2021 shall be managed and maintained in accordance with the Landscape Management Plan uploaded to the Planning Portal on 15th April 2019. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.</p> <p>Reason: To ensure successful establishment and ongoing management and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p>
Notification to Department (if relevant)	
Representations from Elected members: Cllr Brian Smyth Cllr Donal Lyons	