Planning Appeals Commission

Appeal Decision

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Appeal Reference:	2020/A0033.
Appeal by:	Lagan Homes (Millmount Developments) Ltd.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of 7 no. detached dwellings, with car parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald.
Location:	Lands approximately 75m south-east of 1 Millmount Chase, Dundonald.
Planning Authority:	Lisburn and Castlereagh City Council.
Application Reference:	LA05/2016/0985/F.
Procedure:	Hearing on 6 May 2021.
Decision by:	Commissioner Mark Watson, dated 25 August 2021.

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Reasons

2. The main issues in this appeal are whether or not the proposed development would:
   - be acceptable in principle, including the potential to prejudice future delivery of a proposed road link;
   - prejudice a proposed employment zoning;
   - present an unacceptable risk to human health by way of contamination on site; and
   - have sufficient means of sewage disposal.

3. The Court of Appeal declared the adoption of the Belfast Metropolitan Area Plan 2015 (BMAP) to be unlawful on 18 May 2017 and consequently BMAP must be disregarded. The Belfast Urban Area Plan 2001 (BUAP), despite its vintage, operates as the local development plan (LDP) for the area the site is in. In BUAP the site lies within the open countryside. The BUAP proposed a strategic roadline: *E14 (3) Ballybeen to Quarry Road Link* under Policy TR10 Strategic Highway Measures: Eastern Approaches Strategy. The purpose of the road was to provide additional high capacity road facility in the Newtownards Road corridor and to relieve traffic congestion at junctions along the Upper Newtownards Road. According to the submitted evidence, including an extract from the Commission Inquiry Report for dBMAP, the E14 (3) proposal was abandoned in favour of a road based rapid transit scheme. I will return to the materiality of BUAP and

whether the appeal development is in accordance with its provisions later in this decision.

4. A further consequence of the aforementioned Court of Appeal judgement is that the draft BMAP, published in 2004, is a material consideration in the determination of this appeal. In draft BMAP (dBMAP) the appeal site lies within the settlement development limit of Metropolitan Castlereagh and is part of employment zoning MCH08. The aforementioned roadline from BUAP was broadly retained in dBMAP and proposed as draft designation MCH16 – Non-Strategic Road Scheme Quarry Corner – East Link Road. Its line travels in a north to south-west direction and encompasses a strip of the appeal site on its north-western edge. The amplification to the proposal stated that the Quarry Corner – East Link Road will be provided in conjunction with the EWAY rapid transit scheme and will facilitate traffic relief to immediate areas and an alternative to the existing A20 through Dundonald. It also proposed to provide access to the Park and Ride at Millmount. There was no dispute between the parties that this has since been delivered for East Belfast on the Newtownards Road, including a park and ride facility.

5. Draft BMAP (Alteration No.1) identified Protection Corridors for road schemes, including MCH16, which had the effect of slightly reducing the overall size of zoning MCH08. According to the submitted evidence, the Commission Inquiry Report recommended that zoning MCH08, in its reduced form due to the protected roadline, be confirmed. That effectively excluded approximately 70% of the appeal site from the employment zoning MCH08, but retained it within the indicative line for MCH16.

6. The Council and Objectors raised matters that fall to be considered under Planning Policy Statement 3 – Access, Movement and Parking (PPS3). The Objectors also raised issues under Planning Policy Statement 4 – Planning and Economic Development (PPS4). There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) and those of PPS3 and PPS4 in respect of the appeal development.

7. The appeal site comprises a rectangular section of land situated on the eastern side of the A22 Comber Road and south-east of the Millmount Road. The land is covered in a mix of rough grass, scrub and some trees. It is generally flat in nature though there is an overgrown earth embankment along the Millmount Road frontage. A recently constructed housing development, Millmount Chase, lies to the north / north-west on the opposite side of Millmount Road from the site. There is a roundabout a short distance to the north-east of the site. The site lies on the periphery of a residential area on the south-eastern edge of Dundonald.

8. The appeal development would comprise 7 detached, two-storey dwellings with single storey garages and in-curtilage parking. The buildings are to be finished in a mix of brick and render, with concrete roof tiles. Landscaping, including a 5m buffer to the eastern boundary of the site is proposed which would abut the presently undeveloped MCH08 zoning.

The principle of development

9. The Council stated that given the recommendations in the Commission dBMAP Inquiry Report, it afforded dBMAP significant material weight when considering the appeal development at application stage and treated the appeal site as being within the settlement limit. In light of the outcome of the Inquiry and recommendations therein, it seems likely that if BMAP is adopted at some future point, the land including the appeal site will be within the settlement limit. Given this evidential context along with the planning history in the area, which will be addressed in detail later, I will adopt this evidential starting point.

10. The Council initially considered that the application now subject of this appeal should be granted permission. However, upon consultation with DFI Roads (hereafter referred to as the Department), who wished to retain the protected road line (PRL), permission was refused solely on that basis. The contention is that although the Millmount Road currently provides a roadlink to the Comber Road alongside the north-western edge of the appeal site, the proposed development would preclude future upgrades to the road to accommodate further growth in the area. The Appellant disagreed, considering that both the appeal site and PRL could co-exist, even allowing for future upgrades to the Millmount Road / Comber Road junction.

11. Paragraph 6.301 of the SPPS states that new transport schemes (including major proposals for road, rail and public transport provision, park and ride proposals and cycle / pedestrian networks) or planned improvements to the transport network should be identified in LDPs. It goes on to state that the land required to facilitate such infrastructure provision needs to be afforded adequate protection from development likely to jeopardise its implementation. Policy AMP4 of PPS3 states that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan. In this particular case the crux is whether or not the granting of permission for the appeal development would prejudice future delivery of the PRL, whatever precise form it might take.

12. In respect to the intended purpose of the roadline, the Department accepted that its original purpose as stated in dBMAP has since been implemented through the Comber Greenway. As it stands the Department now considers the MCH16 roadline to be a legacy project, but one which should be protected until the new local policy plan is put in place. The Council indicated that the draft Strategic document is still being prepared for publication, after which it will undergo an Examination in Public (EIP). Subsequently a draft local policy plan must be prepared which would also undergo an EIP. The Appellant pointed out that it would be a number of years before the new LCCC LDP, including the local policy plan, are in place. The Department accepted that there is no definitive proposal for the MCH16 PRL, nor is there any funding allocated for such a project.

13. The Appellant drew my attention to a DFI Roads consultation response for a current planning application (ref. LA05/2020/0506/O) for 45 dwellings, associated siteworks and landscaping on lands further to the north of the appeal site. That application also impinged on the PRL. The DFI Roads consultation response to that application stated that a future transport scheme along the PRL would in practical terms most likely be a rapid transport scheme, cycle and pedestrian route, or combination of these. Whilst this response may give some indication of

thinking in respect to the future nature of the PRL, I do not afford it significant weight given it is a consultation response to an individual planning application and not a Departmental statement of strategic intent or policy direction. The Appellant also drew my attention to the fact that in the unlawfully adopted BMAP, the road protection corridor map was not included, suggesting that the Plan acknowledged a change in circumstances pertaining to the transportation situation in that area. However, the Appellant acknowledged that that particular plan cannot be afforded material weight.

14. Since publication of dBMAP there has been significant development undertaken in the locality of the appeal site, with the Millmount Link Road having been constructed to facilitate various residential developments, now known as Millmount Village, through application Y/2009/0454/F - *access arrangements to land for housing development (Amendments to access arrangements proposed under Y/2007/0527/F & Y/2009/0303/RM to facilitate access to approved housing) to include realignment of Millmount Road including new junction with Comber Road, amended access arrangements for 2-6 Millmount Road & Millmount Chase roundabout, as well as other ancillary works*. The road infrastructure in question included a new priority T-junction on the Comber Road, a new 170m long section of Link Road extending from Comber Road to a new 3-arm roundabout, which itself was designed to accommodate a fourth arm for future access to a park and ride facility. To date the PRL as denoted by MCH16 has been delivered to the standard of a non-strategic link road.

15. Various other planning applications have been approved for residential development in the vicinity of the appeal site. Of particular note is application LA05/2018/0512/F - *erection of 49 apartments and 244 dwellings, realignment of spine road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping and associated site works (293 residential units in total)*. This permission permitted an uplift in the number of residential units, as well as entailing enhancements to the existing and proposed infrastructure. These included a bus lay-by requested by Translink and another lay-by within the housing development both of which would facilitate extended Metro Services. Other enhancements included carriageway provision for a shuttle service connecting Millmount Village to Dunlady Park and access to the East Belfast Glider service, signalisation of the Newtownards Road / Old Mill Meadows and Millmount Road / Comber Road junction, to assist green light time at the junction for the bus route, as well as improved pedestrian safety. Signalisation of the Millmount Road / Comber Road junction was also included, as a future proofing measure. That application was granted on 25 March 2020. The evidence states that this signalisation will be implemented in the near future, though subject to final design approval.

16. The lands to the south-west entailing the remainder of zoning MCH08 are not yet developed, but have full permission for a mixed use development (ref. LA05/2017/1153/F). That development (referred to hereafter as the Neptune site) comprised housing (119 units) and 18 no. industrial units (Class B1b/B1c and B2 employment uses) with associated public open space, related access improvements, parking and ancillary site works. It was granted permission on 3 September 2020. The approved layout for the Neptune site shows housing on the portion of land adjacent to the appeal site. The Council stated that it had initially

considered housing on the appeal site acceptable given the Neptune permission on the adjacent lands. Whilst the Council pointed out that the Neptune permission is being judicially challenged on grounds of policy interpretation, it nevertheless remains a valid, legal permission and a material consideration until a High Court decision rules otherwise.

The PRL and the appeal development

17. Both the Department and Appellant provided drawings outlining their position on the potential impact of the appeal development on the PRL. The Department's main concerns pertained to the ability for upgrading the existing Millmount Road and to whether the appeal development would impinge or not on the PRL. The Department / Amey drawing shows a large roundabout at the junction with Comber Road, essentially illustrating the maximum potential level of upgrading that could take place. That scheme would encompass a section of the appeal site and the location of the proposed dwellings would impinge on those improvements taking place.

18. The Appellant's evidence stated that the Department's proposed future layout represented an over-provision of enhancement through an unjustified employment of increased and maximum widths for road geometry. The Appellant's drawing and accompanying aerial photo layout (Appendix C in the Rebuttal Statement) show that even using the 'worst case measures' employed in the DFI / Amey scheme, there is sufficient space within the PRL for a right turn lane into the appeal site (though unnecessary given it will only serve 7 dwellings and the Neptune site accesses directly onto the Comber Road). The extended left turn lane onto Millmount Road from the Comber Road can also be provided adequately. Whilst there was debate as to the necessity for a 5.5m wide segregated footway / cycleway when those in the area are only 2m wide and the Comber Greenway is 3m wide, the Department's explanation was that it sought to apply the modern standard and futureproof the path. Irrespective of debates as to the appropriateness or need for such a width of path, the Appellant's evidence demonstrates that a 5.5m wide segregated path could be provided, albeit on the opposite side of the road from the appeal site.

19. I note the Appellant's position that the traffic lanes shown on the Amey drawing at 3.65m exceed the minimum 3m requirement which the Design Manual for Roads and Bridges CD123 Rev 2 CI 7.7 allows for. Nevertheless, widened lanes of 3.65m could also be provided if required. The Department considered the preliminary design drawing for the signalised junction not wide enough for pedestrian movements, with any necessary widening potentially impacting on the junction layout and consequently the appeal development. However, from the evidence submitted I am satisfied that a 3m wide island at the junction could be provided even with the appeal development in place. The Department also had concerns pertaining to a potential safety barrier at the corner of the site where a dwelling is close to the right hand bend on Comber Road, in that it would be too close to the dwelling in question. However, from the submitted drawings such a barrier, if required, could be accommodated to function as intended.

20. From the levels shown in the cross section drawing at Appendix D of the Appellant's Rebuttal, there are no substantive level differences between the site and road at the corner house, where it was suggested that some form of modest retaining structure may be necessary in order to facilitate the signalisation at the

Millmount Road / Comber Road junction, adjacent to the appeal site. These levels and the section drawing do not however account for the proposed mounding shown on Drawing 03B Site Layout Plan. Notwithstanding this, I accept the Appellant's evidence that if such a retaining structure were required there would be minimal intrusion into the appeal site, or the adjacent footway area. Provision of such a structure would not be insurmountable in design terms. Whilst such a retaining structure could marginally limit the degree of improvements could take place at the realigning of Millmount Road in a northerly direction, I am nevertheless satisfied that there remains overall sufficient space and flexibility for the various improvement measures referred to by the Department.

21. The Department stated that the proposed signalised improvements at the Millmount Road / Comber Road junction were based on the current traffic levels and queried the lack of modelling for traffic that would use the East Link Road Scheme, should it be constructed between the Upper Newtownards Road and Comber Road. The Appellant did not consider it to be necessary as sufficient capacity had been accounted for from known developments and allowing for a windfall site also. It was also pointed out that the Department had not done any modelling for the scenario it hypothesised.

22. The Appellant stated that their modelling allowed for 13% growth of existing traffic on the network over a 15 year period and also added for 200 further vehicles per day as an increase resulting from redistribution from elsewhere on the network. It was also pointed out that there is potential capacity for 66 additional dwellings accessing onto a new fourth spur on the Millmount roundabout to use the signalised Millmount Road / Comber Road without further enhancement. Whilst it is possible that should the Department's suggested link be constructed, it would become a desirable route for commuters, which could in turn necessitate further upgrades at the Millmount Road / Comber Road junction, I am not persuaded that this should preclude the appeal development given my conclusions on the ability of the appeal development to proceed whilst still allowing for such improvements as addressed above. I also note that the planned new park and ride facilities at Newtownards and Comber are likely to reduce traffic volumes. Taking the evidence as a whole I am satisfied there remains sufficient capacity in the road network to allow for the appeal development whilst also providing sufficient flexibility for future upgrades of the Millmount Road / Comber Road junction.

23. In respect to the PRL and its relationship to the appeal development I would note the following:
    - the original intended purpose of the MCH16 PRL has already been achieved in the form of the Comber Greenway route;
    - whilst considered to be a legacy proposal by the Department until the new LDP is in place, no specific project is proposed for the PRL, nor is there any funding in place to take forward any upgrading works;
    - work on the Belfast Metropolitan Transport Study / Plan 2020 is to be prepared in line with the new LDPs in the relevant council areas, including LCCC;
    - the LCCC LDP process itself is still at an early stage, with any final plan containing specific development proposals for the Dundonald area at least several years away; and
    - from the submitted evidence, in my judgement there would remain sufficient space for the appeal development whilst also affording sufficient potential for further enhancement and upgrading of the PRL in the future, if required.

24. Whilst the PRL has not been impinged on to date, aside from the actual Millmount Road itself, and a number of potential future transport scenarios could require the junction at Millmount Road / Comber Road junction to be altered, from the evidence presented the appeal development would not preclude or impede provision of the PRL.

25. The LDP process remains the appropriate mechanism for determining the future development and transport needs of the area. Whilst the PRL has been associated with various differing transport proposals over the years, for the reasons given above I am not persuaded that the appeal development would jeopardise or prejudice implementation of the PRL, should a definitive proposal be brought forward with the requisite funding. Nor would it therefore be premature in respect to the new LDP process, which is still in an early stage. I therefore find that the appeal development does not offend Policy AMP4 of PPS4 or the related provisions of the SPPS. The Council's reason for refusal is not sustained. The Department in its Rebuttal Statement referenced General Principle 1 of Planning Policy Statement 13 – Transportation and Land Use (PPS13), stating that the appeal development would contravene that General Principle. General Principle 1 of PPS13 states that the integration of transportation policy and land use planning should be taken forward through the preparation of development plans and transport plans informed by transport studies. Whilst the contents of PPS13 are a material consideration, given my conclusions above I am not persuaded the appeal development offends General Principle 1 of PPS13.

Employment zoning

26. Policy PED7 of Planning Policy Statement 4 – Planning and Economic Development (PPS4) states that development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. Whilst approximately 30% of the appeal site constitutes part of the employment zoning MCH08 in dBMAP, the Appellant considered that circumstances in the locality had changed since the publication of dBMAP, particularly with the Council having granted permission for the aforementioned mixed use development on the Neptune site.

27. Given the mixed use permission already granted on the adjacent Neptune site, which retains the presumption of legal force until any outcome to the judicial review application might determine otherwise, I am not persuaded there is any land use planning logic in seeking to preserve a relatively small and physically separate section of land for employment purposes. I agree that the size and elongated shape of the appeal site would make it less readily developed for an employment use in isolation from the adjacent approved Neptune site, the layout of which I am told has a section of housing located adjacent to the appeal site.

28. The majority of zoning MCH08 has been granted permission for the aforementioned mixed use development. This permission will result in the draft zoning being substantially developed for alternative uses as understood in the policy. Although the Neptune site has not yet been developed, the permission will remain valid until September 2025, again, notwithstanding any judicial review outcome. The appeal site is an adjoining area of land to that site and the proposed small scale housing development would complement the residential

units proposed within the adjacent Neptune site. Whilst the proposed development does not technically fulfil the requirements of Policy PED7 in that the zoning has been approved, but not yet developed, in the evidential context of the Neptune permission and my consideration above pertaining to the appeal site and its suitability for development, this failure to fully meet the policy is outweighed by the other material considerations already considered above. The Objectors' concerns pertaining to draft zoning MCH08 would not warrant the withholding of planning permission.

Land contamination

29. The Objectors stated that the land comprising the appeal site had previously had waste material dumped on it, which they considered represented a contamination risk to human health. The Appellant submitted an Environmental Site Assessment and Generic Quantitative Risk Assessment in March 2017. The Appellant's evidence identified a low level risk of carbon dioxide and methane gas. A Remedial Strategy was also submitted in March 2017. The Strategy stated that protection measures should comprise of a combination of two or more of the following three types of protection measures: the structural barrier of floor slab, ventilation measures and a gas resistant membrane. The Appellant's expert witness stated that these measures, which are industry standard for the identified gases, would adequately mitigate any risk to health from material deposited under the site. Whilst the Objectors questioned the extent of survey carried out on the site, I have no evidence to suggest the Appellant's survey and resultant mitigation measures are in any way deficient.

30. Northern Ireland Environment Agency – Land Soil and Air raised no objections to the appeal development. I note that the Council's Environmental Health Department raised no objections to the proposed development, subject to imposition of planning conditions pertaining to implementation and validation of the mitigation measures contained in the Appellant's Remedial Strategy. A condition requiring cessation of site works and mitigation measures in the event of any previously undiscovered contaminants being identified was also proposed. These conditions would be necessary in the event of permission being granted. From the totality of the evidence, I am satisfied that the mitigation measures as contained in the Appellant's submissions would ensure no risk to human health if permission was to be granted for the appeal development.

31. The Objectors queried whether such ground gases would preclude future extensions to dwellings, or conversion of garages to habitable spaces. Although not a matter for this appeal, it would be logical to assume that such works would be subject to the same mitigation measures as the host dwellings. Such measures would be straightforward enough for an experienced builder to install within a new extension, or to retrofit into a converted garage space. I am therefore not persuaded by the suggestion that the potential for extensions would pose a risk to the health of those residing in the appeal dwellings. These matters would not justify the withholding of planning permission.

Sewage infrastructure

32. The Objectors pointed to the inability of the sewage infrastructure in the area to cope with additional development. They provided a copy of a consultation response to a current planning application (ref. LA05/2021/0033/F), wherein NI Water stated that no further development should take place until upgrades to the

local waste water treatment works (WWTW) are implemented. That application seeks permission for development at the former Rolls Royce Factory north of the Upper Newtownards Road, Dundonald, entailing a mixed use development of 153 dwellings of various house types, public open spaces, 28 industrial / employment units, a neighbourhood centre including a petrol station and several retail units and new road accesses. Application LA05/2021/0033/F represents a substantially larger development than what is presently before me, with consequently greater infrastructure demands.

33. I note that NI Water raised no objections to the proposed 7 dwellings subject of this appeal. It indicated that there was capacity at the local WWTW to deal with the appeal development. The Council stated in its post-hearing evidence that NI Water raised no objection to the Neptune site in respect of WWTW capacity. It also stated that NI Water considered that it must have regard to the Neptune development and that there is a duty to provide a connection to the appeal development if the Neptune scheme is implemented, as both will discharge into the same existing public foul sewer. The Appellant stated that it was normal practice for NI Water to honour previous positive consultation responses to development proposals. Whether or not this is the case and whilst I accept that the NI Water response for the appeal development predates that given in respect of LA05/2021/0033/F, I am not persuaded that the appeal development would adversely impact on the existing sewage infrastructure given its very limited size and scale. Additionally, the matter of securing to the public sewer system is administered via a separate legislative process under the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended, Water and Sewerage Services Act (Northern Ireland) 2016). This matter would not warrant the withholding of planning permission.

Conclusions

34. The Objectors pointed to there already being too many houses approved and constructed in the Dundonald area, resulting in ever-increasing strains on existing infrastructure, including the Ulster Hospital. This housing has also resulted in significant traffic congestion, particularly during peak times. For the reasons given in this decision I am not persuaded that the granting of permission for 7 new dwellings, with the associated car trips generated, would appreciably add to any existing strain on infrastructure or public services. These general objections, nor the fact the appeal development did not feature as part of the Millmount Concept Master Plan, would not justify rejection of the appeal proposal.

35. Whilst the appeal proposal does not accord with the provisions of the BUAP, or those in dBMAP, I nevertheless find that the other material considerations relating to the use of the site, the changes in circumstances arising from both new built and approved development in the vicinity and the ability of the development to co-exist with the PRL, outweigh these matters. As the Council's reason for refusal has not been sustained and the Objectors' other concerns would not warrant the withholding of planning permission, the appeal shall succeed.

36. Conditions pertaining to the provision of the access, visibility splays, gradient of accesses, as well as provision of parking and circulation spaces within the site, would all be necessary in the interests of road safety. The withdrawal of permitted development rights for structures within the verge areas and service strips identified for adoption would also be necessary to ensure they are kept clear in the

interests of road safety. The planting within those same areas would require to be restricted to shallow root systems and low mature growth heights for the same reasons. The Appellant indicated such measures were acceptable. The suggested condition stating that removal or relocation of any street furniture will be at the Appellant's expense is not necessary, as any such works to facilitate the development would be required at any rate and the Appellant was cognisant any such works would be at their own expense. Nor is a condition requiring submission of an application under Article 3(4)c of the Private Streets (NI) Order 1980 necessary as it would replicate an already existing provision of separate legislation.

37. A condition requiring implementation of the landscaping scheme, including the acoustic fencing on the southern boundary, would be required in the interests of both visual and residential amenity. Given the conclusions of the Appellant's Archaeological Survey and the consultation response from Department for Communities – Historic Environment Division, I agree that a condition is necessary requiring a programme of archaeological work to be agreed in writing with the planning authority, as well as its implementation.

Conditions

(1) Prior to any other development taking place the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with approved Drawing No. P300/R01d stamped received by the Council on 12 March 2018 and bearing the DFI determination stamp dated 13 April 2018. The area within the visibility splays shall be kept clear thereafter.

(2) No dwelling shall be occupied until provision has been made within the curtilage of each dwelling for the parking of private cars and hard surfaced areas for parking and circulation within the site have been constructed in accordance with approved Drawing No. P300/R01d, stamped received by the Council on 12 March 2018 and bearing the DFI determination stamp dated 13 April 2018. No part of the hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

(3) The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses the 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.

(4) Notwithstanding the provisions of the Planning (General Permitted Development) Order (NI) 2015 (or any legislation revoking that Order and re-enacting those provisions) no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees shall be grown in verge areas or service strips determined for adoption. Within these areas determined for adoption no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out.

(5) Prior to commencement of development a report shall be submitted to the planning authority and shall include the detailed design of the preferred ground gas protection measures, as outlined in section 3.2 of the Remediation Strategy

dated March 2017. The design shall be supported by detailed drawings and specifications in accordance with BS8584:2015 Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings.

(6) Following completion of the remediation works referred to in Condition 5 above, but prior to occupation of the dwellings, the preferred ground gas protection measures shall be validated, with substantiating information submitted in the form of a Report in accordance with Model Procedures for the Management of Land Contamination - CLR 11, to be submitted to the planning authority for approval.

(7) The development hereby permitted shall not be occupied until the preferred ground gas protection measures as outlined in section 3.2 of the Remediation Strategy dated March 2017 have been implemented.

(8) In the event that previously unknown contamination is discovered, falling outside the scope of the Remediation Strategy, development on the site shall cease, the planning authority shall be advised and a full written risk assessment in line with CLR 11, detailing the nature of the risks and any necessary mitigation measures, shall be submitted to the planning authority for approval.

(9) All hard and soft landscaping works as detailed in approved drawing Nos. 05B and 19A shall be carried out prior to the occupation of any of the dwellings.

(10) No development or site works of any nature shall take place until a programme of archaeological work is prepared by a qualified archaeologist and agreed in writing with the planning authority for the archaeological surveillance of top soil stripping and site preparation and for the recording of any archaeological remains that may be identified. The arrangements shall be implemented as agreed.

(11) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

This decision relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01	Site Location Plan	1:1250	20/09/2016
03B	Site Layout Plan	1:500	12/03/2018
05B	Landscape Planting Plan	1:500	12/03/2018
07A	House Type MV26.1 Floor Plans	1:100	12/03/2018
08A	House Type MV26.1 Elevations	1:100	12/03/2018
09A	House Type MV28.1 Floor Plans	1:100	12/03/2018
10A	House Type MV28.1 Elevations	1:100	12/03/2018
11A	House Type MV29.1 Floor Plans	1:100	12/03/2018
12A	House Type MV29.1 Elevations	1:100	12/03/2018
13A	House Type MV29.1 Floor Plans	1:100	12/03/2018
14A	House Type MV29.1 Elevations	1:100	12/03/2018
15A	House Type MV29.2 Floor Plans	1:100	12/03/2018
16A	House Type MV29.2 Elevations	1:100	12/03/2018
17A	Single Garage Elevation & Floor Plan	1:100	12/03/2018
18A	Twin Garages Elevations & Floor Plan	1:100	12/03/2018
19A	Boundary Details (Screen Wall, Close Boarded Timber Fence & Ship-lapped Boarded Timber Fence for acoustic mitigation	1:50	12/03/2018
20A	Proposed Road Section	1:500 & 1:100	12/03/2018
21A	Parking Layout	1:200	12/03/2018
P300/R01d	Proposed Private Streets Determination Layout	1:250	12/03/2018

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:-	Mrs R Heaney (LCCC) Mrs R Doak (LCCC) Mr L Walsh (DFI Roads) Mr S Cash (DFI Roads)
Appellant:-	Dr M Gordon (Turley) Mr S McKee (Turley) Mr C Mulligan (Millmount Developments Ltd) Mr B Daly (RPS) Mr C O'Hara (RPS) Mr M Walls (RSK)
Third Parties:-	Mrs C Cosgrove (Dundonald Green Belt Assoc.) Mr P Carr (Dundonald GBA.)

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices Booklet (LCCC) 'B' Rebuttal Statement & Appendices (LCCC) 'I' Response to Turley & Dundonald GBA post-hearing submissions (LCCC)
Appellant:-	'C' Statement of Case & Appendices (Turley) 'D' Rebuttal Statement & Appendices (RPS) 'F' Copy of DFI Roads consultation response for LA05/2016/0985/F (post hearing submission – Turley) 'H' Response to Dundonald GBA post-hearing submission (Turley)
Third Party:-	'E' Statement of Case (Dundonald GBA) 'G' Copy of NI Water consultation response for LA05/2021/0033/F (post hearing submission – Dundonald GBA.) 'J' Response to Turley post-hearing submission (Dundonald GBA)