

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 15 <sup>th</sup> March 2022	
<b>Application ID:</b> LA04/2021/2780/F	
<p><b>Proposal:</b> Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2018/1932/F (residential development comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park) to vary Condition 9 and Condition 10 (seeking to vary the remediation strategy to be implemented).</p>	<p><b>Location:</b> Lands directly to the South of Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast.</p>
<b>Referral Route:</b>	Major application
<b>Recommendation:</b>	Approval
<p><b>Applicant Name and Address:</b> Choice Housing Ireland Ltd 37-41 May Street Belfast BT1 4DN</p>	<p><b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE</p>
<p><b>Executive Summary:</b></p> <p>This Section 54 planning application seeks to vary conditions 09 and 10 of planning permission LA04/2018/1932/F to amend the required remediation strategy for the site.</p> <p>Condition 9 was successfully discharged under LA04/2019/1741/DC on 03 September 2019. However, under the current variation of condition application, an Updated Remediation Strategy has been submitted for consideration. The Updated Remediation Strategy updated the assessment of the site with respect to ground gas, concluding in Section 3.1.1 that the site is classified as CS1 and therefore special gas protection measures are not required.</p> <p>Environmental Health has been consulted and offers no objections to the variation of conditions 9 and 10, recommending the following wording:</p> <p>9. <i>The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'.</i></p> <p><i>Reason: Protection of human health.</i></p> <p>10. <i>Prior to occupation of the proposed development, the applicant shall submit to and have agreed by the Council, a Verification Report. This Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed</i></p>	

*Remediation Strategy have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall 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.*

*Reason: Protection of human health and environmental receptors to ensure the site is suitable for use.*

Officers advise that the precise wording of the amended conditions will need to be updated to reflect the Six Tests for planning conditions and best practice. The recommended wording is included in section 11 of the main report, below.

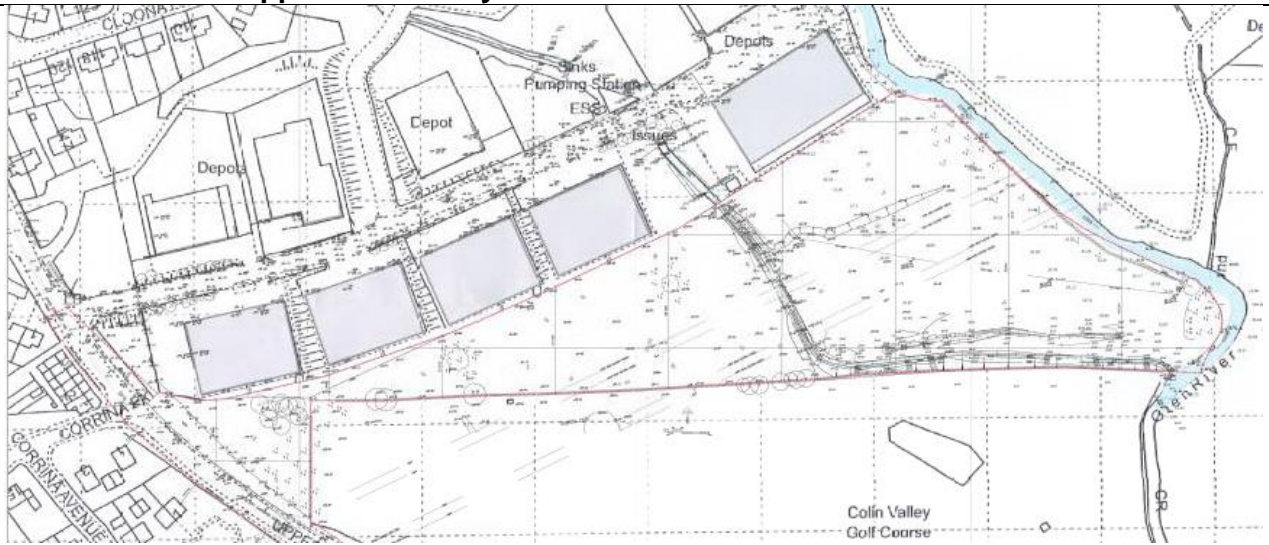
It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.

Having regard to the Development Plan, and relevant material considerations, particularly the expert advice from the Council's Environmental Health Service, the proposed amendment to the conditions of the original planning permission is considered acceptable.

It is recommended that planning permission is granted subject to conditions and conclusion of public re-consultation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions

## Case Officer Report

### Site Location Plan/Approved Site Layout



### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

1.1 On 5<sup>th</sup> April 2019, full planning permission was granted under application LA04/2018/1932/F for the construction of a mixed-tenure social housing development of 90 no. units including landscaping and a playpark on a currently undeveloped piece of land off Upper Dunmurry Lane. The units comprise apartments and semi-detached houses, including units which are specifically designed for wheelchair access or other specific needs.

1.2	On 13 <sup>th</sup> December 2021, the current application was submitted seeking to vary Condition 9A of planning approval LA04/2018/1932/F under application LA04/2021/2780/F.
1.3	<p>Condition 9 stated:</p> <p><i>No remediation shall be commenced on site unless a full Implementation plan has been submitted to and approved in writing by the Council. No remediation works shall take place unless in accordance with the approved Implementation Plan.</i></p> <p><i>Reason: Protection of human health.</i></p> <p>The proposal is to vary Condition 9 to the following:</p>
1.4	<p><i>The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'.</i></p> <p><i>Reason: Protection of human health.</i></p>
1.5	<p>Condition 10 stated:</p> <p><i>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 as outlined in the Section 7.0 of the RSK Environmental Site Assessment and Generic Quantitative Risk Assessment Reference 601446-R1 (01) dated August 2018 and as specified in the Implementation Plan as required in condition 9 above have been implemented.</i></p> <p><i>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages 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:</i></p> <ul style="list-style-type: none"> <li><i>a. Gas and vapour protection measures commensurate with Gas Characteristic Situation 2, have been designed and installed in accordance with BS 8485:2015 and CIRIA C716 and their installation has been verified in line with CIRIA C735.</i></li> <li><i>b. Soils in the vicinity of the contamination hotspots have been removed and verification soil sampling undertaken in line with industry best practice.</i></li> <li><i>c. All remaining areas are covered with hard standing.</i></li> </ul> <p><i>Reason: Protection of human health.</i></p>
1.6	<p>The proposal is to vary Condition 10 to the following:</p> <p><i>Prior to occupation of the proposed development, the applicant shall submit to and have agreed by the Council, a Verification Report. This Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall present all the</i></p>

	<p><i>remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</i></p> <p><i>Reason: Protection of human health and environmental receptors to ensure the site is suitable for use.</i></p>
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	The site at present has a relatively short area of frontage to Upper Dunmurry Lane with the site expanding eastwards adjacent to Kilwee business Park. There are mature trees on some of the site boundaries, particularly to the east and south of the site adjacent to the golf course. Construction of approval LA04/2018/1932/F has commenced.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
3.1	Full details of all historical applications are provided at Annex A.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPSS) Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk Developer Contribution Framework 2020
<b>5.0</b>	<b><u>Statutory Consultees</u></b> N/A
<b>6.0</b>	<b><u>Non-Statutory Consultees</u></b> <b>Environmental Health BCC</b> – no objections subject to conditions
<b>7.0</b>	<b><u>Representations</u></b>
7.1	No representations were received.
<b>8.0</b>	<b><u>ASSESSMENT</u></b>
<b>8.1</b>	<b><u>Development Plan</u></b>
8.1.1	Section 45 (1) of the Planning Act (NI) 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) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the

	stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.
8.1.4	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 the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) 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 this transitional period existing policies will be applied including the SPPS and relevant PPSs.
<b>8.2</b>	<b><u>The acceptability of the proposed amendments to the conditions</u></b>
8.2.1	Environmental Health comment that the ' <i>...main difference presented in this December 2021 Updated Remediation Strategy is Section 3, which presents a further assessment of the ground gas risk on the site. Although originally classified as Characteristic Situation (CS) 2, this assessment considers the ground gas monitoring results in more detail alongside the ground conditions encountered. RSK have updated their assessment of the site with respect to ground gas, concluding in Section 3.1.1 that the site is classified as CS1 and therefore special gas protection measures are not required.</i>
8.2.2	Environmental Health goes on to state that ' <i>...with regards to the current application, this Service notes that construction works appear to have commenced on site. This Service would have anticipated that updates to the risk assessment and remediation strategy for the site would have been submitted and agreed in writing by the Council prior to commencement of construction. However, this Service is content with the technical amendments presented in the RSK Updated Remediation Strategy report (dated December 2021 and referenced 603931-R1 (00))</i> '
8.2.3	As the condition 10 originally stated 'prior to construction commencing', officers asked the applicant to amend their suggested wording to ' <i>...development shall be carried out...</i> '. The applicant confirmed their agreement to this change. Environmental Health confirms that subject to the addition of the name and date of the relevant report, it is content with the proposed variations of condition and offers no objection to the application.
<b>8.3</b>	<b><u>Public Consultation</u></b>
8.3.1	The application was advertised on 25 <sup>th</sup> December 2021 and 4 <sup>th</sup> March 2022 and neighbour notifications were issued on 12 <sup>th</sup> January 2022 and 2 <sup>nd</sup> March 2022. No representations have been received.
8.3.2	Whilst public consultation is not due to end until 18 <sup>th</sup> March 2022 (i.e. three days after the Planning Committee meeting), due to the technical nature of the proposal and absence of any representations made in relation to the original consultations in December 2021 and January 2022, it is considered unlikely that representations will be made. Notwithstanding, the recommendation is subject to conclusion of public consultation with delegated authority given to officers to consider any representations made. If the points are substantive then the application will need to be reported back to the Planning Committee.

<p><b>8.4</b> 8.4.1</p>	<p><b><u>Conclusion</u></b> The proposal to vary conditions 09 and 10 following submission of an Updated Remediation Strategy with regard to ground gases is considered reasonable and acceptable. There are no technical objections to the application. Having regard to the planning policy context and relevant material considerations, the variation of the conditions is considered acceptable.</p>
<p><b>10.0</b> 10.1 10.2</p>	<p><b>Summary of Recommendation:</b> Having regard to the policy context and other relevant material considerations, the proposal is considered acceptable. The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. It is recommended that planning permission is granted subject to conditions and conclusion of public re-consultation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
<p><b>11.0</b> 01 09 10</p>	<p><b>Draft Conditions:</b> *Please note that the other original conditions will need to be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2018/1932/F have been discharged and final wording will make reference to this. The development hereby permitted shall be begun before 15<sup>th</sup> April 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011, The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'. Reason: Protection of human health. Prior to occupation of the development hereby approved, a Verification Report shall be submitted to and approved in writing by the Council. This Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall 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. Reason: Protection of human health and environmental receptors to ensure the site is suitable for use.</p>
<p><b>12.0</b></p>	<p><b>Representations from Elected Representatives</b> (if relevant) N/A</p>

<b>13.0</b>	<b>Referral to Dfl</b> (if relevant) N/A
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**ANNEX A** (LA04/2021/1358/F)

<b>Date Valid</b>	8th December 2021
<b>Date First Advertised</b>	24th December 2021
<b>Date Last Advertised</b>	4 <sup>th</sup> March 2021

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

The Owner/Occupier

1 Brooklands Grange, Dunmurry, Antrim, BT17 0SA  
 1 Corrina Avenue, Dunmurry, Antrim, BT17 0HR  
 1 Corrina Park, Dunmurry, Antrim, BT17 0HA  
 1 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 1 Netherlands Park, Dunmurry, Antrim, BT17 0EX  
 1 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 11 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 115 Blacks Road, Belfast, Antrim, BT10 0NF  
 13 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 130 Upper Dunmurry Lane, Dunmurry, Dunmurry, Antrim, BT17 0EW  
 15 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 17 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 19 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 2 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 21 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 23 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 25 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 26 Kilwee Industrial Estate, Dunmurry, Antrim, BT17 0HD  
 27 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 29 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 3 Brooklands Grange, Dunmurry, Antrim, BT17 0SA  
 3 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 3 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 31 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 33 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 35 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 37 Corrina Avenue, Dunmurry, Antrim, BT17 0HR  
 37 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 39 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 4 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 4 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 41 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 43 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 45 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 47 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 49 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 5 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 5 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 51 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 53 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR

55 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 57 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 6 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 7 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 7-9 , Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 9 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 Apartment 1, 59 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
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 Unit 13, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 3, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 4, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 5, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 6, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 6a, Unit 6a Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Units 10-11, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD

<b>Date of Last Neighbour Notification</b>	2 <sup>nd</sup> March 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

### Planning History

Ref ID: LA04/2016/1983/PAN

Proposal: Proposed residential development (Total 94 Units) to include 70No. Semi-detached and 24No. apartments and associated landscaping with vehicular/pedestrian access onto Upper Dunmurry Lane.

Address: Lands directly to the south of Kilwee Business park, Upper Dunmurry lane, Dunmurry, Belfast, BT17 0HD,

Decision: PANACC

Decision Date:

Ref ID: S/2005/1271/O

Proposal: Proposed housing development (Renewal of previous approval S/2001/1497/O).

Address: Vacant Land, Kilwee Lands, Upper Dunmurry Lane, Belfast.

Decision: Permission Granted

Decision Date: 26.11.2007

Ref ID: S/2008/0240/RM

Proposal: Proposed 107 No dwellings comprising of linked detached, townhouses & apartments, with carports and other associated siteworks.(amended description).

Address: Lands to the north of Colin Valley Golf Course, Upper Dunmurry Lane, Kilwee, Dunmurry

Decision: Permission Granted

Decision Date: 10.02.2010



**ANNEX B**

Development Management Officer Committee Report for LA04/2018/1932/F

**Development Management Officer Report  
Committee Application****Summary****Committee Meeting Date:** 9<sup>th</sup> April 2019**Application ID:** LA04/2018/1932/F**Proposal:**

Residential development comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park.

**Location:**

Lands directly to the south of Kilwee Business Park Upper Dunmurry Lane Dunmurry Belfast

**Referral Route: Major Application****Recommendation:**

Approval

**Applicant Name and Address:**Choice Housing Ireland Ltd  
37-41 May Street  
Belfast  
BT1 4DN**Agent Name and Address:**Turley  
Hamilton House  
3 Joy Street  
Belfast  
BT2 8LE**Executive Summary:**

This application seeks the creation of a social housing scheme comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park.

The main issues to be considered in this case are;

- The principle of housing at this location
- The design and layout of the proposal
- The impact on traffic and road safety
- The impact on amenity of nearby residents and businesses
- Waste management
- Human health
- Natural heritage
- Parking provision and access
- Drainage and flooding
- The consideration of developer contributions

The site is located the development limits of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP) and is zoned for housing under dBMAP.

Given the development plan zoning and the surrounding context which consists of housing, a business park and open space, the principle of housing at this site is acceptable subject to detailed design and layout considerations.

Consultees including Environmental Health, Rivers Agency, NIEA, Northern Ireland Housing Executive and NI Water have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report. DFI Roads are currently finalising the Private Streets Determination and will be in a position to provide conditions and informatives thereafter.

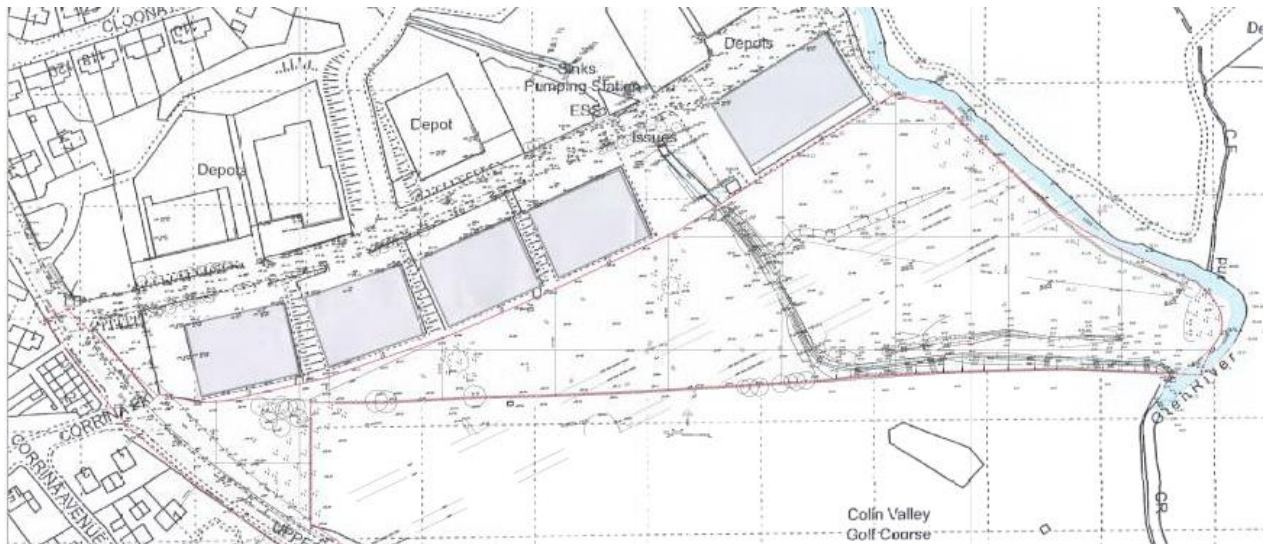
3 no representations were received, 2 no from the Upper Dunmurry Lane Steering Group and 1 no from the Colin Glen Trust. No written representations from any elected representatives have been received. However Orlaithí Flynn, MLA for Sinn Fein and Councillor Seanna Walsh, Sinn Fein attended meetings facilitated by BCC planners to listen to concerns raised by the local residents' group.

Having regard to all of the submitted information and reports, consultee responses and representations, officers consider that the proposed scheme will create a quality residential environment, contribute positively to the local environment developing an unused site, and will meet social housing need therefore meeting the relevant policy tests in PPS 2, PPS 3, PPS 7, PPS 8, PPS 12 and PPS 15.

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that the application is approved subject to conditions and delegated authority is given to the Director of Planning and Building Control to resolve the outstanding matters pertaining to the consultation responses from DFI Roads and to finalise the wording of conditions.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

**1.0**      **Description of Proposed Development**

- 1.1      This application seeks full planning permission for the construction of a mixed-tenure social housing development of 90 no. units on a currently undeveloped piece of land off Upper Dunmurry Lane. The units comprise apartments and semi-detached houses, including units which are specifically designed for wheelchair access or other specific needs.
- 1.2      The scheme is a social housing development (Choice Housing Ireland Ltd) and all dwellings contain private amenity space and have access to public open space within the development.
- 1.3      All dwellings are two-storey, semi-detached with the apartments ranging from 2.5 to 3 storeys.

**2.0**      **Description of Site and Area**

- 2.1      The site at present has a relatively short area of frontage to Upper Dunmurry Lane with the site expanding eastwards adjacent to Kilwee business Park. There are mature trees on some of the site boundaries, particularly to the east and south of the site adjacent to the golf course.

<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b><u>Site History</u></b>
3.1	An outline permission was approved in November 2007 followed by a reserved matters application (S/2008/0240/RM) which was approved in February 2010 for 107 no units including townhouses and apartments. This reserved matters permission expired in 2015 and was not implemented.
<b>4.0</b>	<b><u>Policy Framework</u></b>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 15 (Revised) - Planning and Flood Risk
<b>5.0</b>	<b><u>Statutory Consultees</u></b> <b>Transport NI</b> – have agreed the layout and access in principle, subject a Private Streets Determination (PSD) – awaiting final response <b>Rivers Agency</b> – no objection <b>NIEA Natural Heritage</b> – no objections subject to conditions regarding illumination and a Construction Environmental Management Plan (CEMP) <b>NIEA Water Management Unit</b> – issued standing guidance <b>NIEA Historic Environment Division</b> – no objections subject to conditions regarding an archaeological programme of works <b>NIEA Land, Soil, and Air</b> – no objections subject to conditions <b>NIW</b> – No objections <b>NIE</b> – No objections
<b>6.0</b>	<b><u>Non-Statutory Consultees</u></b> <b>Environmental Health BCC</b> – no objections subject to conditions <b>Northern Ireland Housing Executive</b> – support for the provision of social housing on the site due to high levels of need in the vicinity <b>Parks and Leisure BCC</b> – Previous concerns regarding the housing layout in proximity to the watercourse, landscaping and trees were resolved. Concerns remain regarding NIE lines, layout of playground and future connection to greenways. These issues are dealt with in the body of the report.
<b>7.0</b>	<b><u>Representations</u></b>
7.1	3 representations have been received to the application from: <ul style="list-style-type: none"> <li>- Upper Dunmurry Lane Steering Group</li> <li>- Colin Glen Trust</li> <li>- Martin Harney on behalf of Upper Dunmurry Lane Steering Group</li> </ul>
7.2	Issues raised are summarised as follows: <ul style="list-style-type: none"> <li>- That the proposal is not in keeping with the existing general housing characteristics of this established residential area</li> <li>- That the proposal is inappropriate to the local character and topography of the site and constitutes overdevelopment</li> </ul>

7.3	<ul style="list-style-type: none"> <li>- That the proposal is contrary to PPS 7, PPS 8, PPS 3, PPS 2, BMAP and Creating Places</li> <li>- Concerns regarding Japanese knotweed</li> <li>- Concerns regarding mature trees and potential bats and birds</li> <li>- Concerns regarding badgers on the site</li> <li>- Traffic congestion and road safety</li> <li>- Concerns regarding engagement with local residents being insufficient</li> <li>- Concerns regarding the adjacent golf course proximity and danger of golf balls</li> </ul> <p>No written representations from any elected representatives have been received. However MLA Órlaithí Flynn, Sinn Féin and Councillor Séanna Walsh, Sinn Féin attended a meeting facilitated by BCC planners to listen to concerns raised by the local residents group.</p>
8.0	<p><b><u>ASSESSMENT</u></b></p> <p><b>8.1</b></p> <p><b><u>Development Plan</u></b></p> <p>8.1.1 Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p> <p>8.1.2 Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p> <p>8.1.3 Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p> <p>8.1.4 The proposed development lies within a Zoned Committed Housing Site (ML 03/07) in west Belfast adjacent to several zonings such as the Colin Glen Landscape Wedge, Existing Recreation and Open Space (Bogstown Glen) and Community Greenway (Lady Dixon).</p> <p>8.1.6 There are nine key site requirements associated with Zoning ML 03/07 which can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Minimum density of 20 dwellings per hectare</li> <li>- Access shall be from Upper Dunmurry Lane</li> <li>- Existing trees, shrubs, hedgerows shall be retained</li> <li>- A full flora and fauna survey shall be carried out</li> <li>- Design and layout shall include measures to mitigate possible noise nuisances from adjacent uses</li> <li>- A 3m wide landscape buffer of trees and hedges shall be provided</li> <li>- Pedestrian access shall be provided to the Belfast Hills Community Greenway</li> </ul> <p><b>8.2</b></p> <p><b><u>The principle of residential development at this location</u></b></p> <p>8.2.1 The SPSS sets out five core planning principles of the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p>

8.2.2	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.3	The previous approvals on the site led to the site being zoned as Committed Housing (ML 03/07).
8.2.4	Given the planning history, development plan zoning and the surrounding context, which is predominantly housing, the principle of housing at this site is acceptable subject to detailed considerations set out in PPS7, and the addendum to PPS 7. A mix of housing types is proposed including apartments, semi-detached and complex needs units. A mix of dwelling types is encouraged in regional policy as well as PPS 12 to assist with social inclusion and other benefits. It is not considered that the number of apartments would be out of keeping with the area as there is a good balance between dwellings and apartments in the development and apartments are not alien to the locale.
8.2.5	Northern Ireland Housing Executive (NIHE) were consulted and confirmed that there is an identified need in the area for social housing and welcomed the one-bedroom, Category 1 Older People and Family Accommodation.
<b>8.3</b>	<b><u>Design and layout</u></b>
8.3.1	The initial application was for 102 no units however there were a number of concerns regarding the design and layout of same. As a result an amended scheme was submitted on 1st February 2019 which revised the layout and design and reduced the overall number of units to 90. The proposal is assessed under the relevant policies and guidance below.
8.3.2	Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS 3. The SPPS states that PPS3, 7 and 12 remain applicable under 'transitional arrangements'.
8.3.3	Planning Policy Statement 7 relates to quality in housing developments. PPS 7 objectives places emphasis on achieving quality residential development not only in terms of respecting local character and amenity of established residential areas, but also the developments themselves should be attractive for prospective residents. QD1 lists 9 criteria with which all proposals for residential development must conform. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3
8.3.4	Criterion (a) of QD1 of PPS 7 requires the development to respect the surrounding context and to be appropriate in terms of layout, scale, massing, appearance and surfacing. The proposal has been amended to ensure that the scale of the apartments facing Upper Dunmurry Lane are of appropriate scale and design for the site context and provide an appropriate entrance to the development.
8.3.5	Criterion (b) requires features of the archaeological and built heritage and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. The site has mature landscaping and watercourses and the layout of the development has respected these constraints in an innovative way.
8.3.6	Criterion (c) requires adequate provision for public and private open space and landscaped areas as an integral part of the development. In addition to generous front gardens and the

	public amenity space in the centre of the development, the rear private gardens range on average from 80m <sup>2</sup> to 180m <sup>2</sup> . Within this suburban context, the level of open space provision is considered acceptable, also taking account of the proximity of public open space within Colin Glen Forest Park. The proposal is therefore also compliant with Planning Policy Statement 8, Policy OS2 Public Open Space in New Residential Development and exceeds the recommended requirements of Creating Places
8.3.7	The development includes a central area of public amenity space with children's play facilities, seating areas and landscaping. It was not possible to agree the full specification of the playpark and open space due to ongoing discussions with NIE. Full details of this space will therefore be conditioned to be submitted to the Council and a requirement for the facilities to be completed prior to occupation of the dwellings.
8.3.8	Criterion (d) relates to the provision of local neighbourhood facilities. It is considered that it is not necessary to provide community facilities for a proposal of this scale.
8.3.9	Criteria (e) and (f) requires adequate and appropriate provision for parking, walking and cycling. DfI Roads were consulted and have no objection in relation access, parking and pedestrian walkways. Whilst the development is not being formally linked to greenways at present, provision has been made to allow for this in the future.
8.3.10	Criterion (g) relates to design and materials. This proposed design and materials have been revised following discussions between the agent, applicant and the Council and the amended scheme is considered acceptable and appropriate for the site context.
8.3.11	Criterion (h) deals with the impact the development may have on adjacent land uses and residents. The site is adjacent to a business park however taking into account the existing and proposed boundary treatment and separation distances, it is considered that there will be no unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
8.3.12	All dwelling units and apartments comply with the space standards set out Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity of the addendum to PPS 7.
<b>8.4</b>	<b><u>Landscaping and boundary treatments</u></b>
8.4.1	The site contains mature boundaries and a landscape plan has been submitted which includes a yearly maintenance schedule.
8.4.2	A full schedule of boundary treatments has been submitted and is considered acceptable however the detailing of the maintenance schedule is insufficient and therefore a condition will be placed on the decision notice to require full details to be discharged prior to completion – see Para 11.19.
8.4.3	The planting scheme has been reviewed by the BCC Tree Officer and is acceptable in terms of species proposed. Conditions are necessary to secure provision, maintenance and management of the landscaping proposed.
8.4.4	The proximity of the golf course has not been raised as an issue by Environmental Health however the applicant has been made aware that if issues arise and ballstop fencing is required that this will require a separate planning application.
<b>8.5</b>	<b><u>Traffic, Movement and Parking</u></b>
8.5.1	DFI Roads have no objection in principal and have been closely involved in order to achieve the appropriate levels of incutillage parking, visitor parking and safe access and egress. The Private Streets Determination is currently with DfI Roads and therefore delegation to the

	Director of Planning and Building Control is sought to allow final conditions to be agreed regarding this matter.
<b>8.6</b>	
8.6.1	<b><u>Contaminated Land</u></b>
	The application is supported by a Phase 2 contaminated land report as well as a remediation strategy. Environmental Health have provided conditions regarding these and have no objection.
<b>8.7</b>	<b><u>Noise</u></b>
8.7.1	The application is supported by a Noise Impact Assessment and Acoustic Design Statement. Environmental Health have provided conditions regarding these and have no objection. There are two acoustic barriers conditioned for installation on the boundary between Kilwee Industrial Park and the proposed development which are conditioned under Para 11.9
<b>8.8</b>	<b><u>Site Drainage/Flood Assessment</u></b>
8.8.1	The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. Rivers Agency are content that the information provided in the Flood Risk and Drainage Assessments is sufficient to ensure these policy provisions albeit they have noted the requirement for discharge consents and culvert works.
<b>8.9</b>	<b><u>Natural Heritage</u></b>
8.9.1	NIEA were consulted and they confirmed that the submitted information demonstrate that there are no badgers on site. They have provided conditions pertaining to the riparian strip/waterways and artificial lighting.
8.9.2	They have confirmed that there is a record of Japanese Knotweed on the site and therefore requested a condition pertaining to an Invasive Species Management Plan to be submitted to the Council.
8.9.3	The proposed development therefore complies with PPS 2: Natural Heritage.
<b>8.10</b>	<b><u>Pre-Community Consultation</u></b>
8.10.1	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.
8.10.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/1940/PAN) was submitted to the Council on 14 <sup>th</sup> September 2016 and was deemed acceptable on 26 <sup>th</sup> September 2016.
8.10.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of three public meetings, stakeholder letters, leaflets and the public advertisement. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
<b>8.11</b>	<b><u>Developer Contributions</u></b>
8.11.1	Para 5.69 of the SPPS states that "Planning authorities can require developers to bear the costs of work required to facilitate their development proposals". The proposal includes

	enhancements to the public realm immediately abutting the site and the provision of open space and play facilities.	
<b>8.12</b>	<b><u>Statutory Consultation</u></b>	
8.12.1	The revised scheme was first advertised on 10 <sup>th</sup> August 2018 and neighbours notified on 1 <sup>st</sup> August 2018. The amended scheme was advertised on 22 <sup>nd</sup> February 2019 and neighbours/objectors notified on 13 <sup>th</sup> February 2019.	
8.12.2	3 no representations were received, 2 no from the Upper Dunmurry Lane Steering Group and 1 no from the Colin Glen Trust. Concerns can be summarised as follows: <ul style="list-style-type: none"> <li>- Issues regarding another planning application</li> <li>- Overdevelopment of the site</li> <li>- Cumulative impact of the proposal</li> <li>- Proposals being contrary to the SPPS, BMAP and Creating Places</li> <li>- Proposals being contrary to PPS 2, PPS 3, PPS 7, PPS 8</li> <li>- Presence of Japanese Knotweed</li> <li>- Presence of Bats and Badgers</li> <li>- Traffic and road safety concerns</li> <li>- Proximity to the golf course</li> <li>- Poor community consultation</li> <li>- The number of apartments being out of character</li> <li>- Lack of affordable housing</li> <li>- Too few units for elderly and disabled</li>   <li>- Welcome the reduction in units in amended scheme, amended design of front apartments and increase in number of units for elderly and disabled.</li> </ul>	
8.12.3	The issues raised have been considered under Section 8.0 above.	
<b>10.0</b>	<b>Summary of Recommendation:</b>	
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to resolve any matters in relation the outstanding consultation responses from Dfl Roads and to finalise the wording of conditions.	
<b>11.0</b>	<b>Conditions (final wording to be delegated to the Director of Planning and Building Control)</b>	
11.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.	
11.2	No works or development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Council. No works, development, site clearance or site preparation shall be carried out unless in accordance with the approved Construction Management Plan.  Reason: In order to protect the water environment on the site.	
11.3	No site works of any nature or development shall commence on site until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and	

	<p>evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p>
11.4	<p>Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>
11.4	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Local Planning Authority (in consultation with the Department) to observe the operations and to monitor the implementation of archaeological requirements.</p>
11.4	<p>Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>
11.4	<p>No remediation shall be commenced on site unless a full Implementation plan has been submitted to and approved in writing by the Council. No remediation works shall take place unless in accordance with the approved Implementation Plan.</p>
	<p>Reason: Protection of human health.</p>
11.5	<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 as outlined in the Section 7.0 of the RSK Environmental Site Assessment and Generic Quantitative Risk Assessment Reference 601446-R1 (01) dated August 2018 and as specified in the Implementation Plan as required in condition 6 above have been implemented.</p>
	<p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages 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> <ul style="list-style-type: none"> <li>a. Gas and vapour protection measures commensurate with Gas Characteristic Situation 2 , have been designed and installed in accordance with BS 8485:2015 and CIRIA C716 and their installation has been verified in line with CIRIA C735.</li> <li>b. Soils in the vicinity of the contamination hotspots have been removed and verification soil sampling undertaken in line with industry best practice.</li> <li>c. All remaining areas are covered with hard standing.</li> </ul> <p>Reason: Protection of human health.</p>
11.6	<p>If during the development works, new contamination and risks are encountered which have not previously been identified, works must cease and the Council must be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and current best practice. A written report detailing the nature of this contamination and its management must be submitted to the Council for approval. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p>
	<p>Reason: Protection of human health.</p>
11.7	<p>No works or development shall commence on site unless a Remediation Strategy has been submitted to and approved in writing by the Council. This Strategy must follow the process</p>

	<p>outlined in Model Procedures for the Management of Land Contamination (CLR11) and clearly demonstrate how the identified pollutant linkages will be demonstrably broken and that the risks to human health are effectively managed.</p> <p>In particular, this Remediation Strategy must detail the remedial measures necessary to deal with the identified lead contamination in subsoils, and what ground gas protection measures are required. This Remediation Strategy must also detail how the proposed remedial measures are to be verified. No works, development, site clearance or site preparation shall be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p>
<p>11.8</p>	<p>The development hereby permitted shall not be occupied until a Noise Verification Report has been submitted to and approved in writing by the Council. This Noise Verification Report shall demonstrate that the entire window system (including frames and seals, etc.) as outlined in the Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. (dated 1 Feb 2019) have been implemented and so installed to ensure that the internal noise levels within any proposed residential unit shall:</p> <p>Not exceed 35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</p> <p>Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</p> <p>Not exceed 45 dB LAmax for any single event on more than 10 occasions between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements:</p> <p>Reason: Protection of human health.</p>
<p>11.9</p>	<p>The development hereby permitted shall not be occupied until a solid acoustic barrier has been installed 3.0 metre high and the surface weight of this barrier should be at least 10kg/m<sup>2</sup>, as detailed on the location in yellow on Figure H in Rolston Architects Drawing No.16.835Sk60 of Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. Kingsway, Dunmurry. February 2019 and Drawing No 40 dated 2<sup>nd</sup> April 2019.</p> <p>The development hereby permitted shall not be occupied unless a solid acoustic barrier has been installed 2.4 metre high and the surface weight of this barrier should be at least 6kg/m<sup>2</sup> as detailed on the location in blue on Figure H in Rolston Architects Drawing No.16.835Sk60 of Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. Kingsway, Dunmurry. February 2019 and Drawing No 40 dated 2<sup>nd</sup> April 2019.</p> <p>Both acoustic barriers shall be permanently retained to the standard and specification stated above.</p> <p>Reason: Protection of human health.</p>

11.10	<p>No external lighting shall be installed on the site unless a Lighting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:</p> <ul style="list-style-type: none"> <li>-Specifications of lighting to be used across the site.</li> <li>-All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, including low lighting levels to be used across the site.</li> <li>-A map showing predicted light spillage across the site (isolux drawing).</li> <li>-The watercourse and the associated riparian vegetation are to be kept free from any artificial lighting.</li> </ul> <p>Reason: To protect bats and otters.</p>
11.11	<p>No development activity, including ground preparation or vegetation clearance, shall take place unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> <li>-Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses (50m to streams and 20m to minor drains) and details of watercourse crossings;</li> <li>-Environmental Emergency Plan.</li> </ul> <p>Reason: To protect priority habitats</p>
11.12	<p>No development activity shall commence on site unless an Invasive Species Management Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.</p> <p>Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site, including protected species</p>
11.13	<p>The development hereby permitted shall not be occupied unless all boundary walls and fencing in association with each dwelling have been erected in accordance with the approved plans. All boundary walls and fencing hereby approved shall be permanently retained.</p> <p>Reason: In the interest of privacy and amenity.</p>
11.14	<p>All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 39A, date stamped 25<sup>th</sup> March 2019. The works shall be carried out prior to the occupation of the first dwelling 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>
11.15	<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</p>

	<p>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 Belfast City Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>
11.16	<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>
11.17	<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>
11.18	<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>
11.19	<p>No development including site clearance works, lopping, topping or felling of trees, shall take place unless a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved by the Belfast City Council Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and no changes to the management plan shall be implemented without prior consent of the Council.</p> <p>Reason: To ensure the provision of the amenity afforded by an appropriate landscape design.</p>

## ANNEX A

<b>Date Valid</b>	24th July 2018
<b>Date First Advertised</b>	10th August 2018
<b>Date Last Advertised</b>	22nd February 2019

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

1 Corrina Avenue,Dunmurry,Antrim,BT17 0HR,

1 Corrina Park,Dunmurry,Antrim,BT17 0HA,

1 Netherlands Park,Dunmurry,Antrim,BT17 0EX,

1 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

2 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

3 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

36 Corrina Avenue,Dunmurry,Antrim,BT17 0HR,

4 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

5 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

6 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,

7-9 ,Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
Colin O'Neill

Colin Glen Trust 163 Stewartstown Road Dunmurry Dunmurry

Colin Valley Golf Course, 115 Blacks Road, Belfast, BT17 0NF

G & O Electrical Services Ltd,26 Kilwee Industrial Estate,Dunmurry,Antrim,BT17 0HD,

Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,

Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,

Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,

Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,

Martin Harney

<b>Date of Last Neighbour Notification</b>	13 <sup>th</sup> February 2019
<b>Date of EIA Determination</b>	8th August 2018
<b>ES Requested</b>	No

## Planning History

Ref ID: LA04/2016/1983/PAN

Proposal: Proposed residential development (Total 94 Units) to include 70No. Semi-detached and 24No. apartments and associated landscaping with vehicular/pedestrian access onto Upper Dunmurry Lane.

Address: Lands directly to the south of Kilwee Business park, Upper Dunmurry lane, Dunmurry, Belfast, BT17 0HD,

Decision: PANACC

Decision Date:

Ref ID: S/2005/1271/O

Proposal: Proposed housing development (Renewal of previous approval S/2001/1497/O).

Address: Vacant Land, Kilwee Lands, Upper Dunmurry Lane, Belfast.

Decision:

Decision Date: 26.11.2007

Ref ID: S/2008/0240/RM

Proposal: Proposed 107 No dwellings comprising of linked detached, townhouses & apartments, with carports and other associated siteworks.(amended description).

Address: Lands to the north of Colin Valley Golf Course, Upper Dunmurry Lane, Kilwee, Dunmurry

Decision:

Decision Date: 10.02.2010

## Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department: