

Committee Application

Development Management Report	
Application ID: LA04/2017/1439/F	Date of Committee: 23 January 2020
Proposal: Proposed construction of 13 no. dwellings comprising 3 no. detached dwellings and 6 no. semi-detached dwellings along with 4 no. apartments. Development also includes alteration of an existing access, parking, landscaping, pumping station and ancillary works (Amended proposal description and drawings)	Location: Lands opposite Ruby Cottages and St Ellen's Terrace, Edenderry Road, Edenderry Village
Referral Route: Proposal is for over 12 dwellings with representations that conflict with the case officer recommendation	
Recommendation: APPROVAL	
Applicant Name and Address: Edenderry Developments Ltd 1 st Floor Montgomery House Belfast BT1 4NX	Agent Name and Address: Clyde Shanks Ltd 5 Oxford Street Belfast BT1 3LA
<p>Executive Summary:</p> <p>The scheme is for the proposed construction of 13 no. dwellings comprising 3 detached dwellings and 6 semi-detached dwellings and 4 apartments. Development also includes alteration of an existing access, parking, landscaping, a pumping station and ancillary works.</p> <p>The key considerations for this proposal are:</p> <ul style="list-style-type: none"> • Principle of development • Layout, scale, massing and design • Impact on character of the village and Lagan Valley Regional Park. • Impact on residential amenity • Impact on flooding • Impact on traffic • Impact on trees and natural environment <p>The site is located outside the settlement limit according to the Lisburn Area Plan 2001 and 2004 version of dBMAP. At the BMAP Inquiry, the PAC recommended that the site is included within the development limit due to the planning history of the site. Subsequently, the site was located within the settlement limit of Edenderry in the 2015 version of draft BMAP (which was subsequently declared unlawful).</p> <p>An outline planning application for a mixed use development was approved in 2006 with the reserved matters application subsequently approved in 2015 for 'Mixed use development in five blocks including offices/craft workshops, restaurant ancillary site works and retaining walls'. The scheme is significantly taller and bulkier than the current proposal but appears to represent a potential fall-back</p>	

position for the developer as the development has commenced and is therefore live due to site works having been carried out.

36 neighbours have been notified of the proposed development. 13 objections have been received, with 1 support letter and 1 non-committal representation. Two consultees, Rivers Agency and Lagan Valley Regional Park have also objected to the development.

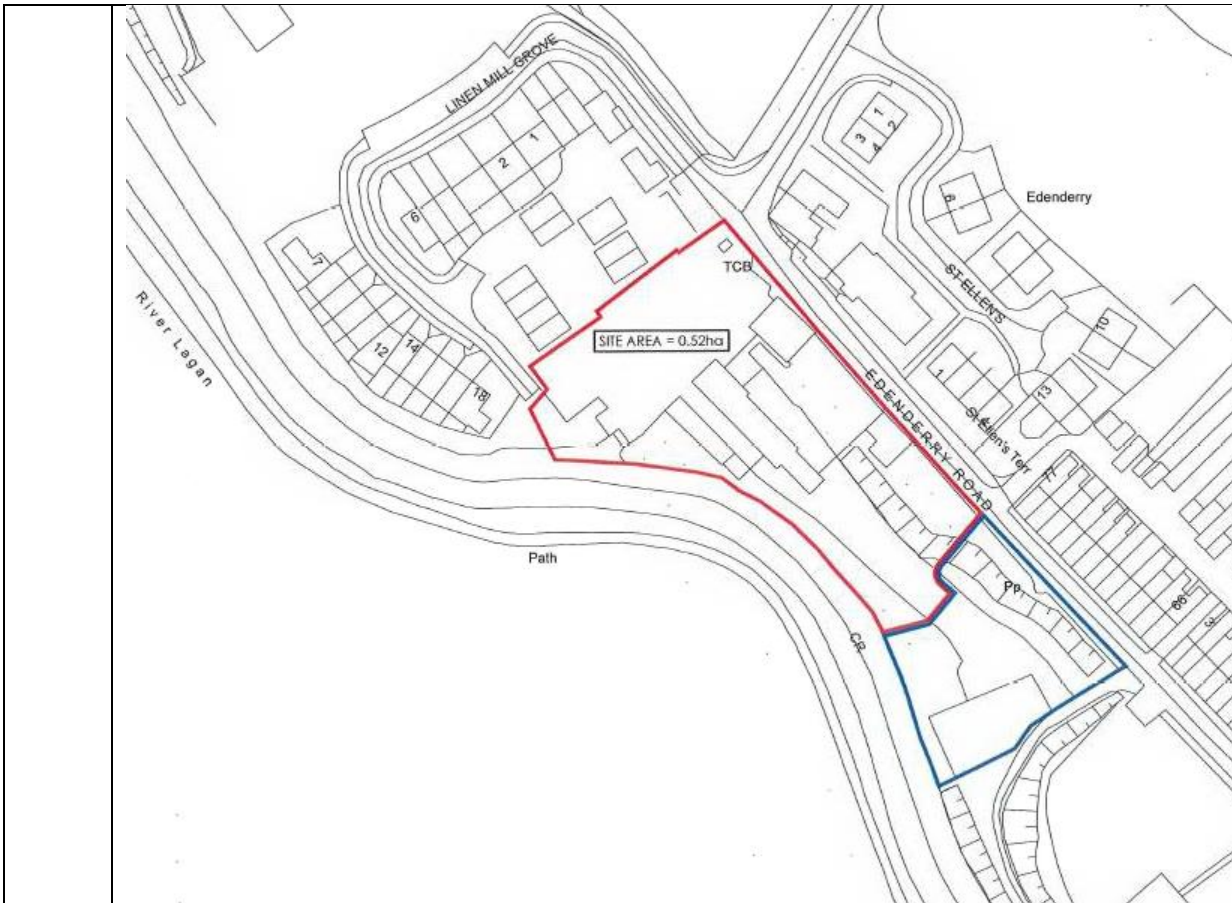
It is considered the elevational design and appearance of the dwellings is respectful of the adjacent Ruby Cottages and on balance, the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.

It is considered that the proposed development on balance is acceptable, given the planning history on the site, this proposal is considered a significant improvement to the extant approval. It is considered to respect the surrounding context and is more appropriate to the character of the village, Lagan Valley Regional Park and the AONB. Significant supporting information was submitted with regard to the proposal, covering issues of contaminated land, waste water, odour, noise, landscaping and the natural environment. The relevant consultees have considered this information and advised they are content with the proposal, subject to conditions where applicable.

Recommendation

Approval is recommended subject to Conditions. Delegated authority is requested to the Director of Planning and Building Control to finalise the wording of Conditions.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for 'Proposed construction of 13 no. dwellings comprising 3 no. detached dwellings and 6 no. semi-detached dwellings along with 4 no. apartments. Development also includes alteration of an existing access, parking, landscaping, pumping station and ancillary works'.
1.2	The proposal includes 6 dwellings (2 detached and 4 semi-detached) along the northern boundary of the site, backing on to the existing residential development, Linen Mill Grove. These dwellings are a mix of 2 and 2.5 storey, with ridge height ranging from 9 to 9.5 metres from FFL.
1.3	There is an apartment building comprising 4 apartments located along the south western boundary of the site, adjacent to the River Lagan. The apartment building has a ridge height of approximately 9.3 metres from FFL.
1.4	There are 2 semi-detached dwellings and 1 detached dwelling located on the eastern portion of the site, adjacent to Edenderry Road. These dwellings are split level 1.5 / 2.5 storey dwellings, with a ridge height of 10.4 metres from FFL. When viewed from the front, the buildings have a ridge height of 7.5 metres from ground level.
1.5	The predominate finish materials include red brick walls, blue / black slate roof coverings, hardwood timber doors and uPVC rainwater goods and downpipes. Some of the buildings also include render detailing and zinc / lead standing seam dormers.
1.6	The proposal includes an area of communal open space immediately to the south of the site access. Within this area of open space is a pumping station compound.
2.0	Description of Site
2.1	The application site is located in Edenderry Village. It is an irregularly shaped site, located immediately to the north of the River Lagan and south of the Edenderry Road. An existing residential development, Linen Mill Grove, is located to the west of the site.
2.2	The site is currently undeveloped and is covered in vegetation including shrubbery and trees, the majority of which are protected by a Tree preservation order (TPO). The site is secured by a mixture of timber fencing and temporary mesh fencing. It is evident that infilling has occurred on the site and it appears that a site access has been created.
2.3	The surrounding area is characterised primarily by residential development, with red brick a predominant wall finish within the village. The adjacent residential development, Linen Mill Grove, is relatively large scale with 3 storey townhouses prevalent.



Car Parking Analysis

Type	Housetype	Description	No.	Requirement/dw.		Total
				Incurtilage	Visitor	
B1	Detached	4 bed	1	1 x 2.0 = 2.0	1 x 1.00 = 1.00	3.00
A1	Detached	4 bed	1	1 x 2.0 = 2.0	1 x 1.00 = 1.00	3.00
B	Semi-detached	4 bed	4	4 x 2.0 = 8.00	4 x 0.75 = 3.00	11.00
C	Semi-detached	4 bed	2	2 x 2.0 = 4.00	2 x 0.75 = 1.50	5.50
D	Detached	4 bed	1	1 x 2.0 = 2.00	1 x 1.00 = 1.00	3.00
				Assigned Spaces		
7-10	Apartment	2 bed	4		Unassigned Communal 4 x 1.50 = 6.00	6.00

Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	S/2007/0468/RM - Mixed use development in five blocks including offices/craft workshops, restaurant ancillary siteworks and retaining walls – Granted 9/2/15
3.2	LA04/2016/2672/NMC - Non-material changes to planning condition 14 of S/2007/0468/RM re timing of drainage works - Granted
3.3	S/2005/0760/O - Proposed mixed use development including craft workshop, interpretative centre, restaurant, retail unit, offices, open space, car parking and footbridge over the River Lagan – Granted 27/2/06
3.4	S/2003/2035/F - Relocation of gabion wall and design change (retrospective), landscape amendments in association with wall and amendments to House Type D (site25) – Granted 24/4/05.
3.5	S/2001/0907/RM - Housing development (30 dwellings) including associated road access, site works, retaining walls & flood defence system – Granted 5/8/03.
3.6	S/1996/0621 - Part redevelopment of works for residential purposes, refurbishment and reconstruction of industrial buildings for craft workshop, office & studio business uses – Granted.
4.0	Policy Framework
4.1	Lisburn Area Plan 2001 (LAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
4.3	Lagan Valley Regional Park Local Plan 2005 (LVRP LP)
	4.1.1 Outside Settlement Limit (LAP) 4.1.2 Lagan Valley Regional Park (LAP) 4.1.3 Area of High Scenic Value (LAP)
	4.2.1 Outside settlement limit in 2004 dBMAP version, however the adopted BMAP included the site within the settlement limit (dBMAP).
4.4	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 7: Quality Residential Environments Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 15: Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	NIEA - No objection, subject to conditions

5.2	DFI Roads – No objection, subject to conditions.
5.3	Historic Environment Division – No objection
5.4	NI Water - No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	Rivers Agency – Proposal contrary to FLD 1 of PPS 15.
6.3	Shared Environmental Services – No objection, subject to conditions.
6.4	BCC Tree and Landscaping Officer – No objection, subject to conditions.
6.5	Lagan Valley Regional Park – Objection to the proposed development.
7.0	Representations
7.1	15 representations have been received relating to this proposed development, 13 objecting to the proposal, 1 in support of the proposal and 1 non-committal.
7.2	<p>The issues raised by the objectors include:</p> <ul style="list-style-type: none"> • Bat survey required • Impact of street lighting on bats. • Lack of detail showing the existing buildings and land form. • Details of proposed dwellings should be more appropriate to the original Victorian village. • Poor general detail and quality of materials. • Edenderry is a late Victorian / Edwardian village – the mock Georgian design is detrimental to this character. • No sectional details – to show context of apartment height to river and impacts on users of the river / towpath. • No detail of embankment retaining structures and concern that the proposal will impact the river. • Concerns about impacts on tree roots. • Concerns regarding views into the site. • Concerns regarding the TPO Monkey puzzle tree and other mature trees. • Impact on traffic – no additional public transport to serve the village. Village infrastructure cannot support the additional cars. • Possible placement of flags and large signs at the site • Impact of the proposed boundary treatment on the Listed Village Pump? • High brick wall is not an attractive entrance (artist designed brick wall alluding to the history would be preferable). • Much of what is alluded to in the D&A statement is not followed through to the actual scheme. • HED should be consulted because of proximity to listed pump. • Conservation officer should be consulted. • Proposal should be considered in conjunction with planning reference LA04/2018/1795/F. • Impact on AONB and reduction of green areas in the village.

7.3	<ul style="list-style-type: none"> • Impact of potential heavy metal pollutants which could impact detrimentally on the river. • Proposal should include community benefits. Developer could expand the services for communal play area in the park. • It is noted that some objections state that the proposed residential use is preferable to the mixed use scheme previously approved. <p>The support letter raises the following issues:</p> <ul style="list-style-type: none"> • Addition of 3-4 bedroom houses will provide additional housing stock for families.
8.0	Assessment
8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> • Principle of development • Layout, form, scale, massing and design • Impact on character of the village and Lagan Valley Regional Park. • Impact on residential amenity • Impact on flooding • Impact on traffic • Impact on trees and natural environment
8.2	<p><u>Development plan context</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 site is located in Edenderry Village. 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 Lisburn Area Plan 2001 (LAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.3	<p>The site is located outside the settlement limit according to the LAP. The site is located within the Lagan Valley Regional Park and an Area of High scenic value.</p>
8.4	<p>The site is also located outside the settlement limit according to the 2004 version of dBMAP. At the BMAP Inquiry, the PAC recommended that the site be included within the development limit due to the planning history of the site (this will be discussed further in the next section of the report). Subsequently, the site is located within the settlement limit of Edenderry in the 2015 version of draft BMAP.</p>
8.5	<p><u>Principle of Development</u></p> <p>As previously discussed, the site was not located within the settlement limit designated by the LAP or dBMAP (2004 version). However, subsequent to the publication of both plans, an outline planning application for a mixed use development was approved under ref. S/2005/0760/O on 27/2/06. The reserved matters application was subsequently approved on 9/2/15 under ref. S/2007/0468/RM (Mixed use development in five blocks including offices/craft workshops, restaurant ancillary site works and retaining walls).</p>
8.6	<p>The proposal included raising of ground levels within the site. It appears from the submitted existing topographical survey and aerial photographs of the site that infilling</p>

	<p>has occurred and ground levels have been raised on the site. Furthermore, it appears that the site access has been constructed, as per condition No. 2 of the approval. The only other pre-commencement condition associated with S/2007/0468/RM related to drainage works to be carried out prior to the commencement of development (Condition No. 14). The Council previously approved an application for a non-material change which varied this condition to a pre-occupation condition. Accordingly, it appears that the mixed use development approved under ref. S/2007/0468/RM has commenced and as such represents a fall back for the developer.</p>
8.7	<p>With regard to this context, it is considered that a residential development on this site is acceptable in principle.</p>
8.8	<p><u>Character</u></p> <p>Edenderry village is a small village characterised primarily by residential development. Victorian style terraced dwellings are particularly prevalent within the village, however there are a mix of styles in close proximity to the application site, including three storey townhouses on land adjacent to the site. It is considered that the proposed massing and appearance of the proposed dwellings is more appropriate to the traditional setting of the village than the existing townhouses adjacent to the site. Part of the village is designated as an 'Area of Village Character', however this designation does not extend to the application site. The proposal includes 3 split level dwellings that are accessed directly from Edenderry Road. It is considered the front elevational design and appearance of these dwellings is respectful of the adjacent Ruby Cottages. It is considered that on balance, the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p>
8.9	<p><u>Lagan Valley Regional Park / AONB</u></p> <p>The site is located within Lagan Valley Regional Park (LVRP) and the Lagan Valley AONB. The LVRP Planning sub-committee were consulted on the proposal. Although they advise that the dwellings seem reasonable in terms of massing and size, they have objected to the proposed development for several reasons:</p> <ul style="list-style-type: none"> • Redevelopment of the site contributes to urbanization of what has traditionally been a rural area. • Potential for proposed development to impact detrimentally on local fauna, particularly in relation to additional lighting at night. • Detrimental visual impact of buildings near to the river and the proposed vehicle access and parking adjacent to the river bank. <p>LVRP have also enquired if communal areas will be subject to a future management plan.</p>
8.10	<p>It is important to note that the previous planning approval represents a fall-back position for the developer. This mixed use development included 5 separate blocks with significant amount of hard surfaced car parking. This approval included buildings that are significantly taller and bulkier than the current proposal.</p>
8.11	<p>The LVRP LP advises that new development within the settlement is acceptable provided it is sympathetic to the design, scale and character of the existing village. Furthermore, all developments must have regard to siting, massing, shape, design, finishes and landscaping in order to integrate into the rural setting.</p>
8.12	<p><u>Flooding</u></p> <p>Rivers Agency have advised that the proposal is contrary to Policy FLD 1 of PPS 15. They have stated that the proposed development is outside the 1% AEP floodplain</p>

	<p>plus 600 mm freeboard as a result of infill levels that form part of a previous extant (and enacted) approval. Further advice from Rivers Agency indicates that due to the infilling that has already occurred when enacting the current planning permission, there will be a maximum increase in depth of 7 mm of the 1 in 100 year fluvial floodplain on lands adjacent to the site. These works have already been carried out under the previous planning permission and Rivers Agency's response indicates that the current proposal will not exacerbate flooding on the adjacent lands. Subsequent to the latest Rivers Agency response, the Rivers Agency case officer contacted the Council to clarify that the proposed development will not exacerbate potential flood impact on the adjacent lands. In essence, in the event of construction of the proposed development, the situation will remain the same as the current situation. It is therefore considered that the proposal does not increase flood risk relative to the current situation.</p>
8.13	<p>With regard to the previous planning history, the extant planning approval on the site relates to an outline application decided prior to the adoption of PPS 15. At reserved matters stage, Rivers Agency objected to the development. The case officer report for S/2007/0468/RM states that the flooding matters were not highlighted by Rivers Agency at outline stage, therefore the principle of development had already been accepted.</p>
	<p><u>Contaminated Land</u></p>
8.14	<p>A former mill complex was located on the site up until the early 2000s. An 'Environmental Site Assessment and Generic Quantitative Risk Assessment' was submitted in support of the proposal. Following consultation with BCC Environmental Health (EHO) and NIEA, no unacceptable risks to environmental receptors have been identified.</p>
	<p><u>Waste water treatment</u></p>
8.15	<p>NI Water previously advised the Council that waste water treatment capacity is not available for the proposed development. However, the latest correspondence from NI Water states 'Waste water treatment capacity in the area is not available. Following discussions with NI Water the developer has confirmed that the re-development of the site will see a reduction in the amount of storm water entering the foul / combined sewer. On this basis NI Water would be prepared to facilitate a foul only connection for this proposed development'. It is therefore considered that the proposed development will have the potential to effectively deal with waste water.</p>
8.16	<p>The proposal includes a pumping station compound located adjacent to the access to the site, on the north western portion of the communal amenity space. The Council initially advised that the proposed siting was inappropriate due to its proximity to the communal amenity space and site access. The agent advised that this location was the only appropriate area for a number of reasons, including space needed for the compound, sufficient separation distance from dwellings, topography, flood risk and access. Therefore, the pumping station compound is now proposed to be surrounded by a 1.8 m high palisade fence with a hedgerow planted on the outside to mitigate visual impact. With no other alternative the screening is considered on balance, to be acceptable at this location.</p>
	<p><u>Layout, scale, design and appearance</u></p>
8.17	<p>The application site and Edenderry village display an essentially rural character. It is considered that the proposed layout draws upon positive aspects of the rural character and appearance of the surrounding area. The proposed layout includes the protection of existing TPO trees and includes generous provision of soft landscaping and amenity space, both private and public. This should contribute to the protection</p>

	of views into the site from the adjacent towpath. The proposed buildings at Sites 6, Sites 7-10 and 11-13 are orientated to take account of views towards the River Lagan, thereby creating a positive outlook for potential residents. The proposed development includes a mix of detached and semi-detached dwellings and apartments, introducing variety to the housing stock in the village.
8.18	The overall scale and density of the proposed development respects the form and character of the surrounding area. The predominate building material is red brick, which is characteristic of the village.
	<u>Residential Amenity</u>
8.19	The rear elevation of six proposed dwellings are orientated towards Linen Mill Grove. The dwellings in Linen Mill Grove are orientated in a different direction, therefore there is no direct window to window views. Dwellings No. 4 and 5 are located approximately 9.5 metres from the rear boundary, whilst dwellings No. 2 and 3 are located approximately 11 metres from this boundary. These dwellings are 2.5 storey with rear windows on the upper floor. It is considered that these rear windows should be opaque glazing to reduce any potential overlooking impact. The internal plan of the dwellings will allow for opaque glazing, without any detriment to potential residents' outlook.
8.20	Additional information relating to noise and odour was submitted in relation to the proposed pumping station. EHO provided comment on this information and have no objection, subject to conditions.
8.21	Provided potential amenity impact is mitigated by condition, it is considered that the proposal will not have an unacceptable adverse impact in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
	<u>Access & car parking</u>
8.22	Amended Private streets and car parking information was received by the Council on 10th October 2019. DFI Roads have provided comments on the proposal and are content with the proposed layout, access and car parking. The proposed development also supports walking, cycling and is accessible to public transport.
	<u>Boundary treatments and retaining walls</u>
8.23	The propose boundary treatments, inducing brick walls, railings, timber fencing, chestnut paling and hedgerows are considered appropriate to the character of the site and surrounding area. The proposal includes retaining walls on the eastern portion of the site adjacent to sites 11, 12 and 13. The retaining walls are constructed with brick and concrete coping with estate railings as guarding. The site layout shows that the maximum height of retaining wall will be 2 metres.
	<u>Amenity Space</u>
8.24	Private Amenity space is proposed for each individual dwelling at an acceptable standard, in accordance with the provisions of 'Creating Places', ranging from 62 sq m to 154 sq m approx. per dwelling unit (excluding the apartments). A communal amenity area is also provided adjacent to the entrance of the development, which measures approx. 375 sq m. Furthermore, a small area of communal amenity space is provided between the apartment building and the River Lagan, measuring approx. 55 sq m. The proposed amenity provision is considered acceptable.
	<u>Landscaping</u>
8.25	Within the site a number of the trees are protected by a Tree Preservation Order; TPO/2004/0010. The application includes the retention of 7 x existing trees, and

	proposes planting 27 x trees of mixed species (extra heavy standard in size) with additional hedging and low-ornamental shrub planting as part of the residential development.
8.26	Following consultation with the Tree Officer, the proposed tree planting throughout the site, especially on the southern boundary edge should help play a role in the integration of the development into the surrounding context when the proposed trees begin to establish over time. The addition of the Beech hedging within garden boundaries will further help soften the site, and provide elements of screen to private amenity garden spaces.
8.27	The revised Landscape Management Plan sets out the long term strategy and approach with regards to future management and maintenance of trees and landscaping within the site. The plan is considered to be in accordance with published guidance.
8.28	Furthermore, additional rear boundary finishes are included in a revised landscape plan with a 1500mm high timber fence and Beech hedge proposed adjacent to the proposed fence boundary. These additional boundary finishes are proposed along southern boundary of the Apartment building to help screen, allow enjoyable privacy and integrate the plot in the context of the local area. The installation of a hedge and fence would also act as a deterrent and aid safety of persons adjacent to the rivers edge, whilst also allowing views out to the River Lagan.
	<u>Materials</u>
8.29	The predominate finish materials include red brick walls, blue / black slate roof coverings, hardwood timber doors and uPVC rainwater goods and downpipes. Some of the buildings also include render detailing and zinc / lead standing seam dormers. The proposed materials are considered acceptable.
8.30	Due to the location of the proposed development within Lagan Valley Regional Park and the AONB, it is considered appropriate that samples of materials should be submitted to and approved by the Council prior to construction.
	<u>Neighbourhood / Community facilities</u>
8.31	The proposed development is for a residential development of 13 dwellings, therefore it is not necessary to provide local neighbourhood facilities within this development.
	<u>Natural Heritage</u>
8.32	Additional information was submitted in support of the proposal with respect to the Natural Environment, including a Biodiversity Checklist, Outline construction environmental management plan, Bat roost potential survey and an Outdoor lighting report. Following consideration of this information, it is considered that the proposal complies with the policy tests of PPS 2, in relation to designated sites, protected species, habitats and the Area of outstanding Natural Beauty. NIEA NED advised that they have no objection to the proposal.
	<u>Archaeology and Built Heritage</u>
8.33	HED Historic Buildings do not consider that the proposed development will have an unacceptable adverse impact on the listed pump (ref. HB19/23/049) located adjacent to the site, therefore the proposal passes the policy tests of the SPPS and PPS 6.
8.34	HED Historic Monuments are content that the proposal passes the tests of the SPPS and PPS 6 and no further archaeological mitigation is necessary.

8.35	<p><u>Habitats Regulation / EIA</u></p> <p>Shared Environmental Services (SES) have considered the proposal in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and have advised that the proposal will not have an adverse effect on site integrity of any European site. Furthermore, the proposed development was screened in accordance with the Planning (Environmental Impact Assessment) Regulations (NI) 2017. 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>
9.0	Summary of Recommendation: Approval
9.1	<p>The application site has a complex history, in terms of the development plan and extant planning history. As previously discussed, it is considered that the principle of residential development on this site is established.</p>
9.2	<p>13 objections to the proposed development have been received, with 1 support letter and 1 non-committal representation. Two consultees, Rivers Agency and Lagan Valley Regional Park Planning Sub-committee have also objected to the development.</p>
9.3	<p>The application site and Edenderry village display an essentially rural character. It is considered that the proposed layout draws upon positive aspects of the rural character and appearance of the surrounding area. The proposed layout includes the protection of existing TPO trees and includes generous provision of soft landscaping and amenity space, both private and public. The overall scale, density, design and appearance of the proposed development is respectful of the surrounding character.</p>
9.4	<p>Rivers Agency have advised that the proposal is contrary to Policy FLD 1 of PPS 15. However, they go on to qualify that the proposed development is <i>outside</i> the floodplain plus 600 mm freeboard as a result of infill levels that form part of a previous extant (and <i>enacted</i>) approval. These works have already been carried out under the previous planning permission and Rivers Agency's response indicates that the current proposal will not exacerbate flooding on the adjacent lands. Therefore, in summary, in the event of construction of the proposed development, the situation will remain the same as the current situation.</p>
9.5	<p>LVRP have raised objection with regard to the urbanization of the area, detrimental impact on local fauna and visual impact. Officers in considering this objection have balanced it against the potential build out of the extant approval and in consideration of the context, the site is surrounded by built form and consultees raise no objections in relation to the local environment or wildlife.</p>
9.6	<p>It is important to note that the previous planning approval represents a fall-back position for the developer. This mixed use development included 5 separate blocks with significant amount of hard surfaced car parking. This approval included buildings that are significantly taller and bulkier than the current proposal. It is considered that the proposed residential development would be preferable to this extant approval.</p>
9.7	<p>On balance, it is considered that the proposal respects the surrounding context and is appropriate to the character of the village, Lagan Valley Regional Park and the AONB. Significant supporting information was submitted with regard to the proposal, covering issues such as contaminated land, waste water, odour, noise, landscaping and the natural environment. The relevant consultees have considered this</p>

9.8	<p>information and advised they are content with the proposal, subject to conditions where applicable.</p> <p>It is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy therefore approval is recommended, subject to conditions.</p>
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>The Private Streets (Northern Ireland) Order 1980.</p>
	<p>The Department hereby determines that the width, position and arrangement of the street, and the land to be registered as being comprised in the streets, shall be as indicated on Drawing PSD 01A 'P360 / R04k Proposed Road Layout' bearing the Belfast City Council Planning Office date stamp 18 October 2019 and bearing the Department for Infrastructure – Roads date stamp 06 December 2019. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4A).</p> <p>REASON: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p>
10.3	<p>The development shall operate using hard surfaced areas constructed generally in accordance with the approved layout Drawing No. 02C 'Site Layout Plan' bearing the Belfast City Council Planning Office date stamp 18 October 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.</p> <p>REASON: To ensure that adequate provision has been made for parking and servicing.</p>
10.4	<p>The access gradients to the dwellings shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, 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>No dwellings 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 the development.</p> <p>REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>

10.6	<p>Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.</p>
	<p>REASON: In the interests of road safety and the convenience of road users.</p>
10.7	<p>All landscaping works shall be carried out in accordance with the approved details on Drawing No. 44A date stamped 18th October 2019. 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.</p>
10.8	<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>
10.9	<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. Please inform Council when tree fencing is erected for Council to inspect and agree that they are in the correct locations.</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>
10.10	<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>
10.11	<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>
10.12	<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>10.13</p>	<p>Reason: To avoid compaction within the RPA.</p> <p>The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the WYG report titled "Remedial Strategy, Lands at Former Edenderry Mill, Edenderry, Belfast report no 601977-R2(00) dated January 2018 have been implemented. The Verification Report shall demonstrate the successful completion of the remediation works and that the site is now fit for end use. It must demonstrate that the identified source-pathway-receptor linkages as outlined in the WYG report are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:</p> <p>Gas protection measures commensurate with Gas Characteristic Situation 2 have been designed and installed in accordance with BS 8485 and their installation has been verified in line with Ciria C735.</p> <p>Reason: Protection of human health</p>
<p>10.14</p>	<p>No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at: http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf 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>
<p>10.15</p>	<p>If during the development works, new contamination and risks are encountered which has 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 to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
<p>10.16</p>	<p>After completing any remediation works required under Conditions 14 and 15 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 and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>

10.17	<p>No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and to allow the Council to control the external appearance.</p>
10.18	<p>Prior to the occupation of the hereby approved development, the proposed boundary treatments on stamped approved Drawing No. 03C date stamped 18th October 2019 shall be carried out in full. In the event any part of the boundary walls or fencing become damaged or defective, they shall be replaced in accordance with the approved details.</p> <p>Reason: In the interest of visual amenity.</p>
10.19	<p>The Rating Level (dB LAr) of sound from all plant associated with the pumping station serving the hereby permitted development shall not exceed the background sound level (for both day time and night time) when measured or determined at 1m from the façade of the nearest noise sensitive premises in line with the methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.</p> <p>Reason: Protection of Residential Amenity.</p>
10.20	<p>The windows marked with an X on Drawings No. 19 date stamped 23rd June 2017 shall be finished in opaque glass, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass within four weeks to the satisfaction of Belfast City Council.</p> <p>Reason: In the interests of residential amenity.</p>
10.21	<p>The open space and amenity areas indicated on the stamped approved Drawing No. 44A date stamped 18th October 2019 shall be managed and maintained in accordance with the Landscape Management Plan received on 18th October 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 Dudgeon
Cllr Graham

