

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 th December 2023	
Application ID: LA04/2023/2390/F	Target Date:
Proposal: Section 54 application to vary a condition Nos. 02, 03, 04, 05, 06, 15, 22, 23, 27, 40 and 46 of planning approval LA04/2020/0804/F to allow the removal of 21 lay-by parking spaces to facilitate the introduction of a new Vehicle Restraint System (VRS) to the southern side of the approved east-west spine road.	Location: Lands West of Monagh By-Pass South of Upper Springfield Road & 30-34 Upper Springfield Road & West of Aitnamona Crescent & St Theresa's Primary School. North and East of 2-22 Old Brewery Lane Glanaulin 137-143a Glen Road & Airfield Heights & St Mary's CBG School Belfast
Referral Route: Variation of Condition on major approval	
Recommendation:	Approval
Applicant Name and Address: Finbarr Grogan 25F Longfield Road Eglinton BT47 3PY	Agent Name and Address: Emma McIlwaine 20 May Street Belfast BT1 4NL
<p>Executive Summary: This application seeks planning permission for the variation of a number of conditions on planning approval LA04/2020/0804/F (Glenmona) to allow the removal of 21 lay-by parking spaces to facilitate the provision of a new Vehicle Restraint System (VRS) to the southern side of the approved east-west spine road within a substantial mixed use scheme currently under construction.</p> <p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> • Loss of Parking • Visual Impact • Impact on Amenity • Developer Contributions/Section 76 Agreement <p>The original planning permission, granted 10th March 2021, is for a mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units), 2 residential care homes, retail centre, business units, community facilities, MUGA pitch and play area. The development is currently under construction.</p> <p>The requirement for a new Vehicle Restraint System (VRS), given a drop in levels between an internal road junction and neighbouring residential properties, resulted in the need for additional space to accommodate the safety feature. Subsequently a number of lay-by spaces had to be removed along the main east-west spine road to accommodate the safety feature.</p> <p>Dfi Roads has offered no objection to the removal of these parking spaces and is content that the remaining parking spaces are adequate to serve the approved development.</p> <p>The minor changes to the landscaping treatments, with the addition of a low wall and railings, to the road side of the new VRS, are of a design and quality that will be in keeping with the approved scheme and will not be of any visual detriment nor impact negatively on the amenity of approved residential properties.</p>	

All approved levels and gradients will remain the same.

A number of approved drawings, stated in original conditions, have been amended as a result of the changes. And as such a total of 11 conditions are the subject of this application.

Statutory consultees:

DFI Roads – No objection

Recommendation

Having regard to the development plan, planning history on the site, response from DFI Roads and other material considerations, the proposed variation to conditions, and subsequent addition of walls and railings , are considered acceptable.

It is therefore recommended that planning permission is granted. Delegated authority is sought for the Director of Planning and Building Control to enter into a new Section 76 planning agreement (this is a new standalone permission for the site and subsequently the original agreement is superseded).

Case Officer Report

Site Location Plan and approved layout



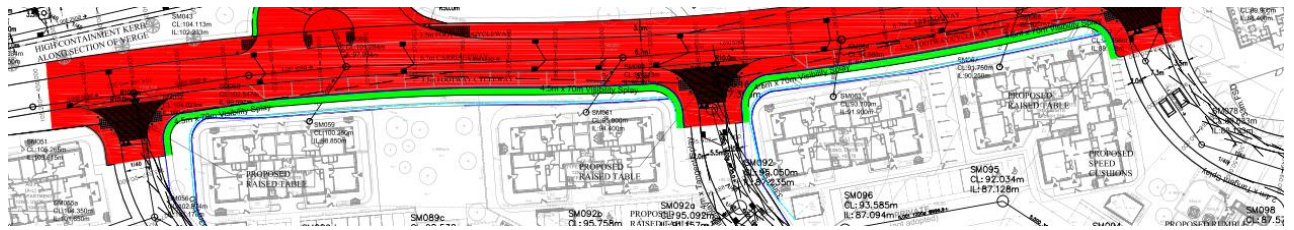
Area of approved layout impacted by proposal



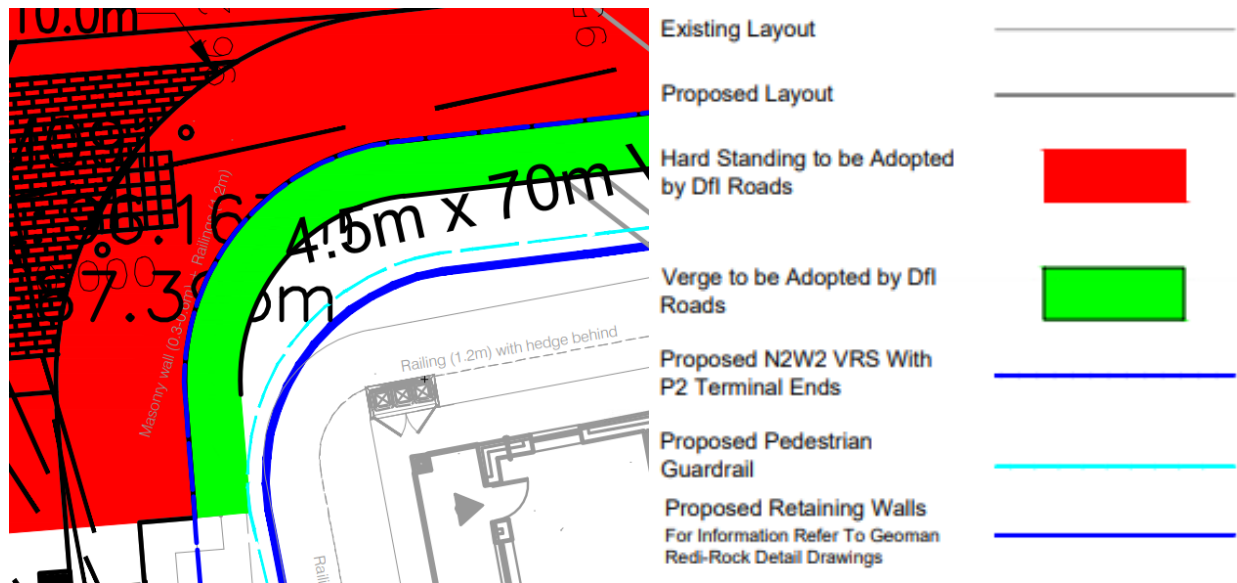
Area impacted by loss of parking



Extent of new Vehicle Restraint System (outer/ roadside edge of green area)



Detail



1.0 Description of Proposed Development

- 1.1 Section 54 application to vary a condition Nos. 02, 03, 04, 05, 06, 15, 22, 23, 27, 40 and 46 of planning approval LA04/2020/0804/F to allow the removal of 21 lay-by parking spaces to facilitate the introduction of a new Vehicle Restraint System (VRS) to the southern side of the approved east-west spine road.
- 1.2 The parking spaces to be removed, and the new Vehicle Restraint System are located to the roadside frontage of four approved apartment blocks on the southern side of the main east-west access road.
- 1.3 The proposal also sees the introduction of a 0.3-0.6m high masonry wall with 1.2m high painted railings on top along the stretch of road impacted by the new Vehicle Restraint System. The wall and railings will be located to the rear edge of a 1m wide service strip, located behind the VRS (the service strip is shown in green on the detailed drawings above). All levels and gradients will remain the same as approved. The previously approved layby will effectively become the area for the new shared footway/ cycle lane.
- 1.4 The amendment has impacted a number of approved drawings listed in planning conditions on the original approval, which have been amended accordingly and submitted as part of the application. Hence the variation of a total of 11 conditions as outlined below. The X's within some of the proposed conditions are due to the planning agent not being aware at the time of submission how the new drawings will be numbered and what date they will be published on the public planning portal by BCC Planning.

Condition No: 02

Original text for this condition:

Save for the amendment in conditions Nos. 3-6 (inclusive) below no development shall take place unless in the sequence set out in the approved Phasing Plan (Drawing No. 08) published on the planning portal 13/10/20 unless the Council grants its prior written approval to any variation.

Proposed amended text for this condition:

Save for the amendment in conditions Nos. 3-6 (inclusive) below no development shall take place unless in the sequence set out in the approved Phasing Plan (Drawing No. X) published on the planning portal X/X/X unless the Council grants its prior written approval to any variation.

Condition No: 03

Original text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. 08 published on the planning portal 13/10/20) and submitted details, prior to occupation of the 100th residential unit, a temporary equipped play park shall be installed in Phase 4 in accordance with details which shall have first been submitted to and approved in writing by the Council. The temporary equipped play patch shall remain in situ in accordance with the approved details until the approved Local Equipped Area of Play (LEAP) has been implemented in Phase 12 in accordance with the approved details. The Council shall be notified in writing on occupation of the 100th residential unit.

Proposed amended text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. X published on the planning portal X/X/X) and submitted details, prior to occupation of the 100th residential unit, a temporary equipped play park shall be installed in Phase 4 in accordance with details which shall have first been submitted to and approved in writing by the Council. The temporary equipped play patch shall remain in situ in accordance with the approved details until the approved Local Equipped Area of Play (LEAP) has been implemented in Phase 12 in accordance with the approved details. The Council shall be notified in writing on occupation of the 100th residential unit.

Condition No: 04

Original text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. 08 published on the planning portal 13/10/20) and submitted details prior to construction of Phase 10 the equipped play park in Phase 9 shall be installed in accordance with the approved details and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing prior to construction of Phase 10.

Proposed amended text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. X published on the planning portal X/X/X) and submitted details prior to construction of Phase 10 the equipped play park in Phase 9 shall be installed in accordance with the approved details and shall

permanently remain in situ in accordance with the approved details. The Council shall be notified in writing prior to construction of Phase 10.

Condition No: 05

Original text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. 08 published on the planning portal 13/10/20) and submitted details the equipped play park Multi Use Games Area (MUGA) and Community Centre shall be constructed and ready for occupation within 3 months from the date of first occupation of any dwelling in Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.

Proposed amended text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. X published on the planning portal X/X/X) and submitted details the equipped play park Multi Use Games Area (MUGA) and Community Centre shall be constructed and ready for occupation within 3 months from the date of first occupation of any dwelling in Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.

Condition No: 06

Original text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. 08 published on the planning portal 13/10/22) and submitted details the Retail Units and associated access and parking in Phase C1 shall be constructed and fitted out ready for occupation within 3 months from the date of first occupation of any dwelling in Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.

Proposed amended text for this condition:

Notwithstanding the approved Phasing Plan (Drawing No. X published on the planning portal X/X/X) and submitted details the Retail Units and associated access and parking in Phase C1 shall be constructed and fitted out ready for occupation within 3 months from the date of first occupation of any dwelling in Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.

Condition No: 15

Original text for this condition:

A working strip adjacent to the culvert shown on drawing numbers 114, 115, 117, 118 and 120 (published on the planning portal 13/10/20) shall be retained and kept free of impediments (including tree planting hedges fencing sheds and other structures). The working strip should have a minimum width of 5 metres and be provided with clear access and egress at all times.

Proposed amended text for this condition:

A working strip adjacent to the culvert shown on drawing numbers 115, 118 and 120 (published on the planning portal 13/10/20) and drawing numbers X and X (published on

the planning portal X/X/X) shall be retained and kept free of impediments (including tree planting hedges fencing sheds and other structures). The working strip should have a minimum width of 5 metres and be provided with clear access and egress at all times.

Condition No: 22

Original text for this condition:

All existing trees on the site with the exception of those identified for felling on the Park Hood Tree Constraints Plan ref. L202B (Drawing No. 09 published on the planning portal 13/10/20) shall be permanently retained. No retained tree shall be cut down uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance without the prior written consent of the Council.

Proposed amended text for this condition:

All existing trees on the site with the exception of those identified for felling on the Park Hood Tree Constraints Plan ref. L202E (Drawing No. X) published on the planning portal X/X/X) shall be permanently retained. No retained tree shall be cut down uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance without the prior written consent of the Council.

Condition No: 23

No equipment machinery or materials are to be brought on the site for the purpose of development of a particular phase including demolition and site clearance until all retained trees in that phase (as shown on Drawing Numbers 10 (6629-L-203B), 11 (6629-L-204B), 12 (6629-L205B), 13 (6629-L-206B), 14 (6629-L-207B) and 15 (6629-L-208B) date published on the Planning Portal on 23/10/20 as being retained) have been protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design demolition and construction.

Recommendations and the recommendations in the Dr Philip Blackstock Tree Survey and Report dated July 2019. These protection measures shall remain in place until the construction works for that phase are complete and all plant and machinery has been removed from the site. Within the fenced area no activities associated with building operations shall take place no storage of materials and the ground levels within those areas shall not be altered.

Proposed amended text for this condition:

All trees which are removed shall be compensated for by the planting of new native species trees in accordance with approved plan No. X (6629-L-203D) published on the Planning Portal on X/X/X. All new planting shall be carried out within the first available planting season after the last residential unit within each phase of the development hereby approved has been occupied. Any new trees which within a period of five years from the completion of the development 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.

Condition No: 27

Original text for this condition:

All proposed landscaping and planting works shall be carried out in accordance with the approved details on the Park Hood drawings No. 10 (6629-L-203B) to 15 (6629-L-208B); 16 (6629-L-211B); and 17 (6629-L-212B) Landscape Plans / Proposals published on the Planning Portal on 23/10/20. No phase of the development hereby approved shall be occupied until the planting for that phase has been completed or within the first available planting season after occupation of that phase whatever is the sooner or unless otherwise agreed in writing by the Council.

Proposed amended text for this condition:

All proposed landscaping and planting works shall be carried out in accordance with the approved details on the Park Hood drawings No. 13 (6629-L-206B) to 15 (6629-L-208B); 16 (6629-L-211B); and 17 (6629-L-212B) Landscape Plans / Proposals published on the Planning Portal on 23/10/20 and drawings No. X (6629-L-203D) to X (6629-L-205C) Landscape Plans/Proposals published on the Planning Portal on X/X/X.

No phase of the development hereby approved shall be occupied until the planting for that phase has been completed or within the first available planting season after occupation of that phase whatever is the sooner or unless otherwise agreed in writing by the Council.

Condition No: 40

Original text for this condition:

No vehicle movements shall be permitted within the service area of approved retail units 1 to 4 (as shown on Drawing No. 77 (IBHO673 1003 Rev. A) published on the Planning Portal on 13/10/20) between the hours of 23:00 and 07:00.

Proposed amended text for this condition:

No vehicle movements shall be permitted within the service area of approved retail units 1 to 4 (as shown on Drawing No. X (IBHO673 1003 Rev. E) published on the Planning Portal on X/X/X) between the hours of 23:00 and 07:00.

Condition No: 46

Original text for this condition:

No phase of development shall be occupied until the necessary vehicular accesses for that phase including visibility splays and any forward sight distance have been constructed in accordance with the following approved drawings:

- i. IBH0673/1010 Revision A 'Proposed Levels and Visibility Overall with Sheet Numbers' Drawing No. 81, published on the Planning Portal 13/10/20 and bearing the DfI Roads determination stamp.
- ii. IBH0673/1011 Revision A 'Proposed Levels and Visibility Sheet 1 of 6' Drawing No. 82, published on the Planning Portal 13/10/20 and bearing the DfI Roads determination stamp.
- iii. IBH0673/1012 Revision A 'Proposed Levels and Visibility Sheet 2 of 6' Drawing No. 83, published on the Planning Portal 13/10/20 and bearing the DfI Roads determination stamp.

- iv. IBH0673/1013 Revision A 'Proposed Levels and Visibility Sheet 3 of 6' Drawing No. 84, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- v. IBH0673/1014 Revision A 'Proposed Levels and Visibility Sheet 4 of 6' Drawing No. 85, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- vi. IBH0673/1015 Revision A 'Proposed Levels and Visibility Sheet 5 of 6' Drawing No. 86, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- vii. IBH0673/1016 Revision A 'Proposed Levels and Visibility Sheet 6 of 6' Drawing No. 87, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Proposed amended text for this condition:

No phase of development shall be occupied until the necessary vehicular accesses for that phase including visibility splays and any forward sight distance have been constructed in accordance with the following approved drawings:

- i. IBH0673/1010 Revision E 'Proposed Levels and Visibility Overall with Sheet Numbers' Drawing No. X, published on the Planning Portal X/X/X and bearing the Dfl Roads determination stamp.
- ii. IBH0673/1011 Revision A 'Proposed Levels and Visibility Sheet 1 of 6' Drawing No. 82, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- iii. IBH0673/1012 Revision F 'Proposed Levels and Visibility Sheet 2 of 6' Drawing No. X, published on the Planning Portal X/X/X and bearing the Dfl Roads determination stamp.
- iv. IBH0673/1013 Revision F 'Proposed Levels and Visibility Sheet 3 of 6' Drawing No. X, published on the Planning Portal X/X/X and bearing the Dfl Roads determination stamp.
- v. IBH0673/1014 Revision A 'Proposed Levels and Visibility Sheet 4 of 6' Drawing No. 85, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- vi. IBH0673/1015 Revision A 'Proposed Levels and Visibility Sheet 5 of 6' Drawing No. 86, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp.
- vii. IBH0673/1016 Revision A 'Proposed Levels and Visibility Sheet 6 of 6' Drawing No. 87, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

2.0	Description of Site
2.1	The site is located on the western edge of the Belfast Urban Area and just within the settlement limits as defined the Belfast Urban Area Plan and Belfast Metropolitan Area Plan 2015. The site has an area of approximately 35.5Ha and is bound by housing and schools to the south and south-west, the Upper Springfield Road and Belfast Hills to the north and north-west and a major arterial road to the east (Monagh By-Pass).
2.2	The site itself is well defined with mature planting along all boundaries, and within the site itself. The site, currently being developed, rises steeply from the southern-most point on the Glen Road to the northern edge along the Upper Springfield Road. In terms of the Glen Road portion, the frontage is quite limited and occupies only a narrow existing access point. Low level hedging defines the extent of the eastern boundary with the Monagh By-Pass with the higher parts of the site abutting the Upper Springfield Road, which defines the settlement limit, are bound by a mix of 2-3m high vegetation and a 3m high railings.
2.3	All previous buildings on the site have been demolished to make way for the approved mixed use development, currently under construction. The site in now served by a new access and signalised junction off Monagh By-Pass.
2.4	The following zonings apply to the site: The site is zoned as a Mixed Use Site (Zoning BT002) in BMAP 2015 (published September 2014) as shown in the map below. The Zoning has a number of Key Site Requirements which are discussed below under the Development Plan Section of the report.
3.0	Planning History of the application site
3.1	Z/2010/1284/O - Proposed major mixed use development comprising residential use (mixture of private and social/affordable housing); residential institutions in the form of replacement support/care homes; business uses; light industry; local retail, retail services, professional services and community and cultural uses within a single shopping/commercial area; an education campus; an hotel; a variety of open space and recreational provision and associated infrastructure improvements. Approved 6 th December 2013
3.2	LA04/2020/0804/F - Proposed major mixed use development comprising 653 residential dwellings (549 social housing units and 104 affordable housing units); 2 replacement residential care homes; mixed use area including local neighbourhood retail centre (1 convenience retail anchor unit and 3 retail/hot food/coffee shop units and hotel; Class B business uses within employment zone comprising a mix of 6 Class B1a offices; 1 Class B1b/B1c call centre and R&D office; and 11 Class B1b/B1c/B2 call centre and R&D offices/light industrial units.; community facilities including community building; MUGA pitch and play area. Development includes 2 vehicular site access points from Monagh By-Pass (1 signalised), associated internal road network, pedestrian and cycle ways, public open space, children's play area(s), landscaping, 2 no. waste water treatment works, and all other site and access works. Approved 10 th March 2021
4.0	Policy Context
4.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
4.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
4.4	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <ul style="list-style-type: none"> • SP1a Managing growth and supporting infrastructure delivery • SP2 Sustainable development • SP3 Improving health and wellbeing • SP5 Positive placemaking • SP7 Connectivity • SP8 Green and blue infrastructure network • RD1 New Residential Developments • DES1 Principles of Urban Design • DES2 Masterplanning approach for Major development • TRAN 1 Active Travel • TRAN 2 Creating an Accessible Environment • TRAN 4 Travel Plan • TRAN 6 Access to Public Roads • TRAN 8 Car Parking and Servicing Arrangements • TRAN 9 Parking Standards within areas of parking restraint • ENV1 Environmental Quality • OS3 Ancillary Open Space
4.5	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015), HMO Subject Plan 2015 and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps (“Departmental Development Plan), it is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
4.6	The site is zoned as a Mixed Use Site (Zoning BT002) in BMAP 2015 (published September 2014) as shown in the map below.
4.7	<p><u>Regional planning policy</u></p> <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Creating Places</p>

	<u>Other Relevant Policies</u>
4.8	PBMSA in Belfast – Planning and Place Advice Note Belfast: A Framework for student housing and purpose-built student accommodation Developer Contribution Framework
5.0	Statutory Consultees DFI Roads – objection on grounds of lack of dedicated disabled parking
6.0	Non-Statutory Consultees N/A
7.0	Representations
7.1	2 representations have been received.
7.2	One queried where the new road would be going. The other expressed concerns over a lack of information and seemingly discontent at the level of development on Upper Springfield Roads and queried the need for the proposed development.
7.3	In response to the issues it should be noted that the development of this site has already been approved and is ongoing. There is sufficient information relating to the proposal available on the public planning portal. The advertised description specifically referred to the removal of parking spaces to enable the introduction of a Vehicle Restraint System.
8.0	ASSESSMENT
8.1	The key issues for the assessment of the application are: <ul style="list-style-type: none"> • Loss of Parking • Visual Impact • Impact on Amenity • Section 76 Agreement
8.33	Loss of Parking The proposal has been assessed against Policies TRAN2, TRAN8 and TRAN9 of the Local Development Plan – Plan Strategy 2035 (PS). The requirement for a Vehicle Restraint System, given a drop in levels between an internal road and junctions and neighbouring residential properties, resulted in the need for additional space to accommodate the safety feature. It was considered that the removal of a number of lay-by spaces, which were more remote from the nearest residential properties, and the subsequent retention of a pedestrian/ cycle path represented the most sustainable solution.
8.34	Dfi Roads has offered no objection to the removal of these parking spaces and is content that the remaining parking spaces are adequate to serve the approved development.
8.35	It should be noted that these car parking spaces were located at the side of a main through road and as such their removal should assist traffic flow and represents a safer arrangement for drivers and pedestrians alike.
8.36	Visual Impact The proposal has been assessed against Policies RD1 and DES1 of the PS. The minor changes to the landscaping treatments, with the addition of a low wall and railings along the road are of a design and quality that will be in keeping with the approved scheme and will not be of any visual detriment. The wall and railings will define the southern edge of

<p>8.37</p> <p>8.38</p> <p>8.39</p>	<p>the main east-west access road and given their modest height will not be overly dominant or impact negatively on the overall character of the approved mixed use scheme.</p> <p>Impact on amenity</p> <p>The proposal has been assessed against the SPPS (paras 4.11 and 4.12) and Policies RD1 and DES 1 of the PS.</p> <p>The proposed additional boundary treatments, a 0.3-0.6m high masonry wall with 1.2m high painted railings on top to the northern side of four of the approved apartment blocks is not significant enough in scale to have any detriment to the amenity of the prospective residents. The additional boundary treatment will help create a buffer and define a defensible space between the apartment blocks and what will be one of the two main access roads through the site. It is important to note that the levels remain as approved, the road will sit at the same height in relation to the approved apartment blocks.</p> <p>Developer Contributions/ Section 76 Agreement</p> <p>Should approval be forthcoming, this would be a new standalone permission on the site. As such a new Section 76 Agreement will have to be finalised which reiterates the obligations set out on the original Section 76 that accompanied approval LA04/2021/0804/F</p> <p>The planning agreement has not yet been finalised at this time, and as such delegated authority is requested to conclude the process.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposed variation of conditions, and removal of 21 approved layby parking spaces, are considered acceptable.</p> <p>It is therefore recommended that planning permission is approved. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and enter into a Section 76 Agreement. All original conditions (apart from those amended herein), as well as the new (Nos 1-7) and amended conditions (Nos 8-19) set out below, will be included on the decision notice.</p>
<p>11.0</p>	<p>Draft Conditions</p> <ol style="list-style-type: none"> 1. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.IBH0673/PL/1500 Rev.B bearing Department for Infrastructure Determination date stamp 9th November 2023, prior to the occupation of any other works or other development hereby permitted. 2. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter. 3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. <p>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.IBH0673/PL/1500 Rev.B bearing the Department for Infrastructure Determination date stamp 9th November 2023.</p>

4. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.
5. The development hereby permitted shall not be occupied until any retaining structure requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 Technical Approval of Highways Structures: Volume 1; Design Manual for Roads and Bridges.
6. The development hereby permitted shall not be occupied until any works requiring Geotechnical Certification have been approved and constructed in accordance with CD622 Managing Geotechnical Risk: Volume 4; Design Manual for Roads and Bridges.
7. The development hereby permitted shall not be occupied until any vehicle restraint system deemed necessary has been approved and constructed in accordance with the requirements of the Design Manual for Roads and Bridges and any other relevant standards and technical guidance.
8. Save for the amendment in conditions Nos. 9-12 (inclusive) below no development shall take place unless in the sequence set out in the approved Phasing Plan (Drawing No. 00006A) published on the planning portal 24/02/23) unless the Council grants its prior written approval to any variation.
9. Notwithstanding the approved Phasing Plan (Drawing No. 00006 published on the planning portal 24/02/23) and submitted details, prior to occupation of the 100th residential unit, a temporary equipped play park shall be installed in Phase 4 in accordance with details which shall have first been submitted to and approved in writing by the Council. The temporary equipped play patch shall remain in situ in accordance with the approved details until the approved Local Equipped Area of Play (LEAP) has been implemented in Phase 12 in accordance with the approved details. The Council shall be notified in writing on occupation of the 100th residential unit.
10. Notwithstanding the approved Phasing Plan (Drawing No. 00006 published on the planning portal 24/02/23) and submitted details prior to construction of Phase 10 the equipped play park in Phase 9 shall be installed in accordance with the approved details and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing prior to construction of Phase 10.
11. Notwithstanding the approved Phasing Plan (Drawing No. 00006 published on the planning portal 24/02/23) and submitted details the equipped play park Multi Use Games Area (MUGA) and Community Centre shall be constructed and ready for occupation within 3 months from the date of first occupation of any dwelling in Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.
12. Notwithstanding the approved Phasing Plan (Drawing No. 00006 published on the planning portal 24/02/23) and submitted details the Retail Units and associated access and parking in Phase C1 shall be constructed and fitted out ready for occupation within 3 months from the date of first occupation of any dwelling in

Phase 11 and shall permanently remain in situ in accordance with the approved details. The Council shall be notified in writing on first occupation of any dwelling in Phase 11.

13. A working strip adjacent to the culvert shown on drawing numbers 115, 118 and 120 (published on the planning portal 13/10/20) and drawing numbers 669-L-203D, 669-L-204D and 669-L-205C (published on the planning portal 24/02/23) shall be retained and kept free of impediments (including tree planting hedges fencing sheds and other structures). The working strip should have a minimum width of 5 metres and be provided with clear access and egress at all times.
14. All existing trees on the site with the exception of those identified for felling on the Park Hood Tree Constraints Plan ref. L202E published on the planning portal 24/02/23) shall be permanently retained. No retained tree shall be cut down uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance without the prior written consent of the Council.
15. All trees which are removed shall be compensated for by the planting of new native species trees in accordance with approved plan No. 6629-L-203D published on the Planning Portal on 24/02/23. All new planting shall be carried out within the first available planting season after the last residential unit within each phase of the development hereby approved has been occupied. Any new trees which within a period of five years from the completion of the development 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.
16. All proposed landscaping and planting works shall be carried out in accordance with the approved details on the Park Hood drawings No. 13 (6629-L-206B) to 15 (6629-L-208B); 16 (6629-L-211B); and 17 (6629-L-212B) Landscape Plans / Proposals published on the Planning Portal on 23/10/20 and drawings Nos. 6629-L-203D to 6629-L-205C Landscape Plans/Proposals)published on the Planning Portal on 24/02/23).
17. No phase of the development hereby approved shall be occupied until the planting for that phase has been completed or within the first available planting season after occupation of that phase whatever is the sooner or unless otherwise agreed in writing by the Council.
18. No vehicle movements shall be permitted within the service area of approved retail units 1 to 4 (as shown on Drawing No. IBHO673 1003 Rev. E (published on the Planning Portal on 24/02/23) between the hours of 23:00 and 07:00.
19. No phase of development shall be occupied until the necessary vehicular accesses for that phase including visibility splays and any forward sight distance have been constructed in accordance with the following approved drawings:
 - i. IBH0673/1010 Revision E 'Proposed Levels and Visibility Overall with Sheet Numbers', published on the Planning Portal 24/02/23 and bearing the DfI Roads determination stamp.

	<ul style="list-style-type: none"> ii. IBH0673/1011 Revision A 'Proposed Levels and Visibility Sheet 1 of 6' Drawing No. 82, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. iii. IBH0673/1012 Revision F 'Proposed Levels and Visibility Sheet 2 of 6', published on the Planning Portal 24/02/23 and bearing the Dfl Roads determination stamp. iv. IBH0673/1013 Revision F 'Proposed Levels and Visibility Sheet 3 of 6', published on the Planning Portal 24/02/23 and bearing the Dfl Roads determination stamp. v. IBH0673/1014 Revision A 'Proposed Levels and Visibility Sheet 4 of 6' Drawing No. 85, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. vi. IBH0673/1015 Revision A 'Proposed Levels and Visibility Sheet 5 of 6' Drawing No. 86, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. vii. BH0673/1016 Revision A 'Proposed Levels and Visibility Sheet 6 of 6' Drawing No. 87, published on the Planning Portal 13/10/20 and bearing the Dfl Roads determination stamp. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.
13.0	Representations from elected members: N/A

ANNEX	
Date Valid	22 nd February 2023
Date First Advertised	10 th March 2023
Date Last Advertised	10 th March 2023
Date of Last Neighbour Notification	28 th February 2023
Date of EIA Determination	N/A – no new environmental information received
ES Requested	N/A