



February 28th, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

Councillors : D Bassett, S Burns, P Catney, D J Craig, A Martin, G Thompson and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 4th March 2024 at 10:00 am**, in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

(i) Conflict of Interest on any matter before the meeting (Members to confirm the specific item)

(ii) Pecuniary and non-pecuniary interest (Member to complete the Disclosure of Interest form)

3.0 Minutes of the Planning Committee Meeting held on 5 February, 2024

For Approval

📎 *PC 05.02.2024 - Draft Minutes for Adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Approval

📎 *Item 1 - Schedule of Applications.pdf*

Page 17

- (i) **LA05/2021/1245/F - Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on Lands 65 metres north**

📎 *Appendix 1.1(a) - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - Second Addendum - FINAL.pdf*

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📎 *Appendix 1.1(b) - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - First Addendum - FINAL.pdf*

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📎 *Appendix 1.1(c) - Report of Site Meeting LA0520211245F - FINAL.pdf*

Page 37

📎 *Appendix 1.1(d) - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - FINAL.pdf*

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- (ii) **LA05/2022/0018/F - Demolition of existing dwelling and construction of residential development comprising 24 dwelling units (12 detached, 4 semi-detached and 8 apartments), garages, associated access, internal road, parking, landscaping and associated works on lands at 126 Hillsborough Road, Lisburn**

📎 *Appendix 1.2(a) - DM Officer Report LA0520220018F - Housing - Second Addendum* Page 85

Appendix 1.2(b) - DM Officer Report LA0520220018F - Housing - First Addendum - Page 93
FINAL.pdf

Appendix 1.2(c) - DM Officer Report LA0520220018F - Housing - FINAL.pdf Page 100

(iii) LA05/2023/0085/F - Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works at 16c Tansy Road, Drumanduff, Lisburn

Appendix 1.3 - DM Officer Report - LA0520230085F - 16cTansyRoadFarmDwellingPage 134
FINAL.pdf

(iv) LA05/2023/0024/F – Erection of a dwelling on lands north and adjacent to 55D Balliesmills Road, Lisburn

Appendix 1.4 - DM Officer Report - LA0520230024F - FINAL.pdf Page 161

(v) LA05/2023/0662/F – Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 CAT 1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals at Baronsgrange Development (under construction) Comber Road, Carryduff

Appendix 1.5 DM Officer Report Baronsgrange CAT 1 12 apartments - FINAL.pdf Page 180

(vi) LA05/2022/0493/F - Erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total) on Lands approximately 100metres southwest of 56 Saintfield Road and approximately 100metres southeast of 147 Ballynahinch Road Lisburn

Appendix 1.6 DM Officer Report - LA0520220493F Ballynahinch Road - FINAL.pdfPage 205

(vii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough

Appendix 1.7 DM Officer Report - LA05.2022.0094 - Final.pdf Page 239

(viii) LA05/2021/1169/F - Demolition of existing public house and construction of residential development of 12 apartments and associated car parking and landscaping as previously approved under S/2006/1608/F at 7-9 Rathfriland Road, Dromara

Appendix 1.8 - DM Officer Report - LA05 2021 1169 F - FINAL.pdf Page 262

4.2 Notification Direction – LA05/2021/0033/F

	<i>For Decision</i>	
	▢ <i>Item 2 - Notification Direction - LA0520210033F.pdf</i>	<i>Page 288</i>
	▢ <i>Appendix 2(a) - DM Officer Report - LA0520210033F - ROLLS ROYCE - FINAL.pdf</i>	<i>Page 291</i>
	▢ <i>Appendix 2(b) - Planning Direction - Notification of Applications - 2017.pdf</i>	<i>Page 360</i>
4.3	Pre-Application Notice (PAN) - Proposed Battery Energy Storage System [BESS] 600MW, landscaping, and ancillary development on lands approximately 230 metres east of 2 Moneybroom Road, Lisburn	
	<i>For Decision</i>	
	▢ <i>Item 3 - LA0520230988PAN.pdf</i>	<i>Page 365</i>
	▢ <i>Appendix 3(a) - Report in relation to LA0520230988PAN.pdf</i>	<i>Page 367</i>
	▢ <i>Appendix 3(b) - LA05 2023 0988PAN - ApplicationForm.pdf</i>	<i>Page 370</i>
	▢ <i>Appendix 3(c) - LA05 2023 0988PAN - Site location plan.pdf</i>	<i>Page 378</i>
	▢ <i>Appendix 3(d) - DfIPG 026 24 - response to R Heaney re BESS s26.pdf</i>	<i>Page 379</i>
4.4	Appeal Decision – LA05/2023/0062/O	
	<i>For Noting</i>	
	▢ <i>Item 4 - Appeal Decision -LA0520230062.pdf</i>	<i>Page 380</i>
	▢ <i>Appendix 4 - Appeal Decision - LA0520230062O.pdf</i>	<i>Page 382</i>
4.5	Appeal Decision – LA05/2020/0496/F	
	<i>For Noting</i>	
	▢ <i>Item 5 - Appeal Decision - LA0220200496F.pdf</i>	<i>Page 386</i>
	▢ <i>Appendix 5 - Appeal decision - LA0520200496F.pdf</i>	<i>Page 388</i>
4.6	Statutory Performance Indicators – January 2024	
	<i>For Noting</i>	
	▢ <i>Item 6 - Statutory Performance Indicators - January 2024.pdf</i>	<i>Page 394</i>
	▢ <i>Appendix 6 - Lisburn_Castlereagh_January_Monthly_MI.pdf</i>	<i>Page 396</i>
4.7	Update on DAERA actions to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation	

requests

For Noting

▢ *Item 7 - NIEA Update on DAERA actions to improve planning performance.pdf* *Page 397*

▢ *Appendix 7 - Letter to Heads of Planning re NIEA performance, updates and prioritisation requests 30 Jan 2024.pdf* *Page 399*

4.8 Letter from Department in relation to Buildings of Special Architectural or Historic Interest – Blaris Radio Transmitter

For Noting

▢ *Item 8 - Letter from Dept of communities Buildings of special architectural.pdf* *Page 402*

▢ *Appendix 8 - Letter from Dept of communities Buildings of special architectural.pdf* *Page 404*

4.9 Notification by telecommunication operator(s) of intention to utilise permitted development rights

For Noting

▢ *Item 9 - Notifications from an Operator in respect of intention.pdf* *Page 420*

▢ *Appendix 9 - List of Notifications March 2024.pdf* *Page 422*

4.10 LDP Quarterly Update

For Noting

▢ *Item 10 LDP Quarterly Update March 2024 FINAL.pdf* *Page 423*

4.11 Enforcement Quarterly Update

For Noting

▢ *Item 11 Enforcement report FINAL.pdf* *Page 425*

▢ *Appendix 11 Enf report to comm March 2024.pdf* *Page 427*

5.0 Any Other Business

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 5th February 2024 at 10.00 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, P Catney, D J Craig, A Martin and G Thompson

PRESENT IN A REMOTE LOCATION

Councillors D Bassett and The Hon N Trimble

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Head of Economic Development
 Principal Planning Officer (RH)
 Senior Planning Officers (MB and RT)
 Marketing Officer
 Member Services Officers (RN & CH)

Cleaver Fulton Rankin

Mr Brendan Martyn – Legal Advisor
 Ms Caitlin McPeake - Observing

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies** (00:02:06)

There were no apologies.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

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2. Declarations of Interest (00:03:05)

The following declarations of interest were made:

- Planning Application LA05/2021/1245/F. Councillor P Catney stated that he had previously spoken in favour of the application and at that stage also, he had spoken to residents and the Minister for Infrastructure. Councillor Catney had also sought and received speaking rights to address the meeting. Apart from his presentation and those of the other speakers, Councillor Catney would be withdrawing from the meeting for this application.
- Planning Application LA05/2019/1077/F. Councillor P Catney stated that as this application was on subject matter related to LA05/2021/1245/F, he would be withdrawing from the meeting for this application.
- Planning Application LA05/2023/0292/F. Councillor D Bassett stated that the application was within his constituency, but that he had not spoken to any interested parties.
- Planning Application LA05/2021/0033/F. Alderman O Gawith advised that he had spoken to an objector but had expressed no opinion and had informed the objector that he would be reserving judgement until he had heard the application.
- Item 4.3 of Report of Head of Planning & Capital Development – Pre-Application Notice in regard to Beechlawn Special School. Councillor J Craig declared an interest as a member of the Board of the Education Authority.
- Item 4.3 of Report of Head of Planning & Capital Development – Pre-Application Notice in regard to Beechlawn Special School. Councillor U Mackin declared an interest as a member of the Board of Governors of Beechlawn Special School.

3. Minutes of Meeting of Planning Committee held on 8th January 2024 (00:04:19)

It was proposed by Councillor J Craig, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 8th January 2024 be confirmed and signed.

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4. Report from the Head of Planning & Capital Development (00:04:41)4.1 Schedule of Applications (00:04:46)

The Chairman, Alderman M Gregg, advised that there were three major applications and four local applications on the schedule for consideration at the meeting. The Chairman advised that one of the local applications – LA05/2022/0033/F - had been withdrawn from the schedule before the Committee so as to allow Officers to consider a substantial representation received on the 2nd February 2024. A separate meeting of the Committee may be called to consider this application but that was not yet confirmed.

4.1.1 Applications to be Determined (00:05:56)

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) **LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)**
(00:07:06)

Having declared an interest in the above application, Councillor P Catney left the Council Chamber immediately before its presentation. (10.10 am)

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The committee received:-

- Messrs E Loughrey, R Agus and R McEvoy speaking in opposition to the application;
- Councillor P Catney speaking in support of the application (having returned to the Chamber at 10.36 am). Councillor Catney moved to the Public Gallery after his presentation;
- Messrs A Larkin, A Stott, S Warke and K Hannah speaking in support of the application.

A number of Members' queries were responded to by the speakers.

A number of Members' queries were responded to by the Planning Officers. Messrs A Kyle and W Cardwell from DfI Roads were also available to respond to questions.

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Debate

Councillor P Catney left the Chamber immediately before the debate. (11.38 am)

During debate:-

- Much mention was made of the fact that the projected increase in the use of the new Park & Ride facility would undoubtedly lead to an increase in the use of the Glenavy Road/Station Road junction.
- Councillor J Craig stated that the proposal would improve the safety of Station Road. However traffic management issues at the Glenavy Road/Station Road junction would be exacerbated by the increase in its use which the park and ride facility would generate. On balance, Councillor Craig would be supporting the application.
- Alderman O Gawith acknowledged that an improved facility for commuters/cars was required at Moira Train Station. He still had concerns regarding pedestrian safety on Station Road. The only opportunity for pedestrians to cross the road safely was when the barrier was down. When it was raised after a train had departed the station and commuters were back to vehicles, there would be a surge in road usage on the Station Road.
- Councillor U Mackin welcomed the proposal but did have major concerns in regard to road safety in terms of having to cross the Station Road to access the car park and an increased flow of traffic. On balance, Councillor Mackin would support the application.
- The Chairman, Alderman M Gregg, expressed concern at traffic management problems which would be exacerbated at the Glenavy Road/Station Road junction. The absence of a right-hand turning pocket from the Glenavy Road into the Station Road was not acceptable. The Chairman considered that some condition could be added to this application so that the traffic management associated with the Glenavy Road/Station Road junction was improved. The Chairman considered that discussions between DFI Roads and Translink about this junction should have taken place before the application was presented to Committee. The Chairman was unsure as to how he would vote as compromising the safety of users of the Glenavy Road was excessive so as to allow for a Park & Ride facility to be provided. The Chairman did however accept that the Park & Ride facility would be an improvement for the immediate local area.

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- Councillor N Trimble acknowledged that the application would be an improvement for those commuters using the station. However the issue of road safety remained, and he concurred with previous speakers about traffic management at the Glenavy Road/Station Road junction being exacerbated by the increased number of cars using the facility. Councillor Trimble suggested that further discussions take place and that consideration be given to the use of a Section 76 agreement to improve the Glenavy Road/Station Road junction. Councillor Trimble could not support a decision being taken on the application at this time.
- Alderman J Tinsley welcomed the facility and considered that it would be widely used. He questioned whether the Glenavy Road/Station Road junction was unsafe or just inconvenient in terms of the time taken to egress from the Station Road to turn right.
- Councillor A Martin commended the actual plan but had major concerns regarding road safety at the Glenavy Road/Station Road junction. Commuters needed the assurance that they could safely arrive at the Park & Ride facility from the A26 Glenavy Road. Councillor Martin would be voting against the application.
- Councillor G Thompson acknowledged that the facility would be a welcome addition for commuters but that it would have to be balanced with road safety in the adjacent area. Councillor Thompson was in favour of deferring the application to allow for further consideration of roads-related issues.
- Councillor D Bassett expressed concerns in regard to road safety issues at the Glenavy Road/Station Road junction exacerbated by the provision of the Park & Ride facility, and also for pedestrian safety at Station Road. Councillor Bassett would either vote against the application or else in favour of a deferral.

Vote

LA05/2021/1245/F – Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

It was proposed by Councillor N Trimble and seconded by Councillor G Thompson that the above application be deferred so as to allow for further negotiations between the applicant and DfI Roads about improvements to the safety of the junction of the Glenavy Road/Station Road which would experience an increase in usage due to the Park & Ride facility at Moira Train Station.

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The voting was as follows:-

In Favour Councillor D Bassett, Alderman O Gawith, Councillor U Mackin, Councillor G Thompson, Councillor N Trimble and Alderman M Gregg (Chair) **(6)**

Against Councillor S Burns, Councillor J Craig, Councillor A Martin and Alderman J Tinsley **(4)**

The Chairman declared that the proposal to defer the application for further negotiations was “carried”.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break. (12.06 pm)

Resumption of Meeting

The meeting resumed at 12.18 pm.
Councillor P Catney returned to the Chamber and took a seat in the Public Gallery.

- (ii) **LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south**
(02:03:07)

Having declared an interest in this application, Councillor P Catney was seated in the Public Gallery.

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report.

The committee received Ms C Herdman, and Messrs R Agus, S Houston and P McCreanor, speaking in support of the application.

A number of Members' queries were responded to by the speakers.

A number of Members' queries were responded to by the Planning Officers. Messrs A Kyle and W Cardwell from DfI Roads were also available to respond to questions.

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Debate

During debate:-

- Alderman O Gawith suggested that perhaps this application should be deferred so that it could be considered at the same time as LA05/2021/1245/F which was on a related subject matter.
- Alderman J Tinsley questioned the legality of deferring the application on the grounds that it would be preferable if it were to be considered at the same time as another application on a related subject.

Vote

LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south

Abstain Alderman O Gawith (1)

In Favour Councillor D Bassett, Councillor S Burns, Councillor J Craig, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble, Alderman M Gregg (Chairman) (9)

The Chairman declared that the Planning Officer's recommendation to refuse the above application was "carried".

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch. (12.56 pm)

Resumption of Meeting

The meeting resumed at 1.33 pm. All members returned to the meeting.

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- (iii) **LA05/2023/0292/F – Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff**
(02:42:35)

The Senior Planning Officer (MB) presented the above application as outlined within the circulated report.

The Director of Regeneration & Growth and the Head of Economic Development entered the Chamber during the presentation of this application. (1.40 pm)

The committee received Messrs T Stokes and J Fraser, speaking in support of the application.

A number of Members' queries were responded to by Mr Stokes.

A number of Members' queries were responded to by the Planning Officers.

Debate

During debate:-

- The Director of Regeneration & Growth left the Chamber. (1.59 pm)
- Alderman O Gawith commended the development and the standard of sustainable features being provided within the scheme. Alderman Gawith would be supporting the application.
- Alderman M Gregg commended the standard of the sustainable features in the development and expressed the hope that such features and high standards would be evident in other applications coming before the Committee.
- Councillor D Bassett welcomed the fact that there would be playground provision within the wider Mealough area as provided by a consortium of developers in the area.

Vote

LA05/2023/0292/F – Proposed residential development comprising 81 dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F) on lands south of Mealough Road, west of Saintfield Road, to the rear and west of 615 Saintfield Road, and circa 200 metres north of Blenheim Park, Carryduff

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Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application, subject to a Section 76 planning agreement for the delivery of affordable housing.

- (iv) **LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Newtownards Road south of Inspire Business Centre east of Ballyoran Lane and west of Carrowreagh Road, Dundonald**
(03:10:03)

The Senior Planning Officer (RT) presented the above application as outlined within the circulated report.

The committee received:-

- Mr P Carr (via Zoom) speaking in opposition to the application;
- Ms A Wiggam and Messrs D Calvert, R Agus and S Bell speaking in support of the application.

The Director of Regeneration & Growth entered the Chamber during questions to Mr Carr. (2.45 pm)

A number of Members' queries were responded to by the speakers. The Chair, Alderman M Gregg, referred to the inclusion of road improvements within the proposed conditions attached to the application and asked if these could be included in the Section 76 agreement. The speakers for the applicant agreed that this could be looked at.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break. (3.12 pm)

Resumption of Meeting

The meeting resumed at 3.19 pm.

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On resumption of business, a number of Members' queries were responded to by the Planning Officers. The Director of Regeneration & Growth left the meeting during this part of proceedings. (3.40 pm)

Debate

During debate:-

- Alderman J Tinsley stated that he considered that a good balance had been reached between residential and commercial use on the site. Alderman Tinsley would be supporting the application.
- Councillors U Mackin, P Catney, S Burns and J Craig; and Alderman O Gawith spoke in turn, and all welcomed the application. Each of them would be supporting the application.
- Councillor D Bassett welcomed the application and also the fact that pedestrian access between the commercial and residential areas would be provided. Councillor Bassett would be supporting the application.
- Councillor N Trimble welcomed the scheme and considered it to be a desirable change for the site. Councillor Trimble would be supporting the application.
- Alderman M Gregg (Chairman) stated that he could not support the application and cited the following reasons:-
 - the BMAP of 2001 had been referenced in this application, whereas in the current Development Plan, the area in question is zoned for employment;
 - at best, the application provided 20%-25% of its area for employment. That is a major loss of employment potential for the area;
 - the density of public housing is less than 24. It should be 25-35 as it is land within a settlement;
 - the balance of commercial/residential is not satisfied. A large amount of the site is being given over to housing;
 - an area zoned for employment cannot be used for mixed-use;
 - Policy RG1 states that land in an employment area cannot be re-zoned;
 - overall, a number of criteria are not being met in the application;

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- Officers need to be fully satisfied with a planning application. A balance - which the officers had referred to - is not the same as being fully satisfied.

Alderman Gregg stated that residents are concerned about the level of anti-social activity on the site at present, so the development could in fact be considered as better than nothing. However that did not out-weigh Alderman Gregg's overall concerns.

The Chair re-iterated that he could not support the application.

Vote

LA05/2021/0033/F – Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory north of Upper Newtownards south of Inspire Business Centre east of Ballyoran Lane and west of Carrowreagh Road, Dundonald

In Favour Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble **(10)**

Against Alderman M Gregg (Chairman) **(1)**

The Chairman declared that the Planning Officer's recommendation to approve the above application was "carried".

A Section 76 agreement to the phasing of the development and the delivery of affordable housing would be included. Officers are to seek clarification from the applicant whether any road improvements that are subject to condition in the report can be part of the Section 76 agreement. A planning condition to include a pedestrian link between the housing and employment uses was also agreed.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break. (4.15 pm)

Resumption of Meeting

The meeting resumed at 4.26 pm.
Councillor Bassett did not return to the meeting on the resumption of business.

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(v) **LA05/2022/1081/F – Dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn**
(05:19:15)

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report.

The committee received Mr A McAreavey speaking in support of the application.

A number of Members' queries were responded to by Mr McAreavey.

A number of Members' queries were responded to by the Planning Officers.

Debate

During debate:-

- Alderman J Tinsley stated that – taking into account the timeline of events experienced by the applicant and the inflexibility of the current policy – he would be supporting the recommendation to refuse the application.
- Alderman O Gawith stated that he would be supporting the recommendation.

Vote

LA05/2022/1081/F – Dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse this application.

(vi) **LA05/2019/0316/F – Proposed pair of semi-detached dwellings to replace 31 and 33 Islandkelly Park and 3 additional dwellings to rear on lands at 31 and 33 Islandkelly Park, Lisburn**
(05:45:37)

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report. Councillor N Trimble left the meeting during presentation of this item (4.53 pm).

There had been no requests for speaking rights.

Apart from seeking confirmation that the applicant would have known that his application was to be on the schedule, there were no questions to the Planning Officers.

There was no debate.

Vote

LA05/2019/0316/F – Proposed pair of semi-detached dwellings to replace 31 and 33 Islandkelly Park and 3 additional dwellings to rear on lands at 31 and 33 Islandkelly Park, Lisburn

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application, subject to a Section 76 planning agreement for the delivery of affordable housing.

- (vii) **LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg**

As reported earlier in proceedings, the above application had been withdrawn from the schedule before the meeting to allow consideration of a representation received on the 2nd February 2024.

- 4.2 Appeal Decision
LA05/2020/0617/F – 2 no. infill dwellings and garages between 184 and 188 Hillhall Road, Lisburn (05:55:05)

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

- 4.3 Pre-Application Notice (PAN) – Extension to Beechlawn Special School to provide additional classroom accommodation together with demolition of existing buildings (05:56:27)

It was proposed by Councillor G Thompson, seconded by Alderman J Tinsley and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

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- 4.4 Pre-Application Notice (PAN) – Site for new Cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on Land to the North of Quarterland Road and East of Carnaghliiss Road, Crumlin, Dundrod (05:57:48)

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.5 Pre-Application Notice (PAN) – Freight Transport Hub for Parking of HGVs and trailers including warehouse storage and distribution and office/administration building, on-site diesel storage with vehicle wash and trailer wash facilities, site access and right turning lane, inceptor and other ancillary development on land adjacent to 12 Lissue Road, Lisburn (05:59:05)

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.6 Statutory Performance Indicators – December 2023 (05:59:46)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note information in relation to the Statutory Performance Indicators for December 2023.

- 4.7 Notification from the Department for Infrastructure about the publication of DMPN 9B – EIA Screening (06:00:45)

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed to note the publication of DMPN 9B – Screening projects for Environmental Impact Assessment.

- 4.8 Proposed Abandonment at 62 – 66 Bow Street, Lisburn (06:01:37)

It was proposed by Councillor A Martin, seconded by Alderman O Gawith and agreed to note a letter dated the 14 December 2023 from the Department for Infrastructure and that – subject to the agreement of the Regeneration & Growth Committee - there was no objection, in principle, to the abandonment of a small part of the footpath outside Danske Bank.

- 4.9 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (06:02:35)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations in the Council's area.

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4.10 Public Consultation on the Review of the Planning (Development Management) Regulations (Northern Ireland) 2015 (06:03:19)

It was proposed by Alderman J Tinsley, seconded by Councillor U Mackin and agreed that a response based on the following be submitted in respect of the above consultation document via the Citizen Space website:-

- The response points detailed in the report of the Head of Planning & Capital Development;
- There is a perception that - within the general public, there is a limited understanding as to how they can engage on planning matters;
- Steps should be taken to ensure that the general public understand how they can engage in planning matters;
- The department be asked to identify how they had engaged with the public in the consultation process on the above document.

This item had been discussed by the Regeneration & Growth Committee at its meeting held on the 1st February 2024.

4.11 Update from NIEA on Position Now Adopted in Relation to Planning Consultations for Agricultural Developments (06:06:05)

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to note the update letters dated the 12th and 19th December 2023 from the NI Environment Agency in relation to Planning Consultations for Agricultural Developments and the potential consequences for the operation of the Unit.

5. Any Other Business (06:08:11)

5.1 Lambeg Road, Lisburn – On-Street Parking (06:08:15)
Councillor P Catney

Councillor P Catney referred to the number of cars being parked on both sides of the Lambeg Road, Lisburn adjacent to a café/coffee shop. The parked cars had effectively brought the road to a single carriageway and were causing problems for local residents in exiting their properties. Councillor Catney sought support for a letter to be written to DFI Roads asking that they meet with the Members for Lisburn North to discuss this matter.

Councillor J Craig concurred with these comments and advised that he had made representations to DFI Roads but with no response to date.

It was agreed that DFI Roads be requested to meet with Elected Members for Lisburn North or – if not all Members – then Councillors Catney and Craig, in an effort to achieve a solution to the parking issues at Lambeg Road, Lisburn adjacent to the café/coffee shop.

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The Head of Planning & Capital Development advised that he would contact the Enforcement Section to ensure that all planning conditions associated with a planning approval at this location had been implemented.

5.2 DFI Roads – Assessment of Planning Applications (06:14:10)
Alderman J Tinsley

Alderman J Tinsley considered that DFI Roads should be asked to indicate how they assessed a planning application where the effect of client/customer cars was likely to impact on local residents and their parking spaces, and also the ease by which they might exit from their properties and driveways.

5.3 Enforcement Workshop (06:15:08)
Alderman M Gregg (Chairman)

Alderman M Gregg (Chairman) stated that he and the Vice-Chairman (Councillor U Mackin) had asked that a workshop to discuss enforcement issues be arranged. The Head of Planning & Capital Development provided an update on this matter.

Conclusion of Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting concluded at 5.24 pm.

Chairman/Mayor

Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The following applications have been made to the Council as the Local Planning Authority for determination. 2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There is one Major and seven local applications. Four of which are presented by way of exception and three have been Called In. <ol style="list-style-type: none"> a) LA05/2021/1245/F - Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park on Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road) Recommendation – Approval b) LA05/2022/0018/F - Demolition of existing dwelling and construction of residential development comprising 24 dwelling units (12 detached, 4 semi-detached and 8 apartments), garages, associated access, internal road, parking, landscaping and associated works on lands at 126 Hillsborough Road, Lisburn Recommendation – Approval c) LA05/2023/0085/F - Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works at 16c Tansy Road, Drumanduff, Lisburn Recommendation - Refusal

- d) LA05/2023/0024/F – Erection of a dwelling on lands north and adjacent to 55D Balliesmills Road, Lisburn.
Recommendation – Refusal
- e) LA05/2023/0662/F – Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 CAT 1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals at Baronsgrange Development (under construction) Comber Road, Carryduff.
Recommendation – Approval
- f) LA05/2022/0493/F - Erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total) on Lands approximately 100metres southwest of 56 Saintfield Road and approximately 100metres southeast of 147 Ballynahinch Road Lisburn.
Recommendation – Approval
- g) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough.
Recommendation – Refusal
- h) LA05/2021/1169/F - Demolition of existing public house and construction of residential development of 12 apartments and associated car parking and landscaping as previously approved under S/2006/1608/F at 7-9 Rathfriland Road, Dromara.
Recommendation – Approval

2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.

2.0 **Recommendation**

For each application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.

3.0 **Finance and Resource Implications**

Decisions may be subject to:

- (a) Planning Appeal (where the recommendation is to refuse)
- (b) Judicial Review

	<p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

Appendices:	<p>Appendix 1.1a - LA05/2021/1245/F -Second Addendum Appendix 1.1b – LA05/2021/1245/F - First Addendum Appendix 1.1c – LA05/2021/1245/F -Site Visit Appendix 1.1d – LA05/2021/1245/F - Main report Appendix 1.2 - LA05/2022/0018/F -Second Addendum Appendix 1.2b - LA05/2022/0018/F - First Addendum Appendix 1.2c – LA05/2022/0018/F - Main Report Appendix 1.3 - LA05/2023/0085/F Appendix 1.4 – LA05/2023/0024/F Appendix 1.5 – LA05/2023/0662/F Appendix 1.6 - LA05/2022/0493/F Appendix 1.7 – LA05/2022/0094/O Appendix 1.8 – LA05/2021/1169/F</p>

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	04 March 2024
Committee Interest	Major Application – Second Addendum
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Background

1. This application was presented to the Committee in January 2024 with a recommendation to approve as the proposed park and ride facility was considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

2. How the proposal met the operational policy requirements of Part 2 of the Plan Strategy are also set out in the main report.
3. Prior to the application being presented, it was agreed to defer consideration of the application to allow for a site visit to take place. This site visit took place on Monday 22 January 2024. A separate note of this meeting is available and appended to this report.
4. The application was presented back to the Planning Committee on 05 February 2024. After the presentation and in consideration to the responses to questions put to the applicant, third parties, officers and representatives from DfI Roads, members voted to defer the application to allow for the submission of additional information. Members were particularly concerned with the safe operation and potential impact that the proposal might have on the operation of the junction of Station Road with Glenavy Road.

Further Consideration

5. On the 14 February the applicant team submitted a document which provided additional clarification as to how the junction operates at peak times. This supplements and the information provided in support of the application and described at the February meeting.
6. Further explanation is provided to allow Members to understand the traffic impacts of the proposed development from:
 - the number of additional traffic movements arising from the proposal
 - advice provided by DfI Roads; and
 - Any planned expansion of the proposed P&R facility in the future

The number of additional traffic movements arising from the proposal

7. The document explains that the purpose of the proposed P&R is to accommodate existing unsafe overspill parking currently occurring on the rural roads surrounding the train station and to remove reliance on temporary off-site car parking arrangements with third party operators including at the Alchemy Bar/Restaurant.
8. Reference is made to traffic submissions presented in support of the application which confirm that by accommodating these vehicles, no additional traffic is generated, they are simply taken off the street and elsewhere into a dedicated off-road parking area for station users.
9. The applicant team stress that traffic movements on the surrounding road network are not therefore increased as a result of the provision of the P&R facility and for this reason, the 5% intensification threshold set out in the planning policy which triggers upgrades to the traffic network is not met.

10. The view is expressed that this information may not have been fully appreciated when the application was discussed and debated at the meeting in February. Clarification is provided that the excess figure of 207 spaces that was repeatedly referred to during the debate is not valid as it was a figure that was based on outdated counts undertaken during the COVID 19 recovery period when usage of the station was very low.
11. The document provides clarification that updated traffic information submitted with the application in April 2023 contained traffic counts undertaken on 21 March 2023 (post the Covid 19 recovery period) which identified 465 departures and 465 arrivals occurring at the station over a single day and that this information confirmed that the excess number of spaces was 39 and not 207.
12. The applicant team express the view that the lack of clarity in relation to this traffic information contributed to the request for the applicant to provide further information on the impact of additional traffic arising from the proposal at the Glenavy/Station Road junction and potential mitigation measures which is simply not justified when the traffic impact of the proposal is properly understood.
13. The view is also expressed that the key point which needs to be considered is the fact that there is a challenging and difficult long-term existing problem on Station Road as parked vehicles and pedestrian movement make it difficult for local access and through traffic progression.
14. Confirmation is provided that the proposal will address parking and pedestrian issues allowing free movement of both vehicular and pedestrian traffic. It will also provide localised betterment to the existing road network by introducing an appropriate level of off-street car parking and improve the pedestrian and vehicular environment.

Advice from DfI Roads

15. The applicant team note that DfI Roads, having considered all traffic information submitted in respect of this proposal agree that the traffic impact of the proposal will not exceed 5% which is the threshold when upgrades to the traffic network are necessary. This position was confirmed by DfI Roads officials at the Committee meeting in February 2024. The view is expressed that in such circumstances, there is no policy basis for junction improvements or further modelling of the Station/Glenavy Road traffic junction to be requested.

Future Expansion of the Proposed P&R Facility

16. The document explained that during questions to the applicant team, Translink confirmed that although they have additional lands within their ownership, the number of spaces proposed in the P&R facility was deliberately capped to avoid triggering the need for off-site junction upgrades.
17. The view is expressed that the impact of additional spaces which are not

proposed cannot be used as justification to seek further information on the traffic impact of the proposal at the Glenavy/Station Road junction.

18. The document stresses the need for the decision to be based on the information submitted with the current application – information which has demonstrated no additional impact on the existing road network and no off-site junction upgrades are necessary.
19. Officers have previously advised Members of this position and this advice is not changed. There is no new information that would give rise to the need for further consultation with DfI Roads. The substance of the policy consideration in the main report does not need to be amended.

Conclusion

20. The recommendation previously offered that planning permission should be granted is not changed.
21. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 08 January 2024 and an addendum presented on 05 February 2024.

Conditions

22. The following conditions are recommended:
 1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time limit
 2. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time limit.
 3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.
Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in

accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021

Reason: To protect the amenity of neighbouring dwellings with respect to dust

13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures

Reason: To protect the amenity of neighbouring dwellings with respect to noise and vibration

14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the

completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect biodiversity value of the site, including protected species.

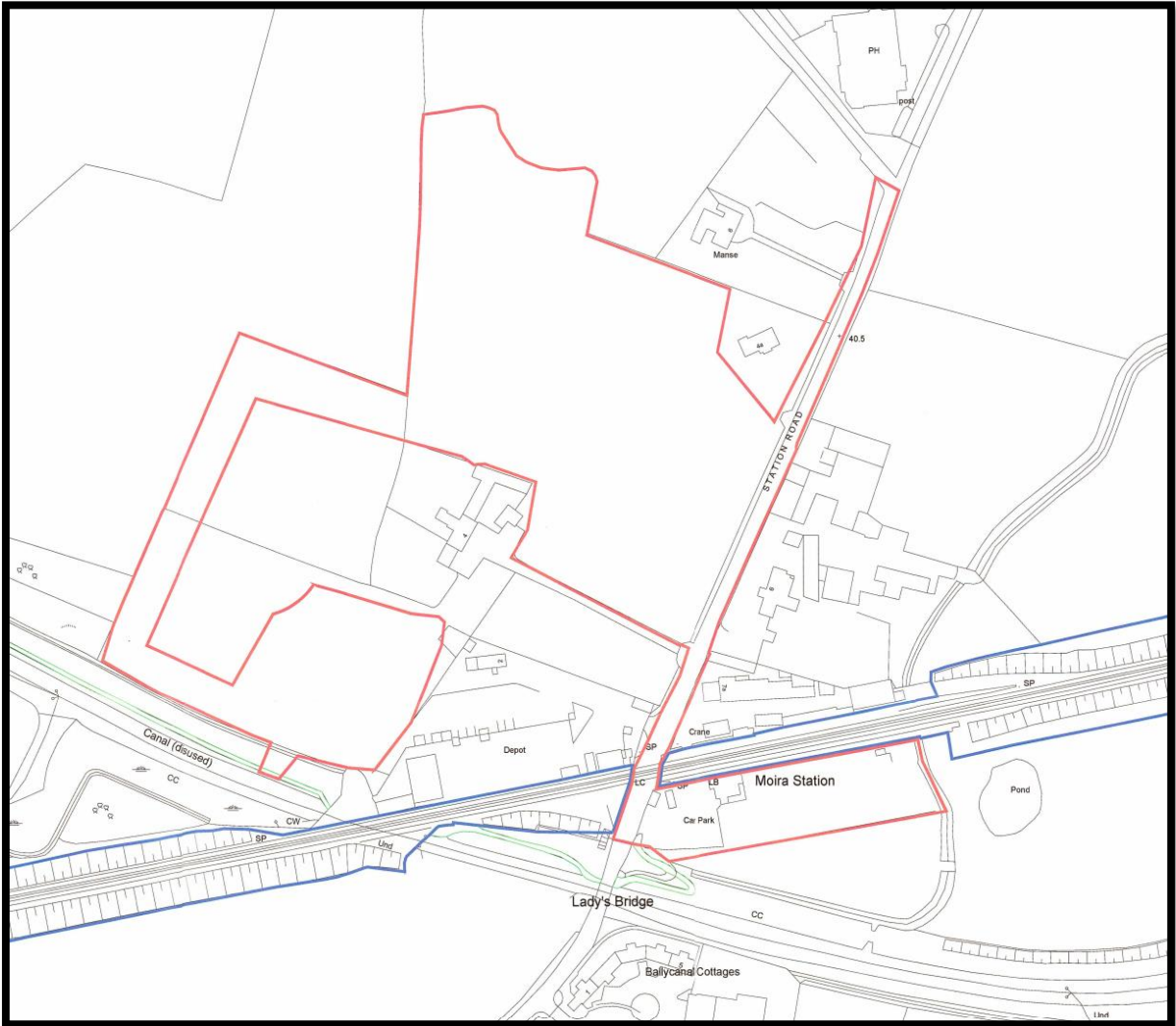
20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

21. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Site Location Plan – LA05/2021/1245/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Major Application - Addendum
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Background

1. This application was presented to the Committee in January 2024 with a recommendation to approve as the proposed park and ride facility was considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

2. How the proposal met the operational policy requirements of Part 2 of the Plan Strategy are also set out in the main report.
3. Prior to the application being presented, it was agreed to defer consideration of the application to allow for a site visit to take place. This site visit took place on Monday 22 January 2024. A separate note of the meeting is available and appended to this report.

Further Consideration

4. At the site visit, members were reminded that the site visit was arranged to provide an opportunity to observe and examine the site and its surrounding context and to better understand the spatial relationship with the existing park and ride facility and access at Station Road.
5. With the aid of the submitted landscape plan, the main area for parking and the extent of the site boundaries were described.
6. Officers explained that the public footway was to be upgraded to facilitate pedestrian access to the train station and that a pedestrian crossing was not appropriate at this location as it could lead to traffic backing up onto the rail tracks.
7. It was also explained that a right turn pocket would also be provided which would allow for the continuous flow of traffic along Station Road. This would involve some widening of Station Road.
8. Members were advised that sustainability of the proposed development had been considered and way to mitigate the impact of the operation of the car park considered with the provision of a retention pond to facilitate drainage and a solar array to power lighting.
9. Reference was made to the alterations associated with the existing facility and it was agreed that this detail would be included in presentation to members in due course.

Conclusion

10. The recommendation previously offered that planning permission should be granted is not changed and no new facts were raised that would require this proposal to be revisited.
11. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 08 January 2024.

Conditions

12. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit.

3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021

Reason: To protect the amenity of neighbouring dwellings with respect to dust

13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures

Reason: To protect the amenity of neighbouring dwellings with respect to noise and vibration

14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;

- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect biodiversity value of the site, including protected species.

20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and

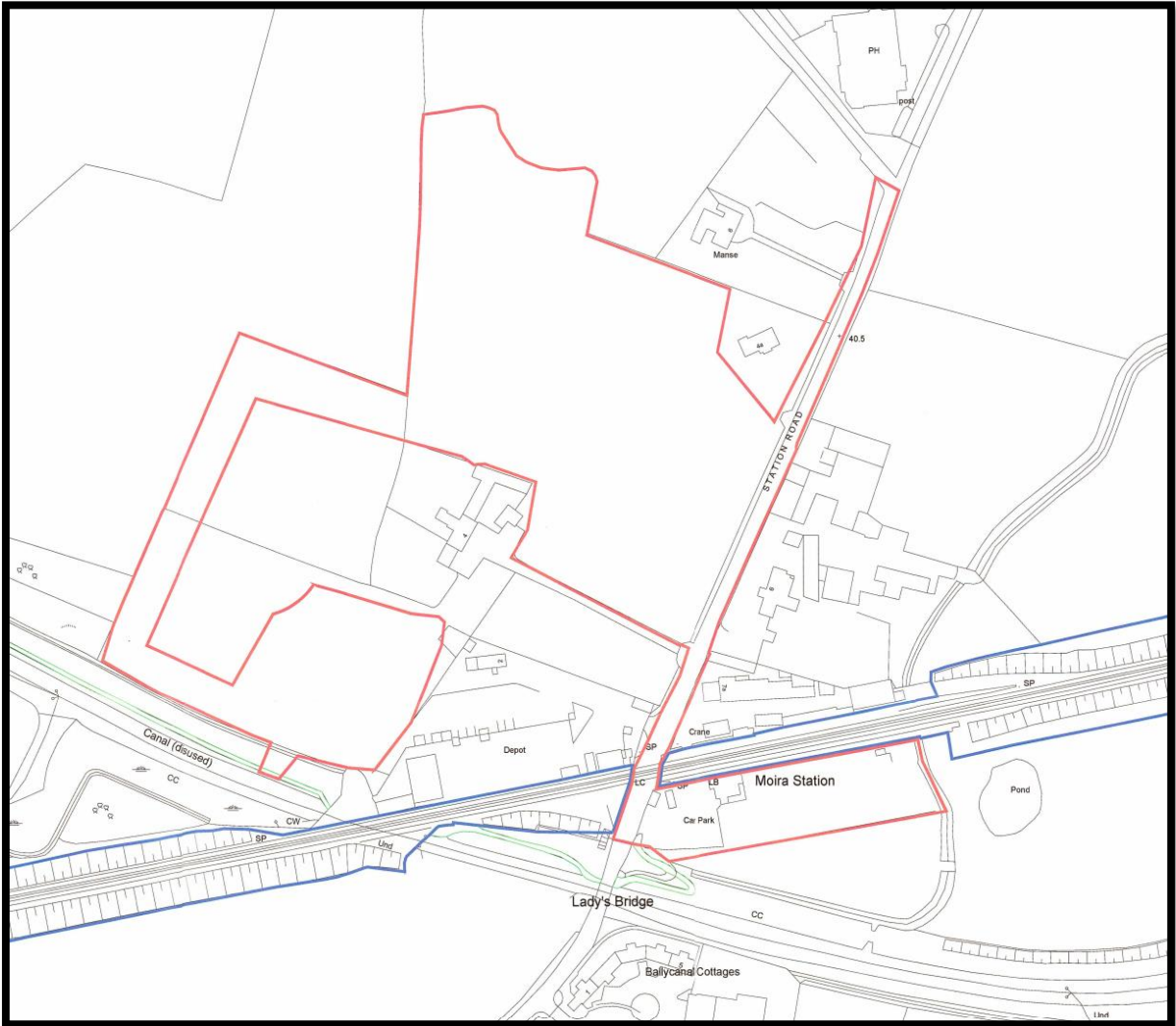
the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

21. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Site Location Plan – LA05/2021/1245/F



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 1.55 pm on Monday, 22 January, 2024 at Existing Moira Train Station Car Park on lands 65m north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)****PRESENT:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors S Burns, A Martin and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Dfl Roads Service

Mr A Kyle [AK]

Mr B Finlay [BF]

Mr W Cardwell [WC]

The site visit was held in order to consider the following application:

- LA05/2021/1245/F – Proposed park and ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station, provision of drop off lay by and turning circle at existing train station car park on lands 65m north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)

This application had been presented for determination at the meeting of the Planning Committee held on 8 January 2024. Prior to the application being presented, the Committee agreed to defer consideration to allow for a site visit to take place.

Members and Officers met at the existing Moira Train Station car park at the end of the previous site visit.

With the aid of the Landscape Plan standing at the entrance to the dwelling at 4 Station Road, the Head of Planning & Capital Development indicated the extent of the application site and the field where parking would predominantly be located. Reference was also made to an additional area of parking in field behind. The general location of the proposed solar array was also highlighted.

During the meeting, officers and Dfl Roads officials responded to several queries from members in relation to the following:

- Would the public footway be upgraded with reference to the location of the upgrades;
- Dfl Roads indicated a pedestrian crossing was not appropriate at this location as it could lead to traffic backing up onto the rail tracks;
- a right turn pocket would be provided which would allow for the continuous flow of traffic along Station Road and Dfl Roads was content it would meet the required standard.
- sustainability had been thought about with the provision of a retention pond to facilitate drainage and a solar array to power lighting;
- Clarification was provided in relation to the total number of spaces to be provided and this was specified as 417;
- some alterations would be made to the existing car park to provide for turning and drop-off. The extent of these alterations would be outlined at next meeting.
- bus turning would also be facilitated in the new car park; and
- the site for the proposed car parking was in the ownership of Translink.

The Head of Planning & Capital Development agreed to seek clarification in respect of the provision of electric vehicle charging points. He also advised that the Translink Traffic Assessment was available on the planning portal but agreed to have it distributed to Members.

There being no further business, the site visit was terminated at 2.12 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting (powered by solar panel array and associated battery storage building), cycle shelter building, storm water retention pond and widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision of drop off lay by and turning circle at existing train station car park.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The proposal is presented with a recommendation to approve as the proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and

future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

3. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
4. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.
5. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
6. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
7. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
9. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
10. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPSS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise, Air Quality and light pollution.

11. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.
12. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Description of Site and Surroundings

Site

13. The application site is 3.5 hectares in size and comprised of four agricultural fields adjacent to and northwest of the Moira rail halt.
14. Access to the site is from Station Road and the land rises gently from the edge of Station Road towards the north western boundary.
15. The boundaries are defined by mature hedgerows interspersed with trees (along the northern and part of the western boundaries).

Surroundings

16. The site is situated in the open countryside approximately 1.2 kilometre north east of the village of Moira.
17. There is a build-up of development in the general vicinity of the site with a group of farm buildings and associated farm dwelling opposite at 9 Station Road and dwellings adjacent on either side at 4, 4a and 6 Station Road.
18. The Department for Communities has a Depot at 2 Station Road which is in front of the proposed location for the solar panels.
19. Adjoining to the south of the site for the solar panels is the Lagan Canal, a scheduled monument. This part of the towpath of the canal is known as the 'broad water' walk which is 5 km in length connecting Moira Train Station to Aghalee.

Proposed Development

- 20. The proposed development is comprised of a Park and Ride facility including tarmacked carpark, landscaping, boundary fencing, CCTV and floodlighting cycle shelter building and storm water retention pond. The lighting is powered by a solar panel array serviced by an associated battery storage building. It is also proposed to widen Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision is also made for a drop-off layby and turning circle at the existing train station car park.

- 21. The application was also supported by the following:
 - Design and Access Statement
 - Design and Access Statement - Addendum
 - Ecological Appraisal
 - Archaeological and Heritage Assessment
 - Lighting Report
 - Public Consultation Document
 - Air/Dust Management Plan
 - Transport Assessment Form
 - Car Parking Study
 - Flood Risk and Drainage Assessment
 - Breeding Bird report
 - Smooth Newt report
 - Bat Activity report
 - Landscape and Maintenance Plan
 - Noise Assessment
 - Preliminary Risk Assessment (PRA)
 - Construction Environment Management Plan
 - Outline Emergency Response Plan

Relevant Planning History

- 22. There is no relevant planning history associated with the site.

Consultations

- 23. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
NIEA Water Management Unit	No objection

NIEA Regulation Unit	No objection
NIEA Natural Heritage	No objection
Environmental Health	No objection
NI Water	No objection
SES	No objection
Rivers Agency	No objection
HED	No Objection

Representations

24. Six letters of representation are received in opposition to the proposal on behalf of two objectors. The following issues are raised:

- Policy objection in principle to the siting of the park and ride facility
- Traffic generation
- Danger for pedestrians
- Impact on Residential amenity (Noise nuisance, disturbance)
- Infrastructure cannot handle the additional load
- Lack of EIA determination
- Referral of Application to DfI as being Regionally significant

25. These issues are considered in more detail as part of the assessment below.

Environmental Impact Assessment (EIA)

26. As the site area exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015 the need for environmental impact assessment is considered.

27. An EIA screening was carried out on 23 November 2021, and it was determined that the nature and scale of the proposed development was unlikely to result in any significant adverse environmental impact. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

28. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
29. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application.
30. The online consultation was in accordance with the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 and ran from Monday 8 February 2021 to Friday 5 March 2021 with an online public webinar event held on Wednesday 24 February 2021.
31. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning Group. It advises that no issues were raised by members of the public at this event.

Local Development Plan

32. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

28. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

29. The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.
30. BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

31. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
32. The LAP indicates that the proposed site is located outside the development settlement limit of Moira and in the Countryside.
33. Within draft BMAP and the subsequent revision to BMAP post inquiry and pre-adoption the site is also located within the Countryside.
34. This is a proposal for a park and ride facility in the open countryside linked to the operation of the Moira rail halt. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets

35. The site is located in close proximity to a scheduled monument and there are natural heritage features on and adjacent to the site that must be taken account of in the assessment of this proposal.
36. Strategic Policy 06 Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

37. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

The Plan will support development proposals that:

- a) *protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) *protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*

- c) *promote the highest quality of design for any new development affecting our historic environment.*

38. Strategic Policy 19 Protecting and Enhancing Natural Heritage states that:

The Plan will support development proposals that:

- a) *protect, conserve and, where possible, enhance and restore our natural heritage*
- b) *maintain and, where possible, enhance landscape quality and the distinctiveness and attractiveness of the area*
- c) *promote the highest quality of design for any new development affecting our natural heritage assets*
- d) *safeguard the Lagan Valley Regional Park allowing appropriate opportunities for enhanced access at identified locations thereby protecting their integrity and value*

39. Strategic Policy 20 Transportation Infrastructure states that:

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*
- c) *encourage a modal shift from private car dependency through integration of transport and land use*
- d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

42. Strategic Policy 21 Renewable Energy states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of renewable energy generating facilities (wind, solar, thermal, biomass and other technologies) in the most appropriate locations which aim to meet the regional target for renewable energy production*
- b) *minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment*

43. Strategic Policy 24 Flooding states that: *The Plan will support development proposals that:*
- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*
 - b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding*
 - c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*

43. The following operational policies in Part 2 of the Plan Strategy also apply.

44. The proposal is for a Park and Ride facility in the open countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

Integration and Design of Buildings in the Countryside

45. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*

- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

46. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing

Natural Heritage

47. A Preliminary Ecological Assessment, with species specific surveys and a Construction Environmental Management Plan are submitted with the application.

48. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*

- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

49. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

50. A new access is to be constructed to the public road for both pedestrian and vehicular use. A right turning pocket is also proposed and some alterations are proposed to the existing car park at the rail halt.
51. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where

appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

52. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

53. Policy TRA 9 Park and Ride/Park and Share Car Parks states that:

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department

54. The Justification and Amplification states that:

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution. Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and

along the trunk road network, ideally within settlement development limits, and at public transport interchanges.

There may be occasions where a countryside location is needed for such development. The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions. The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Flooding

55. A large area of hard-surfacing is proposed, and the site is in excess of one-hectare. The drainage must be designed to take account of the potential impact on flooding elsewhere.
56. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard-surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Renewable Energy

57. An array of solar panels is proposed on the southern portion of the site. This is to facilitate the operation of the floodlighting and other ancillary electrical equipment on the site. Policy RE 1 Renewable Energy Development states that:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity*
- b) visual amenity and landscape character*
- c) biodiversity or the natural or historic environment*
- d) local natural resources, such as air quality or water quality or quantity*
- e) public access to the countryside.*

Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

58. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which integrates renewable energy technology including microgeneration and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies. This is referred to as 'micro-generation' and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources. New large-scale urban, public sector and rural development

proposals can maximise the benefits that can be derived from integrated renewable technology.

Historic Environment and Archaeology

59. The site lies adjacent to an oval enclosure (ANT 067:003) and also within the vicinity of a standing stone (ANT 067:024). In addition, part of the proposed development is within the Scheduled Area of Lagan Canal, Reach 11 - Section 15 (ANT067:501/DOW009:500; IHR02680), a monument scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995.

60. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

61. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

62. Policy HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

63. Policy HE4 Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed

excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

64. The site is also in the setting of a listed building HB 19 03 049. It is stated in policy HE9 Development affecting the setting of a listed building that:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
- c) the nature of the use proposed respects the character of the setting of the building.*

Regional Policy and Guidance

Regional Policy

65. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

66. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. It states that the:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

67. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed

land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

68. Paragraph 3.7 of the SPPS states that

Furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development. This includes strategies, proposals and future investment programmes for key transportation, water and sewerage,1 telecommunications and energy infrastructure (including the electricity network).

69. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

70. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development.

71. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

72. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.

73. Paragraph 4.12 of the SPPS states:

that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

74. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in

consultation with stakeholders, all relevant environment and amenity considerations for their areas.

75. Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

76. Paragraph 6.132 of the SPPS also states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

77. Paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

78. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

79. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

80. Paragraph 6.294 of the SPPS states that:

Whilst smarter use of technologies can reduce the need to travel, the provision of improved infrastructure for more sustainable transport modes gives people greater choices about how they travel. Sustainable patterns of development with local design that encourage walk, cycle and public transport travel to local amenities can reduce the need for private car use. Where a modal shift occurs, this can contribute to improvements in air quality arising from reduced vehicular emissions and associated health benefits for society.

81. Paragraph 6.296 of the SPPS states that:

The RDS and New Approach to Regional Transportation consider better integration between transport and land use as fundamental to progress in implementing the above regional guidelines. The aim of the SPPS with regard to transportation is to secure improved integration with land-use planning, consistent with the aforementioned documents; and to facilitate safe and efficient access, movement and parking.

82. Paragraph 6.297 of the SPPS states that:

The regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;*
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;*
- promote the provision of adequate facilities for cyclists in new development;*
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;*
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;*
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and*
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.*

83. Bullet point 6 at paragraph 6.301 of the SPPS states that:

- Car Parking: LDPs should identify existing and any proposed town centre car parks. As part of preparing an overall car parking strategy, councils should bring forward local policies to ensure adequate provision for car parking within new developments (including spaces for people with disabilities, and parent and child parking spaces) and appropriate servicing arrangements. LDPs should also consider and identify park and ride / park and share sites where appropriate. LDPs should recognise the role of car parking in influencing modal choice between private car and public transport. LDPs should consider a range of initiatives such as designating areas of parking restraint, reducing the supply of long term*

parking spaces, pricing policy, land use measures and innovative work practices.

84. It is further stated at paragraph 6.302 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

85. Paragraph 6.4 of the SPPS states that the regional strategic objectives for archaeology and built heritage are to

- *Secure the protection, conservation and where possible, the enhancement of our built and archaeological heritage;*
- *Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and*
- *Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or archaeology integrity.*

Retained Regional Guidance

86. Whilst not policy, the following guidance documents remain material considerations.

Development Control Advice Note 15 – Vehicular Access Standards

87. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department’s Planning Policy Statement 3 “Development Control: Roads Considerations” (PPS3) refers to the Department’s standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Supplementary Guidance for Renewable Energy Proposals

88. Supplementary Planning Guidance associated with the Plan Strategy states at page 51 to Guidance for renewable energy proposals are contained in the following publications:

- Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' (2009) published by the Department
 - Draft Supplementary Planning Guidance to PPS 18 'Renewable Energy'
89. Section 6 of the Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' (2009) published by the Department provides guidance on Active Solar Panels.
90. Paragraph 6.2.5 explains that for best performance, PV modules need to be inclined at an angle of 20-40 degrees, depending on the latitude, and orientated facing due south.

Assessment

Strategic Need

91. Strategic Policy 01 states that the Plan will support development proposals which further sustainable development including those for sustainable infrastructure. Park and Ride is identified as transport infrastructure at criteria d) of Strategic Policy 20.
92. It is further stated in the justification and amplification of this policy that park and ride sites have the potential to deliver a shift to more sustainable travel modes (by reducing car usage and encouraging the use of public transport), reduce pollution and congestion and improve air quality and public health. This type of infrastructure is sustainable development.
93. It provides for better integration of the transportation network servicing the needs of our community and future growth in accordance with criteria a) and encourages a modal shift from private car dependency through integration of transport and land uses in accordance with criteria c).
94. This application is made on behalf of Translink, a Division of the Northern Ireland Transport Holding Company, a public corporation which provides public transport through out the region.
95. The need for Park and Ride facilities at Moira rail halt are in the Regional Strategic Transport Plan 2015. It is stated at page 5 of the Plan for rail that:
- The Plan also considers Park and Ride opportunities at rail stations and it is proposed to provide over 1000 additional parking spaces at 12 locations on the rail network.*
96. At paragraph 4.8.18 it is stated that Park and Ride opportunities will be considered on their own merits within the Plan period. Moira is identified at Table 4.5 as a scheme currently under consideration for 98 spaces.

97. It is further stated at paragraph 4.8.26 that:

The BMTP proposes a number of initiatives aimed at improving links by other modes of transport to and from the rail network. These comprise:

- *improving pedestrian and cycle access to stations ;*
- *establishing Park and Ride with high quality facilities at a number of key stations in each of the rail corridors;*
- *where possible formalising and expanding parking provision and pickup/set down facilities at other stations.*

98. The train station at Moira is strategically placed between two arterial routes and identified by the applicant as being located approximately 1 mile north from the centre of Moira, 2.7 miles south of Maghaberry, 3.5 miles east of Aghalee and 4.5 miles east of Aghagallon.

99. The submitted reports further indicate the station has no direct bus services operating from the surrounding villages and townlands and whilst accessible on foot from Moira village, the route travelled does not benefit from street lighting, footways are limited and where footways do exist, they are often inaccessible due to on pavement parking.

100. The Design & Access Statement submitted with the application explains that it is Translink's mission to deliver a transformation in public transport by providing integrated services which connect people, enhance the local economy, enriching local communities they serve and improve the environment.

101. Section 7.3 of the Design and Access Statement explains that in 2015, DfI carried out a Strategic review of Park and Ride [P&R] provision in Northern Ireland the purpose of which was to enhance the targeted provision in a manner which takes account of traffic flows with a view to maximising the potential of P&R to contribute to the regional objective of modal shift from private care to public transport. This is consistent with the requirements of the regional strategic transport network plan.

102. Some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered. Taking into account settlement and community patterns along with the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R Strategic delivery programmes.

103. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.

104. In addition, detail submitted with the application explains that there is an extremely limited level of parking currently available at the Moira train station in contrast to parking demand. The Transport Assessment Form [TAF] indicates

that the 85 spaces are typically significantly over capacity with commuters double parked within the car park outside assigned spaces.

105. The demand for parking at the station has also resulted in a significant amount of on street parking occurring which prejudices the safety of road users and pedestrians using Station Road. The TAF explained that the total on street and off street demand exceeded capacity by 261%. The parking demand was estimated to be 343 spaces. This issue reinforces the need for additional P&R provision to be provided in close proximity to Moira station. This is much greater than the identified number of spaces in the Regional Transport Strategy.
106. The strategic need for a P&R facility at this location is accepted subject to requirements of the operational policies in Part 2 of the Plan and all planning and environmental considerations being satisfied.
107. Whilst this site is not identified in the Plan Strategy as a park and ride site the strategic policy recognises the role this type of car parking has in influencing modal choice. Co-locating a park and ride facility with a rail halt is in accordance with strategic policy 20 and paragraph 6.301 of the SPPS.

Development in the Countryside

Non-residential development in the open countryside

108. The strategic need for this facility is demonstrated and a site for a park and ride facility adjacent to an existing train station located in the open countryside is not excluded from policy COU1 subject to meeting the requirements of the relevant operational policies and the policies COU15 and COU16.

TRA 9 Park and Ride/Park and Share Car Parks

109. The applicant sets out in the Design and Access Statement that some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered as part of the review into Park and Ride [P&R] provision in Northern Ireland.
110. Taking into account settlement patterns and comparing this to the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes.
111. This site is 1km outside Moira and 65 metres north west of the existing Moira train station. The site is also considered to be large enough to accommodate all of the required development and ancillary works.

112. The fact that the Moira P&R facility is ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes clearly demonstrates an identified need for this facility. The requirement of policy TRA9 is met.
113. Furthermore, it is accepted in accordance with the justification and amplification to Policy TRA9 that a countryside location is required for the proposed development. The existing rail halt is already located in the open countryside and is constrained on at least two sides by other built development.
114. It is also demonstrated that the car park is designed, laid out and landscaped to integrate into the landscape, protect rural character and the visual amenity of the area for the reasons set out below as part of the assessment of policies COU15 and COU16.
115. It is further stated in the justification and amplification of policy TRA9 that where appropriate parking surfaces should make use of permeable materials. In this case tarmac is used which is not permeable surface. However, a sustainable drainage solution is proposed to mitigate the impact of this and is acceptable for the reasons set out later in the report under the heading drainage.
116. In respect of the other criteria set out in paragraph 6.302 of the SPPS. An additional 23 disabled parking spaces are proposed close to the entrance of the car park and a pedestrian access point is adjacent to these spaces to allow disabled users to have access to the footpaths on Station Road.
117. Dropped kerbs and tactile paving is used to assist wheelchair and visually impaired users of the car park and the footpath widths on Station Road can accommodate disabled users. The conflict of cars parking on footpaths on Station Road is removed by the development of this car park.
118. Set down and pick-up arrangements are improved in the existing car park. These arrangement will make the rail halt more accessible to disabled users being dropped off and collected. Provision is also made for bus turning for those disabled users making connected trips in other forms of public transport.
119. No new buildings are proposed but the current rail halt is accessible for all customers, visitors and employees.

TRA1 – Creating an Accessible Environment

120. In addition meeting the requirements of regional policy for accessibility for disabled users outlined above, the proposal includes footway provision meaning that pedestrian amenity will be significantly improved between the new P&R and the train station.
121. The existing narrow, substandard footway between the facility and the station will be replaced by a two metre footway. Dropped kerbing and tactile paving will be introduced to facilitate movement of disabled and mobility impaired pedestrians.

122. The proposal will also significantly increase disabled parking provision with 23 spaces proposed in addition to those provided at the station providing enhanced access to the public transport network.
123. For the reasons outlined above criteria (a) to (d) are met.

TRA2 Access to Public Road

124. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
125. A Transport Assessment (TA) form prepared by SW consulting was submitted with the application. The TA indicates that the Park and Ride Proposal will include
- 489 Spaces – 466 Standard and 23 disabled
 - The widening of station Road along the frontage to provide a right-hand turning lane and new pedestrian footway
 - Footway and visibility improvements to the south of the site to connect the site with the Belfast Bound Northern platform
 - New Street lighting within the site and along Station Road and the site frontage.
 - Bus drop off/pick up area within the new site
 - Improved crossing facilities and visibility.
126. The existing car park at the train station will also be reconfigured resulting in the loss of 34 spaces. These spaces will be accommodated within the new P&R facility.
127. The TA indicates that there are approximately 152 vehicles that park on street in the immediate vicinity of the train station. There are also 96 spaces in a temporary car park that Translink currently rent from Alchemy restaurant.
128. The on street vehicles will be removed to the north and south of Moira station. The temporary overflow car park (96 spaces) at Alchemy restaurant will no longer be used. Instead, an additional 248 vehicles will benefit from the new purpose built P&R site off Station Road.
129. The remaining 241 spaces at the P&R minus the 34 that will be lost due to the reconfiguration of the existing Moira Station means that there are a total of 207 new and dedicated parking spaces compared with the existing arrangement.
130. Dfl Roads have not no objection to the internal road layout, parking layout and access arrangements. PSD drawings have been endorsed and returned to the Council.
131. Based on a review of the detail submitted and having regard to the advice received from Dfl Roads, it is considered that the development complies with

the requirements of policy TRA2 of the Plan Strategy in that it has been demonstrated that the construction of a new access will not prejudice road safety or significantly inconvenience the flow of traffic.

132. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.
133. Turning to the balance of the policy tests associated with Development in the countryside, the following assessment is made.

COU15 - Integration and Design of Buildings in the Countryside

134. The proposed development is predominantly made up of hard surfacing. No significant modification is required to the landform and there are buildings in the foreground and backdrop of the site that provide enclosure to the proposed development when approaching the site along Station Road from Moira to the south or the open countryside to the north.
135. Almost all of the existing boundary vegetation is retained except the hedgerow along the front boundary to accommodate the entrance and visibility splays. The existing vegetation is also supplemented to aid integration of the car parking into the landscape.
136. Lighting columns are proposed throughout the site to assist in the safe operation of the car park at night and during the winter months. These are not normally found in the open countryside but the long slender columns are not visually intrusive and are well spaced throughout the site.
137. The solar panel array is located to the rear of the Department for Communities works depot and is accessed through the car park via a gravel lane. The array is small in scale and set sufficiently far back in the site not to be visually prominent from Station Road.
138. It can be seen from the towpath and the rail line but read in the same visual context as other built development adjacent. The existing vegetation in the foreground and backdrop also provides enclosure and assists in integrating the array into the landscape.
139. A building is defined as any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.
140. The proposal makes provision for a cycle shelter and containers for the storage of batteries and invertors associated with the operation of the solar panel array. These buildings are small in scale and ancillary to the primary use. These buildings will not present as prominent features in the landscape.

141. The most prominent feature of the proposed development is proposed lighting but it is well distributed throughout the site and is on balance acceptable. The hard surfacing, solar panel array and ancillary buildings are not prominent for the reasons set out above. Criteria (a) is met.
142. The location of the car parking, lighting, solar panel array and modest sized buildings are such that they are sited to cluster with the existing dwellings and other buildings on Station Road and the presence of these buildings and the natural boundaries provide a backdrop and enable the development to blend into the landform.
143. Furthermore, the existing natural vegetation to the site boundaries provides for a suitable degree of integration into the landscape without reliance on new landscaping. For this reason and the reasons in the preceding paragraphs criteria (b), (c), (d) and (e) are considered to be met.
144. The modest scale of the buildings as described earlier in the report are not considered to be inappropriate for the site and its locality. Criteria (f) is met.
145. Having regard to the existing boundary vegetation and the proposed landscaping, the ancillary works associated with the internal road and parking layout, lighting and solar panel array are considered to integrate into the surroundings for the reasons outlined above. Criteria (g) is met.
146. For the reasons outlined above, the modest buildings associated with the proposed development is considered to be sited and designed to integrate sympathetically with its surroundings and is of an appropriate design for the intended use. The tests associated with COU15 are met in full.

COU16 – Rural Character and Other Criteria

- 147 For the reasons outlined above, the new development will not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, north and east of the site. Criteria (a) and (b) are met.
- 148 The proposal is sufficiently removed from the settlement of Moira and does not mar the distinction between a settlement and surrounding countryside. It also does not result in urban sprawl as it is enclosed on three sides by built development and clusters with the established group of buildings for the reasons explained above. It will therefore not have an adverse impact on the rural character of the area. Criteria (d) and (e) are met.
149. The application seeks to provide a number of modest size buildings including a cycle shelter and a container housing batteries in conjunction with the solar panels. These buildings are considered to be in keeping with the pattern of development noted within the local area. Criteria (c) is met.

150. In relation to criteria (f) the proposed car parking has been designed and laid out to ensure that they will not have an adverse impact on the amenity of neighboring properties by reason of overlooking. A buffer of planting is provided around the edge of the car park to maintain separation between the parking spaces and the private amenity areas of the dwellings adjacent to the north and south. The existing residential properties will also enjoy the amenity benefit from the removal of on street parking on Station Road. Loss of amenity as a result of noise is dealt with later in the report. This criterion is capable of being met.
151. In respect of criteria (g) and (h) all of the proposed services are provided underground. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
152. In respect of criteria (i) for the reasons set out in the previous paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Natural Heritage

153. A Preliminary Ecological Assessment [PEA] along with species specific surveys and a Construction Environmental Management Plan [CEMP] are submitted with the application.
154. The PEA was commissioned to assess the potential ecological impacts of the proposed application, as well as to identify the need for further ecological surveys.
155. The purpose of this PEA is to:
 - A desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and relevant records of protected/notable species within the site and its zone of influence
 - An extended phase 1 habit survey involving a walkover of the site to record habitat survey for evidence of protected fauna or habitats capable of supporting such species.
 - An assessment of the potential ecological receptors present on site, identify any constraints they pose for future development and also any recommendations for any further surveys, avoidance, mitigation or enhancement measures that are needed.
156. The Executive Summary of the PEA indicates that the site will have functional or Hydrological links to Ballynanaghten ASSI and therefore it recommends that a Construction Environmental Management Plan (CEMP) is submitted to protected the site.

157. The report comments on the protected species assessed as follows:

Bats

158. The site has been assessed as having moderate habitat suitability for foraging and commuting bats. The assessments therefore recommends that further surveys are carried out and a separate Bat Activity report has been submitted.
159. The Bat activity survey recorded a low level of bat activity within the site and this was generally restricted to the boundary vegetation which is to be largely retained and augmented. The report goes on to state that although additional lighting is proposed around the new car park mitigation is proposed to minimise such impacts. The mitigation measure included the use of low LUX level LED lights and directing light away from existing vegetation.

Breeding Birds

160. The assessments states that a dedicated bird survey should be undertaken to identify species present and mitigate for those which may be impacted on by the proposal. Two rookeries that are likely to be impacted by the proposal have been identified and the habitats on site may provide nesting opportunities for other species of breeding bird.
161. The breeding bird report submitted reveals that there are 33 species of bird seen within or immediately adjacent tot the site. The report states although grass area will be lost to facilitate the development boundary vegetation will be retained as far as possible and augmented with native species, which will provide for additional nesting and feeding habitat for birds. Ten additional bird boxes will also be provided as additional nesting opportunities.
162. The otter survey identified no evidence of otter activity along the Lagan Canal. However, the Lagan Canal likely provides potential habitat for commuting and foraging otter. Records of otter have been identified within proximity of the site which may have been associated with the Lagan Canal. The mitigation measure proposed in relation to otter are general good practice for safeguarding otters. This includes working in daylight hours only and covering any open trenches to restrict mammal entry.

Badgers

163. The PEA identified an outlier badger sett and potential evidence of badger activity was identified on site which is likely to be directly impacted during site clearance and felling of tress. A target badger survey was recommended.
164. A badger report was submitted with the application, it identified three outlier setts within the site and further sites were identified outside the site, however the main sett was not identified in the survey area. It is proposed to close the 3 setts, which must be done under license and under the supervision of an

ecologist. Further pre construction surveys are to be completed prior to any works commencing.

Smooth Newt

165. The PEA identified that smooth newts are potentially present in the wet ditches to the south west of the site and in the surrounding landscape, and it therefore recommends that a dedicated smooth newt survey should be undertaken.
166. A smooth Newt report was submitted with the application, it concluded that smooth newt was absent from the site and that there were no records of smooth newt within 2km of the site. Therefore, no impact to smooth newt are predicted as a result of the development, no further surveys are required, and no specific mitigation is proposed.

Common lizard

167. Common lizards may be present on the site and might be using deadwood, tree stumps and brush piles as hibernation features. The PEA advises that precautionary working methods should be employed during the works to avoid contravention of legislation and minimise the risk of common lizards during the works,

Otter

168. No evidence of otter activity was noted during the site visit however it is likely that otters may use more secluded stretches of the Canal beyond the site boundary with more dense vegetation.

Hedgehogs

169. The PEA states that there was no evidence of hedgehogs on site and recommended precautionary working methods when clearing the site.

Invasive species

170. A large stand of schedule 9 invasive plant Japanese knotweed approximately 10m x 5m was noted just over 10 metres beyond the northern boundary of the site in an area of rank grassland. The PEA recommended that although this stand is not located within the site boundary, due to its proximity of the site, precautionary working methods are advised.
171. The ecological information submitted, including the species reports, in support of the application confirms that the development will not have a significant effect on habitats or species of local or regional importance.

172. Advice from Natural Environment Division confirmed that it had considered the impacts of the proposed development on the identified species and habitats in the PEA. Officers have no reason to disagree with the advice offered by NED.
173. A response from Shared Environmental Services confirmed that the application had been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on the Councils behalf.
174. Confirmation is also provided that an appropriate assessment in accordance with the Regulations having regard to the nature, scale, timing, duration and location of the project has been carried out and that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
175. Officers have no reason to disagree with the appropriate assessment of Shared Environmental Services and accept the conclusion reached that the proposed development would not have an adverse effect on the integrity of any European site.
176. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the recommended mitigation measures being made a condition of any approval.
177. Confirmation has also been received from the applicants ecologist to confirm that the ecological information submitted with the application is up to date and valid.
178. For the reasons outlined above, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such policies NH2 and NH5 of the Plan Strategy are capable of being met subject to the recommended mitigation measures in the PEA being applied.

Historic Environment and Archaeology

179. An Archaeological and Cultural Heritage Assessment dated October 2021 was submitted in support of the application.
180. Paragraph 1.2 of the statement indicates that the assessment was conducted in two stages, firstly through a detailed desk top survey and secondly a site inspection was undertaken to assess the current state of the development areas and the potential for upstanding archaeological remains.
181. The desk top survey and site inspection indicated that there was one recorded archaeological monument identified and located within the red line boundary of

the site, ANT 67:68. The assessment states that this monument is an oval enclosure which was probably a small reservoir but which is now built over, however it will not be disturbed during this proposed development.

182. The statement also outlines that there is the presence of a significant number of cultural heritage assets in the wider area, outside the red line boundary, which may indicate that the development is located within an area of some archaeological significance with the possibility that previously unknown assets for which there are now no surface expressions. As a consequence further archaeological mitigation would be required.
183. The statement suggests that a four stage process would be required to facilities suitable mitigation.
- Preparation and submission of an agreed archaeological programme of works.
 - Submission of archaeological application to HED.
 - Excavation of targeted test trenches to identify and record any archaeological features.
 - Preparation of final monitoring for submission to HED in line with license requirements.
184. In a response from HED Monuments Branch dated January 2022 it is stated that they were content with the proposal subject to the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
185. HED Historic Buildings has considered the impacts of the proposal on the listed building HB 19 03 049 and on the basis of the information provided, advises that it has no objection to the proposed development.
186. Officers have no reason to disagree with the advice offered by the two branches of HED. Whilst the composite response is drafted for a different policy context in consideration of the relevant criteria of policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy they are considered to be met for the same reasons set out in the consultation response. No new criteria are added to these policies that would lead to a different conclusion.

Flooding

187. An updated Flood Risk and Drainage Assessment and drainage layout dated June 2023 and prepared by Tetra Tech was submitted in support of the application and to address Dfi Rivers comments.

188. The Executive summary and paragraph 3.31 confirms that the application site is in close proximity to one source of fluvial flood risk which could impact the application site, namely the Old Lagan Canal which is located immediately south of the site.
189. Appendix N of the drainage assessment shows the drainage outfall location discharging into a watercourse that runs adjacent to the Tow Path. An updated schedule 6 contained at appendix I of the DA indicates that DfI Rivers have approved a flow rate of 35.1 l/s to this watercourse.
190. The drainage assessment confirms that a Pre Development Enquiry has been submitted to NI Water applying for a surface water discharge rate of 834 l/s into the NI Water infrastructure. NI Water confirmed that they had the capacity to serve the proposal via a 125mm public water main located on Station Road.
191. In relation to Policy FLD3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains DfI Rivers have stated that:
The Drainage Assessment indicates that flood risk to and from the development will be managed using a SuDS.

The effectiveness and function of the proposed attenuation method is reliant on the SuDS being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.

The system proposed has no outlet and drainage is via percolation through the soil strata. Commenting on the efficacy of the proposed SuDS is outside DfI Rivers' area of knowledge and expertise. Consequently, DfI Rivers cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.
192. The Flood Risk and Drainage Assessment and the proposed attenuation method (SuDS) has been prepared by a competent company Tetra Tech and officers have no reason to question the measure outlined to effectively mitigate against flood risk and as such, policy FLD 3 is satisfied.
193. Water Management Unit provided advice on 07 January 2022 confirming that they were content subject to all relevant statutory provisions being obtained.
194. NI Water in a response received on 23 November 2021 confirmed that there is a public water main within 20 metres of the proposed development boundary which can adequately service these proposals and that an application to NI Water would be required to obtain approval to connect.
195. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policy FLD 3 of the Plan Strategy.

Noise Nuisance Disturbance

196. A Noise Impact Assessment dated October 2021 was submitted in support of the application. The objective of the report is to assess the suitability of the site for the Park and Ride and to provide mitigation measures where necessary.
197. A monitoring survey was undertaken to characterise ambient noise levels currently experience on site and to establish the relative local background and traffic noise levels.
198. Baseline noise measurements were conducted at seven locations from Friday 27 November 2020 to Wednesday 2 December 2020.
199. Attended short term measurements were taken at five locations during the day and, evening and night time periods with two additional locations being measured unattended over a 116 hour period.
200. The noise monitoring locations were chosen as it was considered that these residential receptors are considered to be worst case in terms of their proximity to traffic changes.
201. The development proposals includes the erection of several 1.8 metre high acoustic screen within the site. One is located to the west of the site adjacent to 4 Station Road and the other is adjacent to 4a and 6 Station Road.
202. The Noise Impact Assessment concluded that the change in ambient noise levels as a result of the facility is expected to result in a negligible adverse impact (on the basis or worst case assumptions).
203. The statement further concluded that the proposed Park and Ride/Share will serve the railway station and will feature noise sources that are already present within the existing ambient noise climate and therefore it is considered that the proposed development will not harm the amenities of nearby residents and is not expected to cause a nuisance.
204. Environmental Health provided advice in December 2021 with no objection offered subject to the provision of acoustic barriers as referenced in the Noise Assessment.
205. Based on a review of the detail submitted in relation to Noise and the advice received from Environmental Health, it is accepted that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Air Quality

206. An Air Quality Assessment dated October 2021 was submitted in support of the application. The objective of the report was to assess the impact on air quality during the construction phase. It also includes detailed mitigation methods for controlling dust and pollution emissions associated with plant and vehicles during the construction phase and the long term use as a Park and Ride.
207. The report stated that during the construction phase impacts such as fugitive dust emissions and track out along with plant/vehicle emissions are predicated to be of short duration and only relevant during the construction phase.
208. Implementation of the mitigation measures as set out in the Institute of Air Quality Management (IAQM) guidelines should reduce the residual dust effects to a level categorised as not significant/negligible.
209. The significance of the effects of changes in traffic flow as result of the proposed development, with respect to emissions is determined to be negligible at all identified receptors.
210. The Air Quality Assessment conclusion states that using a number of desirable mitigation measures including daily site inspections and cleaning and spillages immediately, the resulting air quality effect of the proposed development is considered to be not significant overall and therefore there are no constraints to the development in the context of air quality.
211. Based on the assessment undertaken it is concluded that the site is suitable for the proposed development and no further air quality assessment is required,
212. Advice from Environmental Health received in December 2001 offered no objection subject to works being carried out in accordance with the dust management plan.
213. Based on a review of the detail submitted in relation to Air Quality and the advice received from Environmental Health, it is accepted that the proposal will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Contaminated Land Contaminated Land/Human Health

214. A Preliminary Risk Assessment (PRA) dated October 2021 has been provided by WYG in support of this planning application.
215. The report was to comprised a desk top study and walkover survey of the site. General information on the topography, geology, hydrology, and hydrogeology along with a review of current and historic use was completed to enable potential human and environmental receptors, potential pathways and potential sources to be identified.

216. The PRA demonstrates through the PRONI that since the earliest available maps of the site to today (1832) the use of the site as agricultural/farmland has remained unchanged.
217. Information held by other statutory bodies including NIEA Land Quality Database and Northern Ireland Waters GIS, was also requested to establish:
- Any known pollution at the site
 - Previous site usage
 - Nearby watercourses and ground water quality indicators
 - Discharge or abstraction consents
218. The report concludes that following completion of the Desk Top study and PRA the overall level of risk considering a worst-case scenario is considered to be low to very low.
219. It is also stated that the assessment has been made based upon current site use, historic site use, adjacent land use(s) and proposed future site use considered in conjunction with perceived localised geological and hydrogeological conditions.
220. Advice received from DAERAs Regulation Unit and Groundwater Team on 07 January stated that Regulation Unit have considered the PRA report and support the conclusions and recommendations detailed. They concluded that they would have no objection to the development subject to the conditions provided and are placed on any planning decision notice as recommended.
221. The Council's Environmental Health Unit also provided advice with regards potential impact on amenity and human health with no concern raised

Renewables

222. The inclusion of the solar panels in the scheme is to generate electricity for lighting and other ancillary electrical equipment on the site. The proposal array is located on low lying ground set back from the road to the rear of existing buildings.
223. Approximately two hundred photovoltaic panels measuring 2 metres by 1 metre will be positioned in this agricultural area. The panels are tilted to maximise energy absorption and the maximum height the panels will from the ground will be 1.4 metres.
224. The solar frames are to be constructed in clear anodised finish and be fixed to a primary support frame. The frames of the panels will then be fixed to the ground to prevent movement due to weather conditions. The panels will be fitted with thermally pre-stressed self-cleaning tempered glass complete with anti-reflective coating.

225. The closest solar panel will be located approximately 10 metres from the rear of the Department of Communities works depot, 25 metres from the nearest residential property and 95 metres from Station Road with the majority of the existing mature vegetation being retained providing screening of the portion of the site where the solar panels are to be located.
226. The buildings associated with the solar panel comprise two thirty foot shipping containers. These are for the storage of batteries and invertors and are to be located to the west of the detention pond some 85 metres from the rear of the Department for Communities Depot.
227. Environmental Health were consulted with the proposal and responded in December 2021 with no objections subject to condition's.
228. Based on a review of the information provided and the advice received from Environmental Health, it is considered that the proposed development is being carried out in accordance with the requirements of policies RE1 (criteria a-e) and policy RE2 of the Plan Strategy.

Consideration of Representations

229. The issues raised by way of third-party representation are considered below.
- Need for the proposal.
230. Paragraph 91-107 in the main body of the report above summaries the reasons put forward by the applicant/agents for the need for the proposed development. The Council is of the view that the justification put forward demonstrates the site specific need for the proposal at this location.
- Traffic generation
231. Traffic generation is considered within the Transport Assessment Form. The assessment demonstrates that the proposed development seeks to take traffic off the road for a period of time and to encourage a modal shift from the private car.
232. DfI Roads have considered the information including the data provided and have raised no concerns about the accuracy of this information.
- Danger for pedestrians
233. Concern is expressed that there is no drawing indicating a controlled crossing despite a previous safety audit which indicated that this was an issue raised by pedestrians who may be using the site.

234. In progressing the application and having regard to the detail associated with the Transport Assessment Form, DFI Roads have not advised that a controlled crossing is required.
235. There is no evidence to suggest that the proposed development presents a danger to pedestrians. The provision of additional parking capacity in association with the operation of Moira Train station removes the hazards currently encountered along Station Road and within the existing P&R facility at present.
236. Furthermore, the existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- Residential amenity
237. A Noise Impact Assessment and Air Quality assessment was submitted in support of the application and demonstrates that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The lighting proposed is also considered to be a suitable distance away from any residential properties and Environmental Health have confirmed they have no issues subject to conditions.
- Infrastructure cannot handle the additional load
238. The purpose of a P&R facility is to remove traffic from the network and to ease congestion associated with current traffic movements.
239. Widening of Station Road is proposed along the site frontage and a right turn ghost Island is also proposed which will improve the movement of traffic and pedestrians along Station Road.
240. The existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- New Planning Policy Context
241. The assessment as outlined above demonstrates how the proposed development complies with the relevant strategic and operational policies associated with the Plan Strategy.
- Out of Date Ecology Surveys
242. Following receipt of a late representation, confirmation was sought from the applicant's ecologist in relation to the validity of ecology information. Confirmation received by letter on 22 December 2023 explains that original surveys submitted as part of the application were considered by NIEA and as part of responding to queries raised by the consultee during the application

process, additional surveying and site inspections were carried out in March 2022.

243. Advice from NED in June 2023 having reviewed information provided in September 2022 and April 2023 confirmed that they were content. The findings of the ecological information submitted with the application therefore remain valid.
- Lack of EIA determination
244. An objection has been received in relation to the lack of an EIA determination having been carried out in relation to the proposal. A negative EIA determination was carried out and the report was scanned to the Public Planning Portal.
- Application should be referred to Dfi as regionally significant application.
245. An objection was raised that the application should have been referred to Dfi as a regionally significant application. It is not considered that the application is a regionally significant proposal and therefore there was no need to refer it to Dfi for consideration.

Conclusions

246. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
247. The proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and future growth, that encourages a modal shift from private car dependency through integration of transport,, land use and facilities and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.
248. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
249. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.

250. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
251. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
252. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
253. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
254. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
255. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPPS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise and Air Quality.
256. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.
257. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Recommendation

258. It is recommended that planning permission is approved.

Conditions

259. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit.

3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written

confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be

completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.
Reason: Protection of environmental receptors to ensure the site is suitable for use.
12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021
Reason: To protect the amenity of neighbouring dwellings with respect to dust
13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures
Reason: To protect the amenity of neighbouring dwellings with respect to noise and vibration
14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.
Reason: To protect the amenity of neighbouring dwellings with respect to noise
15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.
Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light
16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing

by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect biodiversity value of the site, including protected species.

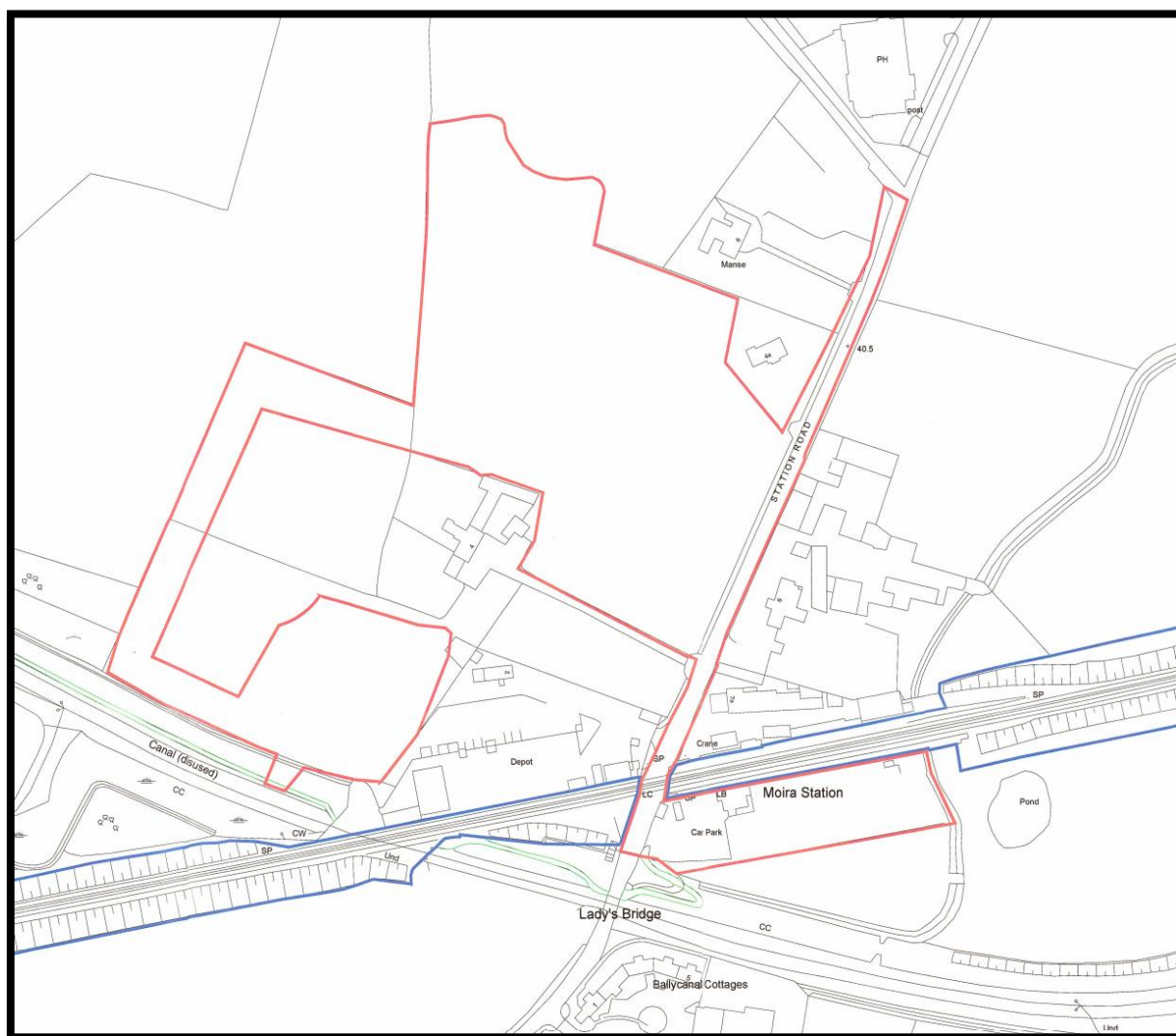
20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

21. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Site Location Plan – LA05/2021/1245/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	04 March 2024
Committee Interest	Local Application [Exceptions Apply] – Second Addendum
Application Reference	LA05/2022/0018/F
Date of Application	04 January 2022
District Electoral Area	Lisburn South
Proposal Description	Demolition of existing dwelling and construction of residential development comprising 24 dwelling units (12 detached, 4 semi-detached and 8 apartments), garages, associated access, internal road, parking, landscaping and associated works.
Location	Lands at 126 Hillsborough Road, Lisburn
Representations	Two
Case Officer	Peter McFadden
Recommendation	Approval

Background

1. A recommendation to approve planning permission was presented to the Committee in December 2023 for the reasons outlined in the officers reports.
2. The committee agreed that the application be deferred for further negotiation as they did not agree that there was sufficient justification for the affordable housing requirement to be delivered off site.

Further Consideration

3. After discussions with the agent/applicant the scheme has been amended to provide the affordable housing requirement on the site and the description of development is amended to demolition of existing dwelling and construction of a residential development comprising 24 residential units of which 12 are Detached dwellings, 4 are semi-detached dwellings and 8 are apartments.

4. Members are reminded that policy HOU10 Affordable Housing in Settlements states:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment, on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

5. The scheme is altered to replace a pair of semi-detached dwellings and a detached dwelling at sites 10, 11 and 12 with eight apartments (in two block with four units in each block).
6. The apartments have a slightly larger footprint than the dwellings but a similar bulk and mass and are located towards the rear of the site. The detail associated with the apartment block element is considered against the operational policies associated with HOU3 and HOU4.
7. The two apartment blocks are units annotated on a revised site layout plan as 10 - 13 and 14 – 17. The blocks are two storey. The proposed finishes are red brick, Spanish slate dark grey with UPVC rain-water guttering with dark grey composite doors and white sash windows. These finishes are reflective of the other dwellings proposed on the site.
8. The apartments have a between 850 and 879 square footage of floor space. Parking has been provided to the front of the apartments in line with design standards.
9. The front of the apartments face onto the residential units at sites 18,19 and 20. The relationship is frontage to frontage with a separation distance of approximately 16 metres.
10. This distance is a combination of the parking bays associated with the apartments the access road and the front amenity space of the units. The separation distance is considered sufficient to negate any overlooking issues or loss of private amenity.
11. The rear of the apartments looks onto a belt of trees with no dwellings located to the rear. There is also sufficient separation distance between the apartment blocks so as not to cause any amenity issues. The communal amenity space provide to the rear of the apartment blocks is considered to be acceptable.
12. Having considered the introduction of the two apartment blocks and the wider site context it is considered that the scheme as presented still represents a quality residential scheme and is in line with policy HOU3 and 4.

13. Five of the apartments are proposed as affordable housing units. This is more than the 20% required to meet the affordable housing provision required under policy HOU10.
14. With the provision of five units and being located on the application site policy HOU10 has been satisfied.

Additional Representation

15. An additional representation was received on 26 February 2024 in response to the amended proposal. The issues raised are the same as those presented previously and consideration of the issues is unchanged.
16. The number of proposed housing units associated with the original application was 25 this was amended to 19. The scheme was subsequently amended to provide for the affordable housing element within the site. This change saw the introduction of the apartment blocks to the rear of the site. A total of 24 units are proposed - one less than what was originally proposed.

Proposal will result in more traffic on an already busy road

17. The proposed access and car parking is acceptable and the proposal will not prejudice road safety.

Concerns about the development of land to the rear of objector's property which could result in land slippage

18. Material weight cannot be afforded to this assertion as no contrary evidence has been put forward to substantiate this claim. Retaining is proposed where appropriate and any alternative design that is required to support a boundary with a neighbouring property may require separate approval in its own right.

Some of the proposed houses are being built on a floodplain

19. No dwellings are proposed to be built on the flood plain and the Assessments submitted illustrate that the proposal will not result in an increase in flood risk.

Proposal is resulting in more green space along the river being lost

20. The proposal is located on lands within the development limits and open space is provided as part of the overall scheme. No designated areas of open space will be lost due to the proposal.

Recommendation

21. The recommendation remains that the application is approved subject to conditions outlined and a Section 76 Agreement requiring the developer to:

- Make provision for affordable housing on site (minimum 20%).
22. This addendum should be read in conjunction with the main report dated 06 November 2023 and the previous addendum dated 04 December 2023.

Conditions

23. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with the Historic Environment Division (Historic Monuments). No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: 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.

8. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

9. No retained tree shall be uprooted or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the Arboricultural Impact Assessment & Method Statement (including the Tree Impact & Protection Plan and Tree Constraints Plan), bearing Council date stamp 22nd June 2023, without the written consent of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998:2010 Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. All trees and planting within the site shall be retained unless shown on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and Site Layout and Landscape Plan (date stamped 22nd June 2023) as being removed. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

11. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees 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.

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.

12. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

14. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife Licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

15. A soft strip of the roof of the building known to contain roosting bats, followed by await period of 24 hours before any further development work continues.

Reason: To ensure protection of bats and their roosts.

16. Works on the identified building due for demolition to be restricted to the periods of 15th August - 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

17. Compensatory bat roosting opportunities must be incorporated into the proposal and installed prior to the demolition of the existing dwelling.

Reason: To ensure compensatory roosting opportunities for bats are provided.

18. Prior to works commencing on site, all existing trees shown on Layout Plan, Drawing Number 17, as being retained shall be protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction -Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

Site Location Plan – LA05/2022/0018/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	04 December 2023
Committee Interest	Local – Exceptions Apply (Addendum)
Application Reference	LA05/2022/0018/F
Date of Application	04 January 2022
District Electoral Area	Lisburn South
Proposal Description	Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works.
Location	Lands at 126 Hillsborough Road, Lisburn
Representations	One
Case Officer	Maire-Claire O'Neill
Recommendation	Approval

Background

1. A recommendation to approve planning permission was presented to the Committee on 06 November 2023 for the reasons outlined in the officer's report.
2. The proposal included a new access and right turn from the Hillsborough Road into the site. Not normally required for the scale of development proposed it is understood the right turn lane was volunteered by the applicant as part of their original proposal.
3. DfI Roads had indicated no objection in principle to the access arrangements. On the morning of the committee meeting, officials from DfI Roads advised officers of the Council that the right-hand turning lane required departures and relaxations from standard. Whilst their advice was unchanged in relation to the proposed access as the right turn pocket into the site was not designed to full standard they were happy for this part of the proposal to be withdrawn.
4. Following presentation of the application and consideration of representation from third parties, Members agreed to defer the application to allow for

clarification to be provided in relation to the late advice from DfI Roads in relation to the right-hand turning lane.

5. Members also sought clarification why the affordable housing contribution was being provided off-site at 90 to 96 Grand Parade and 2a Lemington Place and not in the application site.

Further Consideration

6. DCAN 15 – Vehicular Access Standards provides guidance on the standards for vehicular accesses. The advice is not withdrawn following adoption of the Plan Strategy and the advice note remains a material consideration in the assessment of this proposal.

7. With regard to right turning lanes, paragraph 5.1 of DCAN 15 states that:

A right turning lane consists of local widening of the priority road with associated carriageway markings to define a declaration taper and dedicated waiting areas for vehicles intending to turn right into a minor road.

8. It is further stated at paragraph 5.2 that:

A right turning lane will often be required where the priority road is a primary, district or local distributor (as defined in the Layout of Housing Roads - Design Guide) or a main traffic route as defined in PPS3: "Development Control: Roads Consideration".

9. This is a main traffic route and it is clarified by DfI Roads officials that the factors which they take into account as to whether a right-turning lane is required include:

- *volume of right turning traffic-requires particular consideration when total flow on the minor road exceeds 500 vehicles per day (i.e. serving more than 50 dwellings) or when right-turns into the development are the dominant movement, having regard to the relative location of the town centre or other major traffic attractor);*
- *speed and volume of priority road traffic;*
- *forward sight distance (proximity to crest or bend);*
- *junction spacing;*
- *accident history / potential;*
- *character / status of the priority road;*
- *advice in TD 42/95, DMRB4 - Volume 6; and*
- *relevant traffic model output.*

10. Whilst volunteered by the applicant it is understood that the need for a right turn lane was raised by senior DfI Roads officials when PSD drawings were presented for review and signing.

11. On their instruction clarification was sought from the internal traffic management branch as to whether any of the above factors applied. It was

confirmed that such provision was not required for a proposal of this nature and scale.

12. Taking into account the clarification offered from DfI Roads that the scale and nature of the development does not justify a need for a right turning pocket it is confirmed that the advice contained at paragraphs 122 and 128 of the main report still apply and that the proposed access will not prejudice or significantly inconvenience the flow of traffic.
13. The description of development is amended to take account of the advice of DfI Roads and the PSD drawings are amended to exclude the details of the right turning lane.
14. The affordable housing requirement for the application site is four residential units. An exception is cited that the proposed development is not in a location where units of a scale and character consistent with the type of units proposed can be designed as affordable housing.
15. The applicant offers a whole scheme on a windfall site in lieu of the affordable housing requirement at the site. The use of suitable and accessible locations is encouraged in policy HOU 10.
16. In respect of the affordable housing provision, it is confirmed that the alternative site was not granted planning permission as an affordable housing scheme.
17. The application was not made on behalf of a Housing Association and no specific exception to policy was sought by the applicant to justify the proposal as an affordable housing scheme. No planning condition is attached restricting the tenure of the proposed development.

Recommendation

18. The recommendation remains that the application is approved subject to conditions outlined below and a Section 76 Agreement requiring the developer to:
 - Make provision for affordable housing at an alternative site and that no more than 14 dwellings shall be constructed prior to the confirmation of the commencement of the development at the alternative location. Otherwise the developer will be required to provide 20% affordable housing at this site which is 3 units.
19. This addendum should be read in conjunction with the main report dated 06 November 2023.

Conditions

20. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. Prior to any site works of any nature or development taking place, a plan showing the exact location of the protected fencing shall be submitted to and agreed with the Council in consultation with Historic Environment Division (Historic Monuments). No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

7. Access shall be afforded to the site at all reasonable times to a qualified archaeologist to observe the operations and to monitor the implementation of archaeological requirements.

Reason: 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.

8. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

9. No retained tree shall be uprooted or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the Arboricultural Impact Assessment & Method Statement (including the Tree Impact & Protection Plan and Tree Constraints Plan), bearing Council date stamp 22nd June 2023, without the written consent of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998:2010 Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. All trees and planting within the site shall be retained unless shown on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and Site Layout and Landscape Plan (date stamped 22nd June 2023) as being removed. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

11. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees 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.

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.

12. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

15. A soft strip of the roof of the building known to contain roosting bats, followed by a wait period of 24 hours before any further development work continues.

Reason: To ensure protection of bats and their roosts.

16. Works on the identified building due for demolition to be restricted to the periods of 15th August - 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

17. Compensatory bat roosting opportunities must be incorporated into the proposal and installed prior to the demolition of the existing dwelling.

Reason: To ensure compensatory roosting opportunities for bats are provided.

18. Prior to works commencing on site, all existing trees shown on Layout Plan, Drawing Number 17, as being retained shall be protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

Site Location Plan – LA05/2022/0018/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	06 November 2023
Committee Interest	Local – Exceptions Apply
Application Reference	LA05/2022/0018/F
Date of Application	04 January 2022
District Electoral Area	Lisburn South
Proposal Description	Demolition of existing dwelling and construction of residential development comprising 19 detached dwellings (13 detached and 6 semi-detached), garages, associated access with right hand turning lane, internal road, parking, landscaping and associated works.
Location	Lands at 126 Hillsborough Road, Lisburn
Representations	One
Case Officer	Maire-Claire O'Neill
Recommendation	Approval

Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

Planning (Local Development Plan) Regulations (NI) 2015.

The schedule to the 2015 regulations provides as follows:

Departmental development plan and plan strategy as local development plan

[3] *Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

- (a) *a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

Discontinuance of departmental development plan on adoption of local development plan

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

Strategic Planning Policy

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

[1.11] *Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.*

4. In accordance with Regulation 3 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Plan Strategy applies to all applications.
5. The existing suite of planning policy statements retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

Summary of Recommendation

6. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
7. This application is presented to the Planning Committee with a recommendation to approve as the proposed development creates a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and is in accordance with policies HOU1 and HOU3. The requirements for meeting the policy tests of HOU3 are subject to a condition requiring an archaeological assessment before any works are carried out on site in accordance with policy HE4.
8. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties

adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

9. Open space is a requirement of policy as the site is more than one hectare in size. The proposal is considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development at more than 10% of the total site area.
10. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that alternative provision is to be made for affordable housing at 20% of the total number of units. This provision will be subject to a Section 76 planning agreement.
11. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
12. It is also considered that the development complies with policies TRA2 and TRA3 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
13. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that an acceptable level of car parking is provided.
14. The site is also located in close proximity to Moore's Bridge (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED (Historic Buildings).
15. The listed structure is taken account of in the design and layout of the proposal and the landscaping promotes access to and provides information about the importance of the heritage. Officers have no reason to disagree with the advice of the statutory consultee and it is considered that the proposed development complies with policy HE9 of the Plan Strategy.
16. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
17. The proposal also complies with policy NH5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that appropriate mitigation and/or compensatory measures have been proposed to address the impact of the development on priority habitats and species.

18. It is accepted that the proposal complies with policies FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the mitigation measures proposed ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site Context

19. This site is approximately 1.8 hectares in size and located on the western side of the Hillsborough Road towards the edge of Lisburn and is approximately 1.3 kilometres south west of the city centre.
20. The site is currently occupied by a large two-storey detached dwelling set on a large curtilage with a tennis court to the rear.
21. A belt of mature trees is present along the western boundary (boundary with Hillsborough Road). A small woodland area lies adjacent to the northern site boundary leading up to the rear gardens of properties in Woodview Crescent. The lands to the west are undeveloped and adjoining the site and to the south is the River Lagan and associated towpath.
22. The topography of the site slopes gently up from the river in a northerly direction towards the existing dwelling and tennis court, before rising more steeply towards the northern boundary.

Surrounding Context

23. The site is located within the development limits and is within the Lagan Valley Regional Park (LVRP). The Lagan Towpath is adjacent to the site. The lands surrounding to the north, northwest, south and southeast is primarily urban in character and mainly in residential use.

Proposed Development

24. The proposed development comprises the demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access with right hand turning lane, internal road, parking, landscaping and associated works.
25. The application is supported with the following documents:
 - Design and Access Statement
 - Planning and Supporting Statement
 - Tree Survey Report
 - Arboricultural Report.
 - Construction Environmental Management Plan (CEMP)
 - NI Biodiversity Checklist
 - Preliminary Ecological Assessment
 - Bat Survey Report

- Preliminary Risk Assessment
- Flood Risk and Drainage Assessment
- Archaeological Method Statement
- Archaeological Monitoring Report
- Transport Assessment Form
- Residential Travel Plan
- Landscape Management Plan

Relevant Planning History

26. The relevant planning history is as follows:

Application Reference	Proposal	Decision
S/2010/0689/F	Proposed demolition of existing dwelling, construction of new 100 bed hotel with function rooms, health suite, free-standing interpretative centre, new road access with right hand turning pocket, car parking & site works.	Approved 15 February 2012

27. Full planning approval was granted on the application site for a 3 storey 100 bedroom hotel in February 2012. This proposal extended approximately 40 metres further west than the current proposal and included function rooms, health suite, parking and circulation area and comprised a new access from Hillsborough Road including a right hand turning lane.

28. This permission has now expired and as such, no weight is attached to this history in assessing this current application.

Consultations

29. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Natural Heritage	No objection
Water Management Unit	No objection

Consultee	Response
HED Historic Monuments	No objection
Dfl River Agency	No objection
Lagan Valley Regional Park Office	No objection
Tree Officer LCCC	No objection

Representations

30. One letter of representation in opposition to the application is received. The following issues are raised:

- Proposal will result in more traffic on an already busy road.
- Concerns about the development of land to the rear of objectors property which could result in land slippage.
- Some of the proposed houses are being built on a floodplain.
- Proposal is resulting in more green space along the river being lost.

Environmental Impact Assessment (EIA)

31. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.

32. An EIA determination was carried out and it was concluded that the scale and nature of the proposal means that it is not likely to cause any significant adverse environmental impacts. As such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

33. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

34. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

35. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
36. The site lies within the development limits of Lisburn in both the LAP and in draft BMAP. It is previously developed and the land is not zoned for any purpose. The north-west corner of the site is located within Old Warren Site of Local Nature Conservation (SLNCI).
38. Policy COU 15 of draft BMAP states that:

planning permission will only be granted for new development or intensification of urban development where it can be demonstrated that the proposal is appropriate to, and does not adversely affect the character of the Park, the settlement, the landscape quality and features or the visual amenity.

39. Draft BMAP states that the Lagan Valley Regional Park is a unique asset for the population of the Belfast Metropolitan Area [albeit quashed].
40. In respect of draft BMAP, page 16 states that:

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will

reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils.

41. The site is also inside the LVRP and the requirements of the Park Plan also still apply.

Lagan Valley Regional Park Local Plan 2005

42. The aim of the Lagan Valley Regional Park Local Plan 2005 are:
- To protect and enhance the natural and man-made heritage of the Park
 - To conserve the essential character of the Park and to encourage its responsible public use.
 - To seek to ensure that the various land uses and activities within the Park can co-exist without detriment to the environment.
43. There are equivalent policies in the Plan Strategy of the Lisburn and Castlereagh City Council Plan 2032 to the regional policies described in LAP and draft BMAP and which take account of the LVRP Plan.
44. As explained above, this application is for residential development and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.
45. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
 - b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
 - c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
 - d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*
46. As more than 5 residential units are proposed Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking*

- provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

Housing in Settlements

47. As residential development is proposed policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

48. The design and layout of the new buildings are subject to policy HOU3 - Site Context and Characteristics of New Residential Development which states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

49. The design and layout of the new buildings are also subject to policy HOU4 - Design in New Residential Development which states:
Proposals for residential development will be expected to conform to all the following design criteria:
- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
 - b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
 - c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
 - d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
 - e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
 - f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
 - g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
 - h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
 - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*

- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

50. The Justification and Amplification states:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

51. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

52. As the site area is more than one hectare in size public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

53. The following paragraph in the Justification and Amplification states:

Public open space can be provided in a variety of forms ranging from village greens and small parks through to equipped play areas and sports pitches. In addition, the creation or retention of blue/green infrastructure, woodland areas or other natural or semi-natural areas of open space can provide valuable habitats for wildlife and promote biodiversity. To provide for maximum surveillance, areas of open space are best located where they are overlooked by the fronts of nearby dwellings.

54. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76

Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

55. The Justification and Amplification states:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

56. The Glossary associated with Part 2 of the Plan Strategy states that *Affordable Housing – affordable housing is:*

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

57. Given the size of the site and the scale of development proposed a bio-diversity and detailed ecology report is submitted in support of this application.

58. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

59. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

60. The P1 Form indicates that access arrangements for this development involve the construction of a new access to an existing adopted estate road for both pedestrian and vehicular use.

61. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

62. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

63. The Hillsborough Road is a protected route within a settlement. Policy TRA 3 – Access to Protected Routes states for other protected routes in settlements:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature

and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2. Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map

64. Car parking is proposed as an integral part of the development. Policy TRA 7 – Car Parking and Servicing Arrangements states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

65. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Historic Environment and Archaeology

66. There is a scheduled monument in close proximity to the site and there may be other buried archaeology that is unknown. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

67. The site is close to listed structure and policy HE9 – Development affecting the Setting of a Listed Building states that:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met: a) the detailed design respects the listed building in terms of scale, height, massing and alignment b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building c) the nature of the use proposed respects the character of the setting of the building.

Regional Policy and Guidance

Regional Policy

68. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

69. As this proposal is for new housing in a settlement it is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities

70. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

71. Given the size of the site and the extent of land proposed for development in regard to Natural Heritage paragraph 6.174 of the SPPS state that :

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

72. Paragraph 6.182 of the SPPS further states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

73. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

74. Again give the size of the site and the potential for surface water run-off to exacerbate flooding elsewhere in regard to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

75. Paragraph 6.132 of the SPPS further states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

Assessment

Policy HOU 1 – New Residential Development

76. This application is for residential development on land previously developed for a dwelling within the settlement limit of Lisburn. There is a presumption in favour of development on this type of site subject to all other planning and environmental considerations being satisfied. As criteria (c) of the policy applies the requirements of policy is met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

77. The surrounding context is characterised mainly by suburban residential development which comprises a mix of two-storey and one and a half storey semi-detached dwellings mainly finished with a brown brick façade.
78. The River Lagan and towpath is located beyond the southern boundary of the site.
79. There is a large area to the rear of the site which comprises mature trees and other vegetation consistent with a mature woodland setting close to the river in the regional park.
80. The dwellings located along the Hillsborough Road are of varying age, design scale and mass. There is no predominant form of housing. Immediately adjacent to the site these are large two-storey dwellings on generous plots. Lisburn Care home is located on the opposite side of the Road.
81. The planning statement indicates at page 9 that the dwellings will be two storey and that the scale, proportions and massing of the built development is appropriate to the character of the site and surrounding context.
82. For the reasons outlined above, it is accepted that the proposed development will respect the suburban form of housing found in the local context and the scheme is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. Criteria (a) is met.
83. Paragraph 6.3 of the Planning Supporting Statement makes reference to the landscape quality and features of this part of the LVRP being characterised by the woodland to the north of the site, mature road front vegetation along Hillsborough Road, riparian vegetation adjacent to the River Lagan and the undeveloped lands to the west [outwith the application site].
84. It is these features that contribute to amenity, landscape and ecological value of the site. They have been identified, protected and incorporated into the proposed layout.
102. The residential character of the area will not be significantly changed or significantly harmed by the proposed development. The trees surrounding the site are protected by a TPO and the majority of them are shown to be retained and augmented where necessary with native planting along with standard and heavy standard trees.
85. Whilst the planning statement indicates that there are no features of the archaeological environment and built heritage present on the site advice from Historic Environment Division confirms that the site is in close vicinity of a scheduled, raised rath or early medieval homestead (DOW014:038).
86. Advice indicates that this is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. The application site is also in the vicinity of two sites that are entered in

the Department's Industrial Heritage Record, Moore's Bridge (IHR02869) and Costello's Bridge (IHR02870).

87. The recorded sites and monuments nearby and the location of the site adjacent to the ford of Lagan and Ravernet rivers indicate a significant potential for further, previously unrecorded archaeological remains to be encountered within the application site.
88. That said, the impact of the proposal has been considered and advice provided that it complies with policy subject to conditions for the agreement and implementation of a developer funded programme of archaeological works.
89. The Council accept the advice provided by HED. There is a requirement under policy HE4 where the Council is minded to grant planning permission to recommend this be subject to the use of a negative planning condition requiring archaeological investigation and mitigation. Criteria (b) of policy HOU3 is met subject an archaeological evaluation being carried out before any other development is carried out on the site.

Policy HOU4 - Design in New Residential Development

90. The layout as shown on the proposed Site Layout and Landscape drawing published to the Planning Portal on 04 October 2023 demonstrates that there are a number of different house types proposed. A sample description of some of these house types is outlined below.
91. House type 1A is a four-bedroom detached dwelling comprising approximately 170 square metres of floor space. It has a red brick finish and reconstituted stone on some surrounds. The windows comprise white sliding sash and composite doors.
92. House type 4b comprises a 2-storey detached 4 bedroom dwelling (9 metres in height). It has a red brick façade with stone surround to doors and windows and slate roof. There is a rear return with a flat roof and key light roof lantern.
93. The dwellings are all two storey in height. Some have integral garages and others are detached.
92. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
93. The development on the site does not conflict with surrounding land uses. It is well separated from adjoining residential development on the north and is situated at a lower ground level. The buildings are not dominant or overbearing and no loss of light would be caused.
94. A minimum of 20 metres separation distance is provided between units which back onto each other within the proposed development. These figures are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document.

95. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road.
96. The house types provided are accessible and designed to ensure that they are capable of providing accommodation that is wheelchair accessible for persons with impaired mobility.
97. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
98. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
99. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Lisburn. Criteria (c) is met.
100. Private outdoor amenity space for each unit ranges from 70 square metres – 245 square metres which is well in excess of the guideline stipulated in Creating Spaces. The rear gardens range from 12 metres to 19 metres and this is considered acceptable.
101. The landscape plan demonstrates that the mature trees along the site frontage with the Hillsborough Road are retained. Extra heavy standard tree planting is shown to line the access into the site and to supplement gaps in roadside planting.
102. An Arboricultural report was submitted with the application as there are a number of TPO trees within the site boundaries. In its executive summary, it is stated that the layout of the development proposal has also been designed to ensure the incorporation and protection of trees and vegetation along the riparian corridor by the River Lagan and to the west, in recognition of their contribution to the visual amenity and character of the Lagan Towpath, and ecological contribution to the nearby Site of Local Nature and Conservation Importance (SLNCI).
103. The findings also indicate that some of the trees to be removed are subject to a Tree Preservation Order. A large number of these trees are younger ornamental species planted as landscaping around the existing dwelling and driveway and offer limited or no public visual amenity. The other TPO trees that will be impacted include an early mature treeline along Hillsborough Road that were previously granted removal under a planning application in 2012 for a new entrance.
104. However, a landscape plan submitted as part of the application proposes a diverse mix of new trees within the site. This new planting will include a varied age and mix of native and non-native trees. The landscape plan proposes tree planting along the northern boundary and by Hillsborough Road to complement

and enhance the existing mature tree population and to strengthen the future amenity and ecological benefits provided by trees in this area.

105. The tree officer in the council has been consulted on a number of occasions throughout the processing of the application. In the latest response dated 4 September 2023, it was concluded that the amended layout in relation to the TPO is welcomed, in particular the removal of Sites 21-25 and the relocation of Site 1. It is considered that these amendments will protect the overall integrity of the TPO along the Hillsborough Road, particularly when the replacement planting has been carried out. Conditions are also proposed.
106. The proposed site layout drawing includes details of other internal boundary treatments including formal and informal hedges to housing areas and block retaining walls having regard to the change in topography across the site. The retaining structures are green faced to soften any impact.
107. For the reasons outlined above, criteria (b) is met.
- 101 With regard to criteria (d) the proposed density equates to 16.13 dwellings per hectare which is much less than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
103. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
108. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
109. Provision can be made for householder waste storage within the curtilage of each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

104. Detail submitted with the application indicates that the site exceeds one hectare and as such, open space must be provided as an integral part of this development.
105. The proposed layout plan indicates that 2014 square metres of open space is provided as an integral part of the development. This equates to 12.7% of the overall site area which is in excess of the 10% requirement for residential development. This space extends along the sites boundary with the existing towpath.

106. The development is designed to allow for easy access to the towpath which adds quality to the proposal.
107. For the reasons outlined above, the policy tests associated with HOU5 are met.

Policy HOU10 – Affordable Housing

108. The proposal includes more than 5 dwellings. The Agent indicates in an email dated 21 August 2023, that it is their intention to make alternative provision through the delivery of an affordable housing scheme on lands located off Leamington Place, Grand Street Lisburn. It explains that this site already benefits from planning permission [LA05/2021/1142/F] and that works are due to commence on site soon.
109. The policy does state that that in exceptional circumstances alternative provision can be made off-site by the applicant. A case is made that the scale and nature of the proposed development does not lend itself to the provision of affordable housing. This is a suburban location and the proposed housing falls outside the normal cost parameters for affordable housing. Another more sustainable location closer to the City Centre is offered along with a larger number of units than the minimum required by policy. The mix and type of affordable units are subject to consultation with the NIHE.
110. An exception is demonstrated for the reasons outlined above and subject to a section 76 agreement, the tests associated with Policy HOU10 are met.

Natural Heritage

111. A Preliminary ecological Assessment (PEA) prepared by Blackstaff Ecology has been submitted as part of the application to assess the likely impact of the proposal upon ecological sites, species and Habitats.
112. The PEA highlighted the need for bat surveys to be carried out as the existing house and garage were identified as having bat roost potential and they are identified as to be demolished to facilitate the proposed development.
113. These surveys were carried out and as a result of the activity observed, it is recommended that removal of the roofs of these 2 buildings is undertaken at the appropriate time of year to allow the bats to be fly away or be moved by an experienced ecologist.
114. No other evidence of any other protected species has been identified in or surrounding the site.
115. The northwest corner and strips along the western boundary of the application site are located on the eastern edge of the Old Warren SLNCI, which extends almost a mile north west of the site along the river corridor. It is noted for its floodplain habitats and associated flora.
116. The layout of the development has been designed to protect and maintain these habitats along the southern boundary of the site and mature belt of

vegetation along the Hillsborough Road frontage which fall within the SLNCI designation and are protected by the TPO on the site.

117. In paragraph 97 of the PEA, it identifies the small area of SLNCI located on steeply sloping ground in the north-west corner of the site to be in poor condition, overall being overrun with bramble scrub. This part of the SLNCI lies well outside of the floodplain and does not contain any wetland habitats.
118. Furthermore, a Construction Environment Management Plan (CEMP) has been submitted to mitigate against any likely significant effects on these designations from the proposed development.
119. It is therefore considered that due to limited biodiversity value and in the context of the overall impact on the wider SLNCI, that development of this area will not have a significant impact on the old Warren SLNCI in accordance with requirements of ENV 2 of draft BMAP.
120. Based on a review of the detail submitted with the application and the advice received from NED, it is accepted that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species consistent with policies NH2 and NH5 of the Plan Strategy.

Access and Transport

Policy TRA1 Creating an Accessible Environment

121. The proposed development will link with existing pedestrian infrastructure in the area and tactile paving, dropped kerbs and a new pedestrian refuge island across the A1 will be provided to assist pedestrians crossing the proposed site access.

Policy TRA2 Access to Public Road

122. The proposal involves a new access and right hand turning pocket onto the Hillsborough Road which is a protected route. The proposed access is similar to the one approved under the hotel application.
123. Vehicle and pedestrian access to the site will be directly from A1 Hillsborough Road via a reconfiguration of the existing site access. The site access is located approximately 500m north from the Hillsborough Road/ Ravernet Road/ Blairs Road Signal-Controlled Junction.
124. A Transport Assessment Form (TAF) is submitted in support of the application. It provides detail of Travel Characteristics, Transport Impacts and Measures to mitigate impacts/influence travel to the site.
125. The detail contained within the TAF illustrates that the proposed site access can accommodate the additional traffic movements associated with the development proposals.

126. Accordingly, the vehicle movements associated with the proposed development are not anticipated to cause any noticeable impact on the surrounding area. Pedestrian and cyclist access to the site will be via the exiting footway provision along A1 Hillsborough Road.
127. As set out in the TAF, there are 5 bus stops within 400 metres of the application site providing services to Ballynahinch, Newcastle, Newry, Belfast City Centre and local city service around Lisburn itself.
128. Advice received from DfI Roads confirms that they have no objection subject to endorsement of PSD drawings.

TRA3 – Access onto Protected Route

129. As explained above, the proposal involves a new access and right hand turning pocket onto the Hillsborough Road which is a protected route. In this case, there is no opportunity for access to be taken from an adjacent road and the detail submitted in terms of access arrangements along with the provision of a right hand turning lane will assist with the creation of a quality environment without compromising road safety or resulting in an unacceptable proliferation of access points.
130. Advice received from DfI Roads confirms that they have no objection and as such, it is accepted that the tests associated with Policy TRA3 have been met.

TRA7 – Carparking and servicing arrangements in new developments

131. The proposal is required to provide 54 parking spaces to fully comply with parking standards. The proposed site layout will include 55 parking spaces in accordance with parking standards and this is deemed acceptable.
132. The TAF explains that parking will conform to the guidelines for housing contained within Creating Places and the demand is based on in-curtilage supply, type of dwelling and size of dwelling.
133. A Travel Plan was also submitted in support of the application. The objective of this Travel Plan is to set out a long-term strategy to maximise the opportunity for those travelling to the site to avail of sustainable travel modes and to reduce the dependency on travel by private car.
134. In accompanying this Travel Plan, a Residential Travel Pack will be provided to the residents of the development, which will provide detailed information relating to the sustainable transport modes of walking, cycling and public transport.
135. The information in the travel plan details that Translink Smartlink Cards are available for use on all bus services from the site to the city centre, reducing the cost of travel on Metro and Ulsterbus services.

136. In addition, the residents and visitors will be made aware of Translink's a-link initiative, as the financial savings could incentivise travellers to make use of public transport.
137. The consultants have stated that the Travel Plan will encourage cycling to and from the proposed development by:
- Promoting the economic, health and environmental benefits of cycling – saves money, helps lose weight, delivers a less polluted journey;
 - Providing copies of Sustrans leaflets at information areas as well as a link to the online map;
 - Promoting cycling activities/ elements of Sustrans; and
 - Making residents aware of the Bike2Work initiative
138. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests associated with policies TRA1, TRA2, TRA3 and TRA7 of the Plan Strategy.

Historic Environment and Archaeology

139. The application site is in the close vicinity of a scheduled, raised rath or early medieval homestead (DOW014:038). This is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. The application site is also in the vicinity of two sites that are entered in the Department's Industrial Heritage Record, Moore's Bridge (IHR02869) and Costello's Bridge (IHR02870).
140. The recorded sites and monuments nearby and the location of the site adjacent to the ford of Lagan and Ravernet rivers indicate a significant potential for further, previously unrecorded archaeological remains to be encountered within the application site. HED (Historic Monuments) has considered the impacts of the proposal.
141. HED (Historic Monuments) were consulted and are content that the proposal satisfies policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation. It is therefore recommended that conditions are attached to the decision notice.
142. The site is also located in close proximity to Moore's Bridge (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. HED (Historic Buildings) also has considered the impacts of the proposal on the designation and on the basis of the information provided advises that it is content with the proposal without conditions.
143. Officers have no reason to disagree with the advice of the statutory consultees. It is taken account of in the design and layout of the proposal and the landscaping promotes access to and provides information about the importance of the heritage.

144. It is therefore contended that the proposed development complies with policies HE4 and HE9 of the Plan Strategy.

Flooding

145. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection.
146. A Drainage and Flood Assessment submitted in support of the application provides details of the existing runoff and post development run off.
147. With regard to existing run off, it explains that the existing site is 4.03 hectares and is a greenfield. It advises based on the existing site layout and applying a surface water run off rate of 10 l/s/ha that the site generates 40.3 l/s.
148. With regard to post development runoff, it explains that it is proposed to construct new storm sewers to serve the development and that it is proposed to limit the discharge to a maximum of 50 l/s from Network 1 as per current adoption agreement. IN addition, 11.1 l/s and the schedule 6 consented rate will be discharged from Network 2 to the adjacent, undesignated watercourse.
149. The assessment indicates that these rates are achieved through use of flow control devices with approximately 402m³ [Network 1] and 222m³ [Network 2] of attenuation provided within oversized drainage infrastructure.
150. It also indicates that the proposed network provides considerable attenuation for return periods exceeding the performance requirements of Sewers for Adoption NI.
151. An addendum to the Drainage Assessment received in July 2022 addressed comments from DfI Rivers in a response dated September 2020 in respect of changes to the site layout and levels. This addendum provides details on a review undertaken in relation to drainage options and detailed design of the storm and foul drainage networks to ensure compliance with consented rates of discharge.
152. In addition to the provisions for storm drainage, foul sewage will be discharged to the existing sewer network to the south east of the site. External works to create capacity in the existing public sewer network have been agreed with NI Water and are to be delivered in advance of occupation.
153. Advice received from DfI Rivers on 22 September 2020 confirmed that the site does not lie within the 1 in 100 year fluvial flood plain and as such, they had no reason to object to the proposed development from a drainage or flood risk perspective.
154. In relation to Policy FLD 3, the response confirms that the mitigation measures proposed to ensure that all surface water discharge is attenuated and limited to greenfield run-off rates is agreed and whilst not responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions.

155. Water Management Unit advised that they had considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment.
156. Advice received from NI Water confirms that there was public water supply within 20 metres of the proposed site. In relation to public foul sewer, the response advised that a formal sewer connection application was required to be made for all developments including those where it is proposed to re-use existing connections.
157. With regard to public surface water sewer, the advice confirmed that there was no surface water sewer within 20 metres of the site.
158. Confirmation was also provided to indicate that there was available capacity at the receiving Waste Water Treatment Works.
159. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policy FLD3 of the Plan Strategy.

Consideration of Representations

160. The following points of objection have been raised and are considered below:

Proposal will result in more traffic on an already busy road

161. As detailed above, the proposal meets the relevant policies. The proposed access and car parking is acceptable and the proposal will not prejudice road safety.

Concerns about the development of land to the rear of objector's property which could result in land slippage

162. Material weight cannot be afforded to this assertion as no contrary evidence has been put forward to substantiate this claim. Retaining is proposed where appropriate and any alternative design that is required to support a boundary with a neighbouring property may require separate approval in its own right.

Some of the proposed houses are being built on a floodplain.

163. No dwellings are proposed to be built on the flood plain and the Assessments submitted illustrate that the proposal will not result in an increase in flood risk.

Proposal is resulting in more green space along the river being lost.

164. The proposal is located on lands within the development limits and open space is provided as part of the overall scheme. No designated areas of open space will be lost due to the proposal.

Recommendation

165. The application is presented with a recommendation to approve subject to conditions outlined and a Section 76 Agreement requiring the developer to:

- Make provision for affordable housing at an alternative site and that no more than 14 dwellings shall be constructed prior to the confirmation of the commencement of the development at the alternative location. Otherwise the developer will be required to provide 20% affordable housing at this site which is 3 units.

Conditions

166. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980

3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with the Historic Environment Division (Historic Monuments). No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

7. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: 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.

8. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

9. No retained tree shall be uprooted or have its roots damaged within the root

protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the Arboricultural Impact Assessment & Method Statement (including the Tree Impact & Protection Plan and Tree Constraints Plan), bearing Council date stamp 22nd June 2023, without the written consent of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998:2010 Recommendations for Tree Work.

Reason: To ensure the continuity of amenity afforded by existing trees.

10. All trees and planting within the site shall be retained unless shown on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and Site Layout and Landscape Plan (date stamped 22nd June 2023) as being removed. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

11. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified on the Tree Impact & Protection Plan, bearing Council date stamp 22nd June 2023 and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees 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.

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.

12. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

14. There shall be no demolition works carried out on the building with a known bat roost prior to the granting of a NIEA Wildlife Licence. In order to satisfy the provisions of the Habitats Regulations, it must be shown in a method statement that the proposed development will not have a detrimental impact on the conservation status of the species in its natural range. Please note that this licence may be subject to further conditions.

Reason: To minimise the impact of the proposal on bats.

15. A soft strip of the roof of the building known to contain roosting bats, followed by await period of 24 hours before any further development work continues.

Reason: To ensure protection of bats and their roosts.

16. Works on the identified building due for demolition to be restricted to the periods of 15th August - 1st November and 1st March – 15th May to minimise impacts to bats.

Reason: To minimise impacts to bats.

17. Compensatory bat roosting opportunities must be incorporated into the proposal and installed prior to the demolition of the existing dwelling.

Reason: To ensure compensatory roosting opportunities for bats are provided.

18. Prior to works commencing on site, all existing trees shown on Layout Plan, Drawing Number 17, as being retained shall be protected in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 March 2024
Committee Interest	Local Application – Called In
Application Reference	LA05/2023/0085/F
Date of Application	25 January 2023
District Electoral Area	Killultagh
Proposal Description	Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works
Location	16c Tansy Road Lisburn
Representations	None
Case Officer	
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development would add to the ribbon of development along this section of the Tansy Road.
4. The proposal is contrary to policy COU 10 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed dwelling is not visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. In addition, no

exceptional circumstances have been demonstrated to justify the alternative site as sought such as health and safety reasons or verifiable plans to expand the farm business.

5. The proposal is contrary to policy COU12 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.
6. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development if approved would be a prominent feature within the landscape; fail to cluster with an established group of buildings and it would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Tansy Road. The site also lacks long established natural boundaries and as such would rely primarily on the use of new landscaping for integration. The design of the dwelling is also inappropriate for the site and its locality by virtue of its scale, massing and siting.
7. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be unduly prominent within the landscape; fail to cluster with an established group of buildings; it would not respect the traditional pattern of settlement exhibited along this stretch of the Tansy Road; and involve the construction of a new access all of which have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

8. This site is located on the southern side of Tansy Road immediately to the east of number 16c Tansy Road.
9. This 0.7 hectare site straddles two grassed agricultural fields rising in a southerly direction from the road side to a plateau in the middle of the front field falling away again into the second field towards the rear.
10. At present there is no access d from the Tansy Road into the site.
11. The northern site boundary (roadside) is defined by a post and wire fence. The eastern boundary of the site is defined by hedgerow and mature trees with a watercourse/stream also noted along this edge. The southern site boundary is undefined and the western site boundary is partially defined by a post and wire fence and then seen to be undefined within its rear section. An internal fence is noted splitting the site/field in two.

Surroundings

12. The site is located within the open countryside and the surrounding lands are predominantly in agricultural in use.
13. To the west of the site is a short ribbon of three dwellings fronting onto Tansy Road.
14. There is an existing laneway between number 16c and 16 Tansy Road. This laneway serves the lands and outbuildings to the rear.

Proposed Development

15. This is a full application for the 'erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works.
16. The following documents are submitted in support of the application.
 - Biodiversity Checklist (MCL Consulting)
 - Design and Access Statement
 - Supporting evidence of farming activity

Relevant Planning History

17. The planning history associated with the adjacent land is set out in the table below:

Reference Number	Location	Description	Decision
S/2011/0008/F	Land adjacent to 16B Tansy Road Upper Ballinderry Lisburn BT28 2PB.	Proposed farm dwelling	Approval 27th February. 2012.

18. The planning history is a relevant consideration. The applicant is only entitled to one dwelling on the farm every 10 years.

Consultations

19. The following consultations were carried out:

Consultee	Response
NIE	No objection
NED	No objection
WMU	No objection
DAERA	Yes/No/No
NI Water	No objection
DFI Rivers	No objection
LCCC EHO	No objection
DFI Roads	No objection
HED	No objection
SES	No objection

Representations

20. No representations in opposition to the proposal have been received.

Local Development Plan

21. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

22. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any

old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

23. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
24. The site is located in the countryside in the Lisburn Area Plan (LAP). In draft BMAP (2004) and the subsequent revision to BAMP (September 2014) this site is also identified as being located in the open countryside.
25. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

26. The following operational policies in Part 2 of the Plan Strategy also apply.
27. The proposal is for a farm dwelling and for an agricultural outbuilding. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

28. As explained this is an application for a farm dwelling and outbuilding and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU 12, COU15 and COU16 of the Plan Strategy.
29. As the site is located on the roadside and at one end of a ribbon of development the proposal is also considered against the requirements of policy COU8.

Dwellings on Farms

30. A new dwelling is proposed on a farm. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

- a) *the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years*
- b) *no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application*
- c) *the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Agricultural and Forestry Development

31. A new agricultural outbuilding and associated enclosure is proposed. Policy COU12 Agricultural and Forestry Development states

Planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that:

- a) *the agricultural or forestry business is currently active and established (for a minimum of 6 years).*
- b) *it is necessary for the efficient use of the agricultural holding or forestry enterprise.*
- c) *in terms of character and scale it is appropriate to its location.*
- d) *it visually integrates into the local landscape and additional landscaping is provided as necessary.*
- e) *it will not have an adverse impact on the natural or historic environment.*
- f) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where development is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used.*
- *the design and materials to be used are sympathetic to the locality and adjacent building.*
- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

Integration and Design of Buildings in the Countryside

33. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*

- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

34. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Infill/Ribbon Development

33. With site is located along the Tansy Road frontage and at the end of a ribbon of development. Policy COU8 Infill/Ribbon Development Planning states that:

permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built up frontage must be visually linked.

Habitats, Species or Features of Natural Heritage Importance

37. It is stated at policy NH1 that:

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) *a listed or proposed Ramsar Site.*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *the proposed development is required for imperative reasons of overriding public interest; and*
- c) *compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- a) *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- b) *agreed in advance with the European Commission*

38. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Waste Management

39. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

40. The proposal involves the construction of a new access to a public road. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Historic Environment and Archaeology

41. The application site is within a consultation zone in respect of a rath (ANT063/015).
42. Policy HE2-The Preservation of Archaeological Remains of Local Importance states that:

Proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings shall only be permitted where the Council considers that the need for the proposed development or other material considerations outweigh the value of the remains and/or their settings.

43. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

Flooding

44. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside states that:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units
- b) a development site in excess of 1 hectare
- c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.

A DA will also be required for any development proposal, except for minor development where:

- *it is located in an area where there is evidence of historical flooding*
- *surface water run-off from the development may adversely impact on other*

development or features of importance to nature conservation, archaeology or historic environment features.

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in.

Regional Policy and Guidance

Regional Policy

45. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

46. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance

47. This proposal is for a farm dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;

48. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

49. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

50. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns are spread across our countryside. These patterns including farm type and size are reflective of different agricultural activities as well as the influence of the linen industry which supported the development of small holdings

51. Paragraph 2.7.1 of Building on Tradition states that:

The form of the farmstead is dictated by the scale and the type of farming practiced, local climate and topography, as well as building materials available locally. The most common form in the last century reflected improvements in farming with buildings serving different functions becoming more segregated and arranged around a farmyard.

52. It also notes with regards to visual integration that the following points be considered:

- Work with the contours (not against them)
- Look for sheltered locations beside woodland
- Make use of natural hollows
- void full frontal locations where bad weather can damage buildings
- Avoid north facing sloping sites (difficult to achieve good passive solar gains)
- Look for sites with at least two boundaries in situ and preferably three
- Look for sites that face south (easy to achieve good passive solar gains).

53. It also includes design principles that have been considered as part of the assessment:

- Get the size and scale right relative to what is existing.
- Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
- Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
- Retain existing hedgerows, boundaries and mature vegetation.
- Acknowledge building lines and informal setbacks.
- Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.

54. With regards to waste water treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Farm Dwelling

55. Policy COU 10 requires sufficient evidence to be submitted to demonstrate that the farm business is active and established for at least 6 years.
56. DAERA Countryside Management Inspectorate Branch have confirmed that the farm business number associated with this application has been in existence for more than 6 years as it was allocated on 15 April 2005 for a category one business.
57. Advice received confirms that the farm business has not claimed payments via the BPS or AES in each of the last 6 years. The advice also explains that the site is not on land for which payments are currently being claimed by the farm business or on land claimed by any other business.
58. Evidence is submitted to demonstrate activity as outlined in the table below:

Invoices

Invoice	Date	To	Product
S. McConnell Agric. Merchants	31/10/2016	E. Collins 6 Crewe Hill	Goods

		Ballinderry Upper Lisburn	
Crumlin Livestock Mart Ltd	10/10/2016	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	6 sheep
S. McConnell Agric. Merchants	1/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	6/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	14/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	19/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	25/10/2016	E. Collins	Goods
Crumlin Livestock Mart Ltd	21/08/2017	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	4 sheep
Crumlin Livestock Mart Ltd	22/10/2018	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	7 sheep
S. McConnell Agric. Merchants	30/11/2019	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	Goods
S. McConnell Agric. Merchants	08/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	15/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	26/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	28/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	30/11/2019	E. Collins	Goods
Ballymena Livestock Mart	20/10/2021	M.E. Collins 6 Crewe Hill Upper Ballinderry	X2 fat Ewes
Ballymena Livestock Mart	27/10/2021	M.E. Collins 6 Crewe Hill Upper Ballinderry	X2 fat lambs
S. McConnell Agric. Merchants	3/3/2022	E. Collins	Goods

S. McConnell Agric. Merchants	9/3/2022	E. Collins	6 ewe and lamb
S. McConnell Agric. Merchants	17/3/2022	E. Collins	Ewe nuts
S. McConnell Agric. Merchants	31/3/2022	E. Collins	Goods

59. Further supporting information was provided on receipt of comments from DAERA as follows:

- Email from agent stating that 'the consultation response does not stipulate the farm business is inactive but indicates the applicant is not in receipt of claimed payments. This is because the applicant's eligible agricultural land is below 3Ha and therefore does not meet the eligibility criteria to claim payments through the Basic Payment Scheme. Please see link below to the BPS guide by DAERA (Section 2)'. Evidence of farming activity in the form of a sheep and goats movement book recorded on DARDS official paperwork (Sheep & Goats Records, Identification & Movement) Order NI 2009) has in turn been forwarded for consideration.
- Sheep & Goats Movement Book (Flock No. 761138- MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn).

Date	Origin	Destination	
5/09/2016	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Crumlin Mart	9 animals
24/07/2017	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Crumlin Mart	5 animals
22/10/2018	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Crumlin Mart	7 animals
28/08/2019	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Ballymena Mart	8 animals
28/08/2019	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	8 animals
22/07/2020	MS M. E. Collins, 6 Crewe Hill,	Ballymena Mart	5 animals

	Upper Balinderry, Lisburn		
22/07/2020	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	5 animals
24/07/2021	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	4 animals
24/08/2022	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	6 animals

60. An assessment of the documents provided illustrates that payments cannot be claimed for businesses that have less than 3 hectares of eligible land within it.
61. Taking account of the supporting statement as provided in conjunction with comment received from DAERA and also the fact that a farm dwelling appears to have been approved previously for the same farm business number it is considered that point (a) of policy COU10 has been met in that the farm business is currently active and has been established for at least 6 years.
62. With regard to point (b) of policy COU 10 it is noted within the submitted P1c form that it is outlined that 'a dwelling was built in more than 10 years ago on the farm land by a family member'. The application is referenced in the planning history section of the report and the permission issued on 27 February 2012. The applicant was Mr Peter Collins.
63. The current application was submitted 23 January 2023. A land registry check undertaken in respect of criteria (b) illustrates that the dwelling appears to remain within the ownership of the same applicant. Therefore, it is considered that point (b) of policy COU10 has been met in full in that no opportunities have been sold off the farm holding.
64. With regard to criteria (c) the proposed dwelling is sited so to be visually linked to 16c Tansy Road to its immediate west and a small existing outbuilding further to the north west of 16c which is sited adjacent to the existing farm laneway which provides access to further outbuildings within the holding.
65. The principal group of farm buildings are considered to be the buildings located to the rear of the dwelling at 16c Tansy Road.
66. The agent within supporting information provided outlines the following in respect of the proposed siting of the proposed farm dwelling.

The proposed dwelling is located to the northeast of the existing group of buildings on the farm and has visual links to the existing farm shed & buildings.

(See figure 4 below). A new private driveway will provide access to the proposed site. A new private driveway is proposed for health and safety reasons in order to keep dwelling and farm activities separate.

67. A question arises however as to whether the dwelling at 16c Tansy Road can be counted as a farm building. In a full exploration of the planning history it is assessed that the building is not sited or built in accordance with the approved planning drawings. No subsequent planning approval or Certificate of Lawfulness is currently in place for this dwelling resulting it being currently unregularised.
68. A planning appeal decision 2020/A0058 provides some assistance in this regard. At paragraph 6.15 of the decision it states that

The word “unregularised” indicates that they do not have planning permission. The appropriate route to determine their planning status would therefore be through the submission of an application to the Council for a Certificate of Lawfulness of Existing Use or Development for a formal determination. In the absence of such a Certificate, it cannot be concluded that both structures are lawful. As a consequence, both the pony shelter and metal clad structure cannot be counted towards sharing frontage. Hence, in the evidential context of this appeal, there are no buildings on the northern side of the appeal site that have road frontage.

69. Having regard to the views expressed by the Commission, it is considered that the existing dwelling at 16c Tansy Road cannot be taken into account in respect of criteria (c) of policy COU10.
70. Furthermore, the three outbuildings to the southwest of the site and behind the dwelling at 16c Tansy Road are considered to be behind the hill and not visually linked to the proposed dwelling. A separation distance of approximately 58 metre is considered to be too distant from the application site.
71. For the reasons outlined above, it is considered that the dwelling proposed is not visually linked or sited to cluster with an established group of buildings on the farm. On balance it is considered that point (c) of policy COU 10 is not met.
72. Policy COU10 does provide for exceptions whereby an alternative site elsewhere on the farm may be considered provided it is demonstrated that there are no other sites available at another group of buildings on the farm or out farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farms business at the existing group of buildings.
73. No supporting information has been provided to justify the alternative siting of the dwelling and no exception to criteria (c) is demonstrated.

Ribbon Development

74. As all the criteria of policy COU10 are not met and no justification is provided for a site away from a group of buildings on the farm the proposed development also falls to be assessed against the requirements of policy COU8.
75. The development will read with adjacent dwellings as you travel along the Tansy Road (16c, adjacent outbuilding, 16 and a new dwelling currently under construction/recently constructed).
76. Policy COU 8 states that
- planning permission will be refused for a building which creates or adds to a ribbon of development.*
77. The justification and amplification to policy COU8 states that
- a ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning.*
78. In this case 16c, 16, the recently constructed dwelling and 14 Tansy Road all present a front to the Tansy Road. The development as proposed shall front onto the road and be accessed from it. It will read with the aforementioned dwelling and in turn add to and extend the existing ribbon of development contrary to the requirements of policy COU 8.

Agricultural and Forestry Development

79. An outbuilding with an associated animal pen is included within the description of development.
80. The proposed outbuilding is shown to be single storey with a rectangular footprint and a pitched roof. It measures 7.62 metres x 14.47 metres (110.26 square metres). The ridge height of the building measures 4.62 metres.
81. A roller shutter door and pedestrian access door are shown on the side elevation. The building is to be constructed as a portal frame with Kingspan KS1000 or other equal cladding and a faced block base. Doors are to have a metal finish and water goods shall be aluminium. The colours are not specified.
82. It is considered on balance the site falls within a currently active and established agricultural business. That said, no supporting information has been provided to demonstrate that the outbuilding is necessary for the efficient use of the agricultural holding. The evidence provided in support of the farming activity would indicate that the business is small in scale. A building of this scale is excessive when considered alongside the existing buildings on the farm holding. Criteria (b) of policy COU12 is not met.

83. The character and scale of the proposed outbuilding is considered to be typical of an agricultural outbuilding and appropriate to its location. It would not be visible when viewed from the Tansy Road as a result of its location at the lower level within the site.
84. The proposed shed would visually integrate into the site and local landscape. The majority of an existing hedge and trees within an internal boundary within the overall site to the north of the shed shall remain in conjunction with existing field boundaries to the east of same allowing the shed to integrate into the local landscape to a satisfactory degree.
85. It is considered that the shed will not have any adverse impacts upon any built or natural heritage features of note. HED as previously outlined have no objection to the proposed development.
86. Clarification is provided that no animals are to be housed within the outbuilding. SES have in turn outlined that they have no objection to the proposed development. It is therefore considered that the development (outbuilding) will not result in any adverse harm in respect of any features of natural heritage importance.
87. The Councils Environmental Health Unit have offered no objection in relation to noise and odour. Criteria (f) is considered to be met.
88. No supporting information has been provided confirming that there are no suitable existing buildings on the holding or enterprise that can be used.
89. Detail provided in respect of the proposed outbuilding demonstrates that the design and materials of same would be sympathetic to the locality and adjacent buildings.
90. The site layout drawing provided illustrates that the outbuilding and animal pen shall be sited adjacent to existing outbuildings within the holding. The building is approximately 34 metres away from the existing outbuilding and it is noted on the ground that whilst it could be sited closer, as none of the in situ outbuildings are visible from the Tansy Road apart from the one accessed directly from the laneway it is considered that the siting of the proposed outbuilding is in accordance with the policy requirements of COU12 and no harm shall arise from its proposed siting.
32. For the reasons outlined, it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.

Integration and Design of Buildings in the Countryside

91. The dwelling is proposed on the highest section of the field. The outbuilding and animal pen are to be sited to the rear at a much lower level.

92. The proposed dwelling is two storey with a ridge height of 9.38 metres and eaves heights of 5.74 metres. The main part of the dwelling has a frontage of approximately 16.7 metres and a width of 6.7 metres.
93. A subordinate attached garage is, linked to the main dwelling. The dwelling shall have a pitched roof, rectangular footprint and windows with a vertical emphasis. A bay window detail is noted upon the front elevation. An external gable chimney is proposed also. A small degree of excavation is proposed as indicated on the submitted plans.
94. It is noted within the justification and amplification section of policy COU15 that a prominent, skyline or top of slope/ridge locations are considered unacceptable and new planting alone will not be sufficient for integration purposes.
95. It is considered therefore that the development as proposed would be a prominent feature within the local landscape by virtue of its size, scale, siting and lack of integration. It is considered that the development is contrary to criteria (a) of policy COU15.
96. The development would be sited beside a group of buildings (existing farm house and adjacent shed). However, for the reasons outlined within the above the farm house at 16c Tansy Road is not built in accordance with an earlier permission and as such, is discounted from the assessment. For the reasons already outlined, the development is not sited to cluster with an established group of buildings and is contrary to criteria (b) of COU15.
97. When viewed from the Tansy Road it is seen that there is a weak backdrop for the development as proposed to blend into the site. It is therefore considered that it would be contrary to criteria (c) of policy COU15.
98. The site also lacks long established natural boundaries. Only one of the four site boundaries can be seen to be defined via a mature boundary (eastern boundary). The northern, southern and western boundaries are defined via post and wire fencing only.
99. It is considered that the site would be unable to provide a suitable degree of enclosure for the development. It is contrary to criteria (d) of policy COU 15 and criteria (e) as the development would therefore rely on new landscaping for integration purposes.
100. It is considered that the scale and mass of the dwelling is unacceptable as it is sited in an elevated position. This is an unacceptable design for the location and locality and therefore be contrary to criteria (f) of policy COU 15.
101. The proposed ancillary works require cut and fill. The extent of the engineering operations are not so significant to justify a refusal of permission. Criteria (g) is met.

COU16 - Rural Character

102. For the same reasons outlined above in the COU15 consideration, the development would be a prominent feature within the local landscape by virtue of its scale, massing and siting. It is therefore considered to be contrary to point (a) of policy COU16.
103. Likewise and for the reasons outlined earlier in the report within the context of Policy COU10, the proposal is not visually linked or sited to cluster with an established group of buildings on the farm. Criteria (b) is not met.
104. The development if approved would add to a ribbon of development along this section of the Tansy Road and fail to respect the traditional pattern of settlement exhibited in the area by virtue of its siting, scale, massing and design.
105. The site is not located near any defined settlements and as such, it would not mar the distinction between a settlement and the surrounding countryside nor would it result in urban sprawl.
106. The justification and amplification section of policy COU 16 states that in all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.
107. In this instance, it is considered that the development if approved would by virtue of its siting, scale and massing, have an adverse impact upon the rural character of the area.
108. No adverse impacts would arise in respect of the impacts of the development on residential amenity. An upper floor side bedroom window is noted which shall face the side/rear of 16c Tansy Road.
109. Measurements taken from the submitted site layout drawing illustrates that a separation distance of 17.1 metres is proposed. This addresses and potential for overlooking. Criteria (f) of policy COU16 is therefore considered to be met in full.
110. All required services can be provided (electricity, water and sewerage) without significant adverse impacts on the environment or character of the local area.
111. In terms of ancillary works, a small degree of cut and fill is noted as illustrated upon a submitted cross section drawing. It is considered that the scale of these works would be acceptable and no issues with regard to the rural character of the area would arise as a result of the ancillary works as proposed.
112. The development involves the provision of a new access onto the Tansy Road to provide vehicular and pedestrian access. No reason is offered why the

access cannot be taken from the lane serving the existing group of buildings. These works in their own right will also harm the rural character of the area by adding to a proliferation of accesses. Criteria (h) is not met for this reason. The design of the access to the public road is considered later in the report.

Policy WM2 - Waste Management

113. A septic tank is proposed in respect of foul sewerage treatment. Environmental Health and Water Management Unit were consulted and offer no objections in principle to the proposed waste treatment system.
114. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
115. Consideration of flood risk is included as a criteria for assessment in policy WM 2. A flood risk assessment is not required and consent to discharge is required as a parallel consent process.
116. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

Access and Transport

117. The Tansy Road is not a protected route. The proposal seeks permission for a farm dwelling, garage, outbuilding and animal pen which requires the provision of a new access from the public road.
118. DfI Roads have been consulted and offer no objection subject to standard conditions.
119. Taking the above into account it is considered that the development as proposed satisfies the policy requirements of Policy TRA2 in that the new access will not prejudice road safety or significantly inconvenience the flow of vehicles.

Natural Heritage

120. An N.I. Biodiversity Checklist (MCL Consulting) is submitted with the application. DAERA NED and the SES have been consulted neither consultee object to the proposed development.
121. An assessment of the submitted N.I. Biodiversity Checklist illustrates that the development is not located in any designated or non-designated sites. A single local wildlife site (Craneystown) is noted 1.11km east of the site, but due to the nature of the proposal and the distance between the site and the wildlife site it is not considered that any adverse impact will arise.

122. No evidence of protected and/or notable species within the site or within 30 metres of it was noted in respect of badgers, bats, pine martins, red squirrels, smooth newts, common lizards, breeding and nesting birds, lepidoptera species and or list plant species. No evidence of otters was noted in particular due to the presence of streams surrounding the site and no further evidence of mammal activity was noted along the water course in the form of scat, trails or tracks.
123. No invasive species listed on Schedule 9 of The Wildlife (NI) Order 1985 as amended were observed on site.
124. No further surveys are required. Any hedgerow removal noted to be required for the development shall be negated by proposed planting.
125. SES within their consultation advised that the proposal is residential in nature but includes an animal pen and outbuilding. The applicant has confirmed no livestock are to be housed in the proposed outbuilding.

There will therefore be no emissions of ammonia from the proposal. There is no viable hydrological connection to any European site. That said, a condition is recommended that no livestock are to be housed in the outbuilding at any time without prior written consent from the council so as to ensure the project is not likely to have a significant effect on any European site.

126. Taking into account the support provided by DAERA NED, WMU and the SES it is considered that the development as proposed, subject to condition will be in keeping with the requirements of policies NH1 and NH 5 of the LCCC Plan Strategy 2032. No adverse harm shall arise in respect of any features of natural heritage importance.

Built Heritage

127. The site is noted to be within proximity of a noted feature of built heritage importance in the form of a rath (ANT063/015).
128. HED have been consulted and are seen to offer no objections to the scheme. No adverse harm shall arise to the below ground heritage feature and no mitigation is recommended. It is therefore considered that the development meets the requirements of policies HE2 and HE4 of the Plan Strategy.

Flooding

129. With regard to FLD 3 it is noted that Flood Maps (NI) indicates that a northern part of the site adjacent to Tansy Road may be subject to surface water (pluvial) flooding but a drainage assessment is not required to be submitted for consideration. It is outlined that the applicant should be advised to appoint a competent professional to carry out their own assessment of flood risk and to

construct in a manner that minimises flood risk to the development and elsewhere.

130. It is indicated that surface water discharges from the site will be to soakaways and this is not within the remit of DfI Rivers. Consequently, DfI Rivers cannot comment on the effectiveness or otherwise as to using this method for the disposal of surface water.
131. Taking into account comment received from DFI Rivers it is seen that no issues of concern shall arise from the development in respect of flooding within the site or remote from it. It is seen that the development meets the requirements of policies FLD3 is met.

NIE

132. NIE Networks has no objection to make to the planning application based on the planning application and associated documentation that has been submitted.
133. They note the existing High Voltage (HV) overhead equipment crossing the site and advise that the statutory clearances from this equipment, which must be adhered to at all times are 3.0 metres. In the event of approval being granted an informative in respect of NIE comments can be utilised.

Conclusions

134. For the reasons outlined above, the proposal is considered not to meet the requirements of policies COU1, COU8, COU10, COU12, COU 15 and COU16 of the Plan Strategy.

Recommendations

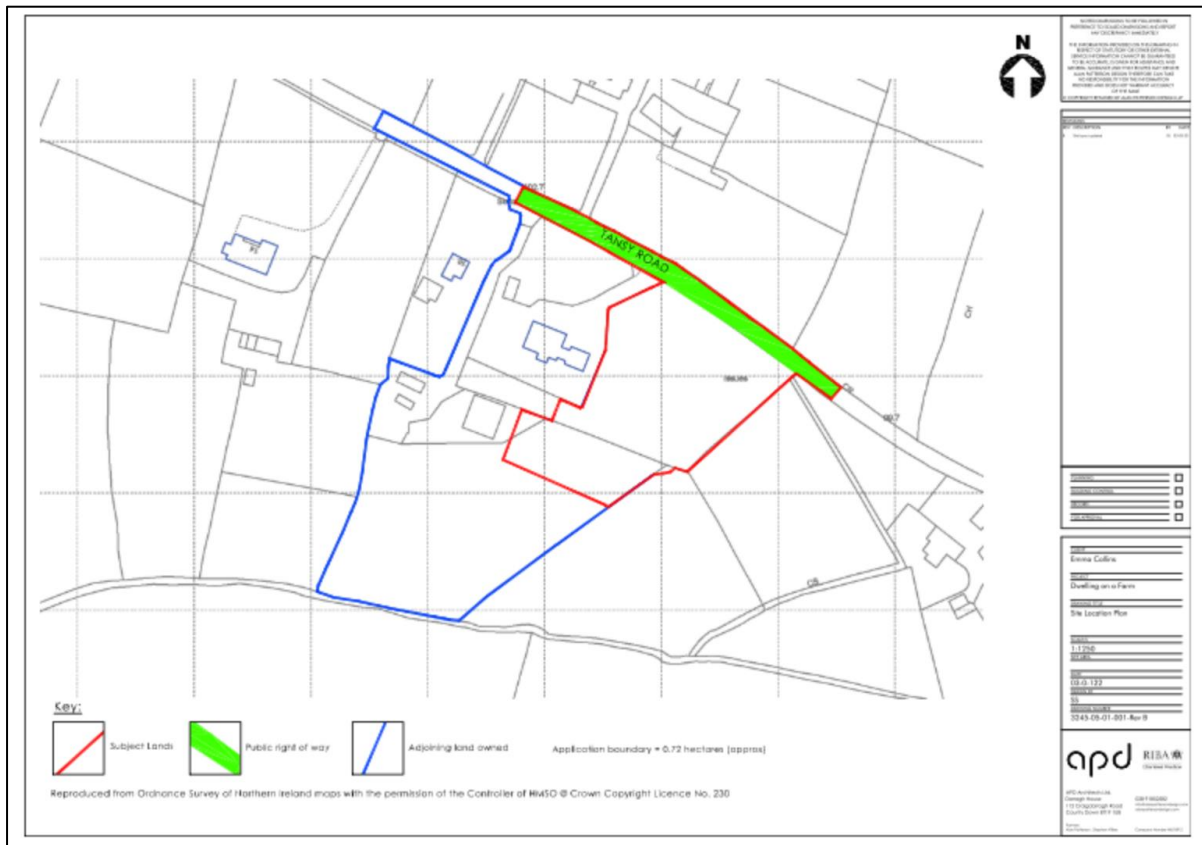
135. It is recommended that planning permission is refused.

Refusal Reasons

136. The following refusal reasons are recommended:
 - The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 (in that the proposed development is not a type of development which in principle is acceptable in the countryside.

- The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development would add to the ribbon of development noted along this section of the Tansy Road.
- The proposal is contrary to policy COU 10 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed dwelling is not visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. In addition no exceptional circumstances have been demonstrated to justify the alternative site as sought such as health and safety reasons or verifiable plans to expand the farm business.
- The proposal is contrary to policy COU 12 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.
- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development if approved would be a prominent feature within the landscape; it is not sited to cluster with an established group of buildings and it would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Tansy Road. The site also lacks long established natural boundaries and as such would rely primarily on the use of new landscaping for integration. The design of the dwelling is also seen to be inappropriate for the site and its locality by virtue of its scale, massing and siting.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be unduly prominent within the landscape; it is not sited to cluster with an established group of buildings; it would not respect the traditional pattern of settlement exhibited along this stretch of the Tansy Road; and involve the construction of a new access all of which have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2023/0085/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	04 March 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2023/0024/F
Date of Application	10 January 2023
District Electoral Area	Downshire East
Proposal Description	Erection of a dwelling
Location	North and adjacent to 55D Bailiesmills Road, Lisburn
Representations	Five
Case Officer	Brenda Ferguson
Recommendation	Refusal

Summary of recommendation

1. This is a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called in.
2. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster is not associated with a focal point such as a social/ community building.
4. The proposal is contrary to criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the dwelling if approved would adversely impact on residential amenity.

5. It is also considered that the proposal is contrary to criteria (g) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that all necessary services, including the provision of non mains sewerage, can be provided without significant adverse impact on the environment or character of the locality.
6. The proposal is contrary to Policy WM2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there is sufficient capacity to discharge effluent to a watercourse and that this will not create or add to a pollution problem.

Description of Site and Surroundings

Site

7. The site is 0.21 hectares irregular in shape and located to the rear of 55d Bailiesmills Road - a recently constructed dwelling which was not occupied at the time of site inspection.
5. Access to the site is from the existing private access laneway which serves 55c and 55d Bailiesmills Road.
6. The eastern boundary is formed by mature hedging. The northern boundary has some hedging with the remaining boundaries defined by post and wire fencing.
7. The site falls gently towards number 55c which sits at a slightly lower level the building proposed at this location.

Surroundings

8. The site is located within the countryside and the lands surrounding are mainly in agricultural use. There is however a build-up of residential development in the immediate context of the site with large, detached dwellings set in large plots at staggered angles to the road.

Proposed Development

The development proposed is for proposed dwelling.

Relevant Planning History

9. The planning history associated with the site and the adjacent site is set out in the table below:

Reference	Description	Location	Decision
LA05/2021/0716/F	Erection of dwelling and a garage	South east of 55 Balliesmills Road Cargacreevy Lisburn BT27 6XJ	Approved 18/08/2022
LA05/2021/0421/NMC	Attached garage in lieu of detached garage and slightly raised wall plate	South east of 55 Balliesmills Road Cargacreevy Lisburn BT27 6XJ	Consent refused
LA05/2020/0667/NMC	Non material change for previously approved application S/2013/0288/F	Between 55 and 57 Bailiesmills Road, Lisburn BT27 6XJ	Approved
LA05/2019/0239/F	Erection of dwelling and garage	South east of 55 Bailliesmills Road Cargacreevy Lisburn BT27 6XJ.	Approval 06/10/2020
LA05/2019/0158/F	Erection of domestic garage with den over	South of 55a Balliesmills Road Lisburn BT27 6XJ	Approval
S/2013/0288/F	Erection of dwelling in accordance with CTY 2a of PPS21	Between 55 and 57 Bailiesmills Road Lisburn BT27 6XJ.	Approved

10. There is previous planning history for development in a cluster with the last application approved in August 2022. This history does not establish a precedent for further development in the cluster. This application is distinguishable and considered on its own merits.

Consultations

11. The following consultations were carried out:

Consultee	Response
DFI Rivers	No objection
DFI Roads	No objection
DAERA WMU	No objection
LCCC EHO	Objection
NI Water	No objection

Representations

12. Five letters of objection have been received in relation to the proposal. A summary of the issues raised are set out below:
- Biodiversity Checklist should be completed by a qualified ecologist
 - Proposal is contrary to Policy CTY 2A
 - Proposal is contrary to Policy CTY 14 of PPS 21 in that it will be unduly prominent, it will result in suburban style buildup and does not respect the traditional pattern of development in that area
 - Rivers Agency response stating a Drainage Assessment is not required should be reviewed in light of potential for surface water flooding
 - Roads issue – another access onto a rural road presents further road safety concerns
 - Water Management Unit response – no regard for Environmental response, the two do not tie in with one another.
 - Increase in noise and traffic
 - Development will greatly reduce value of property
 - Impact on farmland and wildlife
 - Negative impact on rural character

Local Development Plan

13. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

14. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

15. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
16. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

17. In draft BMAP (2004) and the subsequent post enquiry revision of September 2014 this site is also identified as being located in the open countryside. No other designations apply to the site. This application is for a new dwelling in the open countryside.
18. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) protect the established rural settlement pattern and allow for vibrant sustainable communities.*

19. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

20. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

21. As explained, this is an application for a new dwelling in an existing cluster and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU 2, COU 15 and COU 16.
22. The applicant states that the proposed dwelling is sited in a cluster of development. Policy COU2 - New Dwellings in Existing Clusters states:

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- a) the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings*
- b) the cluster appears as a visual entity in the local landscape*
- c) the cluster is associated with a focal point such as a social/community building*
- d) the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*
- e) development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing*

character, or visually intrude into the open countryside through the creation of ribbon development

23. The justification and amplification of COU2 further states:

For the purpose of this policy the following definitions will apply:

A visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.

A focal point is defined as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings in the cluster.

Effective design principles for compliance with the policies of COU2 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

Integration and Design of Buildings in the Countryside

24. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

25. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Waste Management

26. A package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Natural Heritage

27. This site benefits from a mature hedgerow to the east. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and*

woodland.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

28. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

29. The justification and amplification states:

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place

until the works required to provide access, including visibility splays, have been carried out.

Regional Policy and Guidance

Regional Policy

30. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

31. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance

32. This proposal is for a dwelling in a cluster. Bullet point one of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

33. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

34. Whilst not policy, the following guidance document remain a material consideration.

Building on Tradition

35. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal. BOT states in relation to cluster development that:

4.3.0 Policy CTY2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

36. With regards to waste water treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Development Control Advice Note 15 – Vehicular Access Standards

37. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 explain that:

The Department's Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular

accesses. *This Development Control Advice Note (DCAN) sets out and explains those standards.*

Assessment

New dwellings in Existing Clusters

38. Policy COU2 allows for planning permission to be granted for a dwelling at an existing cluster of development provided the criteria of the policy are met.
39. Within this context, the first part of the assessment must be to determine if the application site is located within an existing cluster of development.
40. There are a number of dwellings surround the site, At 55c and 55d located to the south east and south, 55 which is located to the west and 55a and 55b located to the east/north east. These dwellings form a cluster of development. A large shed also sits to the north of the site although it's current use is unknown.
41. The reasons outlined above there is an existing cluster of development that lies outside a farm consisting of a minimum of 4 dwellings. Criteria (a) is met.
42. It is also considered that the cluster of development can be read as part of a visual entity and is visible collectively with dwellings 55, 55a, 55c and 55d that read as a cluster from various vantage points when viewing the site from both the roadside and within the site. Criteria (b) is met.
43. However, there is no defined focal point such as a social/community building within the cluster of development. The closest community building is the Cargycreevy Masonic Hall which is located just off the Old Ballynahinch Road some 400 metres distant to the south east. It is not visible from the Balliesmill Road. For this reason that the proposal fails criteria (c) in that the cluster is not associated with a focal point. This is distinguishable from the previous history of approval on the neighbouring lands as the planning policy included crossroads as a clustering option rather just a social/community building.
44. Having regard to the site boundaries described earlier in the report, it could be said that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. Criteria (d) is met.
45. It is also considered that development of the site can be absorbed into the existing cluster of development by rounding off and consolidation. It would not significantly alter its existing character or visually intrude into the open countryside through the creation of ribbon development. Criteria (e) is met.

46. Policy COU2 requires all of the criteria (a) – (e) to be met. Given that criteria (c) is not met for the reasons outlined above, the proposal fails to meet the tests for a New Dwelling in Existing Cluster with the principle of development is also unacceptable.

Policy COU15 - Integration and Design of Buildings in the Countryside

47. Turning to policy COU15, it is considered that the proposed development, would not be a prominent feature within the local landscape as the detail submitted with the application indicates the dwelling to be single storey and sited to cluster with surrounding dwellings. Criteria (a) and (b) are capable of being met.
48. As explained, the detail demonstrates that the proposed dwelling is single storey with a ridge height measuring 5.42 metres. A dwelling of the nature and scale proposed, would be able to blend with the landform having regard to the existing trees/landscaping and the proposed planting. The adjacent dwellings and shed will also provide a backdrop. Criteria (c) is capable of being met.
49. Having regard to the boundaries as described earlier in the report, it is considered that the site does provide a suitable degree of integration with the existing mature boundary to the east to be retained in conjunction with additional planting without rely solely upon new landscaping for purposes of integration. Criteria (d) and (e) are capable of being met.
50. The dwelling proposed is single storey with pitched roof. The dwelling proposes a rendered finish to the walls and concrete interlocking roof files (blue/grey colour) and grey Upvc framed windows/doors. Windows to the front elevation have a strong vertical emphasis similar to the design/finishes associated with 55c and 55d. The design is therefore considered to be appropriate for the site and its locality in keeping with the design principles as set out in the Department's design guidance Building on Tradition. Criteria (f) is met.
51. The ancillary works comprise the access to the dwelling. This access is existing and no retaining structures are proposed or required. Criteria (g) is met.
52. For the reasons outlined above, the policy tests associated with Policy COU15 are capable of being met.

Policy COU16 - Rural Character and Other Criteria

53. For the reasons outlined above, a new building would not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, east, north east and west. Criteria (a) and (b) are met.
54. Without prejudice to the view expressed in relation to the principle of development, the application seeks to provide a dwelling to the rear of 55d Bailiesmills Road. The site is small and enclosed by development on all sides. A dwelling and garage on the site would not be at odds with the pattern of

development nor would it result in an adverse impact on the rural character of the area. Criteria (c) and (e) are capable of being met.

55. The nearest settlement is Annahilt which is a considerable distance away from the site. The proposal would therefore not mar the distinction, nor would it create or lead to urban sprawl as its sits within the open countryside and is divorced from any settlement. Criteria (d) is met.
56. The proposed dwelling is positioned 5m from the boundary with 55d, the identified area for the soakaway is most likely insufficient and the proposed treatment plant is located less than 9 metres from this dwelling. The detail provided does not demonstrate therefore that the dwelling and garage can reasonably be sited without detriment to residential amenity in relation to impacts associated with drainage/sewerage. Criteria (f) is not met.
57. As explained, it has not been demonstrated that all necessary services, including the provision of non mains sewerage, can be provided without significant adverse impact on the environment or character of the locality. Criteria (g) is not met.
58. It is considered that criteria (h) is met in that the impact of ancillary works would not have an adverse impact on rural character.
59. In respect of criteria (i) for the reasons set out later in this report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Waste Management

60. Details submitted with the application indicates that a treatment plant is proposed as a means of non-mains sewerage provision.
61. In a response dated 01 February 2023, EHO advised that,
This is a very small site and the area for the soakaway would most likely be insufficient. The requirements of the Water (Northern Ireland) Order 1999 must be met, therefore prior approval for consent to discharge must be obtained from the Northern Ireland Environment Agency. In addition, Environmental Health recommend that any septic tank should be no less than 7m from the dwelling it is serving and 15m from any other dwelling.
62. Based on an assessment of the detail, the proximity of the proposed treatment plant to the nearest dwelling and the advice received from EHO, it is considered that the applicant has not demonstrated that the proposal will not create or add to a pollution problem. The policy tests associated with Policy WM2 are not therefore met.

Access, Movement and Parking

63. It is proposed to utilise an existing access which currently leads to dwellings 55c and 55d Balliesmills Road.
64. A detailed drawing has been provided illustrating the access arrangements with visibility splays of 2.4 metres by 60 metres in both directions.
65. DfI Roads have been consulted and offer no objections subject to conditions.
66. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that the existing access to the public road can accommodate an additional dwelling without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the Plan Strategy are met in full.

Natural Heritage

67. A Biodiversity Checklist was submitted in support of the application. The checklist did not raise any concerns with regards to the removal of mature vegetation on site.
68. It is considered that subject to a condition requiring retention of existing vegetation, the development will not cause any harm to any noted features of natural heritage importance.
69. The requirements of policies NH 5 of the Plan Strategy are met in full, and the proposal will not have an adverse impact on habitats, species or features of natural heritage importance.

Planning and Flood Risk

70. Rivers Agency have provided comment in respect of the development.
71. Turning then to FLD3 - The Flood Hazard Map (NI) indicates that the site is affected by portions of predicted pluvial flooding along the north - eastern boundary. Rivers advise that although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Representations

72. The following points of objection have been raised within five letters of objection and are considered below:

Biodiversity Checklist should be completed by a qualified ecologist

73. The Council would agree with the findings within the checklist and conclude that there will be no adverse impact on natural heritages features.

Proposal is contrary to Policy CTY 2A

74. As a consequence of the adoption of the LCCC Plan Strategy 2032, the relevant policy for a new dwelling in existing clusters is Policy COU2 and it is considered that the proposal is contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster is not associated with a focal point such as a social/ community building.

Proposal is contrary to Policy CTY 14 of PPS 21 in that it will be unduly prominent, it will result in suburban style buildup and does not respect the traditional pattern of development in that area

75. Policy COU16 of the LCCC Plan Strategy has since replaced the retained Policy CTY 14 of PPS 21. It is considered that the proposal is contrary to Policy COU 16 for the reasons outlined.

Rivers Agency response stating a Drainage Assessment is not required should be reviewed in light of potential for surface water flooding

76. Rivers have provided advice in respect of surface water and whilst they have commented that a flood risk assessment is not required they have stated that it is developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site

Roads issue – another access onto a rural road presents further road safety concerns

77. DFI Roads have assessed the detail as provided on the site layout drawing with regards to the proposed access arrangement and have no concerns subject to conditions. The proposal is said to satisfy Policy TRA2 of the LCCC Plan Strategy 2032.

Water Management Unit response – no regard for Environmental response, the two do not tie in with one another.

78. DAERA Water Management Unit refer to their standard advice for single dwellings. It has not been demonstrated however that the means of non-

sewerage provision can be adequately provided on the site without creating a pollution problem.

Increase in noise and traffic

79. DFI Roads have raised no objection to the proposal and no concerns have been raised by EHO in relation to noise.

Development will greatly reduce value of property

80. Whilst the reduction of the value of a house is a material consideration it is not given determining weight in this instance.

Impact on farmland and wildlife

81. Having assessed the proposal under the relevant policies it is considered that there will be no adverse impact on the natural heritage features. Negative impact on rural character It is concluded that an additional dwelling on this site will have an adverse impact on the rural character of the area.

Conclusions

82. For the reasons outlined, the application is considered to be contrary to policies COU1, COU2, COU16 and WM2 of the Plan Strategy.

Recommendations

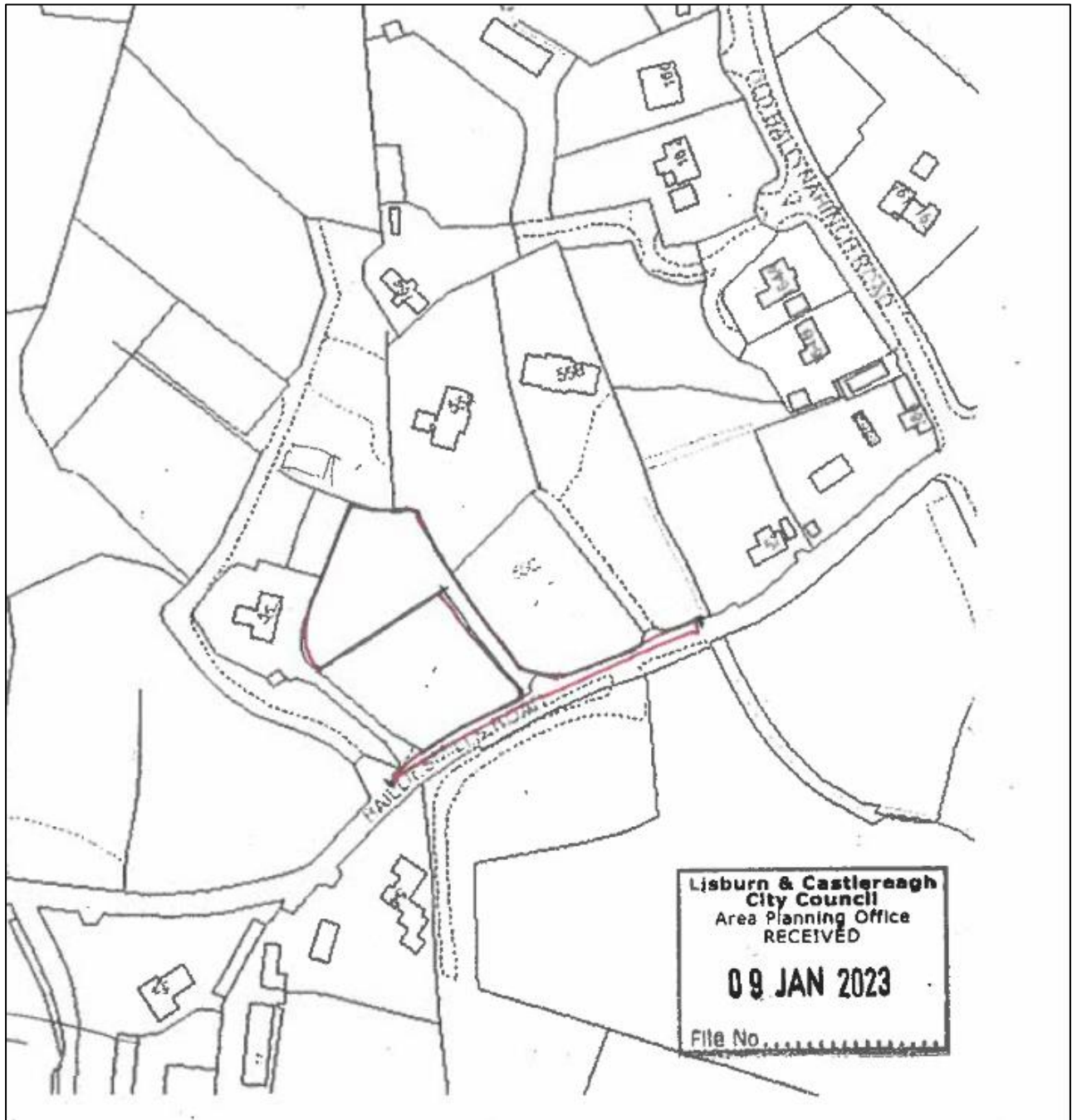
83. It is recommended that planning permission is refused.

Conditions

84. The following refusal reasons are recommended;
- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
 - The proposal is contrary to Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster is not associated with a focal point such as a social/ community building.

- The proposal is contrary to criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it would if approved adversely impact on residential amenity.
- The proposal is contrary to criteria (g) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that all necessary services, including the provision of non mains sewerage, can be provided without significant adverse impact on the environment or character of the locality.
- The proposal is contrary to Policy WM2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there is sufficient capacity to discharge effluent to a watercourse and that this will not create or add to a pollution problem.

Site Location Plan – LA05/2023/0024/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 March 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2023/0662/F
Date of Application	14 August 2023
District Electoral Area	Castlereagh South
Proposal Description	Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 CAT 1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals.
Location	Baronsgrange, , Comber Road, Carryduff
Representations	Three
Case Officer	Brenda Ferguson
Recommendation	APPROVAL

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a section 76 agreement to secure the delivery of affordable housing at this location.
2. It is considered that the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of policies HOU1, HOU3 and HOU4 of the Plan Strategy and when the apartments are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.

3. Furthermore, the density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The building will occupy a similar footprint to that of a previous approval, also for apartments.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that it has been demonstrated that affordable housing is to be provided and secured and agreed through a Section 76 Planning Agreement.
5. The proposal complies with the SPPS and Policy NH 5 of the Plan Strategy as modified in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.
6. The proposed complies with policy of TRA1 the Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
7. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that there are no alterations to the existing access therefore it will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal is considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
9. The proposed development complies with policy tests set out in policy FLD 3 of the Plan Strategy.

Description of Site and Surroundings

Site

10. The proposed site is located within a cleared part of the Baronsgrange development sited off the Comber Road, Carryduff, where construction is ongoing for housing to the north and north west. The site is bound by high wooden fencing to the south and west. The topography of the site is flat.

Surroundings

11. Newly constructed and occupied housing lies to the south within Baronsgrange Crescent and to the west along Baronsgrange Park.
12. Lands to the southeast of Baronsgrange development are in industrial/commercial use and the Carryduff Park, an area of public open space, lies further to the north-west.

Proposed Development

13. The application is for full planning permission for amendments to planning permission reference Y/2009/0160/F to change the apartment type and plot boundary arrangements on plots 106 to 117 inclusive to provide 12 CAT 1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals.

Relevant Planning History

14. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
Y/2009/0160/F	Residential development comprising apartments, semi-detached and detached dwellings (total yield of 380 dwelling units), mixed use centre, public and private open and ancillary infrastructure (amended plans)	Lands to the East and the South of the Baronscourt Development and to the North of Edgar Road and the Comber Road, Carryduff, Castlereagh.	Permission granted 10/03/17
Y/2006/0598/RM	Site for residential development (386 Dwellings) (additional information - landscaping and off site road works details)	Lands to the East and South of the Baronscourt development and to the north of Edgar Road and the Comber Road, Carryduff.	Application withdrawn
Y/1999/0339/O	Site for residential development including mixed use centre	Lands to the east and south of the Baronscourt development and to the north of Edgar Road and Comber Road, Carryduff, Castlereagh.	Permission granted May 2004

15. Applications LA05/2022/0247/F (9 Dwellings) and LA05/2022/049/F (Bridge Link from Baronsgrange Development to Carryduff Park and one dwelling) were presented to the Planning Committee in November 2023. Members agreed with the recommendation of officers to approve planning permission. As part of that proposal the agent agreed that two of the nine dwellings approved would be affordable housing.
16. At the meeting the agent also committed to providing 12 category 1 apartments as social rented accommodation within the Baronsgrange development on a site which has a previous approval for apartments. However, he advised that a separate application would need to be submitted for an amendment to the proposal so that it met the criteria for Alpha Housing Association who have partnered with the applicant to deliver this affordable element of the development.
17. This application is therefore in response to the amendments that are required to satisfy Alpha's housing need criteria and design requirements to meet current design requirements for social rented accommodation. Details of the amendments are set out further in the report.

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
NIHE	Support the proposed development

Representations

19. Three representations in opposition to the proposal have been submitted. The following issues are raised:

- Design concerns - location of balconies on front elevation facing main road which serves the development.
- Public views of balconies when travelling along Baronsgrange Green
- Balconies out of character
- Potential impact on general appearance of the locality with intended use of balcony
- Ample private amenity space can be provided within the overall site layout for future residents.
- Overlooking from balconies to dwellings on opposite side of main road
- Footprint larger than previous and open space reduced
- Apartments closer to road than previously approved scheme

20. These issues are considered below as part of the assessment of the proposed development.

Local Development Plan

Local Development Plan Context

21. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

22. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

23. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
24. In both the statutory development plan and the draft BMAP, the application site is identified as being within the Settlement Development Limit of Carryduff.
25. Within draft BMAP the land is located within an area zoned for housing. Significant weight is attached to the location of the site inside the settlement limit of Carryduff and the site being designated as zoned housing land.
26. As significant weight is attached to the BMAP designation for housing Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

27. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for

shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

28. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

29. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

30. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*

i) *recycling and waste facilities.*

31. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

32. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

33. As this application is for residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed-use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

34. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing*

a local identity and distinctiveness that reinforces a sense of place and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

35. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing.*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area.*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer.*
- d) *residential development should be brought forward in line with the following density bands:*
- *City Centre Boundary 120-160 dwellings per hectare.*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare.*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities.*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded.*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies*

- to minimise their impact on the environment.*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way.*
 - h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points.*
 - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*
 - j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
 - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
 - l) *the development is designed to deter crime and promote personal safety.*
 - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

36. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

37. It also states that:

Accessible Accommodation

38. As more than five dwellings are proposed there is a need to make provision for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

39. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

40. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

41. The potential impact on the natural environment is considered. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

42. The proposal involves the use of an existing unaltered access within the Baronsgrange Development. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

43. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

44. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

45. Policy TRA7 Carparking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

46. The drainage must be designed to take account of the impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

47. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Regional Policy and Guidance

Regional Policy

48. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

49. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

50. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society

51. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

52. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. At paragraph 6.91 it is also stated that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

53. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
54. The proposal involves the erection of an additional dwelling in an existing housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

55. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

56. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
57. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

58. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 meters between the rear of new houses and the common boundary.

59. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for

use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

60. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Policy HOU 1 New Residential Development

61. This application is for 12 Category 1 apartments for a social rented provider. It involves a change in apartment type with plot boundary amendments and minor amendments to landscape proposals. Twelve apartments were previously approved on the same site (apartments N7) under planning application Y/2009/0160/F.
62. Baronsgrange is an existing zoned housing site that is under construction and where parts of the development is largely complete and occupied. This proposal is a continuation of that development and the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 Site Context and Characteristics of New Residential Development

63. Baronsgrange housing development is characterised by a mixture of house types including two storey detached, semi-detached and terraced properties the majority of which are orientated to face the public road. Finishes are mainly red/brown brick with pitched slate roofs.
64. Car parking is mainly in curtilage with private driveways evident to the front and side of the majority of properties.
65. Twelve apartment units were previously approved at the same location under application Y/2009/0160/F. The apartments were designed as a single three storey block (plots 106-117) with communal landscaped amenity space provided to the front, sides, and rear.
66. This application proposes change to the layout and appearance of the apartment block and revisions to the plot boundaries and landscaped areas as previously approved.
67. Overall the proposed building is similar to that previously approved in terms of the scale and massing. There is a slight change to the width and height which

will be looked at in more detail below as part of the assessment of policy HOU4.

68. The amendments proposed will ensure the apartments continue to respect the surrounding context and are appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the block, landscaped and hard surfaced areas. Criteria (a) is considered to be met.
69. No archaeological, historic environment or landscape characteristics/features have been identified that require to be integrated into the overall design/layout. Criteria (b) is considered to be met.

Policy HOU4 Design in New Residential Development

70. The layout as shown on the proposed drawings [02 and 04] published to the Planning Portal on 9 August 2023 demonstrates the layout and floor plans for the apartment block. Twelve apartments are to be provided within 3 floors, similar to the previous layout.
71. Each of the units have a private balcony which is accessed off the lounge area. All units on the first and second floors will have access to a shared lobby, communal lounge and shared balcony.
72. The ridge height of the apartment block has increased from 10.7 metres to 11.4 metres and the length has been reduced from 27.7 metres to 26.13 metres. The block is slightly wider than the previous block of apartments measuring 16.2 metres wide compared with the previous width of 15.5 metres.
73. The finishes proposed for the apartment block include off white coloured smooth render walls and light-coloured buff/off white brick with smooth blue/grey brick base. The roof is to be constructed with blue grey slates and rainwater goods are dark coloured uPVC.
74. The rendered finish would not be out of keeping with the area and there are other dwellings in Baronsgrange with the same finish. The increase in height is a marginal change compared with that previously approved and the width has been reduced. Together the changes ensure the impact is no greater than the previously approved scheme.
75. The units are orientated to face the access road with 18 communal car parking spaces to the rear.
76. The detail of the proposed layout demonstrates that there are appropriate separation distances between the proposed block and existing dwellings opposite the site so as not to have an adverse impact on residential amenity. The distances from the front elevation of the apartment block to the dwellings opposite is approximately 29 metres. These separation distances are

- considered to be acceptable in line with guidance stipulated in the Creating Places document.
77. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The building will not be dominant or overbearing and no loss of light would be caused.
 78. The proposed apartment block is of modern design which complements the surrounding built form, the variation of material finishes along with the balconies adds to the streetscape. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area. The building is also designed to current building control standards and will ensure that the units are energy efficient.
 79. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
 80. Detail submitted with the application demonstrates that the provision of communal landscaped open space measures around 1396 metres squared allowing for an average of 116 metres squared amenity space per unit. This is well above the standards recommended within Creating Places for amenity space provision for apartment developments.
 81. In addition to this each apartment unit has a private balcony or terrace area as well as the first and second floors having access to a shared balcony. This is said to be in accordance with the HAPPI principles for encouraging and bringing forward higher standards of housing design for the older residents.
 82. The landscape plan also demonstrates additional soft landscaping in the form of tree planting to be provided around the shared open space. A communal patio and path also forms part of the landscaped open space. A brick wall also wraps around the apartment block providing security and privacy for the residents.
 83. For the reasons outlined above, criteria (b) is considered to be met.
 84. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development.
 85. With regard to criteria (d) the proposed density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. As noted previously there is no increase in the number of units proposed within the apartment block compared to the apartments previously approved.
 86. The existing internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also

serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for parking to the rear of the apartments which meet the required parking standards. Criteria (g) and (h) are considered to be met.

87. The site is to be bound with a brick wall of between 1200 – 1800mm in height which will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
88. Appropriate provision has been made for householder waste storage within the site boundary and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU10 – Affordable Housing in Settlement

89. The application seeks to provide 12 CAT 1 affordable housing units within a single apartment block. The application is supported by Alpha Housing Association and it is understood the apartments will be social rented accommodation for older people
90. NIHE were consulted on 22 February 2023 and have advised that they support the provision of affordable housing within this development as there is a housing need in the area.
91. This application has been submitted as an amendment to a previous approval. The amendments are required so that the design of the residential units meets the criteria for Alpha Housing Association, who have partnered with the applicant to deliver this affordable element of the development.
92. It is considered that the agent has demonstrated that adequate provision will be made for affordable housing units in line with requirements and as such, the policy test associated with HOU10 can be met subject to section 76 agreement.

Access and Transport

93. The P1 Form indicates that the development involves the use of an existing access to a public road for both vehicular and pedestrian use.

TRA1 – Creating an Accessible Environment

94. Detail associated with the application shows that there are no changes to the vehicular access and internal road layout as previously approved.
95. The drawings submit with the application indicates that 18 parking spaces are to be provided to the rear of the apartment block in line with the parking standards.

96. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking spaces.
97. For the reasons outlined above, the tests associated with TRA1 are capable of being met.

TRA2 Access to Public Roads

98. The use of an existing internal estate road is proposed and the detail of how the area of communal parking is accessed from this road is appropriately designed and will not prejudice road safety or significantly inconvenience the flow of traffic.
99. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network. There is no reason to disagree with the advice offered by DfI Roads and no objection is identified to the proposed access arrangements.

TRA7 Car Parking and Servicing Arrangements

100. For the reasons outlined earlier in the report, the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic. The tests associated with Policy TRA7 are capable of being met.
101. The proposal continues to provide for connectivity to active travel networks and as such, policy tests associated with TRA8 continue to be met.

Natural Heritage

102. Large areas of the site have been cleared to provide internal roads infrastructure associated with the wider development of the Baronsgrange zoning.
103. No boundary hedgerows or internal vegetation exist on site and a Biodiversity Checklist was not considered necessary in this instance as the criteria for submission of a checklist were not met. That said additional soft landscaping and planting is to be provided around the boundary of the site and communal open space areas.
104. For the reasons outlined above, it is considered that the proposal complies with policy NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.

Flooding

105. In consideration of policy FLD 3 the proposal pertains to the change in design of the apartment block with an amendment to the plot boundary. There has been no change to the number of units being proposed and there is no change to the access road/footways with only minor changes to the landscape proposals.
106. DfI Rivers had previously been consulted under the previous application (Y/2009/0169/F) which was for a much larger development. After the submission of a number of reports including a Flood Risk Assessment they had no objection in principle to the development of the land including the construction of 12 apartments.
107. Given that this proposal is for slight amendments to that previously approved It was considered that there was no requirement for an updated drainage assessment to be submitted no comments were sought from DfI Rivers. The developer should ensure that storm connection is as previously approved and that the schedule 6 consent is current. The requirements of policy FLD 3 are considered to be met for these reasons.

Consideration of Representations

108. Consideration of the issues raised by way of third party representations are set out in the paragraphs below:
- Design concerns - location of balconies on front elevation facing main road which serves the development.
109. It is considered that the balconies will serve as additional amenity space for the residents in line with the HAPPI principles and will not adversely impact on residential amenity. They are an appropriate distance from the neighbouring dwellings.
- Public views of balconies when travelling along Baronsgrange Green
110. The views of the apartment development will be limited from various vantage points, and they will not detract from the character of the area.
- Balconies out of character
111. The revised design is considered acceptable and will not be out of character with the area. The materials proposed are said to be in keeping with the general finishes in the Baronsgrange development.
- Potential impact on general appearance of the locality with intended use of balcony

112. It is considered that the use of the balconies will not cause loss of amenity for neighbouring residents due to the adequate separation distance, position, and location of the balconies to the front and rear elevations.
- Ample private amenity space can be provided within the overall site layout for future residents.
113. The open space provision is in excess of the standards required for apartment developments as stipulated in the Departments supplementary guidance “Creating Places”. The balconies enhance the open space provision by allowing for a greater choice in the type of amenity space for the residents.
- Overlooking from balconies to dwellings on opposite side of main road
114. There is said to be ample separation distance between the proposed balconies and the dwellings opposite in line with Departmental guidance – it is concluded that no overlooking will occur.
- Footprint larger than previous and open space reduced
115. The height of the apartment block has been raised however its increase will not result in the apartments being over-dominant or overbearing. The open space provision is in excess of the standards required for apartment developments as stipulated in the Departments supplementary guidance “Creating Places
- Apartments closer to road than previously approved scheme
116. The apartment block has been pushed forward into the sight slightly closer to the road however it is a sufficient distance from the closest dwelling opposite.

Recommendations

117. The application is presented with a recommendation to approve subject to condition and a Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

118. The following conditions are recommended:
1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. All hard and soft landscape works shall be carried out in accordance with Drawing 04 – Landscape Plan, as published to the Public Portal on 09/08/23. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

3. The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing No 04 – Landscape Plan, as published to the Public Portal on 09/08/23 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

Site location Plan – LA05/2023/0662/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 March 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2022/0493/F
Date of Application	11 May 2022
District Electoral Area	Downshire West
Proposal Description	Erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total)
Location	Lands approximately 100 metres southwest of 56 Saintfield Road and approximately 100 metres southeast of 147 Ballynahinch Road Lisburn
Representations	None
Case Officer	Sinead McCloskey
Recommendation	APPROVAL

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a section 76 agreement to secure the delivery of affordable housing at this location.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 and of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a

detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.

3. Furthermore, the density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with policies NH2 and NH5 of the Plan Strategy in that it is demonstrated that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Local Natural Heritage Importance.
6. The proposed complies with policy TRA1 of the Plan Strategy in that it is demonstrated that an accessible environment will be created through the provision of footways and pedestrian paths.
7. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that it is demonstrated that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. In making this recommendation regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
8. The proposal also complies with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
9. The proposed development complies with policy tests set out in policy FLD 3 of the Plan Strategy in that it is demonstrated that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing wastewater treatment works to service the development.

Description of Site and Surroundings

Site

10. The site is located on undeveloped land between the M1 motorway to the north/northwest and Strawberry Hill Lane to the southeast.
11. The site is accessed from the Ballynahinch Road and consists of unmaintained grassland in parts, where the ground vegetation is overgrown. It is evident that site clearance works previously were carried out due to the presence of larger mounds of soil, some of which also have been overgrown.
12. On the day of the site inspection on 06 September 2022 it was also noted that the foundations for one dwelling had been poured adjacent to the roadside.
13. The roadside boundary had been removed and replaced with a temporary, 2 metre high metal fencing. Within the site, along the central area of this boundary, there was some hardcore evident, which is presumed is where access into the site and internal service road was to be located.
14. The ground level of the site gently rises towards the rear boundary, in a north westerly direction. There is a close board fence along the south eastern boundary, which is noted as the common boundary to the rear of the dwellings in the adjacent housing development of Strawberry Hill Lane and 149 Ballynahinch Road. This fence is 2 metres in height, and then rising to 2.5 metres in height towards the rear of the site.
15. The north eastern boundary consists of mature vegetation and trees, ranging in height from 6-10 metres. There is also a 2.5 to 3 metre high metal fence along this boundary, behind which the vegetation is located.
16. The north western boundary consists of a bank that extends up to the adjacent motorway. The bank is heavily vegetated with mature trees and overgrown grass and shrubs.

Surroundings

17. The site is surrounded by medium density housing to the south east, and Dobbies Garden Centre to the north east. The M1 Motorway is located adjacent to the north west boundary, and beyond this there further residential housing within Lisburn. To the south of the site, on the other side of the Ballynahinch Road is mainly rural in character and the lands in agricultural use.

Proposed Development

18. The application is for full planning permission for the erection of 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements from Ballynahinch Road, Lisburn (10 residential units in total).
19. The following documents are submitted in support of the application:
- Planning Statement
 - Development Commencement Report
 - Biodiversity Checklist
 - Drainage Assessment
 - Noise Level Report
 - Noise Level Contour Map

Relevant Planning History

20. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
LA05/2015/0559/F	Erection of 3. detached and 4 pairs of semi-detached dwellings with single storey garages, car parking, landscaping, associated site works and access arrangements	Lands approximately 100m South West of 56 Saintfield Road and approximately 100m South East of 147 Ballynahinch Road, Lisburn.	Permission Granted 5 th July 2017
S/2015/0119/F	Residential development to include one replacement dwelling plus 29 new houses.	155 Ballynahinch Road, Lisburn BT27 5LP	Permission Granted 3 rd June 2016
S/2012/0487/F	Construction of a new car dealership to include 10 car showroom with attached 9 bay workshop, ancillary offices and staff accommodation, service yard, car parking,	Lands adjacent to and south of Dobbies Garden Centre Lisburn	Permission Granted 24 th February 2013

21. The applicant provides supporting evidence that planning permission LA05/2015/0559/F is an important material consideration.
22. Additional information provided in support of this application includes supplier invoices, photographs, inspection notes and a building control certificate as evidence of the planning permission having been commenced. No CLUD is submitted in parallel with the application to confirm an extant implemented planning permission.
23. A site visit in September 2022 confirmed site clearance works, the formation of an access road and the construction of foundations and sub-structures for one dwelling.
24. In the absence of a CLUD the planning history is of very limited weight and this proposal is considered on its own merit.

Consultations

25. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DFI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
NIEA Natural Environment Division	No objection
NIEA Water Management Unit	No objection
NIE	No objection

Representations

26. No objections have been submitted in opposition to the proposal.

Local Development Plan

27. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

28. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

29. In accordance with the transitional arrangements the existing LAP is the statutory development plan with draft BMAP and BMAP in its post inquiry form remaining material considerations in conjunction with the recommendations of the PAC public Inquiry Report.
30. Within the Lisburn Area Plan (2001), the subject site is located within the greenbelt, outside of the settlement development limits of Lisburn.
31. In draft BMAP, the site lies within the countryside, also outside of the settlement limits of Lisburn City as was not initially identified within the proposed development limit as set out in draft BMAP as published in 2004.
32. Both plans do not contain any designation or zoning affecting this application site.

33. However, representations were made through the plan making process for BMAP to have these lands included within the development limit. The representations were discussed at the public inquiry before the Planning Appeals Commission (PAC).

34. The recommendations from the PAC which followed the inquiry was that:

'The Department had already conceded that the land contained within objection 934 (subsequently withdrawn) should be included within the development limit. This comprises the garden centre site and the field to the south.... We therefore consider that should this stretch of road be required then it should follow the line shown on the Turley Associates plan rather than the dotted line agreed at the Inquiry'.

35. This demonstrates that the Department has already conceded at the Public Inquiry that the lands associated with the site were to be brought within the development limits.

36. The PAC agreed with this view and the lands did make their way into final BMAP (quashed) as unzoned whiteland within the development limits for Lisburn.

37. In a publication the Chief Planner for Northern Ireland advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report remain material considerations to be weighed by the decision-maker.

38. Whilst the adopted Plan remains unlawful advice of the PAC up to the stage just before the Plan was adopted cannot be ignored. Significant weight is attached to the findings of the PAC and the inclusion of the land within the settlement limit of Lisburn

39. New housing is proposed on land inside the settlement limit of Lisburn. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

40. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared

use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

41. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

42. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

43. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*

- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

44. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

45. The following operational policies in Part 2 of the Plan Strategy also apply.

Housing in Settlements

46. As this application is for residential development policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

47. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area.

Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

48. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing.*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area.*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer.*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare.*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare.*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*

- *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities.*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded.*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment.*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way.*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points.*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage.*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles.*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

49. The Justification and Amplification states that :

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

50. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

51. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

52. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local

Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

53. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

54. Given that this is a relatively large site, with mature vegetation around the boundaries, the potential impact on the natural environment is considered.
55. Policy NH2 – Species Protected by Law

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration

and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

56. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

57. The P1 Form indicates that access arrangements for this development involve the construction of a new access to a public road for both pedestrian and vehicular use.
58. A new access is proposed onto the Ballynahinch Road. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

59. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

60. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, there an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Flooding

61. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.
62. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- it is located in an area where there is evidence of historical flooding.
- surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Regional Policy and Guidance

Regional Policy

63. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

64. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

65. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

66. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

67. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

68. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

69. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

70. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

71. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.

72. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

73. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

74. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

75. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

76. This application is for 4 detached and 6 semi-detached dwellings with single storey garages, car parking, landscaping, associated site works.
77. Whilst the application site falls outside the settlement limits of Lisburn as designated in the statutory plan [Lisburn Area Plan] for the reasons outlined earlier in the report within the context of the Local Development Plan context significant weight is afforded to the lands being incorporated within the settlement development limits in the adopted albeit quashed BMAP.

78. For these reasons, the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

79. The application site consists of a large unmaintained undeveloped field, where works and clearing has occurred.
80. The site is located between the M1 Motorway to the west and Strawberry Hill Lane housing development to the southeast. Dobbies Garden Centre is located to the north.
81. The adjacent residential development is suburban in character and consists of two-storey detached and semi-detached properties. Beyond the M1, towards Lisburn City, the residential form is also mostly detached and semi-detached dwellings, with a mix of single storey, storey and a half and two-storey residential properties.
82. Car parking is mainly in curtilage with private driveways evident to the front and side of the majority of properties. Those dwellings with no in-curtilage parking benefit from a garage and unassigned spaces.
83. The proposed dwellings are all two storey in height, all with a ridge height ranging between 7.5 metres and 8.1 metres. The dwellings built in the adjacent Strawberry Hill Lane and 149 Ballynahinch Road are shown to be between 7.9 metres and 8.8 metres in height.
84. The proposed development will not appear incongruous within its surrounds but is instead reflective of the development within the immediate context of the site.
85. Taking into account the mixed residential character exhibited within the area in general it is accepted that the proposed development will respect the surrounding context and that layout, scale, proportions, massing and appearance of the 10 dwellings, landscaped and hard surfaced areas will enhance local identity and reinforce a sense of place that is appropriate to the topography of the site. Criteria (a) is met.

No archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development. Criteria (b) is met.

Policy HOU4 - Design in New Residential Development

86. The layout as shown on the proposed drawing 02/2 dated 12 April 2023, demonstrates that there are four different house types proposed, although it is noted that the main difference between both the detached and semi-detached

units is the slight elevational changes in terms of fenestration and door openings and all being handed versions of each other. The internal layout for both detached and semi-detached types are largely the same.

87. House type VS1 is a 4 bedroom, detached dwelling that is located on site 10. It comprises a lounge and a kitchen/dine/snug at ground floor, as well as a WC and utility room. The bedrooms are all located at first floor, with one having an en-suite. There is also a larger family bathroom on this floor.
88. This dwelling has a linear form, with a small projection to the front for the porch and the WC. It has a pitched roof and a mix of vertical and horizontal windows. This dwelling type is located to the front of the site, adjacent to the Ballynahinch Road. The front entrance and elevation face in towards the development, however it is noted that the dwelling is double fronted with double ground floor windows on the southern gable, which will present a visually acceptable appearance along the streetscape within the context of the Ballynahinch Road.
89. House type VS2 is similar in form and design to house type VS1. They are located on plots 01, 04 and 09. They are also linear in form, with a small front projection for the porch and WC. It also has a mix of vertical and horizontal windows. It presents the same accommodation provision throughout the dwelling as house type VS1, but only a handed version. It is noted that within the kitchen/dine/snug area the patio doors are located on the gable end of the dwelling, and there are no patio doors extending from the lounge. Whereas house type VS1 has double patio doors to the rear, extending from both the lounge and the kitchen area.
90. Both house types benefit from the same finishes, having concrete interlocking roof tiles with blue or black coloured ridge tiles; walls to be select facing brick or smooth self-coloured render with select timber cladding; windows are to be double glazed with uPVC frames and precast concrete cills; dark grey uPVC rainwater goods.
91. All VS2 house types have a ridge height of 7.5 metres from FFL to ridge.
92. Sites 02, 03, 05, 06, 07 and 08 are proposed to have house types VS3 and VS4. These are semi-detached dwellings, all with a ridge height of 8.1 metres from FFL.
93. They have a similar layout to each other, with one being a handed version of the other. The only notable difference between them is a small porch projection on the front elevation of house type VS4.
94. At ground floor, they have a living room, a kitchen/dine/snug leading to a single storey rear return for a garden room. There is also a WC under the stairs. At first floor there are three bedrooms, one with an en-suite and a larger family bathroom.
95. They have a pitched roof and sit flush to each other. The finishes are the same as those proposed above for house types VS2 and VS1.

96. All house types are located randomly throughout the site. The access road is centrally positioned along the southern boundary, and there is a detached dwelling proposed on either side. The access extends through the centre of the site with dwellings located on both sides of the road, leading to a cul-de-sac type layout at the end, with a pair of semi-detached dwellings located to the rear of the site.
97. Six of the dwellings have a private driveway along one side of the house, leading to a garage. The remaining dwellings also each benefit from a garage, however instead of incurtilage parking, they will avail of unassigned parking, as per the previous approvals. The private amenity areas for each dwelling are largely located to the rear.
98. The layout is not dissimilar to the plans approved under the previous application, LA05/2015/0559/F, as above, having expired on the 05 July 2022. This full application was for 11 dwellings and consisted of 4 pairs of semi-detached dwellings and 3 detached.
99. In a supporting statement submitted with the current application, it is stated that the reduction in 1 unit from this now expired permission, is due to previously unidentified below ground NI Water infrastructure, specifically a trunk sewer, the location of which is identified by a proposed wayleave on the proposed site layout. This necessitated the removal of one semi-detached unit (previously approved as Plot 10) and a minor change in the siting of Plot 9.
100. The only defined building line along this side of the Ballynahinch Road is created by the two roadside dwellings, one at 149 Ballynahinch Road and the other in the neighbouring development of Strawberry Hill Lane to the east.
101. Both these dwellings are just slightly set back from the road, with just small garden areas to the front between the dwelling and the footpath.
102. The positioning of the proposed dwellings to the front of the application site is no different, whereby they are also set back slightly from the road but appear to be so at an equidistance as those adjacent dwellings.
103. The detail of the proposed layout demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings to the east of the site so as not to have an adverse impact on residential amenity.
104. The distances from the rear elevation of the proposed dwellings to the common boundary at the rear of the adjacent dwellings in Strawberry Hill Lane and the Ballynahinch Road are approximately 9 metres.
105. It is noted that it is the driveway and garage of the closest dwelling to plot 10 (149 Ballynahinch Road) that abuts the common boundary for the most part. As the proposed dwelling on plot 10 is located close to the road, it is removed from that part of the site which is closest to the private rear amenity from the

adjoining dwellings, therefore the impact of the building on the residential amenity of this property is significantly reduced. It is also noted that due to the juxtaposition of the dwelling on plot 09, it is only a corner that is 9 metres away from the rear boundary, with the majority of this dwelling located at a further distance from the boundary.

106. It is this south-eastern boundary that is the most sensitive in terms of its proximity to other built residential development. Dobbies Garden Centre is to the east of the site and all proposed development is adequately separated from this boundary.
107. Likewise, the M1 motorway to the northwest is separated from the rear of the dwellings in this portion of the site by an embankment, with the proposed dwellings sufficiently separated from this bank at the rear.
108. These separation distances are considered to be acceptable in line with guidance stipulated in the Department's creating places document.
109. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
110. The buildings are not dominant or overbearing and no loss of light would be caused. It is noted that the dwelling on plot 04, house type VS2, has a first-floor bedroom window on the rear elevation. The position of this dwelling is such that the rear faces towards the gable of the neighbouring dwelling on plot 03. The siting is slightly angled, but it can be said that both dwellings almost sit side by side.
111. The driveway of the dwelling on plot 03 is located between both dwellings, leading to a garage located to the rear.
112. In light of the relationship between these dwellings, and the location of the bedroom window which is located at the eastern end of the elevation of the dwelling on plot 04, away from the rear of the dwelling on plot 03, I am satisfied that there will be no overlooking from this window towards the private rear amenity of the neighbouring dwelling. This window is significantly removed from that area to the rear of this dwelling, and instead will only permit close views towards the gable.
113. It is also noted that there are two ground floor windows in the front living room of this adjacent dwelling, located on the gable. As these are at ground level, it is also thought that any overlooking from a first-floor bedroom will be minimal. In addition, as the windows are adjacent to the in-curtilage parking area there are likely to be vehicles parked in this driveway which would further reduce overlooking into this room from the neighbouring property.
114. Also, there is a larger window within this room seen to be located on the front elevation. It is also generally acknowledged that within such a built-up 'urban'

environment, there will be some degree of overlooking between properties due to the compact layout arrangement that is seen in these developments.

115. The proposed house types are considered to have a modern design which complements the surrounding built form and will add to the streetscape. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
116. For the reasons outlined above, criteria (a), (e) and (f) are considered to be met.
117. With regard to criteria (b) detail submitted with the application demonstrates that the provision of private amenity space varies from 64 square metres to approximately 228 square metres. As an average, 125 square metres is provided across the site which is in excess of the standards contained with Creating Places for a medium density housing development made up of three and four bedroom dwellings.
118. The site layout indicates that a new 1.8 metre timber fence is to be erected along the north eastern and south eastern boundaries. The north western boundary will consist of a 2.4 metre acoustic fence (details of which are discussed further in this report). The roadside boundary consists of both a 1.2m metal railing and a 1.4 metre stone boundary wall and pillars. Existing trees are shown to be retained along the northwestern boundary.
119. There is no requirement for public open space due to the scale of the development. Likewise there is no requirement for the provision of a local community or neighbourhood facility.
120. With regard to criteria (d) the proposed density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
121. The internal road layout provides for safe and convenient access through the site and the provision of and tactile paving crossing points will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
122. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
123. Provision can be made for householder waste storage within the driveways for each unit or to the side/rear of each dwelling for those without driveways, and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles.

124. The design of the buildings draws upon the characteristics of local suburban style dwellings in the local context, and is broadly in line with the existing built fabric in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to open space is appropriate to the character of the local area and consistent with the houses and plot sizes that are found in the immediate vicinity.
125. The separation distance between the proposed buildings and their relationship with adjacent residential dwellings and their existing boundaries is adequately addressed and no residential amenity issues are identified.
126. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy as the detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy HOU8 – Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas

127. The proposed density is not significantly higher than that found in the established residential area and the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the area.
128. The layout is not dissimilar to the adjacent development of Strawberry Hill Lane. This development consists of medium density housing delivered through both detached and semi-detached dwellings. The current layout is also a medium density housing development with both semi-detached and detached housing being provided.
129. The site is of sufficient size to accommodate 10 dwellings. There is a similar scheme previously approved with one more residential unit. Whilst the policy context is changed the scheme is in accordance with the retained guidance in Creating Places. The site is large enough to accommodate this scale if suburban residential development. All the dwelling units are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings. The proposal is in compliance with Policy HOU8.
130. For the reasons outlined, the policy tests associated with Policy HOU8 are met.

Policy HOU10 – Affordable housing in settlement

131. Correspondence from the agent on the 18 January 2024 confirms that two houses will be provided as intermediate housing for sale in accordance with Policy HOU10.
132. The Housing Executive has also been consulted and has advised that it supports the minimum of 20% social housing in this development as there is housing need in the area. The applicant has not advised that the proposed affordable housing will be delivered as social rented accommodation.
133. It is considered that the agent has demonstrated that provision will be made within the site for affordable housing in line with the policy requirement of a minimum of 20% and as such, the exception test associated with HOU10 can be met subject to section 76 agreement.
134. As such a section 76 Planning Agreement will be secured to ensure the delivery of at least two affordable units within the approved development.

Access and Transport

135. Detail associated with the P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use.
136. Detail associated with the application shows that the vehicular access and internal road layout has been designed to an adoptable standard in accordance with the Private Streets Determination drawing.
137. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with the SPPS and Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible and safe environment will be created through the provision of footways and traffic calming measures.
138. It is also considered that the development complies with the SPPS and Policy TRA2 of the Plan Strategy as modified in that the detail submitted demonstrates that the proposed new access for 10 dwellings will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
139. As stated above Car parking is mainly in-curtilage with private driveways evident to the front and side of the majority of properties. Those dwellings with no in-curtilage parking benefit from a garage and unassigned spaces, similar to the previous approval. Whilst this is not a desirable scenario, it is noted that this arrangement was previously approved, and Roads have not objected to it. On this basis this parking provision is deemed to be acceptable on balance.

140. The proposal is therefore also considered to comply with the SPPS and TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for both in-curtilage and on street car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Natural Heritage

141. A biodiversity checklist has been submitted in support of the application.
142. Within this there is an Ecological Statement. The ecologist considered potential impacts on priority species and habitats as a result of the proposed development and found there to be no priority habitats present within the application site. There also was no evidence of protected/priority species found within or surrounding the application site. Recommendations for vegetation clearance were suggested and should be outside of the bird breeding season.
143. Following consultation with NED, they confirmed that they were content that impacts on priority or protected habitats were not considered likely. They also advised that vegetation clearance should be undertaken outside the bird breeding season in order to avoid any significant impact on breeding/nesting birds.
144. For the reasons outlined above, it is considered that the proposal complies with policy NH 2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.

Flooding and Drainage

145. A culverted watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Altona Stream' is located within the site. The site may also be affected by undesignated watercourses of which they have no record.
146. The Altona Stream branches into two. culverts on site. The applicant was requested to obtain in writing, approval that the site layout plan is complaint with DfI Rivers needs regarding working strips.
147. A Drainage Assessment was submitted and reviewed by DfI Rivers and no objections were raised. The DA confirmed that in order to ensure that the proposed development is compliant with FLD3 requirements to ensure adequate measures are put into place so as to effectively manage the flood risk from potential pluvial flooding at the proposed site, the proposed development should be reprofiles as necessary to remove any isolated low-lying areas and have appropriate surface water drainage infrastructure installed to remove any

standing water. In addition the FFLs of the proposed dwellings are located at least 150, above adjacent ground levels.

148. The DA concludes that in order to ensure the proposed development is compliant with the second FLD3 requirement that it does not increase the risk of pluvial flooding elsewhere. A schedule 6 application was submitted and approved to discharge into the existing 900mm diameter culvert within the site. This will be attenuated using large diameter pipes and hydro-brake within the site and will be restricted to greenfield run off rates of 4l/s (10l/s/Ha). Furthermore the sewer layout has been approved by NI Water under Article 161. The requirements of policy FLD 3 are considered to be met for the reasons specified above.

Other Material Considerations

Noise Impact

149. Acoustic barriers were proposed adjacent to the side of the M1 Motorway as part of the previous application. The barriers were located in close proximity to the main noise source in the vicinity of the site to ensure line of site protection to the residential amenity areas to the rear of the proposed dwellings.
150. This application relied upon a 2 metre acoustic barrier at the roadside along the M1, with a 2 metre barrier at the rear to the garden area of the properties.
151. In this case, officers have been advised that the developer will be unable to have access to the area adjacent to the M1 and the possibility of a barrier along the road has been removed.
152. The site has been remodelled with a 2.4 metre barrier shown along the edge of the garden. Detail also indicates that from a height of 1.5 metres outside the back door of the proposed houses, there is no line of sight to the M1. Other acoustic mitigation measures include mechanical ventilation to provide the minimum levels of background ventilation to the dwellings is proposed to be installed to all properties.
153. Following consultation with Environmental Health on receipt of a noise impact assessment advice was offered on the prevailing guidance relating to internal and external noise levels for residential development located in close proximity to road noise.
154. They stated that based on the noise contour maps provided in the noise impact assessment, the noise level in the private amenity space of site 1 may be in excess of 70dB. They continue by stating that having regard to the British Standards, this level represents a significant increase from the 55db upper threshold which is acceptable in noisier environments. Therefore they advise that in line with BS 8233:2014 additional site design is necessary to ensure the

lowest practicable levels are achieved in the worst affected external amenity spaces.

155. It was also stated that the noise impact assessment did not include any details of the internal noise levels. Therefore, to allow for full comment it was advised that the applicant should provide an acoustic report detailing the predicted internal noise impact. They further advised that this report should be undertaken in accordance with any relevant standards and must provide any proposed mitigation measures as necessary and detail which rooms, dwellings and areas they are applicable to.
156. Further information from the agent was submitted to address the concerns raised with regard to the noise contour map.
157. In a final response from Environmental Health in May 2023, they stated that the noise impact assessment has failed to assess the internal noise levels throughout the site. The noise predictions only relate to the predicted noise levels within the outdoor amenity area. In their previous response they noted that the noise impact assessment did not include any details of the internal noise levels, however, an internal noise assessment has still not been completed. In addition, the assessment has not assessed the noise impact during the day and night separately or assessed the LMax level against the WHO guidance limit.
158. They also advised that glazing with a Rw value of 35dB (as identified in the NIA) will not provide sufficient mitigation against lower frequency road traffic noise. They continue by stating that the predicted noise levels and the noise contour map for the site are identical to the approved development. This is highly irregular and they would question the reliability of the noise modelling.
159. As a result they had undertaken their own noise prediction model for the site using the model inputs listed in the NIA. This noise model has calculated the noise level at 1.5m (to represent the amenity space) of sites 1-6 as 68.1-68.7dB and at 4m (to represent first floor rooms) as 71.2-71.4dB.
160. Based on the noise model completed by the Council, the noise levels in the private amenity space of sites 1-6 are 68.1 – 68.7 dB. The levels presented in the NIA were 62.3 – 65.3B. Having regard for the appropriate British Standard, the Council's predicted levels represent a significant increase from the 55dB upper threshold which is acceptable in noisier environments.
161. They state that as outlined in section 7.7.3.2 of BS8233, 'development should be designed to achieve the lowest practicable levels in these external amenity spaces'. Therefore, they advise that in line with BS 8233:2014 additional site design is necessary to ensure the lowest practicable levels are achieved in the worst affected external amenity spaces.
162. It is also stated that the required sound reduction performance of the proposed glazing and ventilation systems is identified as 35dB(Rw) within the NIA. As

previously stated the NIA does not include an internal noise assessment, the predicted noise levels are inaccurate and the index used to express the sound reduction performance of the proposed glazing is not suitable. Therefore, it is advised that the noise mitigation measures should provide a sound reduction of at least 41dB(RTra) to ensure the internal noise levels are in compliance with BS8233:2014.

163. Nonetheless, no reasons for refusal are offered in objection to the proposed development and it is noted in this consultation response that they have stated that if the Planning Unit are minded to approve the development conditions have been provided to attach to the decision notice.
164. In consideration of this, and mindful of the existing approval which was issued with somewhat similar conditions to those provided by Environmental Health in their last consultation response, that notwithstanding the concerns appropriate conditions as provided will mitigate against any adverse effects created by noise nuisance within the context of the site. There is insufficient evidence to support a reason for refusal on the grounds of noise nuisance. It is to be highlighted in any decision that there may be some loss of amenity as a consequence of road noise.

Conclusions

165. For the reasons outlined above, the proposal is considered to comply with the SPPS and policies HOU1, HOU3, HOU4 and HOU10 of the Plan Strategy.
166. It is also considered to comply with Policies NH 2, NH 5, TRA1, TRA2, TRA7, FLD1 and FLD3 of the Plan Strategy.

Recommendations

167. It is recommended that planning permission is approved subject to a section 76 agreement to secure the delivery of two affordable housing units at this location.

Conditions

168. The following conditions are recommended:

- 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.

- The vehicular access on to the Ballynahinch Road, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. C104 Revision K bearing the Planning Service date stamp of the 26th July 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

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

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C104 Revision K bearing the Planning Service date stamp of the 26th July 2023 and the DfI Roads Private Streets Determination date stamp of the 14th August 2023.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

- No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

- Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges and service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

- Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges and service strips determined for adoption

Reason: In order to avoid damage to and allow access to the services within the service strip.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no C104 Revision K bearing the Planning Service date stamp of the 26th July 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

- Any existing street furniture within the visibility splays shall be relocated to the rear of footway as directed by the DfI Private Streets Officer.

Reason: In the interests of pedestrian convenience

- The development hereby permitted shall not commence until any structure /retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

- Prior to occupancy of the development hereby approved a 2400mm high acoustic barrier shall be erected along the site's boundary as presented on approved drawing No. 2/2 bearing the date stamp 12th April 2022. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 12 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- Prior to occupation of the development hereby approved, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 41dB(A) RTRA, shall be installed to all other habitable rooms.

Reason: To achieve internal noise level in line with BS8233

- Prior to occupation of the development hereby approved, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 41dB(A) RTRA when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233

- Prior to commencement of the development hereby approved details of the roof system shall be submitted to and approved in writing by the Council. The roof system to be installed shall be capable of providing a sound reduction index of at least 41dB Rw+C_{Tr}, with respect to noise transmission.

Reason: To achieve internal noise level in line with BS8233

- All hard and soft landscape works shall be carried out in accordance with Drawing 02/2 bearing the Council date stamped 12th April 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- The existing natural screenings of this site, as indicated on approved plan No. 11/1 bearing the date stamp XXXXX, shall be retained. If any retained tree is removed, dies, or is seriously damaged within 5 years from the date of the occupation of the building, another tree or hedge of a native species shall be planted during the next planting season.

Reason: To ensure the continuity of amenity afforded by the existing trees and hedges.

- During the first planting season, after the occupation of the dwelling, the planting scheme shall be carried out in accordance to the stamped approved plan No. 11/1 bearing the date stamp [[insert date]]

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or

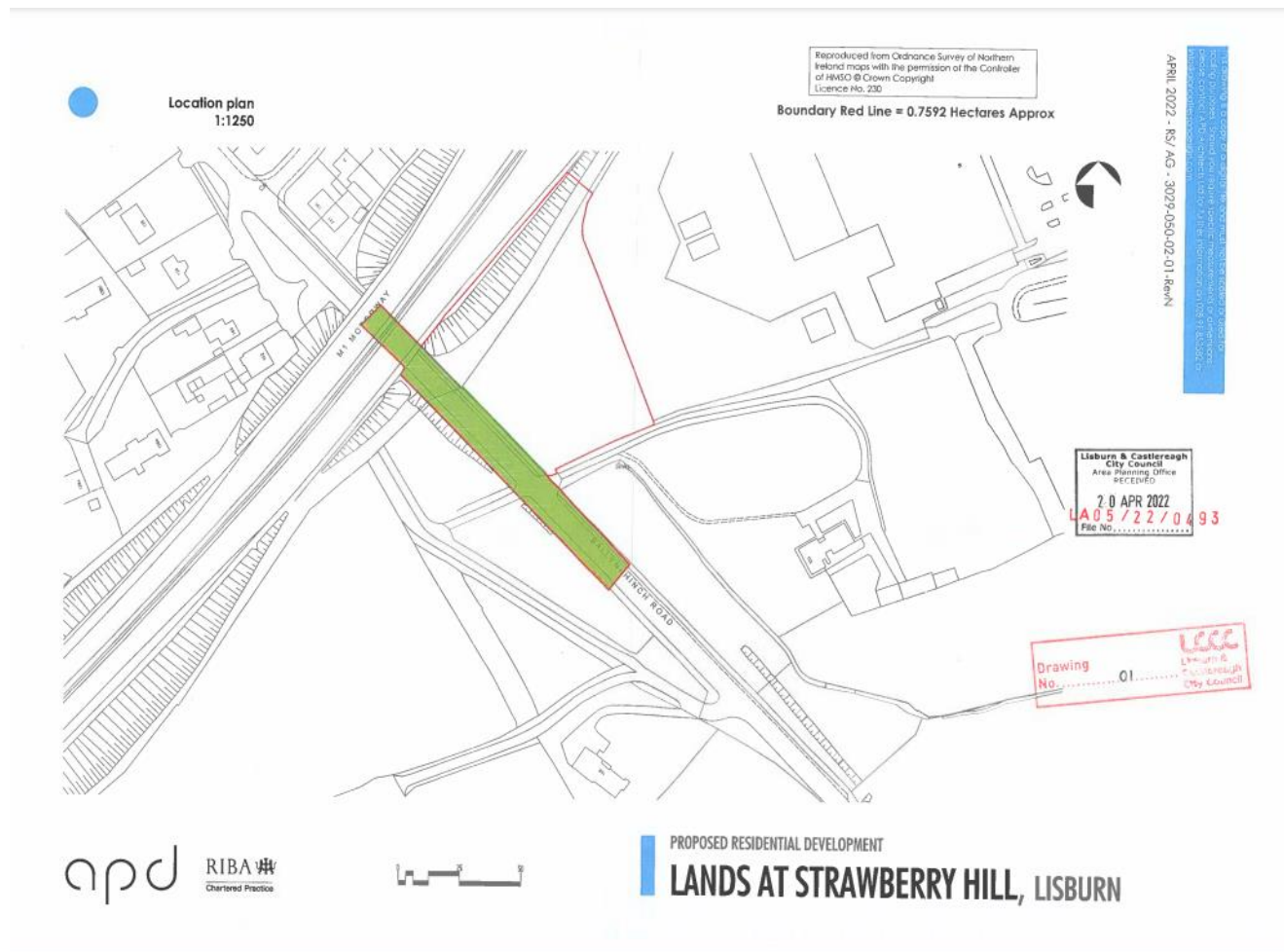
dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds

Site location Plan – LA05/2022/0493/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 March 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0094/F
Date of Application	27 January 2022
Proposal Description	Erection of storey and a half farm dwelling and garage including paired access and laneway
Location	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, BT26 6EH
Representations	One
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is recommended for refusal as it is considered that the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU10 (a) of the Lisburn and Castlereagh Plan Strategy 2032, in that it has not been demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that the farm business is currently active and that it has been established for at least 6 years.
4. The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.

5. The proposal is contrary to criteria (b) of policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings.
6. The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, and it will result in an adverse impact on the rural character of the area as the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area. .

Description of Site and Surroundings

5. The application site comprises of an irregular shaped field sited to the southeast of 23 Corcreeny Road. The site is accessed via the existing access serving 23 which is an existing dwelling with a garage/outbuilding to the rear.
6. The lands within consists of scrubland with a pond to the southern end of the site. The southeast and north eastern boundaries have a belt of mature trees. The rest of the area contains clumps of mature trees, two poly-tunnels and a small garden shed.
7. The entire boundary with the adjacent property 19 Corcreeny Road is a well-maintained hedge. The other boundaries are internal to the site and are a post and wire fence with planting separating the application site from lands associated with the dwelling house at 23 Corcreeny Road.
8. The lands fall away from the road frontage. The site and proposed location of the dwelling is not visible from the road frontage.

Surroundings

9. The surrounding area is rural in character and the land is mainly in agricultural use. There is some build up of development locally comprised of farm holdings set back from the adjacent road network along private lanes, and road frontage single dwellings. .

Proposed Development

10. Outline planning permission is sought for the erection of a storey and a half farm dwelling and garage including paired access and laneway.
11. Supporting information provided in respect of this application consists of the following:

- P1c form
- Supporting statements and related supporting information
- Biodiversity Checklist and Ecological Assessment

Relevant Planning History

12. The planning history associated with the adjacent site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2016/0011/O	Erection of storey and a half farm dwelling and garage including paired access and laneway	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough Co Down, BT26 6EH	Permission granted 25/01/17
LA05/2017/0869/RM	Erection of farm dwelling and garage including new paired access from main road, laneway and associated siteworks	Site approximately 140 metres south of 23 Corcreeny Road Hillsborough BT26 6EH	Permission granted 10/10/17
LA05/2018/0678/F	Change of access arrangement from that previously approved under planning application reference LA05/2017/0869/RM	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, BT26 6EH	Permission granted 11/01/19

13. Outline planning permission was granted for a farm dwelling and garage on the same site (outlined in red as shown on site location map) on 25 January 2017. Approval of Reserved Matters was subsequently granted under LA05/2017/0869/RM on 10 October 2017.
14. Further to this, planning application LA05/2018/0678/F dealt with a “change of access arrangement from that previously approved under planning application reference LA05/2017/0869/RM” for the same site. Permission issued on 11 January 2019.
15. The outline and reserved matters approvals expired on 25 January 2022 (5 years from the date of the outline approval, which was the later of the 2 approvals).

16. The subsequent planning permission was for an alternative access arrangement. It did not seek to vary or alter the previous permission and was not submitted as a Section 54 application. It does not have any material weight in the assessment of this proposal.
17. This application was submitted on 22 December 2021. It was made valid on 27 January 2022. No CLUD is submitted to evidence that the development was commenced before the expiration of the outline permission and approval of reserved matter had lapsed. This proposal is considered on its own merits having and no material weight is attached to the planning history.

Consultations

18. The following consultations were carried out:

Consultee	Response
DAERA	Business has been in existence for more than 6 years however no SFP claimed
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
Rivers Agency	No objection
NIEA	StNo objection

Representations

19. One letter of support has been received. The letter, from Sir Jeffrey Donaldson MP requests that full consideration be given for the applicant's personal circumstances alongside the evidence submitted of farming activity.
20. Consideration of this letter alongside all supporting evidence submitted to date will be included in the overall assessment of the application.

Local Development Plan

21. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

22. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

23. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
24. In both the Lisburn Area Plan, draft BMAP and the subsequent revision to draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
25. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) protect the established rural settlement pattern and allow for vibrant sustainable communities.*

26. The following operational policies in Part 2 of the Plan Strategy also apply.

27. The proposal is for a farm dwelling. Policy COU 1 – Development in the Countryside states:

There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Details of operational policies relating to acceptable residential development proposals are set out in policies COU2 to COU10.

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11 - COU14.

There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development.

Any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 - COU16.

28. As explained this is an application for a farm dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU15, COU16 and WM2 of the Plan Strategy.

Dwellings on Farms

29. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

- a) *the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years*
- b) *no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application*
- c) *the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Integration and Design of Buildings in the Countryside

30. Policy COU15 - Integration and Design of Buildings in the Countryside states:

In all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design.

A new building will not be permitted if any of the following apply:

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

31. Policy COU16 – Rural Character and other Criteria states:

In all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area.

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility*

- splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Habitats, Species or Features of Natural Heritage Importance

32. There are trees in the site, hedgerow on the boundaries and a pond adjacent. Policy NH2 Species - Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) there are no alternative solutions; and
- b) it is required for imperative reasons of overriding public interest; and
- c) there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- d) compensatory measures are agreed and fully secured.

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

33. It is further stated at policy NH5 - Habitats, Species or Features of Natural Heritage Importance that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Waste Management

34. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

35. The proposal involves the construction of a new access to a public road. This will provide access for pedestrians and vehicles. Policy TRA2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

36. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Flooding

37. A watercourse runs along the western boundary of the site. Policy FLD 1 – Development in Fluvial (River) Flood Plains states that

FLD1 Development in Fluvial (River) Flood Plains New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest

mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) essential infrastructure such as power supply and emergency services*
- b) development for the storage of hazardous substances*
- c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) any development located close to flood defences. Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.*

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) replacement of an existing building*
- b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*
- c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain*
- d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children*
- e) the extraction of mineral deposits and necessary ancillary development.*

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) essential infrastructure*
- c) development for the storage of hazardous substances.*

Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria:

- a) demonstration of exceptional benefit to the regional or sub-regional economy*

- b) *b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.*

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk. Minor Development Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable: a) new hard engineered or earthen bank flood defences b) flood compensation storage works c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Regional Policy and Guidance

Regional Policy

38. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

39. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance

40. This proposal is for a farm dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years.

41. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

42. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

43. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns are spread across our countryside. These patterns including farm type and size are reflective of different agricultural activities as well as the influence of the linen industry which supported the development of small holdings.

44. Paragraph 2.7.1 of Building on Tradition states that:

The form of the farmstead is dictated by the scale and the type of farming practiced, local climate and topography, as well as building materials available locally. The most common form in the last century reflected improvements in farming with buildings serving different functions becoming more segregated and arranged around a farmyard.

45. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *void full frontal locations where bad weather can damage buildings*

- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
- *Look for sites with at least two boundaries in situ and preferably three*
- *Look for sites that face south (easy to achieve good passive solar gains).*

46. It also includes design principles that have been considered as part of the assessment:

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
- *Retain existing hedgerows, boundaries and mature vegetation.*
- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*

47. With regards to waste water treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Farm Dwelling

48. This application is an outline planning application for a site for a dwelling on a farm.

49. The name and address of the applicant and owner of the farm business has been provided. The P1C Form states that the farm business was established prior to August 2004, has a DAERA business ID number but does not claim Single Farm Payment subsidies.
50. Further to consultation with DAERA, they confirmed that the farm business has been in existence for more than 6 years but that the applicant did not claim payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.
51. In the supporting information submitted by the agent a brief explanatory note has been provided stating that the field is not large enough to qualify for eligibility for SFP claims. In this instance as SFP is not being claimed. For this reason no up-to-date farm maps have been provided.
52. Policy COU10 of the Plan Strategy 2032 requires the farm business to be both active and established. The applicant will therefore be required to provide the farm business ID supplied from DAREA, along with other evidence to prove active farming over the required period [last six years], such as audited accounts compiled by an accountant.
53. As the application was submitted in December 2021, one month before the expiration of the previous farm dwelling approvals, evidence was required to demonstrate that agricultural activity has been carried out on the site over a requisite period of 6 years from 2016 - 2021.
54. The supporting evidence submitted detailed the farm business activity included the period covered by the earlier planning application. The applicants at that time were David and Barbara Irwin. Since then David Irwin passed away in May 2019. The supporting statement mentions that Mrs Irwin has continued to operate and maintain the farm and intensive cut flower and foliage horticultural business.
55. Additional evidence was sought on 23 August 2022 based on the proposal meeting the policy requirements of Policy CTY 10 of PPS 21 (the relevant policy for farm dwellings at that time). The applicant was asked to provide sufficient evidence such as verifiable accounts of the flower business to demonstrate active farming over a 6 year period from 2016 to 2022. .
56. An ecological report and Flood Risk Assessment were also requested at this time.
57. Additional supporting evidence in respect of the farming activity was then submitted in March 2023. A summary of the evidence submitted is set out below:

17 February 2016 – 30 April 2019

58. Evidence of horticultural business by way of invoices sent from Horticultural nursery suppliers - for example LRM Horticultural Services Ltd and James Pollock and Son sent to Mrs Erwin at the business address referred to "Foliage Works, 23 Corcreeny Road". Also includes expansive amount of invoice receipts of purchases from garden supply companies, garden centres, bulbs, seeds and plant wholesaler companies etc.
59. Evidence during this period is deemed sufficient in demonstrating three years and three months of business activity.

May 2019 – September 2021

60. Evidence submitted includes hand-written receipts for bulbs/plants purchased with no details of address provided, one invoice for lawn maintenance and receipt for horse riding boots.
61. Some invoices for November 2020 from seeds/plant companies. Address is referred to as "23 Corcreeny Road" and not "foliage works".
62. No other evidence provided for this period and the evidence as outlined is not deemed sufficient to demonstrate a sustained period of agricultural/horticultural activity in relation to said business during this period.

October 2021 – December 2021

63. Letter from DAERA relating to offer of grant aid for rural Business Development Grant Scheme referring to business as "NI Letterbox Flowers".
64. Again, as above, scarce invoices from seeds companies but mostly handwritten receipts are provided. This is deemed weak but does demonstrate a very low level of business activity.
65. Having considered the evidence in its entirety it was concluded that there was a significant gap in the business activity and that the total period for business activity equated to three years and six months. The applicant had therefore failed to demonstrate that the business continued to operate for a requisite period of 6 years prior to the submission of the application.
66. The agent was informed of this view on 19 June 2023 and was provided with a further opportunity to submit any other evidence in support of the application by way of verifiable business accounts which is considered as an appropriate and robust form of evidence for demonstrating farming activity.
67. This type of evidence is endorsed and supported by the PAC commissioners in two separate planning appeal decisions (2017/A0258 and 2019/A0256).

68. Further evidence was then submitted on 06 July 2023 and is summarised as follows:
69. Further handwritten receipts from June 2021 – March 2023 with evidence centred around bank account statements and garden centre sales receipts.
70. This evidence does not demonstrate the continuation of horticultural business previously known as “Foliage Works”, which largely formed the premise for the business activity from 2016 - 2019. It fails to demonstrate the horticultural activity continuing to operate on a business capacity post 2021.
71. In summarising all the latest information to date there is little or no evidence to suggest the horticultural business was operating post 2021 and activity appears to have ceased altogether.
72. Taking the above into account it is considered that it has not been demonstrated that the farm business is currently active and that it has been established for at least 6 years and therefore criteria (a) of policy COU10 has not been met.
73. A search of planning records against the applicants submitted Farm Map confirms that no dwellings or development opportunities have been sold off from the holding in the intervening period. Criteria (b) of Policy COU10 is met.
74. Turning then to criteria (c), detail within the flood map overlay drawing demonstrates an approximate location for the dwelling outside of the floodplain and located between the pond and the two polytunnels and small outbuilding adjacent. The site is also described on the application form as being 140 metres south of 23 Corcreeny Road. When checked the proposed farm dwelling is approximately 80 metres south of the gable of the dwelling at 23 Corcreeny Road.
75. The polytunnels are not considered to fall within the definition of an “established group of buildings on the farm” and by virtue of their temporary construction. There is not a sufficient degree of permanence to the structure to state otherwise. They were also discounted as part of the assessment of the previous application.
76. There is no history of planning approval for the shed and as this is isolated and sited a considerable distance away from the main dwelling it is also discounted.
77. As previously stated, the main dwelling at 23 Corcreeny Road is located approximately 80 metres away from where the proposed dwelling is shown to be sited. An ancillary garage/outbuilding lies beyond this dwelling to the northwest. Whilst it was previously accepted that a new dwelling would cluster with these buildings no weight is attached to the planning history for the reasons outlined above and this proposal is considered afresh.

78. The new dwelling will be visually removed from these two buildings. There are no views of these buildings from the site and vice versa. When observing both the site and buildings from the roadside there is no visual linkage between the two.
79. The separation distance between the site and associated buildings also means that the new dwelling will not be sited to cluster with the identified “established group of buildings” on the farm.
80. Furthermore, 19 and its garage are located approximately 50 metres to the east of the proposed siting and it is noted that these buildings are closer in terms of distance therefore the proposed dwelling would be more likely to form a grouping with these buildings which are not within the applicant’s ownership. Criteria (c) of Policy COU10 fails to be met.
81. Access to the site is via the construction of a new shared access to a public road. DFI Roads are content with the details provided and are content with the access in principle.

Integration and Design of Buildings in the Countryside

82. Turning then to Policy COU15, it is noted that the site benefits from existing boundary vegetation and mature trees which if retained will ensure that a dwelling located on this site would not be a prominent feature in the landscape. Criteria (a) is met.
83. In respect of criteria (b) and for the reasons outlined earlier in the report within the context of Policy COU10 considerations, the proposed dwelling would not be sited to cluster with an established group of buildings, namely the existing dwelling and outbuilding further to the north, as it would be too far removed from these buildings.
84. The existing trees and established natural boundaries within and around the site will ensure that a building, if designed appropriately will blend with the landform. The site is also able to provide a suitable degree of enclosure for the building to integrate into the landscape and it will not rely on the use of new landscaping for integration. Criteria (c), (d) and (e) are met.
85. This is an outline application and as such no design details have been provided. These details will be provided at Reserved Matters stage and will be assessed against the policy provisions set out in the Plan Strategy and the Guidance in Building on Tradition.
86. The main impact resulting from the ancillary works is the construction of the paired access. A new access will be created along the Corcreeny Road with the new laneway running almost parallel to the existing. There will be minimal

loss of vegetation to facilitate the splays, limiting significant impact on the ability to integrate the development into the countryside.

87. For the reasons outlined in the preceding paragraphs it is considered the proposal is contrary to criteria (b) of COU15.

COU16 - Rural Character

88. The new dwelling will not be unduly prominent in the landscape for the reasons outlined earlier in the report within the context of Policy COU15 considerations.
89. Criteria (b) of policy COU16 requires the dwelling to cluster with an established group of buildings. Again, for the reasons outlined earlier in the report, the proposed dwelling will not cluster with the established group of buildings, namely the existing dwelling and outbuilding, as it is too far removed from said buildings in terms of distance and visual linkage.
90. A new dwelling would not respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling that is not clustered with existing buildings on a farm. Criteria (c) is not met.
91. In respect of criteria (d) this site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside and it does not result in urban sprawl when viewed with the existing buildings.
92. This proposal will have an adverse impact on the rural character of the area due to the addition of ribbon development along the Corcreeny Road. Criteria (e) is not met.
93. In respect of criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on residential amenity in respect of any neighbouring properties.
94. In relation to criteria (g) and (h) all of the proposed services are provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
95. In respect of criteria (i) for the reasons set out earlier in the report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
96. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to meet criteria (b) and (e) of COU16.

Policy WM2 - Waste Management

97. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul sewage via a sewage treatment plant.
98. LCCC Environmental Health were consulted and offer no objection. NI Water have also replied indicating they are content subject to suitable conditions and informatives.
99. Consideration of flood risk is included as a criteria for assessment in policy WM2.
100. DfI Rivers identified that the site lies within the strategic 1 in 100 year fluvial flood plain of an undesignated watercourse located on the Western boundary of the proposed site.
101. Parts of the site also lie within a predicted flooded area as indicated on the Surface Water Flood Map.
102. DfI Rivers advised that all proposals should be kept outside the predicted 1 in 100 year fluvial floodplain. If any of the proposals are to take place within the strategic floodplain, then the applicant should carry out a Flood Risk Assessment for our consideration that will verify the more accurate extent of the 1 in 100 year fluvial floodplain.
103. A concept drawing indicates the extent of the floodplain and the approximate zone for the location of the proposed dwelling has been submitted and considered by DfI Rivers. Their advice that if the applicant restricted their development to this area of the site they would have no reason to object is accepted.
104. This proposal did not therefore require the submission of a flood risk assessment and consent to discharge is required as a separate consent outside of the planning process.
105. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
106. Based on a review of the information and advice received from consultees, it is accepted that a package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

Access and Transport

107. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of alteration of the existing access to allow for the construction of a new paired access and laneway onto the Corcreeny road which will be used for vehicular and pedestrian use.
108. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that regard has been given to the nature and scale of the development and the proposed access will not prejudice road safety or significantly inconvenience the flow of vehicles.
109. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
110. DFI Roads have considered the detail and offer no objections to the proposed development subject to standard conditions.
111. Based on a review of the information and the advice from statutory consultees, it is accepted that an access to the public road can be accommodated in principle without prejudice to road safety or significant inconvenience to the flow of traffic.
112. The requirements of Policy TRA2 and TRA 7 of the Plan Strategy are met in full for the reasons outlined above.

Natural Heritage

113. Initially requested from the agent on 23 August 2022, a Biodiversity Checklist was submitted on 21 February 2024 along with an accompanying Ecological Assessment.
114. The assessment has concluded the site was previously surveyed, in 2016, by AECOM, in relation to application LA05/2016/0011/O and NIEA consulted. The site is essentially identical to 2016, bar that some areas of grass have not recently been grazed.
115. The summary and mitigation outlined in the EA takes into account mitigation measures previously suggested by AECOM and approved by NIEA. It has concluded that no protected sites are present. No impact on protected sites is predicted. No impact on priority habitats is predicted as long as the mitigation is followed.
116. Priority species are present - widespread birds and possibly Smooth Newts. No impact on priority species is predicted as long as the mitigation is followed.

117. At the site inspection, it was noted that the existing boundaries exhibited mature vegetation and the field was in good agricultural condition. It is also noted that the development proposal is not located within any designated sites.
118. As there is no change in the site conditions except for some of the grassed areas, it is accepted that the proposed development will not result in any undue harm to any interests of natural heritage importance, subject to the implementation of the proposed mitigation measures as identified in the EA.
119. Any vegetation along the boundaries shall be retained by way of condition to retain screening and prevent unnecessary adverse impact on features of natural heritage.
120. This will ensure no undue harm to any features of natural heritage importance. No issues of concern shall arise consistent with policy tests set out in the Plan Strategy.

Flooding

121. In consideration of Policy FLD1 Dfl Rivers identified that part of the site lies within the strategic 1 in 100 year fluvial flood plain of an undesignated watercourse located on the western boundary of the proposed site.
122. Parts of the site also lie within a predicted flooded area as indicated on the Surface Water Flood Map.
123. As detailed previously, a site overlay indicating the extent of the floodplain and the approximate zone for the location of the proposed dwelling has been submitted by the agent and considered by Dfl Rivers.
124. They advised that if the applicant restricts their development to this area of the site they would have no reason to object. This proposal does not therefore require the submission of a flood risk assessment as it has been demonstrated that development will be confined to outside of the predicted 1 in 100 year fluvial floodplain.
125. No flood risk assessment was requested on the basis of the advice offered by Dfl Rivers and there was no requirement to consider the proposal against the requirements of policy FLD1 other than for the reasons detailed earlier in this report.

Conclusions and Recommendation

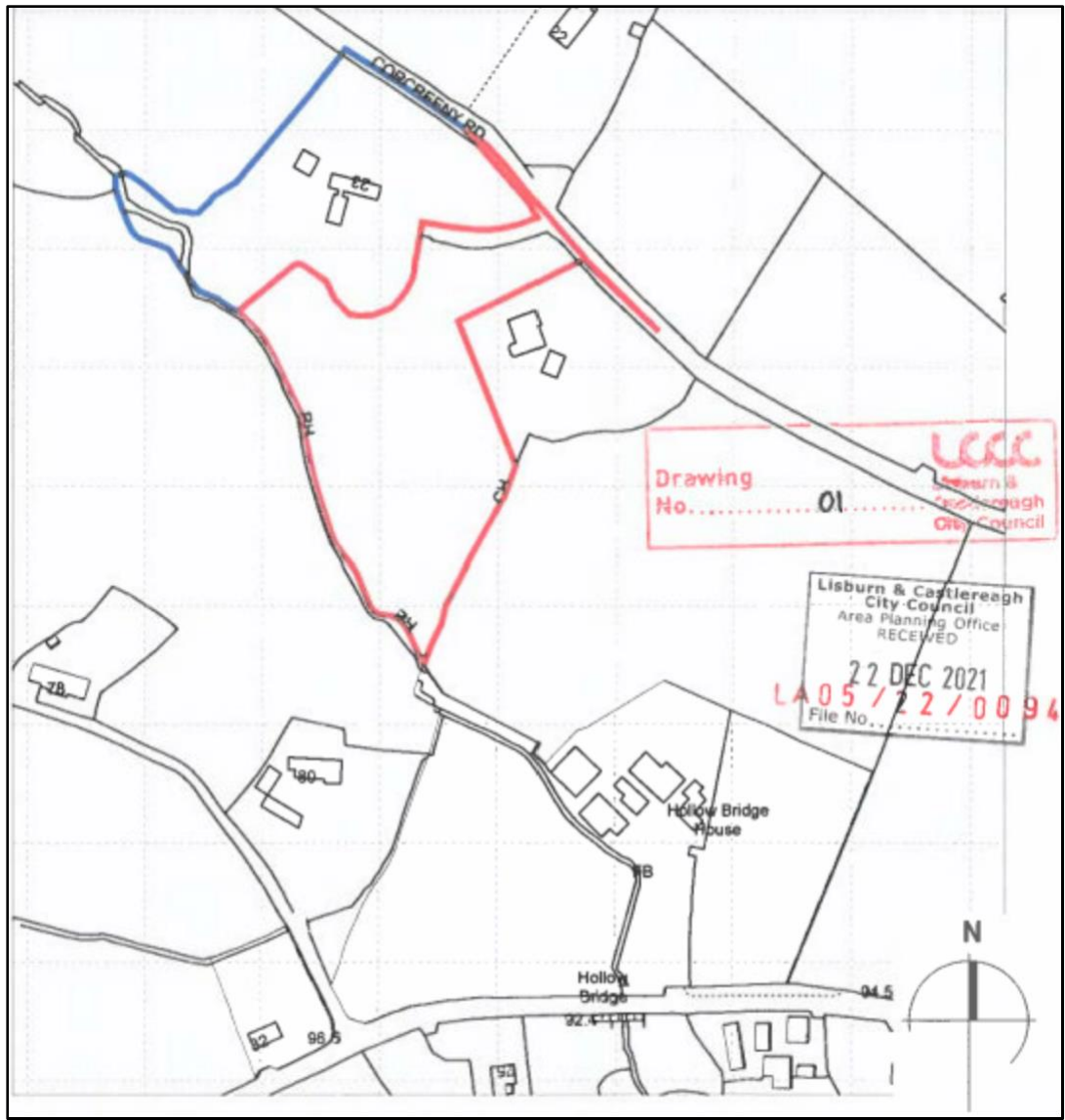
126. For the reasons outlined above, the proposal is contrary to policies COU1, COU10 criteria (a) and (c) COU15 criteria (b) and COU16 criteria (b) and (c). It is recommended that planning permission is refused.

Refusal reasons

127. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to Policy COU10 (a) of the Lisburn and Castlereagh Plan Strategy 2032, in that it has not been demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that the farm business is currently active and that it has been established for at least 6 years.
- The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
- The proposal is contrary to criteria (b) of policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings.
- The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area.

Site Location Plan – LA05/2022/0094/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	04 March 2024
Committee Interest	Local Application – Exceptions Apply
Application Reference	LA05/2021/1169/F
Date of Application	20 November 2021
District Electoral Area	Downshire East
Proposal Description	Demolition of existing public house and construction of 12 apartments, associated car parking and landscaping as previously approved under S/2006/1608/F
Location	7-9 Rathfriland Road, Dromara BT25
Representations	None
Case Officer	Peter McFadden
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposed development creates a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and is in accordance with policies HOU1 and HOU3.
3. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that provision is made for affordable housing at a minimum of 20% of the total number of units. This has been confirmed by the applicant. This provision will be subject to a Section 76 planning agreement.
5. The proposed complies with policy of TRA1 the Plan Strategy in that it is demonstrated that an accessible environment will be created.
6. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that it is demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal complies with policy TRA7 of the Plan Strategy in that it is demonstrated that an acceptable level of car parking is provided.
8. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
9. The proposal also complies with policy NH5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that appropriate mitigation and/or compensatory measures have been proposed to address the impact of the development on priority habitats and species.
10. It is accepted that the proposal complies with policies FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the mitigation measures proposed ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site Context

11. This 0.2 hectare site is located at 7-9 Rathfriland Road, Dromara and is located within the village. It is on the site is an existing public House known as O'Reillys.
12. The site is currently occupied by a large two-storey building with single storey element to the side which is set to the back of the public footway. The building has a two-storey rear return and another single storey return to the rear of the two-storey return.

13. There is a vehicular access to the left of the public house (closed off by a double wooden gate) and an area of hard standing. There is another pedestrian entrance to the right again controlled by a wooden gate leading to a covered area. This area has a wooden frame with plastic sheeting.
14. The area to the rear is tarmacked and used as parking for the public house. Currently within the area is a forty-foot trailer, bins and gas tank as well as associated storage for the former public house. A belt of mature trees is along the western boundary (boundary with Hillsborough Road).
15. The public house faces directly onto the road and footway. The rear boundary is a double height wooden fence and there is a line of conifer trees along this boundary. The lands to the rear are elevated relative to the site. Intervisibility across is boundary is limited in nature.
16. Dwellings to the rear of the site are bounded by 2 metre high closed boarded fencing. The boundary adjacent to the playground and memorial is made up of at various points by a 2 metre high wooden fence, metal railings and a 2 metre high white rendered wall.
17. It is evident that several large trees to the side rear have been removed as the stumps are clearly visible. The remaining side boundary is delineated by white rendered wall with timber fence set above well in excess of 3 metre. The rear of the site also has a belt of conifer trees along this boundary.
18. To the rear and south of the site are residential properties. To the north is a municipal play area which has access through a memorial.
19. The entire site is flat. The lands to the rear are elevated from the site.

Surrounding Context

20. The site is located within the settlement of Dromara. The surrounding area is a mixture of residential and retail uses. The buildings are a mixture of styles varying in height from 2.5 and 3 storey. There is no predominant architectural style but the buildings mainly have a render finish with slate or concrete tiled roof.

Proposed Development

21. The proposed development comprises the demolition of the existing public house and construction of 12 apartments and associated car parking and landscaping as previously approved under S/2006/1608/F.
22. The application is supported with the following documents:
 - Planning and Concept Statement
 - NI Biodiversity Checklist

- Flood Risk and Drainage Assessment
- Engineers Report
- Landscape Management Plan
- Supporting information of affordable housing provision on site

Relevant Planning History

23. The most relevant planning history is as follows:

Application Reference	Proposal	Decision
S/2006/1608/F	Demolition of existing public house and construction of residential development of 12 units and associated car parking and landscaping (amended proposal)	Approved 18/7/2008
S/2005/1161/F	Alterations to provide change of use from dining area to off-licence and new shopfront.	Approved 11/10/2006
S/2005/1151/F	Extension to pub function room to form sunlounge.	Approved 18/7/2006
S/2004/2005/F	Development of 6 apartments in a two-storey block with associated parking and landscaping.	Withdrawn

24. Full planning permission was granted at this site for the same proposal in 2006. There is no evidence to support a case that the development was commenced. This proposal is considered afresh and no weight is attributed to the planning history.

Consultations

25. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Natural Heritage	No objection
Water Management Unit	No objection
HED Historic Monuments	No objection

Consultee	Response
Housing Executive	No objection

Local Development Plan

26. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

27. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 states that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

28. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
29. The site lies within the development limits of Dromara in both the LAP and in draft BMAP. It is previously developed and the land is not zoned for any other purpose.
30. As explained above, this application is for residential development and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.
31. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

32. As more than 5 residential units are proposed Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

Housing in Settlements

33. As residential development is proposed policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

34. The design and layout of the new buildings are subject to policy HOU3 - Site Context and Characteristics of New Residential Development which states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

35. The design and layout of the new buildings are also subject to policy HOU4 - Design in New Residential Development which states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25*

- dwellings per hectare.*
- *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
 - f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
 - g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
 - h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
 - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
 - j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
 - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
 - l) *the development is designed to deter crime and promote personal safety.*
 - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

36. The Justification and Amplification states:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

37. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

38. As more than five dwellings are proposed there is a need to consider the requirement for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

39. The Justification and Amplification states:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

40. The Glossary associated with Part 2 of the Plan Strategy states that *Affordable Housing – affordable housing is:*

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

41. A bio-diversity report is submitted in support of this application. Policy NH2 – Species Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *it is required for imperative reasons of overriding public interest; and*
- c) *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- d) *compensatory measures are agreed and fully secured.*

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

42. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*

- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*
- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

- 43. The P1 Form indicates that access arrangements for this development will use the existing access to the public road.
- 44. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

- 45. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of*

- vehicles; and,
- b) it does not conflict with Policy TRA3 Access to Protected Routes.

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

46. Car parking is proposed as an integral part of the development. Policy TRA 7 – Car Parking and Servicing Arrangements states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

47. The scale of development proposed requires a Drainage Assessment and the drainage must be designed to take account of the impact on flooding elsewhere. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*
- c) *a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Waste management

48. Policy WM2 Treatment of Waste Water Development states that:

Proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1. Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Historic Environment and Archaeology

49. The building is of a local vernacular design and within the Area Of Archaeological Potential (AAP). Policy HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

50. Policy HE4 – Archaeological Mitigation states that:

Where the Council is minded to grant planning permission for development which will affect sites known or likely to contain archaeological remains, the Council will impose planning conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate completion of a licensed excavation and recording examination and archiving of remains before development commences or the preservation of remains in situ.

Regional Policy and Guidance

Regional Policy

51. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

52. As this proposal is for new housing in a settlement it is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities

53. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to
59 See draft guide to Transport Assessment (published by DOE and DRD,

2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

54. In relation to drainage and flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

55. Paragraph 6.132 of the SPPS further states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

Assessment

Policy HOU 1 – New Residential Development

56. This application is for residential development on land previously developed as a Public House within the settlement of Dromara. There is a presumption in favour of development on previously developed land within settlements subject to all other planning and environmental considerations being satisfied.
57. For the reasons outlined, the policy tests associated with HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

58. The surrounding context is mainly residential in character and the development to the south comprised of two-storey dwellings render on the ground floor, brick on the second with tiled roofs. To the east are a pair of semi-detached bungalows finished in brown brick. There is also a section of private parking along the southern boundary. The wider area to the south is residential in character.

59. To the west of the site is a play park and memorial garden. Beyond this to the north are a variety of building styles and forms that are used for retailing, office, residential and mixed uses. This area is the centre of Dromara village.
60. The concept statement states the proposed buildings are sympathetic to the best example of the traditional style in the locality. The main house will address the road frontage. Subservient blocks to the rear are reflective of a block of outbuildings with stone façade forming a courtyard which encloses the parking, internal road and any ancillary storage such as bins etc.
61. For the reasons outlined above, it is accepted that the proposed development will respect the form of buildings found in the local context of Dromara village. The scheme is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. Criteria (a) is met.
62. The overall character of the area will not be significantly changed or significantly harmed by the proposed development. The existing boundaries are to be retained and augmented.
63. Whilst there are no listed or important buildings it was noted that the application site and the building in situ does have a traditional vernacular appearance.
64. Historic Environment Division offer no objection to the proposed redevelopment. Criteria (b) of policy HOU3 is met subject an archaeological evaluation being carried out before any other development is carried out on the site.

Policy HOU4 - Design in New Residential Development

65. The layout as shown on the proposed Site Layout and Landscape drawing demonstrates that there are three blocks of apartments proposed in the site. The road frontage is annotated as a manor block with a second larger block to the rear.
66. The Manor block fronts onto the Rathfriland Road. It is two storey in nature and contains four apartments over the two floors. Each apartment has living, dining and kitchen space on the ground floor with two bedrooms and bathroom on the first floor. Entrances are provided from the front and rear of the block at ground floor level. Access to the second floor is only possible via the internal staircase of each individual apartment. Each is entirely self-contained.
67. The fenestration to the front and rear is simple in design and will give the appearance of one large dwelling from the road frontage. The rear is again reflective of that design concept. There are no windows in the southern elevation adjacent to the existing residential dwellings. There are windows in the northern elevation but these look out onto the road frontage and memorial garden.
68. The proposed finishes are a slate roof, textured coloured render, corbelled detail to the eaves, moulded aluminium black guttering, PVC sash timber effect

- windows and painted entrance doors. This is an appropriate palette of materials in the setting.
69. The layout of the rooms in each of the apartments in this block, the careful positioning of the windows and the distance of separation from the existing neighbouring properties ensures that there is no overlooking.
 92. The development on the site does not conflict with surrounding land uses. It is separated from adjoining residential development to south. The building is not dominant or overbearing and no loss of light would be caused.
 93. The second and third blocks are located to the rear of the site and have three floors of accommodation with eight apartments in total. Six of the apartments are over two floors and access is from the ground floor at four separate locations. Two of the apartments have individual entrance points.
 94. Again access to the second floor is via an internal staircase all of the eight apartments are again self-contained. The upper two apartments located on the second floor are accessed via a shared central staircase.
 95. The fenestration on the front elevation is more detailed than the Manor block to given the appearance of an ancillary outbuilding.
 96. All of the windows to the front face onto the communal courtyard area used for parking. Windows to the rear serve bedrooms and bathrooms these are at a lower height than the dwellings located to the rear and there is a substantial belt of trees along this rear boundary.
 97. The blocks are also set off the rear boundary at a minimum of 8 metres but is more like 9 to 10 metres when taken along the entire boundary. The separation distance allied with the existing and augmented boundary planting will not result in any obtrusive view into the properties at the rear. There are no windows proposed in the second floor to the rear.
 98. There are limited windows in both side elevations. On the northern elevation there are three windows over the first and second floors all serving bedrooms all look out onto the play park and an area of rear garden but not directly into the rear of any other property. There are two windows in the southern elevation again serving bedrooms the separation distance from the side boundary will result in no overlooking.
 99. In relation to the third-floor apartments many of the rooms obtain light from velux windows. Both have an outside terraced area however there is a wall to the terrace which negates any view directly out and one terrace faces the road while the other looks to the south. It is not considered that either of these will create any overlooking issues.
 100. The proposed finishes are slate roof, textured coloured render and reconstituted stone as detailed, corbelled detail to the eaves, moulded aluminium black guttering, UPVC timber sash look alike windows and painted entrance doors. This is all to be welcomed and considered appropriated in this location and setting.

101. The apartment blocks are accessible and designed to ensure that the accommodation inside is accessible to persons with impaired mobility.
102. All ancillary storage is within the confines of the site. Communal amenity space is provided across the site as is the parking and also cycle parking is provided in several locations.
103. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
104. Private outdoor amenity space is provided as communal open space and two of the apartments have a private roof terrace. The amount of communal space is in line with the guidance in the Creating Places document. Also adjacent to the site is the play park and memorial garden area are accessible to the future residents of the proposed development.
105. The landscape plan and associated management plan for the site demonstrates that the existing retained planting will be maintained and new planting will be provided to supplement this with the aim of creating a quality residential environment.
106. The proposed site layout drawing includes details of the boundary treatments and the block retaining walls that are proposed to accommodate the interface between the site and the steeply rising ground adjacent.
107. For the reasons outlined above, criteria (b) is met.
- 101 With regard to criteria (d) the site is located in a village context and the proposed density and form and pattern of the development is in keeping with the overall character and environmental quality of the established area. The average unit size exceeds the minimum space requirements set out in supplementary planning guidance.
102. The internal road layout provides for safe and convenient access through the site. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
108. The site is open in nature and overlooked by the development this will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
109. Provision can be made for householder waste storage within the wider site boundary and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU10 – Affordable Housing

110. The proposal includes more than five residential units. The agent confirmed in an email dated 07 Sept 2023, that the applicant is content to meet the policy requirement and this will be facilitated by means of a section 76 agreement.

111. The Housing Executive have been consulted and in their response of 24 January 2024 they confirm that they supports 20% affordable housing being provided at the site(3 units in total).
112. The advice also confirms that Housing Executive carries out Housing Need Assessments (HNAs) annually across all relevant housing areas. This proposed development is located within the Dromara which has unmet need 9 units of social rented accommodation for the 2022-27 period.
113. The Housing Executive recommends that all social housing should be designed to Lifetime Homes standard and that the applicant or developer discuss the layout, design, finance and delivery timing of the social housing units in consultation with a Registered Housing Association to ensure those units are designed in accordance with Department for Communities (DfC) Design Standards.
114. For the reasons outlined above and subject to a section 76 agreement, the tests associated with Policy HOU10 are met.

Natural Heritage

115. A NI Biodiversity Checklist was supplied in support of the application. In the ecological statement the final paragraph states:

it is not envisaged that any priority habitats will be adversely impacted by the proposed development proposal. Therefore, no follow up habitat surveys are required.
116. Furthermore, it is also not envisaged that priority species will be impacted. Accordingly, no follow up species surveys are required.
117. NIEA NED acknowledged receipt of a Biodiversity Checklist. Advice received confirms that the proposed development is unlikely to significantly impact protected or priority species or habitats.
118. Their response notes that the building has been assessed as negligible for bat roosting potential and that they are content with this assessment. That said, they do advise that works must stop should evidence of roosting bat be found.
119. The advice also notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. It explains that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order.
120. NED advise that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August, or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.
121. Having regard to the detail of the biodiversity checklist and the advice of NED, it is accepted policies NH2 and NH5 of the Plan Strategy are met.

Access and Transport

Policy TRA1 Creating an Accessible Environment

122. The proposed development has internal parking and an access road to the various parking bays. Pedestrian access is also provided for to and from the site but also within the site. The proposal is considered to be designed to create an accessible environment and the tests associated with Policy TRA1 are considered to be met.

Policy TRA2 Access to Public Road

123. The proposal involves using the existing access onto the Rathfriland Road.
124. Information is included on the submitted drawings showing visibility splays and a no parking zone to the front of the proposed access. Also detailed is the existing lay-by parking along the front of the site and reinstating the footpath to the satisfaction of Roads Service.
125. Advice received from DfI Roads confirms that they have no objection in principle to the access arrangements.
126. Having regard to the detail provided and the advice from DfI Roads, it is accepted that the proposed development will not prejudice road safety or inconvenience the flow of vehicles.

TRA7 – Carparking and servicing arrangements in new developments

127. The proposal is required to provide parking spaces in accordance with parking standards. The proposed development is for twelve, two bed units. The parking requirement is 1.5 spaces per unit. A total of 18 spaces are required.
128. The plans submitted show 18 fully dimensioned spaces all within the confines of the application site. The dimensions are given as 2.4 metres X 4.8 metres. There is also a service vehicle turning area again with the site.
129. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests associated with Policy TRA7 of the Plan Strategy.

Historic Environment and Archaeology

130. The application site is within the Area Of Archaeological Potential (AAP) for Dromara. The AAP is an area where there may be an increased likelihood of encountering archaeological remains associated with the early development of the settlement.

131. Additionally, the application site contains a building of vernacular form and massing that appears to be shown on the First Edition Ordnance Survey (OS) map and is potentially of eighteenth century date or earlier. The First Edition OS map also shows a mill pond partially within the application site suggesting the potential for encountering below-ground remains associated with water-powered agro-industrial production.
132. HED (Historic Monuments) has considered the impacts of the proposal and advice received confirms that they are content that the proposal satisfies policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation.
133. The condition is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. The programme of works must incorporate a methodology for identifying and recording any industrial archaeological remains within the application site and must also incorporate a Level 3 building survey of the extant vernacular building.
134. Officers have no reason to disagree with the advice of the statutory consultees. For the reasons outlined above, it is accepted that the proposed development complies with policies HE3 and HE4 of the Plan Strategy.

Flooding

135. The P1 Forms indicates that both surface water will be disposed of via the existing site drainage and foul sewage will be disposed of via mains connection. The source of water supply is from the mains.
136. A Drainage Assessment was submitted in support of the application by JKB consulting engineers. provides details of the existing runoff and post development run off.
137. Advice received from DfI Rivers on 20 July 2023 acknowledged receipt of the drainage assessment dated April 2022 and the PDE response from NI water dated 12 June 2023. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.
138. It is also noted that the Drainage Assessment states that the drainage design requires further detailed design, therefore DfI Rivers requests that the Planning Authority includes conditions provided. These will be placed on any decision should approval of the scheme be granted.
139. In relation to Policy FLD 3, the response confirms that whilst not responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions.

140. Water Management Unit considered the impacts of the proposal on the surface water environment and advise 22nd Nov 2021 that while it has no objection in principle the development as it stands has the potential to have an adverse effect on the aquatic environment. (See note regarding NIW refusal, and MOS).
141. In their considerations they go on to state that should this application be approved Water Management Unit recommend conditions to be inserted in any decision notice. Where appropriate these are included in the final section of the report.
142. In the explanatory note Water Management Unit require due to the proximity to watercourses a full Method of Works Statement (MOS) from the appointed contractor and that it should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. Details of mitigating measures to address the environmental impacts on the aquatic environment should be presented in the contractors MOS.
143. An Engineers Report was received on 21st March 2023 and a subsequent response from NI Water was received on 12/6/2023 which revised set out a revised position recommending the application for approval.
144. Confirmation was also provided to indicate that there was available capacity at the receiving Waste Water Treatment Works.
145. There is a public foul sewer within 20 metres of the proposed development boundary. The receiving foul sewerage network has reached capacity however. The public system cannot presently serve this development proposal without significant risk of environmental harm and public dis-amenity including pollution, flooding and detrimental impact on existing properties.
146. However as previously stated a design solution has been found to resolve the issues and NI Water has agreed a downstream engineering solution to mitigate the foul capacity issue and allow connection for this proposal.
147. LCCC Environmental Health Service unit also commented that they have no objection subject to condition Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development. With the reason being to protect the amenity of neighbouring dwellings with respect to odour.
148. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water and EHU, it is accepted that the proposal complies with policy FLD3 and WM2 of the Plan Strategy.

Recommendation

149. The application is presented with a recommendation to approve subject to conditions outlined and a Section 76 Agreement requiring the developer to:

- Make provision for 20% affordable housing at this site which is three units.

Conditions

150. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.16B WW2819- 16 Rev. B, bearing the date stamp 10 October 2022, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

3. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The proposal shall not become occupied until hard surfaced areas have been constructed in accordance with approved drawing no.16B WW2819-16 Rev. B, bearing date stamp 10 October 2022 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access

shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

6. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn and Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

7. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

8. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 6. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

9. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development.

Reason: To protect the amenity of neighbouring dwellings with respect to odour.

10. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities – Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: 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.

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

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

12. Once a contractor has been appointed, a Method of Works Statement (MOS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site.

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

13. No development shall proceed beyond sub-floor level until a suitable dedicated surface water solution has been agreed upon. The applicant may requisition NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006 for this purpose.

Reason: To ensure a practical solution to the disposal of surface water from the site.

14. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D to be agreed which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

15. All hard and soft landscaping works shall be carried out in accordance with the approved details Drawing 04 bearing and the details of the management Plan for the proposed development dated 20 Oct 202.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscaping on the site.

Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Notification Direction – LA05/2021/0033/F

1.0 **Background**

1. At a meeting of the Planning Committee on 05 February 2024, Members agreed with the recommendation to approve planning application LA05/2021/0033/F and in doing so accepted that greater material weight should be afforded to a number of material considerations. These offered greater community, environmental or other benefits that outweighed the loss of land previously used for economic development use and where significant weight was attached to the employment zoning in draft BMAP as retained through the transitional arrangements for the Plan Strategy.
2. Members will be aware that Councils are required by the Planning (Notification of Applications) Direction 2017 to formally notify the Department where they are minded to grant planning permission for certain types of application.
3. The schedule attached to the notification direction sets out the following circumstances when Councils should notify the Department:
 - (i) A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies;
 - (ii) A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
 - (iii) A government department or statutory consultee has raised a significant objection to a major development application.
4. Officers' consideration and advice in relation to the tests set out in the Notification of Application Direction are set out below.

Key Issues

- (i) **A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies;**
1. The report presented to Planning Committee on 05 February 2024 sets out the local development plan context associated with the application site at paragraphs 43 - 52. In summary, within the BUAP, the statutory Departmental Plan, the site is within the settlement limit and not zoned for any specific use. Within draft BMAP, the site is located within the settlement limits and zoned for employment use. In the adopted BMAP, albeit quashed, the land associated with the application site is

zoned as existing employment land. Significant weight is attached to the designation in draft BMAP zoning the land for employment use.

5. As explained, Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless other material considerations indicate otherwise.
6. The recommendation reached in this case is informed by a body of evidence presented in support of the application and regard was had to the advice published by the Department in November 2015 on the implementation of planning policy for the retention of zoned land for economic development uses in full.
7. The mixed-use scheme was considered to satisfy the objective of sustainable redevelopment of brownfield land in a settlement limit where there remains an adequate supply of employment land and where the proposal create a clear delineation between the main areas of employment use at this location with the housing provided to enable the economic element of the proposal to succeed.
8. For the reasons set out in the DM Officer report, the mixed-use development would not in this circumstance significantly prejudice the implementation of the local development plan's objectives and policies and as such, the threshold for notification on the basis of this criteria is not considered to be met.

(ii) Major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or

9. This criteria is not applicable to this assessment.

(iii) A government department or statutory consultee has raised a significant objection to a major development application

10. The report provides details of the consultations carried out as part of the application process. No government department or statutory consultee has raised a significant objection to this major development application.
11. Invest Northern Ireland objected to the proposed mixed use development of this land but they are not a government department or a statutory consultee.
12. The threshold for notification on the basis of this criteria is not met.
13. For the reasons outlined, Members are advised that should they accept the advice in this report that the test of the Regulations for DfI to be notified of this decision is not met.

2.0 **Recommendation**

Members are asked to consider the advice contained above and to agree that the test of the Regulations for the Department for Infrastructure to be notified of this decision is not met.

<p>3.0</p>	<p><u>Finance and Resource Implications</u></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
<p>4.0</p>	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report demonstrating consideration of the Notification of Applications Direction. There is no requirement to carried out an EQIA.</p>	
<p>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<p>Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report demonstrating consideration of the Notification of Applications Direction. There is no requirement to carried out an RNIA.</p>	

<p>Appendices:</p>	<p>Appendix 2(a) – DM Officer Report in relation to LA05/2021/0033/F Appendix 2(b) – Planning Direction - Notification of Applications - 2017</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2021/0033/F
Date of Application	15 January 2021
District Electoral Area	Castlereagh East
Proposal Description	Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development
Location	Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
Representations	Ninety Nine [48 objections and 51 support]
Case Officer	Rachel Taylor
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds one hectare in size and comprised of a mixed-use development with more than 50 residential units.
2. This application is presented to the Planning Committee with a recommendation to approve as it is accepted on balance that greater material weight should be afforded to the fact that this land has remained undeveloped and with the passage of time there are a combination of site specific constraints to this employment zoning that make it less likely to be developed for employment in full.

3. There are other benefits detailed in the amended submission which achieve the objective of a sustainable redevelopment of brownfield land in a settlement where there remains an adequate supply of employment land and there is created by this proposal a clear delineation between the main areas of employment use at this location and the housing which enables the delivery of new employment. These facts are given greater material weight than the prevailing regional policy considerations set out in policy ED7 of the Plan Strategy.
4. The benefits also include the creation of a sustainable mixed-use development where residents in the locality will have the opportunity to avail of local business space and job opportunities close to where they live.
5. There is little evidence to support the case for redevelopment in its entirety for future employment given the length of time the land has been vacant and unsuccessfully marketed as a redevelopment opportunity. The evidence that the site is cost prohibitive to redevelop and its peripheral location to the Dublin-Belfast corridor and to sites in the West along the M1 are important material considerations. The economic benefits of the comprehensive development of the site as a whole outweigh the retention of it as undeveloped former employment land.
6. Securing the construction of 31 business units co-located with existing employment use at Ballyoran Lane and Inspire Business Park on approximately 40% of the site creating between 45 – 80 FTE jobs in respect of the employment uses contributes significantly to local job targets for the Council area and carries significant weight in the assessment of the application.
7. The proposal complies with Policy ED8 and ED9 of the Plan Strategy in that the detail submitted demonstrates that the buildings are appropriate to the location and the mitigation proposed will ensure that the development does not prejudice the continued operation of any existing employment uses. The phasing of the development of the employment uses on the site are also subject to a Section 76 planning agreement and no development is to be commenced unless it is in accordance with the agreed phasing.
8. The proposed development also provides for a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and are in accordance with policies HOU1 and HOU3.
9. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

10. Open space is a requirement of policy as the site is more than one hectare in size. The proposal is considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development at more than 10% of the total site area.
11. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that the applicant is agreed to provide a minimum of 20% affordable housing within the site. This provision will be subject to a Section 76 planning agreement. The total number of units required is 19 and the specific location of these dwellings is to be agreed prior to the construction of the first dwelling on the site.
12. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
13. It is also considered that the development complies with policies TRA2 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
14. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that adequate parking and appropriate servicing arrangements have been provided having regard to the specific characteristic of the development, its location and parking standards.
15. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
16. The proposal also complies with policy NH5 of the Plan Strategy as the application demonstrates that there will be no detrimental impact of the development on priority habitats and species.
17. It is accepted that the proposal complies with policies FLD1 and FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the mitigation measures proposed ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site

18. The proposed site is located at the junction of the Upper Newtownards Road and the Carrowreagh Road, Dundonald approximately 6.5 miles from Belfast and 5 miles from Newtownards. Access is from both Ballyoran Land and Carrowreagh Road.
19. The site is currently vacant, and the majority of the former industrial buildings have been demolished and removed from the land.
20. The site is predominantly flat throughout where it has a boundary with the Upper Newtownards Road and Ballyoran Lane however there is a significant change in level towards the rear of the site where it borders Inspire Business Park.
21. The site also includes a tarmacked car park at the higher level with a separate access onto Carrowreagh Road.
22. The boundaries of site are defined by a belt of mature trees to the south along the border with the Upper Newtownards Road and continuing in part east along Carrowreagh Road. The remainder of the boundaries are mostly made up of two-metre chain-link fencing and concrete posts.

Surroundings

23. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
24. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
25. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,

Proposed Development

26. The application is for a proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new

accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development.

27. This is an amended proposal. The total number of residential units is reduced, the retail component is removed, and the number of employment units are increased. The scheme as amended is considered to still fall within the scope of original proposal as it is mixed use development, and the housing still enables the employment use.
28. There is no requirement for further community consultation and the PAN and PACC are note revisited as part of this assessment.
29. The application was also supported by the following documents:
 - Design and Access Statement;
 - Supporting Planning Statement;
 - Landscape Management and Maintenance Plan;
 - Generic Quantitative Risk assessment Report and Remedial Strategy Report and updated reports;
 - Sequential Assessment;
 - Economic Impact Statement;
 - Air Quality Impact Statement (AQIA);
 - Employment Land Assessment;
 - Noise Impact Assessment and addendum and updated NIA;
 - Transportation Assessment (and TAF);
 - Stage 1 Safety Audit;
 - Drainage Assessment and addendum; and
 - Hybrid Planning and Design Statement
 - Market Commentary & Economic Viability Report

Relevant Planning History

30. The following planning history is associated with the application site and includes the following:

Application Reference	Description of Proposal	Decision
Y/2005/0392/O	Site for mixed use development comprising petrol station with convenience store, 5 no. retail units with 10 no. apartments over, pub/restaurant & 4 no. own door offices at 770 Upper Newtownards Road and Carrowreagh Road.	Withdrawn 30.05.2007
Y/2005/0412/F	Change of use from offices ancillary to industrial complex to Own Door Offices plus erection of 3 no. access towers.	Withdrawn 30.05.2007

Application Reference	Description of Proposal	Decision
Y/2010/0087/O	Demolition of existing buildings and structures and the construction of a retail store (Class A1); Petrol Filling Station (sui generis); industrial units (Class B2 and B4); and associated highway, footpaths, landscaping and other works and improvements	Approved 28.06.2013
Y/2008/0227/F	Erection of a mixed use development consisting of 72 no. residential units, 6 no. retail units, 48 no. offices, 12 no. industrial units and the erection of a 91 bed hotel all with associated car parking and landscaping, (demolition of all buildings on site) Additional Information-Transport Assessment received.	Withdrawn 11.03.2010
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
Y/2013/0225/RM	Engineering works to the existing highway and other lands pursuant to application reference Y/2010/0087/O	Invalid
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
LA05/2017/1206/O	Proposed residential development comprising a mix of apartments, townhouses, semi-detached and detached properties with integral open space including an equipped children's play park; a neighbourhood centre comprising a mix of uses including a local convenience store together with 3 smaller retail units (Class A1), a coffee shop (Sui Generis) at ground floor, and provision of floor space for community and cultural uses (Class D1) at first floor level with associated car parking; improvements to site access from Carrowreagh Road and works to the public road including provision of a right turn lane; landscaping; and other ancillary works	Withdrawn 11.01.2019

Consultations

31. The following consultations were carried out.

Consultee	Response
DFI Roads	No objection
NI Water	No objection
Rivers Agency	No objection
Environmental Health	No objection
NI Housing Executive	No objection
Shared Environmental Services	No objection
NIEA Regulation Unit	No objection
Invest NI	Objection
NIEA Water Management and Inland Fisheries Unit	No objection
Natural Environment Division	No objection
NIE	No objection

Representations

32. A total of forty-eight letters of objection have been received predominantly from households across the wider Dundonald Area. A number of objections are also received from Dundonald Greenbelt Residents Association.

33. The following issues have been raised:

- Only piece of zoned land left in Dundonald and is in the middle of five successful business parks, some of which have waiting lists for premises.
- There is no housing need in this area
- Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards
- Increasing demand for electric cars so demand for petrol is falling.

- Eye sore former petrol station across the road now a car wash
- Hot food bars less than one mile away cause noise and light pollution, increased litter and vermin, late opening and anti-social behaviour, detrimental impact on human health with fast foods.
- Units will negatively impact the area and profit the developer.
- Will create traffic issues around Carrowreagh Road especially at peak times.
- Dundonald needs more jobs, not more houses.
- Contrary to the RDS that seeks to protect employment land.
- Rezones the land which should have been a job for the local development plan process.
- There is also a surplus of housing as well
- Will undermine and threaten the viability of the forthcoming Millmount Village Centre
- NIW recommend no more connections.
- Contrary to the RDS (5 key policies) which seeks to protect employment land.
- Reports are paid for by the agent and have differing purposes.
- Post COVID warehouse requirement has not been quantified.
- Litchfield assessment was done by the Council and rated it at the top of the average rating.
- Carrowreagh business park is fully occupied.
- Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price.
- Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings.
- SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzone lands in the SPPS
- No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

- Increased investment in NI anticipated post Brexit
- Wrights have successfully refurbished at Ballyoran Business Park over the last ten years
- Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.
- Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents nor servicing the site.
- The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.
- Existing amenities already under pressure e.g. schools
- The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.
- The applicants statements do not address the Councils economic development response in relation to the earlier scheme.
- The revised scheme offers less job creation than the earlier version.
- The economic offering remains unchanged.
- Invest NI and Economic Development are unsupportive.
- Failure of the applicant to address the correct policy context and the SPPS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.
- 40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.
- The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and gives rise to a high risk of full or partial failure.
- Proposed phasing is unfavourable to employment.
- The business park has no management plan
- Not supported by the RDS RG1 and other RDS policies.

- Absence of housing need argument.
 - No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units.
34. A total of fifty-one letters of support have been received primarily from households within the Millreagh developments on the opposite side of the Carrowreagh Road. Two Members of Parliament are also in support of the proposal. The following broad issues have been raised:
- Concerns with NI Water have now been addressed
 - Acknowledges no interest in industry and failed supermarket application
 - Welcomes the petrol station and retail units for local residents which is considered to be needed
 - Best mix for the site which is a blight on the landscape
 - Laid unused for 15 years so good to be reused, magnet for antisocial behaviour and fly tipping
 - Removes health and safety hazard form the area
 - Variety and mixture of houses proposed
 - Council has sufficient land for employment – reference to flexibility within the SPPS
 - Failure of former Quarry Inn site
35. Consideration of the issues raised in the third party representations are set out later in the report.

Environmental Impact Assessment (EIA)

36. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
37. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

38. The EIA determination was not revisited for the amended proposal. The scope of the proposal still falls within the parameters of the original determination. No new or additional impacts are identified.

Regional Development Strategy

39. The latest revision to the Regional Development Strategy (RDS) 2035 was published in 2010 which seeks to deliver the spatial aspects of the Programme for Government (PfG).
40. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.
41. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exists across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes.
42. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area and ensure sufficient land is available for jobs. There is no specific reference to Dundonald as a location for employment in the RDS 2035.

Local Development Plan

Local Development Plan Context

43. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications regard must be had to the requirements of the local development plan and that the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
44. It is stated at Part 1 of the Plan Strategy that:

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

The Belfast Metropolitan Area Plan (BMAP) was intended to be the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

45. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
46. The BUAP indicates that the proposed site is within the development limit and is not zoned for any specific land use.
47. Within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road.
48. Some 34.98 hectares of land are zoned as Existing Employment / Industry at Upper Newtownards Road.
49. At the Public Inquiry into BMAP an objection was considered for Existing Employment Sites under MCH 09: Land at Upper Newtownards Road/Carrowreagh Road (Objections 525, 3824/16, 1742, 3442). Objectors sought Designation MCH 09 as a Major Employment Location.
50. The Commission in consideration of the objection outlined that the RDS provides specific guidance for the location of MELs. MELs are zoned in the plan and represent employment sites strategically located throughout the BMA at Regional Gateways and along major transportation routes as directed by the RDS. They highlighted that within the Castlereagh District the Purdysburn area is specified in the RDS as a strategic location for employment growth and is consequently zoned as a MEL in the plan to reflect RDS guidance. The RDS does not indicate a strategic location for employment growth on the Upper Newtownards Road. They concluded that the zoning should be retained for existing employment use and there was no justification for designation as a MEL.
51. In the last revision to BMAP prior to adoption the site is land zoned for existing employment under MCH 06.
52. Zoning MCH 06 Existing Employment Land at Upper Newtownards Road/ Carrowreagh Road consists of 34.93 hectares of land are zoned as existing Employment at Upper Newtownards Road as identified on Map No. 2/001 – Metropolitan Castlereagh.
53. This site is an existing employment site. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

54. Housing is also proposed on existing employment land. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

55. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

56. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

57. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.

58. More than five dwellings are proposed and Strategic Policy 07 – Section 76 Agreements states that:

Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in proportion to its scale, impact of the development and the sustainability of its location.

A developer will be expected to provide or contribute to the following infrastructure in order to mitigate any negative consequences of development:

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

59. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

60. The following operational policies in Part 2 of the Plan Strategy also apply.

Economic Development

61. Employment Development is proposed is part of a mixed-use development. Policy ED1 Economic Development in Cities and Towns states that:

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

- a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park*
- b) elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part (a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered*
- c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).*

*Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution
A development proposal for Class B2, B3 and B4 use will be permitted:*

- a) on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.*

Elsewhere in cities and towns such proposals will be determined on their individual merits.

62. Housing is proposed on zoned employment land as part of a mixed use development. Policy ED7 Retention of Zoned Land and Economic states:

Development Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) *the proposal is compatible with the predominant economic use*
- b) *it is of a scale, nature and form appropriate to the location*
- c) *the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

63. The site is located adjacent to established employment uses. Policy ED8 Development Incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

64. The scale and nature of the employment part of the scheme needs to be designed to an appropriate standard. Policy ED9 General Criteria for Economic Development states that:

Any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does not harm the water environment*
- f) *it does not create a noise nuisance*
- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
- j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*
- l) *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- m) *it is designed to deter crime and promote personal safety*
- n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*
- o) *it meets the requirements of Policy NH1.*

Housing in Settlements

65. As this application includes residential development and policy HOU1 - New Residential Development states that:

Planning permission will be granted for new residential development in settlements in the following circumstances:

- a) *on land zoned for residential use*
- b) *on previously developed land (brownfield sites) or as part of mixed-use development*
- c) *in designated city and town centres, and within settlement development limits of the city, towns, greater urban areas, villages and small settlements*
- d) *living over the shop schemes within designated city and town centres, or as part of mixed use development.*

The above policy applies to all residential uses as set out in Part C of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended).

66. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing site context and characteristics. An overall design concept, in accordance with Policy HOU6 must be submitted for all residential proposals and must demonstrate that a proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area. Proposals for residential development will be expected to conform to all the following criteria:

- a) *the development respects the surrounding context, by creating or enhancing a local identity and distinctiveness that reinforces a sense of place, and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.*
- b) *archaeological, historic environment and landscape characteristics/features are identified and, where appropriate, protected and suitably integrated into the overall design and layout of the development.*

For new residential development in areas of distinctive townscape character, including Conservation Areas and Areas of Townscape or Village Character, an increased residential density will only be allowed in exceptional circumstances.

All development should be in accordance with available published space standards.

67. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*

- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

68. The Justification and Amplification states that:

Please note the Supplementary Planning Guidance on design of residential development that will support the implementation of this policy.

69. It also states that:

Accessible Accommodation

Design standards are encouraged to meet the varying needs of occupiers and be easily capable of accommodating adaptations. Developers should ensure that a range of dwelling sizes (including internal layout and the number of bedrooms) is provided to meet a range of housing needs that facilitate integration and the development of mixed communities.

70. Given the scale of residential development previously approved on the wider lands the need for public open space and play is still considered as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

Adequate provision must be made for green and blue infrastructure in public open space and for open space that links with green and blue infrastructure where possible and provides pedestrian and cycle linkages to nearby public amenity spaces. Proposals for new residential development of 25 or more units, or on sites of one hectare or more, must provide public open space as an integral part of the development, subject to the following:

- a) *the open space must be at least 10% of the total site area*
- b) *for development proposals of 300 or more units, or on sites of 15 hectares or more, the open space must be at least 15% of the total site area.*

The following exceptions to the above open space provision will apply where:

- a) *the residential development is designed to integrate with and make use of adjoining public open space*
- b) *the provision of open space below 10% of the total site area if the proposal is located within a city or town centre or it is demonstrated that it is close to and would benefit from ease of access to existing public open space*
- c) *in the case of apartment developments or specialist housing (see Policy HOU11) where a commensurate level of private communal open space is being provided.*

Development proposals of 100 units or more, or on sites of 5 hectares or more, must be provided with an equipped children's play area unless one already exists

within a reasonable and safe walking distance (generally around 400 metres) of the majority of the units within the proposal.

Public open space required by this policy will be expected to conform to all of the following criteria:

- *it is designed as an integral part of the development with easy and safe access from the dwellings*
- *it is of demonstrable recreational or amenity value*
- *it is designed, wherever possible, to be multi-functional*
- *its design, location and appearance takes into account the needs of disabled persons and it respects the amenity of nearby residents*
- *landscape and heritage features are retained and incorporated in its design and layout.*

In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Developers must demonstrate that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

71. As more than five dwellings are proposed there is a need to make provision for affordable housing. Policy HOU10 - Affordable Housing in Settlements states that:

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

All developments incorporating affordable housing should be designed to integrate with the overall scheme with no significant distinguishable design differences, in accordance with any other relevant policies contained within this Plan Strategy.

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

Proposals for the provision of specialist accommodation for a group of people with specific needs (such as purpose built accommodation for the elderly, Policy HOU11) will not be subject to the requirements of this policy.

Windfall sites will be encouraged for the development of affordable housing in suitable and accessible locations.

By exception, proposals for affordable housing could be permitted on land identified as open space, in accordance with Policy OS1, where it can be demonstrated that all of the following criteria have been met:

- a) *a demonstrable need has been identified by the Northern Ireland Housing Executive*
- b) *the application is made by a registered Housing Association or the Northern Ireland Housing Executive*
- c) *the proposal will bring substantial community benefits that decisively outweigh the loss of the open space.*

Development proposals will not be supported where lands have been artificially divided for the purposes of circumventing this policy requirement.

72. The Justification and Amplification states that:

The policy requires a minimum provision of 20% of units as affordable housing. Where up to date evidence indicates a requirement for a higher proportion of affordable housing, the council will expect developments to provide this. Where appropriate this may be indicated through key site requirements within the Local Policies Plan. It may also be secured through discussions with applicants on a case-by-case basis as part of the development management process.

73. The Glossary associated with Part 2 of the Plan Strategy states that

Affordable Housing – affordable housing is:

- a) *Social rented housing; or*
- b) *Intermediate housing for sale; or*
- c) *Intermediate housing for rent,*

that is provided outside of the general market, for those whose needs are not met by the market.

Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.

Natural Heritage

74. Whilst the site is not located within a sensitive area, the potential impact on the natural environment is considered. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*

- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.

In such cases, appropriate mitigation and/or compensatory measures will be required.

Access and Transport

75. The proposal involves the construction of a new access and alterations to an existing access. Policy TRA1 - Creating an Accessible Environment states that:

The external layout of all development proposals will incorporate, where appropriate:

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees.

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use.

Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

76. Policy TRA 2 – Access to Public Roads states:

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) *it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,*
- b) *it does not conflict with Policy TRA3 Access to Protected Routes.*

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

77. Policy TRA7 Carparking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

Beyond areas of parking restraint a reduced level of car parking provision may be acceptable in the following circumstances:

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*
- b) *where the development is in a highly-accessible location well served by public transport*
- c) *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking*
- d) *where shared car parking is a viable option*
- e) *where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

Proposals involving car parking in excess of the Department's published standards will only be permitted in exceptional circumstances, subject to the submission of a Transport Assessment outlining alternatives.

A proportion of the spaces to be provided will be reserved for people with disabilities.

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

78. Pedestrian access and cycling is taken account of in the design of the proposed development. Policy TRA 8 – Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal. A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) the needs of mobility impaired persons; and respect existing public rights of way*
- c) safe, convenient and secure cycle parking.*

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Flooding

- 79. The drainage for the scale of development proposed must be designed to take account of the impact on flooding elsewhere.
- 80. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

A Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:

- a) a residential development of 10 or more units*
- b) a development site in excess of 1 hectare*
- c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.*

A DA will also be required for any development proposal, except for minor development, where:

- *it is located in an area where there is evidence of historical flooding.*
- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. If a DA is not required, but there is potential for surface water flooding as shown on the surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

Where the proposed development is also located within a fluvial flood plain, then Policy FLD1 will take precedence.

Regional Policy and Guidance

Regional Policy

81. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are material to all decisions on individual planning applications and appeals.

82. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.

83. It states that:

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

84. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

85. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

86. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

87. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

88. Paragraph 4.12 of the SPPS states that:

other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.

89. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

90. Paragraph 6.81 of the SPPS states that:

The planning system has a key role in achieving a vibrant economy. In this regard the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

91. Paragraph 6.84 of the SPPS states that:

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process.

92. Paragraph 6.89 of the SPPS states that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

93. Paragraph 6.91 of the SPPS states that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

94. Paragraph 6.97 of the SPPS states that:

Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.

95. With regard to housing, the SPPS states at Paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

96. With regards to open space, paragraph 6.200 of the SPPS states that:

open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

97. Paragraph 6.206 states that:

Councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. Councils should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.

98. In terms of access, movement and parking, the SPPS states at paragraphs 6.302 to 6.305 that:

The decision-taking process is a key tool for delivering sustainable travel patterns and good integration between transportation and land use. In determining planning applications, it is important that due regard is given to the design and layout of the proposed development and the facilities provided to cater for the particular needs of people with disabilities. Relevant considerations will normally include user friendly pedestrian routes, easy access to car parking reserved for disabled people and public transport facilities, and public buildings designed to provide suitable access for customers, visitors and employees.

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

99. With regards to Natural Heritage paragraph 6.174 of the SPPS states that:

Planning authorities should apply the precautionary principle when considering the impacts of a proposed development on national or international significant landscape or natural heritage resources.

100. Paragraph 6.182 of the SPPS states that:

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

101. Paragraph 6.198 of the SPPS states that:

Planning authorities should ensure that the potential effects on landscape and natural heritage, including the cumulative effect of development are considered. With careful planning and design the potential for conflict can be minimised and enhancement of features brought about.

102. With regards to flood risk, Paragraph 6.103 of the SPPS states that:

The aim of the SPPS in relation to flood risk is to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

103. Paragraph 6.132 of the SPPS states that:

All planning applications will be determined with reference to the most up to date flood risk information available. The planning authority should consult Rivers Agency and other relevant bodies as appropriate, in a number of circumstances, where prevailing information suggests that flood risk or inadequate drainage infrastructure is likely to be a material consideration in the determination of the development proposal. The purpose of the consultation will often involve seeking advice on the nature and extent of flood risks and the scope for management and mitigation of those risks, where appropriate.

104. Strategic policy states that the key to successful place-making is the relationship between different buildings, the relationship between buildings and streets etc. and that the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area are important considerations.

Retained Regional Guidance

105. Whilst not policy, the following guidance documents remain material considerations.

106. Planning Advice Note (PAN) on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses states that:

In relation to economic development the aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses environment and the principles of sustainable development. This aim is supported by 6 regional strategic objectives and a number of policy provisions.

The SPPS makes clear the importance that economic development land and buildings which are well-located and suited to such purposes are retained in order to ensure a sufficient and ongoing supply.

The Department is keen to support the diversity of the local economy and encourage employment generation. It is therefore necessary to retain existing

sites for economic development and safeguard the supply of future economic development land to achieve this aim.

Only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of towns and beyond but it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland. The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation.

In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.

A development proposal on land or buildings not zoned in a development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will not normally be granted planning permission. Planning authorities may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use. Planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land or buildings for economic development use.

107. The Planning Advice Note lists other planning considerations to be weighed and balanced when making balanced judgements on the merits of a particular case or the potential loss of economic development land. These include:

- *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*
- *Accessibility to the regional transportation network and a variety of transport modes;*
- *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
- *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
- *Why a site is no longer required or considered suitable for continued economic development use;*
- *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*

- *Compatibility with neighbouring land uses;*
- *The views of relevant statutory and non-statutory consultees; and*
- *The availability of adequate services and infrastructure such as water and sewerage.*

108. It is further highlighted that:

planning officers should also consider the regional and strategic framework provisions of the RDS 2035 such as RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'. The above list is not exhaustive. All applications for economic development must also be assessed against other general planning criteria relating to matters such as access arrangements, design, environmental and amenity impacts.

109. The advice note further indicates that:

planning officers also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.

110. The Department identify in the note that:

the flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan, and unzoned land that is currently used (or was last used) for economic development purposes.

Creating Places

111. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.

112. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

113. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

114. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

115. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Development Control Advice Note 15 – Vehicular Access Standards

116. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that:

The Department’s Planning Policy Statement 3 “Development Control: Roads Considerations” (PPS3) refers to the Department’s standards for vehicular accesses. This Development Control Advice Note (DCAN) sets out and explains those standards.

Assessment

117. It is acknowledged that there is a general policy presumption against the loss of this employment land in the Plan Strategy. That said, flexibility can be provided where other material considerations are considered to carry greater weight in the assessment.
118. The appropriateness of the loss of approximately 60% of the lands zoned for employment use to housing and open space is considered later in this report.

Planning and Economic Development

119. As explained earlier in the report, this application proposes a mixed-use development and the land is developed in two parts:
- Section 1 – light industrial units and electric vehicle charging hub – 6.58 acres (2.66 hectares)
 - Section 2 – 95 dwellings and open space – 9.81 acres (3.97 hectares)
120. The total site comprises of 6.63 hectares of previously developed brownfield land, 40% will be developed for economic uses consistent with the definition specified in the policy ED1 and 60% developed for residential use and open space.

121. The land is zoned for employment use in draft BMAP and significant weight is afforded to that zoning as it is retained as part of the transitional arrangements for the Lisburn and Castlereagh City Local Development Plan.
122. Whilst Invest NI standard advice is to object to the loss of land either currently or last used for economic development to alternative uses they do not identify this site as one of their priority locations for inward investment. The consultation response provides little by way of assistance in the assessment of whether the general presumption against the loss of zoned employment land is appropriate.

Retention of Zoned Land and Economic Development

123. Only 40% of the site is proposed site is for economic development use a part of which is made up of buffer planting to separate the proposed uses.
124. Policy ED7 states that an exception will be permitted for the development of a sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated that:
- the proposal is compatible with the predominant economic use;
 - it is of a scale, nature and form appropriate to the location;
 - the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.
125. The proposed development does not comprise sui generis employment uses and as such, the exception to policy ED7 is not considered to be met.
126. Whilst it is acknowledged that the proposal is not an exception to policy the applicant requests that a number of other material considerations be weighed in the assessment of this application.
127. The view is expressed by the applicant that flexibility should be afforded to the mixed-use development of the site in accordance with a Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses and a number of reasons are provided for this case.

Other Material Considerations

128. A series of 'significant economic benefits' are also outlined the majority of which will be considered later in the report.
129. In an appraisal carried out by CBRE it is explained that the development of the site for entirely economic uses is wholly untenable and would result in catastrophic financial loss for the developer. This is principally the reason why the site has remained vacant for this period of time.

130. The CBRE report further explains that the development as presented initially would result in an 8.19% profit which at that time was considered marginal for a scheme of this nature. This figure has now been further revised to 6.04% based on an updated viability testing as a result of the need to provide for 19 affordable houses. It is emphasised that the risk of such a marginal return must be balanced in terms of the proportion of the site given over to each use.
131. In the supporting documentation provided with the application, the agent also advances a number social and community benefits that will occur as a result of the site being development including improvements in the road and drainage infrastructure and redevelop a space associated with anti-social behaviour.
132. The Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses (referred to subsequently as the PAN) states at paragraph 14 that

only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

133. At paragraph 16 of the PAN, it is further confirmed in cases where planning applications involve a departure from the development plan zoning, for example from light industrial to a mixed-use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.
134. The PAN sets out nine matters against which development proposals should be assessed and the other material considerations offered by the applicant in support of this proposal are detailed under each heading.

Matter 1 - The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;

135. With regards to this matter, the agent had stated in earlier submissions that over the course of the last decade that the applicant has brought forward a number of proposals and sought feedback from the 'local residential and business communities' which they have used to inform this mix of proposals presented in the application.
136. The supporting planning statement highlights that the PACC undertaken quantified a 'high level of support' for the application and that there was a clear community interest in the site being developed.
137. The position adopted by the applicant in this regard is not accepted as, there is no persuasive evidence that the mix of use has significant and demonstrable support from all sections of the community.

138. There was a fairly even split for and against the proposal and those who were mainly in favour came from one residential neighbourhood adjacent to the site and concerned about unsightliness of the undeveloped land and the anti-social behaviour resulting from people using the vacant lands.
139. Whilst this is not considered to be sufficient justification in its own right to outweigh the loss of employment land, it does demonstrate that the views expressed by other interested parties have been taken into account in bringing forward the proposal.

Matter 2 - Accessibility to the regional transportation network and a variety of transport modes:

140. The supporting statement confirms that the site is an accessible location and is well served by a number of modes of transport which connect the site with the surrounding area and Belfast City Centre including roads, bus service and cycle paths. Bus stops are close to Ballyoran Lane and Carrowreagh Road and the Glider terminus is 800 metres from the site.
141. The statement sets out that this site does not have good accessibility to the regional transport network such as motorway, rail, airports and seaports. It states that for this reason the market evidence from the CBRE report demonstrates that the market demand is concentrated on smaller units, in the order of 1000 – 3000 square feet. It states that Dundonald is well suited for smaller business units which better support local demand.
142. The supporting statement quotes the Employment Land Review carried out in October 2019 for the emerging Local Development Plan which marks the site 3 out of 5 and is silent with regards connectivity to the wider region.
143. The statement explains that whilst the site is not necessarily well connected to the regional transport network which is a key driver in the current demand for employment/industrial space and is therefore more suitable for small businesses opportunities, consistent with the profile in the immediate area.
144. The site is adjacent to the main traffic route connecting Belfast to Newtownards and well served by public transport. It may not be suitable for all types of employment as the journey times to the regional network are longer.
145. The land is well served by a variety of transport modes and access to the regional transport infrastructure can be achieved, albeit it is accepted for larger logistical locations it would not potentially be a desirable location as they favour the Newry-Belfast corridor.
146. The nature of the employment offering is such that it provides for smaller business opportunities but does not preclude units being combined to provide for medium sized employment uses subject to demand going forward.

147. The clarification statement provided from the agent confirms that the units are designed in blocks of three and four units and are designed to be flexible so that they can be readily merged to create larger units, if required.

Matter 3 - The potential to regenerate existing urban areas through economic development or as part of a mixed use development.

148. The supporting statement states that the site has been marketed without meaningful expression of interest as employment space for over 16 years.
149. It references a BTW Shiells report from March 2010 which provides an assessment of land supply and industrial space demand in relation to the application site and its location. This report confirms there was no demand for the site and sufficient employment space was available on other sites within the area to satisfy any likely future demand.
150. The report also included marketing activities by commercial agents Colliers CRE and Campbell Cairns between September 2004 to March 2010 detailing the lack of interest received since the site was occupied.
151. The supporting statement emphasises that the BTW Shiells report was the report accepted by the Department in granting approval in 2013 for a retail led development. It was only when the anchor tenant pulled out, the scheme became unviable. They state that the market demand and supply for industrial land remains unchanged.
152. The mix of uses accepted by the Department at that time was around 50:50 to employment use. This was acknowledged to be contrary to policy but very finely balanced having regard to the significant level of job creation.
153. The planning history for Y/2010/0087/O predates the SPPS and the Planning Advice Note therefore the current proposal must be considered against prevailing planning policy.
154. The updated supporting statement advises that 40% of the land will be developed for economic development uses and the balance of land for housing and open space.
155. The development of 40% of this site for employment uses is considered to be a more meaningful contribution and a significant improvement on the 20% offered previously. Whilst the total yield of floorspace offered is only increased by 4500 square feet, it includes larger buffer areas to ensure a better relationship to the proposed housing.
156. An updated economic benefits report is incorporated in an updated planning and design Statement explains that the proposal includes the creation of a sustainable community; a place where people can live and work.

157. The clarification statement confirms that the proposed development represents a £36 million overall investment to the local area that has the potential to create 85 commercial jobs and 110 construction jobs.
158. The industrial/employment use is estimated to create a further £5.7 million economic productivity (GVA) in Northern Ireland on an annual basis, including £4.6 million in the LCCC area and £100,000 in non-domestic rates.
159. A phased approach is offered within the updated CBRE Market Commentary and Economic Viability report to help with the regeneration of the site in terms of 3 phases to allow the return from the residential development to support the development of the commercial units as the commercial elements in isolation are not financially viable.
- Phase 1 – Construction of 36 residential units. Construction of Phase 1 of the employment units to Industrial occupation standard – 12,000 sq ft
 - Phase 2 - Construction of a further 36 residential units. Construction of Phase 2 of the employment units to Industrial occupation standard – 15,000 sq ft
 - Phase 3 - Construction of the remaining 23 residential units. Construction of Phase 3 of the employment units to Industrial occupation standard – 19,500 square feet.
160. This phasing is not practical in light of the amendment to the layout and an alternative phasing that deliver the employment and affordable housing requirements much earlier is considered later in the report.
161. Whilst a significant capital investment is proposed this is primarily in new housing and the emphasis in the PAN is that the regeneration should be through economic development use.
162. CBRE Market Commentary and Economic Viability report explains the scenario examined for an entire B2/B4 scheme which produces a catastrophic loss of approximately (£22,107,881). This is also based upon a development timeframe of 5 years which is wholly unrealistic given local market demand.
163. The same CBRE report for this revised mixed use 60/40 application generates a development profit of £2,142,366 equating to 8.19% profit on Cost. A 8.19% profit on cost return is considered to be marginal for a scheme of this nature with Bank funders typically expecting to see returns of between 15%-20% to reflect developer risk.
164. This profit margin was revisited in the clarification statement [dated 19 January 2024] when considering the delivery of 19 affordable units as part of the scheme and reduced further to 6.04%.

165. The CBRE report concludes that the strict application of policy constraints will prohibit any development on the subject site and, unless that constraint is eased to permit and encourage a viable form of development, it is certain to remain undeveloped for a very long and indefinite time. The qualified author who is the Executive Director for Investment properties for CBRE NI is

entirely satisfied, based upon my analysis and experience, that a strict application of policy would render this site incapable of development for a period of at least 15 years but probably much longer.

166. Having regard to the evidence presented, it is accepted that an employment only scheme is unlikely to regenerate the site or the wider area consistent with the guidance in the PAN.
167. The capacity of the developer to fund a scheme is also a material consideration. It is considered that on balance, that the delivery of employment on the scale proposed is a significant improvement on the earlier scheme and is the limit of profitability under which the site can be developed. It is laid out to respect the character of the area and to be co-located with existing employment uses, is designed to be flexible and the arrangement takes account of the physical constraints of the site.
168. Without providing for the residential component the site will remain unviable. The phasing of the development to ensure the delivery of the economic uses is important as it will assist in the regeneration of this part of Dundonald.
169. The jobs are created in the construction industry and the local economy as the size of the units are designed to be attractive to local businesses.
170. Whilst the applicant advises that this scale of housing is required for site viability this is the second version of the scheme which has been presented to the Council.
171. The earlier scheme was considered not to go far enough introducing elements which were not required such as the petrol filling station and only 20% employment.
172. The revised scheme offers a better mix of development with a larger portion now being offered to employment with those jobs being created directly linking to the employment use and the regeneration of a key site within the Dundonald area.

Matter 4 - Accessibility to every member of the community, especially those in socially disadvantaged areas.

173. The application site is locally accessible by a range of modes of transport and the provision of a higher % of employment spaces means greater accessibility for other members of the community to workplace opportunities.

174. Furthermore, the provision of an affordable housing component makes the residential element more accessible to other members of the community, promotes community cohesion and a more balance community.

Matter 5 - Why a site is no longer required or considered suitable for continued economic development use.

175. The supporting statement confirms that the site was last used in 2004 and since then has lay vacant. The buildings have been demolished.
176. The applicant makes reference to an employment land assessment carried out on behalf of the Council. This assessment was used to inform the emerging Local Development Plan. The report indicates there are 212 hectares of employment land yet to be developed, and that on average 2.99 hectares of employment land is being developed each year and there is an estimated 71-year supply of land within the Council Area.
177. The supporting statement confirms that due to a number of factors, the nature of the demand for employment space has seen a significant shift away from the historic arrangement of large buildings with single operators to smaller units with industrial or enterprise centres occupied by multiple operators.
178. The assessment also refers to the marketing exercises carried out which failed to attract meaningful interest from industrial or economic operators.
179. The site is considered suitable for economic development use but at a scale which uses housing as mechanism for addressing the loss that will be incurred by the economic development.
180. The PAN indicates that the loss of existing land should be an exception rather than the norm.
181. Whilst the local development plan process is the mechanism for establishing whether a site remains suitable for employment use, the employment land review offers direction.
182. The proposal has been redesigned to allow compatibility and transition from economic to housing along the north with Inspire Business Park and to the west with Ballyoran Lane.
183. The offering of employment has been doubled to 40%. This is evidenced by the CBRE Market Commentary and Economic Viability report which confirms that the only viable option is a mixed-use scheme whereby the higher value residential use can enable the development of the loss making employment space. It is accepted on balance that without the incorporation of residential units the site will remain unviable and undeveloped in the long term.

184. The compatibility with neighbouring employment lands has been adequately addressed in that the employment offerings sit cheek by jowl with existing employment uses and it is accepted that its location on the main transport route is more conducive to local small businesses rather than larger logistics hubs.
185. It is also considered that the revised scheme strikes a more acceptable balance of mixed use. The clarification statement confirms that the proposal acts as a stepping stone for businesses looking to grow and expand beyond the start-up phase.

Matter 6 - Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;

186. The agent submitted an Employment Land Assessment in support of the application which seeks to demonstrate that the granting of permission for a mixed-use development proposal will not prejudice the supply of employment land within the Council Area.
187. The supporting statement points to the prime locations in the Greater Belfast Area being the Harbour Estate, Mallusk and Blaris/Knockmore and states that the trend is unlikely to change as the focus remains on regional accessibility.
188. The supporting statement alludes to the level of attractiveness of the site being restricted to local businesses who operate from East Belfast and Dundonald serving dominantly a local market.
189. It is also notes that this is only portion of a wider zoning which will not prejudice the delivery of industrial development on the undeveloped land further to the north.
190. The clarification statement provided by the agent confirms the latest position whereby a major planning application has been submitted on the old Lloyds property at Ballyoran Lane. The view is expressed that it is not appropriate to draw direct comparisons between the two planning applications. The other site is distinguishable as it has a building on site which allows for the use to be changed at less cost compared with the application site which is a brownfield site with no buildings and costs for total new build.
191. The sale price for the Lloyds building reflected £20 per square foot capital value whereby the new build units for this development will cost more than £100 per square foot to construct. It is stated that this is therefore a direct threat to the viability proposed as part of this scheme as the developer will be able to offer space at a significant discount in price/rent and it also offers a more attractive parking and circulation space.
192. This a brownfield site and sequentially preferable in terms of the RDS to the green field land that is without existing services or infrastructure.

193. The uplifted percentage of proposed development to 40% is on balance more a more acceptable mix.

Matter 7 - Compatibility with neighbouring land uses.

194. The supporting statement claims the site is bounded on three sides by roads, it states that the layout has been considered to provide uses the most appropriate locations and that the location of the economic uses have been located in order to relate to the existing industrial uses.
195. Reference is made to boundary treatments ensuring adequate screening and mitigation measures supported by the Noise Impact Assessment. This is dealt with later in the report.
196. The revised scheme provides two borders with existing commercial/industrial use and extensive buffer planting between the proposed new commercial/ industrial areas and the proposed housing. Amenity and compatibility considerations are dealt with later in the report.

Matter 8 - The views of relevant statutory and non-statutory consultees;

197. Advice and views expressed by various statutory and non-statutory consultees have informed the recommendation.

Matter 9 - The availability of adequate services and infrastructure such as water and sewerage.

198. The supporting statement confirms that the site was previously development and is in Dundonald urban area.
199. Whilst there is a regional capacity issue in terms of drainage and sewage infrastructure, a solution has been found and agree with NI Water.

Employment Land Assessment

200. An Employment Land Assessment (ELA) is submitted with the application which notes that the site is not specifically mentioned within the key locations for economic growth within the Spatial Framework Guidance policy 1 (SFG1) of the RDS.
201. The ELA notes at paragraph 2.10 that one of the exceptions for PED 7 is for mixed use regeneration initiatives which contain a *significant* element of economic development use and may also include residential or community use, and which bring *substantial community benefits* that outweigh the loss of land for economic development use.

202. This policy has been replaced with ED7 which also has an identical wording however this applies only to unzoned land within settlements. Whilst the last is unzoned within the BUAP, it is zoned within draft BMAP as detailed earlier within the report.
203. The ELA states that there is 212.12 hectares of employment land yet to be developed across the council area and taking account of the Blaris and Comber Road developments which have been approved as mixed-use schemes on zoned land.
204. The ELA states that approval of this scheme still provides for a 69 year supply at the recent rates of land build and uptake so would not harm or prejudice the level of available lands within the Council area.
205. From a demand and market interest review, the ELA states that Dundonald is at the lowest demand in the hierarchy of locations for employment land/business space. It compares the businesses in close proximity at Ballyoran Business Park, Dundonald Industrial Estate, Carrowreagh Business Park and Inspire Business Centre and based on its analysis the location typically attracts businesses and services that are primarily serving a local need. Industrial rents range from £2.75 - £3.50 per square foot larger industrial demand tends to be located with better regional transport links, Belfast and Lisburn.
206. The ELA states that the site has a prominent location fronting the Upper Newtownards Road but can experience congestion in peak times. It acknowledges the history of the manufacturing sector and its decline and change in market and concludes that whilst the M1 is 10 miles away, this is at least 35-minute drive time off peak and unsuitable for new logistics manufacturers.
207. The 'substantial community benefits' which are cited by the development of the site are economic in terms of job creation and rates to the Council as detailed in the Economic Benefits section below.
208. In consideration of the above, one of the key findings in the Councils own Employment Land Review for the Local Development Plan was that opportunity exists to maximise the strategic location of Lisburn on the Dublin economic corridor and East/West transport corridor and improve connectivity throughout the Council area to enhance the movement of people, goods and services, and linkages between towns and rural areas.
209. Whilst this site was not ranked in the top 6 good employment zonings, it was as an average score of 27 from a matrix that assessed 20 out of 30 zoned sites across the plan area. The scoring takes into account access, site context, environment and market strength.
210. Paragraph 23 of the Planning Advice Note stresses that flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative

uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan.

211. Within this context, it is considered that the amended scheme offers the only viable solution to in part realise the potential for employment use on this land.
212. Based on careful consideration of the other material considerations and having regard to the advice set out by the Department on how these matters should be weighed in the assessment of the application, it is accepted on balance that greater material weight should be afforded to the fact that with the site was previously approved as 50:50 split with retail and that along with the passage of time and no uptake in the employment lands, coupled with the economic benefits offered from the scheme and the clear viability issue demonstrated by the applicant relating to this combination of particular circumstances specific to this individual zoning that it is less likely that the site will be developed for employment in full.
213. There are other benefits detailed in the submission which in addition to the matters considered above, are given greater material weight than the prevailing regional policy considerations.
214. These benefits include the creation of a sustainable mixed-use development where residents in the neighbouring residential neighbourhood will have the opportunity to avail of local employment opportunities close to where they live.
215. The economic benefits of the comprehensive development of the site outweigh its retention as undeveloped land. There is little or no evidence to support a case that the land will ever be developed in the future for employment use in its entirety given the catastrophic loss predicted on the economics and its location in relation to ports and the main Newry to Belfast corridor.
216. It is considered that the phasing of the employment use as detailed above is a critical consideration as this approach will ensure the delivery of the employment element of the proposal.
217. The phasing along with the affordable housing element, discussed below, will be secured by way of section 76 legal agreement.

Economic Development in Cities and Towns

218. In terms of ED 1 and insofar as the proposal relates to B2 and B4 uses these are submitted in accordance with PED 1 as they are permitted in an area specifically zoned for economic use and are considered of a scale, nature and form appropriate to the location.
219. The proposed industrial style units suitable for small and medium enterprise. A mix of units is not proposed but the buildings could be redesigned (subject to planning) if a larger footprint was required for a proposed purchaser or tenant.

Development incompatible with Economic Development Uses

220. Turning to ED8 regarding development incompatible with Economic Development Uses whilst there is a mixture of development proposed, consultation has been undertaken with Environmental Health with regards to the potential for noise, nuisance and disturbance and human health and no objection is raised.
221. Further to receipt of the amended scheme, an updated remediation strategy report was submitted requiring ground works to be undertaken with regards ground contamination given the former use on site. A Generic Quantitative Risk Assessment was also carried out, both of which were commented on by NIEA and Environmental Health who had no objections subject to conditions.
222. An Air Quality Impact Assessment Report was previously submitted to demonstrate the assessment of any impact of the proposed development on sensitive air quality receptors during construction and operational phases of the proposal.
223. NIEA and Environmental Health were consulted and had no objections.
224. An updated Noise Impact Assessment (NIA) was submitted with the revised scheme. The NIA states that a daytime and night time baseline noise monitoring survey was undertaken at four locations with the proposed development site. An assessment of noise associated with the proposed development was undertaken, which included the impact of the existing noise environment on the proposed development to determine the suitability of the site for residential development.
225. The NIA states that glazing specifications have been detailed for the proposed habitable rooms within the proposed development to ensure that internal noise levels will not exceed the relevant daytime or night-time criteria as specified in BS8233 and WHO.
226. There are several external amenity areas anticipated as part of the proposed development. Screening effects of the residential dwellings and proposed boundary treatments will ensure ambient daytime noise levels to external amenity areas are within the BS 8233:2014 and WHO guideline values. However, BS 8233:2014 adopts guideline external noise values provided in WHO for external amenity areas such as gardens and patios. The standard states that it is "desirable" that the external noise does not exceed 50 dB LAeq,T whilst recognising that development in higher noise areas such as urban areas of those close to transport network may require a compromise between elevated noise levels and other factors that determine if development in such areas is warranted.
227. Environmental Health provided further comments and have no objections subject to conditions relating to the hours of operation being daytime for the business units, mechanical ventilation and acoustic glazing on all residential units, acoustic fencing and deliveries within daytime hours.

228. Whilst there is concern that the proximity of the dwellings to the proposed business park will restrict the nature of the businesses by virtue of conditions restricting hours of operation and use (B4), the statutory consultees remain content and it is not considered that the mixed uses are necessarily incompatible in their entirety. The amended scheme provides a greater buffer and separation between the proposed economic and residential elements of the development.
229. For the reasons stated, it is considered that on balance the proposal complies with policy ED8 in that the proposed development, as designed is compatible with economic development uses, subject to condition. Furthermore, the redesigned scheme has placed new economic development adjacent to existing therefore there will be no prejudice to any existing employment uses.

General Criteria for Economic Development

230. For the reasons outlined above within the context of Policy ED8, it is considered that the proposed development, as designed is compatible with adjacent economic development uses.
231. The proposal as designed includes mitigation which if implemented will ensure that the amenity of nearby residents is not harmed.
232. The proposal does not adversely affect any features of natural heritage and there are no built heritage features to be affected. This is considered further later in the report.
233. The site is not located within an area of flood risk and the drainage assessments have demonstrated that there is no adverse impact. Flood Risk and Drainage is however further considered later in the report.
234. The site, as designed does not create a noise nuisance. A large noise source is the existing Upper Newtownards Road. Mitigation as proposed ensures no unreasonable noise nuisance is created and indoor and outdoor noise levels are within permitted parameters and standards.
235. DFI Roads have been consulted and are content with the proposed access and parking arrangements. Roads issues are considered later in the report.
236. The proposal has been designed with a movement pattern provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. This is again detailed in the relevant sections below.
237. The site layout, insofar as it related to the business units, is designed of a high quality. Adequate boundary treatments of timber close boarded and acoustic fencing are proposed alongside landscaping. The proposal is softened from public view largely by existing landscaping to the front beyond which are the

residential dwellings fronting the Upper Newtownards Road and the proposed employment units providing a complement to the side of Ballyoran Lane facing the existing units.

238. The proposal is designed so that the business units face the same direction for surveillance.
239. It is considered that the proposal is in accordance with the balance of the general criteria. in policy ED 9

Housing in Settlements

Policy HOU 1 – New Residential Development

240. This application includes 95 residential units within the settlement limit of Dundonald. The land on which this development is proposed is within the development limit and is not zoned for any specific land use within the BUAP and within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road. It is a brownfield site that has previously been developed. The policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

241. The lands to the north includes a significant change in levels towards the rear of the site where it borders Inspire Business Park.
242. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
243. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
244. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,
245. The scheme comprises 95 dwellings in a mixture of detached and semi-detached on the lands bordering the Upper Newtownards Road and Carrowreagh Road. This residential development is bordered on two sides to the north and west abutting Inspire Business Park and the industrial/commercial development along one side of Ballyoran Lane.
246. The proposed dwellings are a mix of sizes and design but typical of a suburban setting and the adjacent Millreagh residential development.

247. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments to the east and to the south across the Upper Newtownards Road.
248. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
249. Based on a review of the information provided, and the amended scheme to provide a better transition between existing industrial/commercial into the housing element of the site it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established character of the area would not be harmed particularly as the site brownfield, buildings are demolished and is lying vacant.
250. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties will also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
251. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 met.
252. With regard to criteria (b), no landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is also met.

HOU4 - Design in New Residential Development

253. The layout drawing describes the 14 different house types proposed. A description of some of these house types is outlined below.
254. There are 10 House Type C and C1 dwellings which are handed versions of each other throughout the site in spread amongst almost every pocket of the development. HT C consists of a two storey detached dwelling with pitched roof, single storey rear return and small side single storey projection.
255. They all have four bedrooms, an open plan kitchen/dining/family/living area and a separate snug to the front and utility. They have a family bathroom and one bedroom with an en-suite, and all have a ridge height of 9 metres. They are finished in red facing brick, concrete tiles on the roof, black uPVC RWG's.
256. House types HTJJ are again located within each discrete pocket of the development with a total of 18 of the dwellings of this style. They consist of a pair of semi-detached dwellings with pitched roofs.
257. These are all two-storey, three bedroom, semi-detached dwellings, with a ridge height of 9.2 metres and all have single storey rear returns. They have a

- kitchen/dining area, living room and snug to the rear. They have three bedrooms a family bathroom and one ensuite with a downstairs WC. The external finishes are render painted off white with white uPVC windows and black RWG's with the roof finished in concrete roofing tiles.
258. Detached single car garages are provided for 23 dwellings and are located to the side and behind the properties.
259. The rooms are laid out, the position of the windows arranged along with adequate separation to the boundary ensures that there is no overlooking into the private amenity space of neighbouring properties.
260. For the reasons outlined above and in consideration of policy ED8, the proposed development does not conflict with surrounding land uses, subject to appropriate conditions. It is separated from residential development to the south and east by 15-21 metre of buffer planting and some changes in levels. The buildings are not dominant or overbearing and no loss of light would be caused. Section submitted show the proposed units are not larger than the proposed dwellings in height.
261. A minimum of 20 metres separation distance is provided between the two-storey dwelling units which back onto each other within the proposed development. These separate distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document and are considered acceptable having regard to the site context and surroundings.
262. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. Two in curtilage parking spaces are provided with each dwelling. Those dwellings located on corner sites have double frontage.
263. The area in front of each dwelling has a lawn, with a driveway and a small concrete path. The lawn area ensures building frontages are not dominated by hardstanding/car parking.
264. The house types provided are accessible and designed to ensure that they can provide accommodation that is wheelchair accessible for persons with impaired mobility.
265. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area.
266. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
267. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) is met.

268. Private outdoor amenity space is provided in the range of 60 to 154 square metres. The majority of units with gardens well in excess of the guidelines detailed in the Creating Places document. The average private amenity provision across the whole site is 82.6 square metres per unit. There is also a large area of open space to centrally located within the site which will have an amenity value for the dwellings with private amenity provision which at the lower end of the provision.
269. All proposed dwellings have single storey returns to the rear. The separation distances from the dwellings to the rear boundaries range from 8.5 – 15 metres, taken from the two-storey rear elevation of each property. There are just one pair of semi-detached dwellings with a 8.5 metres separation distance to the rear. This property has an offset back-to-back relationship with another pair of semi-detached dwellings to the rear and the total separation back-to-back is 20 metres. The separation distances are considered to be acceptable.
270. The site layout and landscape plan submitted in support of the application illustrates that the existing trees along the southern boundary of the site with the Upper Newtownards Road shall be retained.
271. The landscape plan also details all proposed planting including native mixed woodland surrounding the business units to the rear and along the boundary with Ballyoran Lane as well as acting as the buffer between the proposed business units and the proposed residential development. There are grassed areas and hedging along the Carrowreagh proposed. There is a large maintained open space with planting and pathways located centrally within the site and two smaller pockets to the north west and the north east.
272. The proposed site layout drawing includes details of other internal boundary treatments including timber fencing, red clay multi-facing brick walls, estate style metal fencing, paladin fencing, block wall and chestnut pale fencing.
273. Section 2.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance of all soft landscaped areas becoming the sole responsibility of the Developer and their appointed Management Company, the agreement for which shall be sub contracted by the developer.
274. For the reasons outlined above, criteria (b) is considered to be met.
275. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is withing close proximity to local services and shops along the Upper Newtownards Road and opposite the site in Coopers Mill.
- With regard to criteria (d) the proposed density equates to 23.92 dwellings per hectare. There was no relevant KSR for this element due to the land zoning.
276. The development proposals will provide a residential density not significantly lower than that found in the established residential area to the east at Millreagh and the proposed pattern of development is in keeping with the overall

character and environmental quality of the established residential area to the east, accepting that the site of itself is not an established residential area due to its former use. The average unit size exceeds space standards set out in supplementary planning guidance.

277. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
278. The careful delineation of plots with appropriate fencing and brick walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
279. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

280. Detail submitted with the application indicates that the site exceeds one hectare, and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
281. The proposed layout indicates that 0.41 hectares of public open space has been provided as an integral part of the development. This equates to 10% of the residential site area which is exactly the 10% requirement for residential development.
282. This is shown to be located at the central portion of the residential part of the development in an informally open space with two smaller discrete pockets to the north west and north east which are of less value. southern end of the site. There is also buffer planting separating the mix of elements on the site however these are not classed as usable open space and not counted in its assessment.
283. For the reasons outlined above, the policy tests associated with Policy HOU5 are met.

Policy HOU10 - Affordable Housing

284. Nineteen affordable housing units are required to satisfy the policy tests associated with Policy HOU10 - 20% affordable housing provision.
285. The agent has confirmed in an email dated 14 December 2023 that the applicant is content to make provision for a minimum of 20% of the development for Affordable Housing units. The specifics on the exact mix of

tenures to be provided will be agreed with Council prior to the commencement of development.

286. This provision will be secured through section 76 agreement. The agreement will be contingent on no more than 75 being constructed and occupied until provision is made for the affordable housing component.
287. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement. The affordable housing units must be provided in tandem with the private residential units and will be subject to the same phasing requirements.

Access and Transport

288. The site fronts onto the Upper Newtownards Road which is a protected route however, it has three separate accesses, none of which are onto the Upper Newtownards Road directly.
289. The Design and Access Statement confirms that the primary vehicular access is via the Carrowreagh Road and is proposed to serve the of the residential dwellings and a small pocket of 3 business units adjacent to Inspire Business Park.
290. A separate access is proposed from Ballyoran Lane. This access is intended to serve the proposed light industrial units only.
291. Secondary shared surfaces are proposed off the main spine road in order to assist in creating a hierarchy of streets within the site.
292. The site is located in close proximity to a number of Bus Stops which offer a range of services connecting the site with Belfast City Centre to the west and Newtownards to the east.
293. In terms of access, the Design and Access Statement indicated both junctions with Newtownards Road will be improved.
294. A Transport Assessment and Transport Assessment Form TAF were submitted with the original submission.
295. They confirms that the improvement to Ballyoran Lane will see the extension of the crossing lane within the central reservation along Upper Newtownards Road to facilitate vehicles moving into this lane without impeding any vehicles waiting to turn right from Upper Newtownards Road onto Ballyoran Lane. This alteration will assist in easing the right turn exit from Ballyoran Lane for larger vehicles.

296. The Carrowreagh Road improvement proposes the widening of the two lanes towards the junction with Upper Newtownards Road to facilitate a left turn filter lane which will significantly increase the capacity of the junction.
297. The Statement confirmed that the main vehicular access is from the Carrowreagh Road, and the site access roads are located at least 15 metres from the existing roads and are designed in accordance with the technical requirements of DfI Roads.
298. In terms of servicing, the Design and Access Statement confirmed the proposed roads within the development will be designed and built to an adoptable standard, facilitating access for refuse/recycling vehicles.
299. In terms of pedestrian access, footpaths and shared surfaces are proposed throughout the site thereby promoting the movement of pedestrians, whilst facilitating vehicular movement where required.
300. In terms of public transport, the proposed development promotes and enhances the use of sustainable modes of transport. Users of the development have access to public transport routes along the Upper Newtownards Road passing the southern boundary of the site, with bus stops located in close proximity to Ballyoran Lane and Carrowreagh Road.
301. The site is also within 800 metres of the Dundonald Glider terminus, where rapid regular buses provide a direct link to and through Belfast. In addition to the glider option, Ulsterbus services connect the site to Newtownards and beyond (for example Portaferry, Ballywalter, Millisle).
302. The Transport Assessment and Transport Assessment Form concluded that the network has adequate capacity to accommodate the traffic generated by the proposed development as long as the improvements mentioned above were completed.
303. A road safety audit and a number of consultations with DfI Roads resulted in the junction improvements at Ballyoran Lane being removed. The Transport Assessment modelling in its current form concluded that the geometry is satisfactory after issues were raised that the suggested improvements would compromise the safety of the junction.
304. The Transport Assessment and Transport Assessment Form were updated with the amended scheme and DfI Roads reaffirmed the acceptability of the amended proposal.
305. All the dwellings have two in curtilage parking spaces with a further 75 visitor parking spaces highlighted throughout the development.
306. The business units have 31 required and provided commercial spaces, and an overprovision of assigned and unassigned parking provision by 56 with 180 being provided for 124 needed therefore provides the necessary standards.

307. The Transport Assessment concludes that at Carrowreagh Road, an additional lane was proposed on the approach to the traffic signals to increase the capacity to accommodate the additional traffic. This has been designed, modelled, audited, and the remains part of the proposal. As traffic has reduced, no revised modelling has been undertaken.
308. At Ballyoran Lane, whilst the capacity has been proven to be adequate, the modelling has been updated due to minor changes in trip rates. Sensitivity modelling has also been completed, and it continues to be the case that this junction has capacity without the need for improvement.
309. It is concluded that the network with agreed junction improvements at Carrowreagh Road remains adequate capacity to accommodate the traffic generated by the proposed development.
310. After a number of consultations with DFI Roads, audit information and review by Amey consultants, DFI Roads final response as revised with the amended scheme offers no objection subject to conditions.
311. The application is considered to be compliant with all the requirements of policies TRA1, TRA2 and TRA7.

Natural Heritage

312. The site is not located in an area of sensitivity and was not submitted with any ecological information. From inspection there does not seem to be any indication of ecological importance on the site being inner urban and already having been developed. The only vegetation is along the boundaries much of which is to be retained.
313. A consultation with Natural Heritage was undertaken and the response only referred to standing advice.
314. A consultation with Shared Environmental Services indicted the need for an HRA given the sites connection to Strangford Lough.
315. SES have completed an appropriate assessment in accordance with the regulations and having considered the nature, scale, timing, direction and location of the project, they advise that it would not have an adverse impact on the integrity of any European site either alone or in combination with other plans or projects. Officers have no reason to dispute the assessment carried out on behalf of the Council.
316. For the reasons outlined, the proposal is not likely to have an adverse impact on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby. The requirements of policy NH2 and NH5 are met.

Flooding

317. In relation to drainage, a drainage assessment and addendum were submitted with the application and a number of consultations undertaken with Rivers Agency.
318. In the final response Dfl Rivers commented that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. There is an undesignated watercourse at the north-west corner of the site. The site may be affected by undesignated watercourses of which they have no record.
319. Dfl Rivers advised that in relation to policy FLD1 Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that western boundary of the development lies within the 1 in 100 year strategic flood plain. As there is a significant bank elevation at the area of the western boundary a Flood Risk Assessment is not required on this occasion.
320. In relation to FLD 2 Protection of Flood Defence and Drainage Infrastructure – advice confirms that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. Reference is however made to an undesignated watercourse at the north-west corner of the site.
321. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Dfl Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.
322. Dfl Rivers comment in relation to Policy FLD 3 Development and Surface Water that, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.
323. The Drainage Assessment states that the drainage design is preliminary, therefore Dfl Rivers requests that the Planning Authority includes a final drainage assessment by way of condition as part of its planning permission if granted.
324. Rivers Agency granted Schedule 6 discharge consent at brownfield rate of 990.8l/s to the undesignated section of the Carrowreagh Stream and confirmed that the Department are satisfied that your proposals will not render the watercourse less effective for drainage purposes.
325. There is no documented evidence of flooding in the area, however a large portion of the site is estimated to be in an area of surface water, however this will be eradicated with adequately proposed site storm drainage post development.

326. It is proposed to construct new storm sewers to serve the development. Using Micro Drainage modelling software, Marrac Design simulated the proposed storm sewer network and tested it to the requirements of Sewers for Adoption NI.
327. The Drainage Assessment stated that post development it is proposed to introduce landscaped amenity space into the overall development and increase the amount of landscaped areas in general. Therefore, post development run-off rates will reduce from existing. As such, no storm attenuation is proposed.
328. An Addendum to the drainage assessment was received with the revised scheme and considered by Rivers Agency who have reconfirmed that they are content.
329. NI Water were also consulted extensively throughout the application process and were recommending refusal of the application. In January 2022 NI Water issued a Solution Engineer Report recommending high level storm off-setting options to allow the foul discharge from this proposal to connect to the existing public wastewater network. The Drainage Consultant carried out extensive on-site survey work and in discussions with NI Water has developed an acceptable solution which will enable NI Water to approve a foul connection.
330. NI Water confirmed that they were therefore content to amend its original response from a recommendation to refuse to a recommendation to approve with a negative condition that no properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered and operational. Upon receipt of the amended scheme NI Water reiterated their earlier response.
331. Water Management Unit were consulted and raised the following issues that the additional sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Kinnegar waste water treatment works (WWTW).
332. Water Management Unit recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW and associated sewer network will be able to cope with the additional load or whether the existing WWTW or network would need to be upgraded.
333. WMU states that if NIW indicate that the WWTW and network is able to accept the additional load, with no adverse effect on the operation of the WWTW and network or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.
334. Furthermore WMU recommended a condition that the drainage for the Petrol Filling Station must be constructed in accordance with the agreed drainage plan.
335. As detailed above, NIW have subsequently confirmed that they are content. For the reasons outlined, the proposal complies with Policy FLD1 and FLD3.

Contaminated Land

336. The Design and Access Statement advises that the site was previously used as an industrial factory site. A Generic Quantitative Risk Assessment Report and Remedial Strategy Report were submitted with the application. This report was updated with the amended version of the scheme.
337. The Councils Environmental Health and NIEA Regulation Unit were consulted and commented that the GQRA is informed by two phases of site investigations and environmental monitoring from 2010 and 2017.
338. The risk assessment identifies a hotspot of soil contamination which may also be impacting the shallow groundwater in a localised area of the site. An area of nickel impacted soil/made ground is also identified which could be a risk to human health receptors.
339. A remedial strategy has been provided for the potential risks identified which includes provisions to remove the hotspot area, use clean cover soils for the nickel impacted soils and provides provisions for ground gas protection to the development.
340. The updated Remedial Strategy Report addresses the risk identified in the previously agreed Generic Quantitative Risk Assessment for the site.
341. Regulation Unit Land and Groundwater Team offer no objections to the development provided the remedial strategy provided by RPS is implemented fully and verified subject to conditions.
342. EHO final comments have been received and confirmed that they have no objection subject to conditions relating to foul connection with NIW, development to be in accordance with remedial strategy and necessary verification reports with clean cover system installed prior to occupation. Further conditions for a piling risk assessment, pre demolition asbestos survey and an updated AQIA are also required.

Consideration of Representations

343. Forty Eight letters of objection were received. Consideration of the issues raised are set out below:

Only piece of zoned land left in Dundonald and is in the middle of 5 successful business parks, some of whom have waiting lists for premises.

344. This is noted and assessment of the consideration of the relevant reports is contained within the main body of the report. The success of the surrounding business parks is a material consideration.

There is no housing need in this area

345. There is no policy test specifically requiring a demonstration of housing need however it is noted within the report that Dundonald has a large supply of approved and pending housing applications which is a material planning consideration.

Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards

346. During the processing of the application, the scheme has been amended to remove the petrol station element.

Will create traffic issues around Carrowreagh Road especially at peak times

347. Improvements are offered to the junction of Carrowreagh Road and the relevant analysis and modelling have been agreed with DFI Roads and an independent audit that the junction capacity will be acceptable.

Dundonald needs more jobs, not more houses

348. As rationalised within the report, the economic offering is now considered substantial enough to outweigh this key employment site.

Contrary to the RDS that seeks to protect employment land

349. The detail surrounding the RDS and protection of employment land is noted within the report which feeds down into local policy. For the reasons outlined in the report, sufficient detail is provided by way of other material considerations to justify the loss of part of the employment lands.

Rezones the land which should have been a job for the LDP process

350. It is accepted that the rezoning of land is a matter for the LDP process however there are opportunities within the planning application process for mixed use developments to be advanced and for weight to be attached to other material considerations

There are also a surplus of housing as well

351. It is noted within the report that there is a clear supply of housing in the area.

Will undermine and threaten the viability of the forthcoming Millmount Village Centre

352. The retailing and petrol station element has been removed in this revision to the scheme.

NIW recommend no more connections

353. This earlier view has been updated and a solution has been found which now offers no objections by NI Water.

Reports are paid for by the agent and have differing purposes

354. The reports and their contents are noted and interrogated accordingly by officers and statutory consultees. No evidence to the contrary has been provided.

Post covid warehouse requirement has not been quantified

355. The recommendation and application are based on the information as submitted however market changes post COVID and indeed Brexit are acknowledged.

Litchfield assessment was done by the Council and rated it at the top of the average rating.

356. The rating given is noted within the report.

Carrowreagh business park is fully occupied

357. The occupation/success of the adjacent Business Parks in the adjoining area is noted and a material consideration.

Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price

358. This view is noted and the recommendation is reached on the merits of the submission, giving appropriate weight to material considerations.

Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings

359. The relevant area plan zonings are noted above in the relevant section.

SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzoned lands in the SPPS

360. The policy requirements and nuances between policies is set out within the relevant sections above.

No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

361. The marketing is noted and any limitations in relation to same. These are material planning considerations.

Increased investment in NI anticipated post Brexit

362. Markets and investment may change post Brexit.

Wrights have successfully refurbished at Ballyoran Business Park over the last 10 years

363. The success of the surrounding business parks is a material planning consideration and for the reasons outlined in the report, the proposed development is not likely to have an adverse impact on the continued operation of established businesses nearby.

Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.

364. It is noted that this is the only employment site left in the locality. This is also a material planning consideration.

Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents for servicing the site.

365. Views on economic benefits being stated to be offered as a result of the development and are material planning considerations.

The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.

366. The lower rate of employment offering is noted and accounted for within the report. The rate has been amended with the amended scheme accordingly.

Existing amenities already under pressure e.g. schools

367. There are no objections offered by any of the statutory consultees with regards infrastructure and utilities. The provision of school facilities is a matter for the Education Authority.

The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.

368. The site is acknowledged not to be on the regional main infrastructure but its proximity to same is noted and considered.

The applicant's statements does not address the Councils economic development response in relation to the earlier scheme.

369. The views expressed by the economic development team are noted. The applicant has expressed the other material considerations which they consider outweigh the non compliance with policy.

The revised scheme offers less job creation than the earlier version.

370. The revised scheme and its job creation are detailed above. It is considered that the additional jobs offered by the earlier scheme were lower paid retailing jobs within the neighbourhood centre and petrol station. The jobs now being offered are all based on employment and will assist in providing access to jobs for people in the local area.

The economic offering remains unchanged.

371. The view is expressed that because there are only three additional industrial units that the offering is essentially the same. This comment is made in isolation of the other changes and reductions within the scheme. The location of the offering is changed to border industrial lands and there has been a significant buffer included to ease the transition between it and the housing.

Invest NI and Economic Development are unsupportive.

372. The views expressed by the consultees are acknowledged and considered within the main body of the report.

Failure of the applicant to address the correct policy context and the SPSS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.

373. The policy context has changed during the processing of the application. Whilst the applicant refers to the lands being unzoned whiteland, this view has not been accepted due to the advanced nature of BMAP as a material consideration and the lands are considered as zoned for employment/industry. That said, it is acknowledged within the report that the proposal is contrary to ED7 but that greater weight has been given on balance to the material consideration that the site will remain undeveloped and this proposal provides the best available opportunity to secure further employment opportunity in Dundonald.

40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.

374. The percentage includes the areas of land for employment and the buffer planting offered for a good relationship between the employment and housing.

Wrong Development Model

375. The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and involves an unacceptable high risk of full or partial failure.
376. The recommendation is made on the basis of the viability models provided. No alternative model is presented in objection. Whilst the objector claims because it is unprofitable now that it may change in 5 years time, this must be weighed against the length of time that the site has already been vacant and the fact that there are no buildings on it therefore any development for economics use has to be new build.

Proposed phasing is unfavourable to employment.

377. It is considered that the release of some housing in phases is necessary to help with build costs for employment delivery. The section 76 agreement will be drafted to ensure that the employments units will be delivered.

The business park has no management plan

378. As there is no model or tenants it is not considered prudent to have a management plan, however this is capable of being conditioned.

Not supported by the RDS RG1 and other RDS policies

379. The RDS is considered above and it is accepted that the thrust of the policy seeks protection of zoned lands.

Feel CBRE reports underplay the sites potential and the Litchfields report mis-grades the site

380. The reports are considered within the relevant parts of the report.

Absence of housing need argument

381. The proposed mixed use including housing has been considered under other material considerations as part of the overall redevelopment of the site. Policy does not require a specific housing need argument to be advanced,

No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units

382. The agent in their Clarification Statement has acknowledged the receipt of a major planning application which they state is not comparable as this is refurbishment which is a much lower cost and actually process a threat to this site in terms of the new build costs being prohibitive for economic use.

Conclusions

383. For the reasons outlined above, it is accepted on balance that greater material weight should be afforded to the fact that with the passage of time there are a combination of circumstances specific to this individual zoning that make it less likely to be developed for employment in full. The proposal as amended provides the best available opportunity to secure further employment opportunity in Dundonald.
384. Policies TRA1, TRA 2 and TRA7, NH2 and NH5 and FLD1 and FLD2 of the Plan Strategy are also satisfied.

Recommendations

385. It is recommended that planning permission is approved subject to section 76 agreement which provides for
- A minimum of 20% affordable housing which equates to a minimum of 19 residential units
 - To secure the employment use earlier and the benefits accrued from this the phasing should be broadly in line with the following parameters:
 - The provision of all the infrastructure necessary to deliver the 31 employment units in the subsequent phasing.
 - Phase 1 – No more than 36 residential units of which 7 units should be affordable housing are to be constructed until the employment units at sites 1-20 are constructed to Industrial occupation standard.
 - Phase 2 - No more than 72 residential units of which 7 units (14 in total accumulated over the two phases) should be affordable housing are to be constructed until the employment units at sites 21-28 are constructed to Industrial occupation standard.
 - Phase 3 - No more than 90 residential units of which 5 units (19 in total accumulated over the three phases) should be affordable housing are to be constructed until the employment units at sites 29-31 are constructed to Industrial occupation standard.

Conditions

386. The following Conditions are recommended:

- As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

- The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. P486/R-01K, bearing the LCCC Planning Office date stamp 16th August 2023 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

- The access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P486/R-01K, bearing the DFI determination date stamp 21st August 2023.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. P486/R-01K, bearing the date stamp 16th August 2023, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking within the site.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access

shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

- No dwelling(s) shall be occupied until that part of the service road, which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development).

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

- Foul sewage shall be connected to the main sewer with Northern Ireland Water approval

Reason: To protect the amenity of neighbouring dwellings with respect to odour

- No part of the development hereby approved shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered in accordance with the approved plans and is operational.

Reason: To ensure adequate provision is made for the disposal of wastewater.

- Prior to occupancy of the residential units hereby approved, a clean cover system shall be installed to form an encapsulation layer above the contaminated soils as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The clean cover system shall be installed in the proposed gardens and landscaped areas and consist of a minimum of 1000mm of clean cover.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- Prior to occupancy of the residential units a 2.5m x 2.5m area around TP302, shall be excavated to a depth of 1.2m below ground level, as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The area shall not be made good until analysis results can demonstrate that the PAH concentrations in the remaining soil is below the relevant screening values.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the occupancy of the residential units hereby approved, the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met. Substantiating information shall be submitted to the Council in the form of a written validation report for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The site is within a Smoke Control Area designated under the Clean Air Order (NI) 1981. Therefore, all appliances installed on this site must comply with Smoke Control Areas (Exempted Fireplaces) Regulations (NI) 1999 (as amended) and fuels used must comply with Smoke Control Areas (Authorised Fuels) Regulations (NI) 1999 (as amended).

Reason: To ensure compliance with the smoke control regulations

- All vehicles operating within the industrial development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed the background noise level by greater than 10 dB(A).

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

Reason: To protect the amenity of neighbouring dwellings with respect to obtrusive light

- Development shall be carried out in strict accordance with the dust mitigation measures set out in the Air Quality Impact Assessment received by the Council 18 December 2020.

Reason: To protect the amenity of neighbouring dwellings with respect to dust

- Prior to occupancy of any of the residential units hereby approved, a 1.8 metre high acoustic barrier shall be erected as labelled by boundary treatment 1 and presented on approved drawing [insert number]. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 12 kg/m² and so retained thereafter.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- The hours of operation of the Class B2 and B4 industrial/employment units shall not exceed 0700 – 2300.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- Prior to occupation of the residential units hereby approved, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 35dB(A) RTRA (or $R_w + C_{tr}$), shall be installed to all dwellings.

Reason: To achieve internal noise level in line with BS8233

- Prior to occupation of the residential units hereby approved, passive and mechanical ventilation in addition to that provided by open windows, capable of achieving a sound reduction of at least 35dB(A) RTRA when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to all dwellings. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233

- During the operational phase of the industrial units no activity which is likely to generate excessive noise e.g. delivery, should be undertaken outside the hours of 0700-2300 hours.

Reason: To protect the amenity of neighbouring dwellings with respect to noise

- If piled foundations are require then prior to commencement of the development hereby approved, a piling risk assessment shall be completed and submitted to the Council for approval. The piling risk assessment shall be completed to demonstrate that the proposed piling method will not have an adverse impact by creating new pathways for the migration of potential contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- A Pre-demolition Asbestos Survey should be undertaken prior to demolition and site redevelopment works in compliance with The Control of Asbestos Regulations 2012 and more specifically Regulation 4 – The Duty to Manage Asbestos to ensure any risk to those tasked with site development and future site users is appropriately managed.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the installation of the combustion system(s) for heating and hot water to any non-residential elements of the development, with a rated thermal input greater than 1MW, the applicant must submit an updated air quality impact assessment. The updated air quality assessment shall provide specific details of the proposed combustion system including, emission rates and flue termination heights. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with the operation of the proposed combustion systems. The combustion systems shall be maintained and operated in accordance with the approved details and retained thereafter.

Reason: To comply with The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) (Amended) 2018

- The development hereby permitted shall not be occupied until the remediation measures as described in the RPS Group Ltd Remedial Strategy Report IBR1268 dated 30th May 2023, have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

- If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

- After completing the remediation works under Conditions [insert number] and [insert number]; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

- All existing trees and proposed planting within the site shall in accordance with drawing [insert number] published on Portal on [insert date]. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

DIRECTION TO ALL DISTRICT COUNCILS

THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017

The Department for Infrastructure makes the following Direction, in exercise of powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015¹.

Commencement

1. This direction comes into operation on 1st December 2017.

Interpretation

2. In this Direction—

“the 2011 Act” means the Planning Act (Northern Ireland) 2011²;

“assessments” means any Flood Risk assessments, Environmental Impact assessments, Retail Impact assessments, Transport assessments or any other assessments that may be submitted with the application;

“council” means district council;

“the Department” means the Department for Infrastructure;

“Development Management Regulations” mean the Planning (Development Management) Regulations (Northern Ireland) 2015³;

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015;

“local development plan” shall be construed in accordance with section 6(1) of the 2011 Act;

“major development application” means development which belongs to the category of major development as prescribed in regulation 2(1) of the Development Management Regulations;

“pre-application material” means any material submitted with the planning application as prescribed by section 27 of the 2011 Act and regulations 4 and 5 of the Development Management Regulations;

“requisite notice” means notice in the appropriate form set out in Schedule 1 to the GDPO or in a form substantially to the same effect;

¹ S.R. 2015 No.72

² 2011 c.25 (N.I.)

³ S.R. 2015 No.71

“road” is that which is defined by Article 2 of the Roads (Northern Ireland) Order 1993¹;

“significant objection” means an extensive or important challenge or disagreement;

“statutory consultee” means an authority or person with whom the council or Department must consult in accordance with Article 13 of the GDPO 2015;

Information to be given to the Department

3. — (1) Where the council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction, it must send the Department the following information:

- (a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
- (b) a copy of the requisite notice;
- (c) a copy of any representations made to the council in respect of the application;
- (d) a copy of any report on the application prepared by the council; and
- (e) a copy of a statement, setting out the councils reasons for proposing to grant planning permission, in cases where-
 - i. the application would significantly prejudice the implementation of the local development plan’s objectives and policies;
 - ii. the application would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; and /or
 - iii. a significant objection has been received by a statutory consultee or Government Department.

(2) Where the council holds the information set out in sub-paragraphs (1)(a)–(e) on its website, it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council’s website.

¹ S.I. 1993/3160 (N.I. 15)

Restriction on grant of planning permission

4. The council must not grant planning permission for development falling within any of the descriptions of the development listed in the Schedule to this Direction before the expiry of a period of 28 days, beginning with the date notified to them by the Department as the date of receipt by the Department of the information specified in paragraph 3.
5. If, before the expiry of the 28 day period referred to in paragraph 4, the Department has notified the council that it does not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application, the council may proceed to determine the application.
6. The Planning (Notification of Applications) Direction 2015 dated 23 March 2015 shall cease to have effect from 1st December 2017.

Sealed with the Official Seal of the Department for Infrastructure on 10th November 2017.

(L/S)

ANGUS KERR

A senior officer of the Department for Infrastructure

SCHEDULE

DESCRIPTION OF MAJOR DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE DEPARTMENT FOR INFRASTRUCTURE

1. A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies.
2. A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013¹.
3. Significant objection by a Government Department or Statutory Consultee to a major development application;
 - (i) Development Affecting a Road
Development which has been the subject of consultation with the Department under Article 13 of the GDPO where it has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.
 - (ii) Development in vicinity of major hazards
Development which has been the subject of consultation with the Health and Safety Executive for Northern Ireland under Article 13 of the GDPO where the Health and Safety Executive has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.
 - (iii) Nature Conservation, Archaeology and Built Heritage
Development which has the potential to:
 - (a) affect a marine conservation zone designated under the Marine Act (Northern Ireland) 2013;
 - (b) have an adverse effect on a Northern Ireland priority habitat or priority species²;
 - (c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995³;
 - (d) have an effect on an Area of Special Scientific Interest designated under Article 28 of the Environment (Northern Ireland) Order 2002⁴;
 - (e) have an effect on a World Heritage site appearing on the World Heritage List kept under the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage⁵;

¹ 2013 c.10 (N.I.)

² Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011

³ S.R. 1995 No. 380 relevant amendments are S.R. 2004 No. 435; S.R. 2007 No. 345; S.R. 2009 No. 8 and S.R. 2011 No. 216.

⁴ S.I. 2002 No. 3153 (N.I.7)

⁵ See Command Paper 9424

- (f) affect a site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995¹ or an area which contains archaeological remains or historic park, garden or demense; or
- (g) affect a listed building as defined under section 80 of the 2011 Act,

where the relevant Department or Statutory Consultee on being consulted by the council under Article 13 of the GDPO has indicated that the development may adversely affect such a site and has raised a significant objection against the granting of planning permission, or has recommended conditions which the council does not propose to attach to the planning permission.

(iv) Flooding

Development which has been the subject of consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) under Article 13 of the GDPO where DAERA has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

¹ S.I. 1995 No. 1625 (N.I.9)



Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 3 – Proposed Battery Energy Storage System [BESS] 600MW, landscaping, and ancillary development on lands approximately 230 metres east of 2 Moneybroom Road, Lisburn

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached (see Appendices) and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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Appendices:	<p>Appendix 3(a) - Report in relation to LA05/2023/0988/PAN</p> <p>Appendix 3(b) – LA05/2023/0988/PAN – PAN Form</p> <p>Appendix 3(c) – LA05/2023/0988/PAN – Site Location Plan</p> <p>Appendix 3(d) – Letter from Dfl confirming that the proposal was not Regionally Significant</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	04 March 2024
Responsible Officer	Conor Hughes
Date of Report	20 February 2024
File Reference	LA05/2023/0988/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a Proposed Battery Energy Storage System [BESS] 600MW, landscaping, and ancillary development on lands approximately 230 metres east of 2 Moneybroom Road, Lisburn.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above described development was received on 01 December 2023. The earliest possible date for the submission of a planning application is week commencing 26 February 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out;
6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Les Ross Planning, 14 King Street, Magherafelt, BT45 6AR.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted in the FORM PAN 1 that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 and having sought confirmation from the Department for Infrastructure, it is advised that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public event took place in the Oak Room of LCCC Civic Headquarters on 31 January 2024 at 5pm.

The event was publicised in the Ulster Star week on 12 January 2024.

To ensure effective consultation, the agent proposes to write to all nearby dwellings houses and businesses via mail drop and all Councillors within the local ward. A copy of the location map, site layout out and feedback form will be included with the letter. Contact details for appointed Agent will also be provided.

Hard copies of material can also be provided to parties unable to access the public event.

Elected members for the DEA are identified as having an interest received a copy of the Proposal of Application Notice on 04 December 2023.

Other Matters

18. Given the scale of the proposed facility and the storage capacity identified in the notice advice was taken from the DfI Regional Planning and casework team as to whether this proposal fell within the category of a regional significant application. The advice from the Department is that the proposal is not regionally significant. A copy of the correspondence is appended to this report.

Recommendation

19. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.



www.lisburncastlereagh.gov.uk/resident/planning

Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Tel: 028 9244 7300

E-mail: planning@lisburncastlereagh.gov.uk

370

Combined application for pre application discussion & proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

Yes

No

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

371

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

372

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

365390

373

Ownership

Please state applicant's interest in the site

Owner

Site Area

What is the area of the site?

5.2

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Type of Planning Application

Please indicate what type of application is being requested

- Outline permission
- Full permission
- Reserved matters

Is the application which is now being made a renewal for an existing permission?

- Yes
- No

Please select all categories of development which are relevant to this application

- Residential
- Retail
- Industrial/business use
- Community use
- Other

If Other, please clarify with more detail

Battery Energy Storage System

Does the proposal include non-residential floor space?

- Yes
- No

If yes, please provide the non-residential floor space area in square metres

52000

Site Area (ha)

5.2

- How to make an application
- The information required to support an application
- Which regional and local planning policies apply
- Whether the proposal is acceptable in principle
- Design issues
- Heritage
- Amenity issues
- Transport
- Flood risk
- Drainage
- Need for a Section 76 planning agreement
- Environment Impact Assessment
- Other

Please explain why you wish to discuss the matter(s) which are indicated above

We have been involved in a number of BESS planning applications and therefore have a good knowledge of the level of detail required for this type of proposal, however we wish to discuss the draft scheme with the Council to ensure the Full application is comprehensively front-loaded.

Please tell us what you are trying to achieve through your proposal

Planning permission for a 600MW BESS.

Related Proposals

Have you submitted a Proposal of Application Notice or any other pre-application/application in relation to this development?

- Yes
- No

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Proposed battery energy storage system (BESS) 600MW, landscaping, and ancillary development.

Floorspace Summary

Does the proposal include floorspace?

- Yes
- No

What is the total gross floor space of proposed development (sq m)?

52000

Renewable Energy

Does your proposal involve renewable energy development?

 Yes No

375

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

 Yes
 No

Has an Environmental Impact Assessment determination previously been made?

 Yes
 No**Details of Proposed Consultation**

Please add separate details for each proposed consultation

Proposed public event: Drop in information event.

Venue: The Oak Room - LCCC Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Date and time: 31/01/2024 17:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star

Proposed advert date start 12/01/2024

Proposed advert date finish 12/01/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

We are proposing to hold a public consultation event at Lisburn & Castlereagh City Council Civic Headquarters, the event will be advertised within the Ulster Star, the local newspaper. To ensure an effective consultation process we are also proposing to write to all nearby dwelling houses (via mail drop) and all Councillors within the local ward. We will enclose with each letter a copy of the location map, a draft layout and a copy of a feedback form. We will also provide contact details for Les Ross Planning.

Details of any other publicity methods (e.g. leaflets, posters)

In addition to writing to the local residents and business owners, we will place an advertisement in a local newspaper (The Ulster Star) to let people know about the event and how to contact us to obtain an information pack about the proposal.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

 Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Elected member(s) for District Electoral Area:

Cllr Thomas Beckett, Cllr Ross McLernon, Cllr Claire Kemp, Cllr Gary McCleave & Ald James Tinsley.

Date notice served:

04/12/2023

Details for Other Parties

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes

No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes

No

It is an important principle of decision-making that the process is open and transparent.

Developers and applicants should be aware that information related to a Pre Application Discussion may be subject to requests under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. The Act and Regulations provide for some exemptions from the need to disclose information, for example if it is commercially sensitive. In cases where applicants consider that specific information is exempt from the requirements of the Act or the Regulations, the justification for their position should be provided to the relevant authority.

- I acknowledge that this request and any resulting advice may be disclosed as part of any related Freedom of Information request**
 I do not wish this request or resulting advice disclosed as part of any related Freedom of Information request

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

- I consent for my personal data to be shared with other departments within the authority**

General advice obtained from the authority website, or advice obtained through discussions with duty officers or through the pre-application discussion process, is not binding on any future decision the authority may make once a formal planning application has been submitted.

It is important to note all pre-application advice is given based on the information available at the time. This is without prejudice to the formal consideration of a planning application as other information may arise from consultations, third party representations or policy changes during the regulatory determination process. Moreover, not all planning decisions are made by officers, with some applications, including all proposals for Major development, decided by the Planning Committee.

Declaration

Pre-Application Discussions are provided by officers on behalf of the Authority. It is informal advice only and not binding on any future decisions that the Authority may make once a formal planning application has been submitted. All advice given is on the basis of the information available at the time. The planning application process involves consultation with neighbours and technical consultees and it will not be possible to predict all the issues that will arise once a planning application is submitted. Moreover, not all planning decisions are made by officers, with some applications, including all proposals for Major development, decided by the Planning Committee and Minister. The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

Hayley Dallas

Date

01/12/2023

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority



OS PLAN:- 16408NE & 16505NW

Area edged red: 5.2 hectares

***Kee*Architecture Ltd.**
 CHARTERED ARCHITECTURAL TECHNOLOGIST

9a Clare Lane
 Cookstown
 BT80 8RJ

Tel: (028) 867 67920
 Mob: 07711932279

email
 malcolm_kee@btconnect.com



Project Title
 Proposed Battery Storage Facility
 at Moneybrook Road,
 Lisburn.

Drawing Title
 Location Map

Client
 J & D Lewis

Drawing No
 2327/A01

Scale
 1:2500

Date
 Nov 23



Regional Planning Policy and Casework

Rosaleen Heaney
Lisburn & Castlereagh City Council,
Civic Headquarters,
Lagan Valley Island,
Lisburn
BT27 4RL

Email: Rosaleen.Heaney@lisburncastlereagh.gov.uk

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
Tel: 0300 200 7830

Our Ref. DfIPG 026/24

Date: 25 January 2024

Dear Ms Heaney

Re: Pre-Application Notice - proposed battery energy storage system [BESS] 600MW, landscaping and ancillary development at lands approximately 230m East of No. 2 Moneybroom Road, Lisburn, BT28 2QP.

I refer to your email dated 19 January 2024 in relation to the above and to your query as to whether it should be directed to the Department for a determination under section 26 of the Planning Act (Northern Ireland) 2011.

A Battery Energy Storage System development is considered to fall within Class 9 of the Schedule to the Planning (Development Management) Regulations (NI) 2015 which does not include any applicable threshold or criterion for major development prescribed for the purposes of s26(1) of the Planning Act (Northern Ireland) 2011.

The Department concludes therefore that there is no requirement to consult the Department under S26(1).

Yours sincerely

Regional Planning Policy & Casework



Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2023/0062/O

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. An application for a replacement dwelling and garage on land opposite 36 Scroggy Road, Glenavy, Crumlin was refused planning permission on 30 March 2023. 2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 31 May 2023. 3. The procedure followed in this instance was by way of informal hearing at the request of the appellant team. The hearing took place on 05 February 2024. 4. The main issues in the appeal are whether the proposed development was acceptable in principle in the countryside and its impact on rural character. 5. A decision received on 19 February 2024 indicated that the appeal was dismissed. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. At paragraph 6 of the decision, the Commissioner sets out his consideration of whether the walls associated with the building identified to be replaced were substantially intact. Whilst the Commissioner did not dispute that the larger building was previously a dwelling, based on his observations, it was judged that the building no longer exhibited the essential characteristics of a dwelling given its dilapidated state and the fact that all its external structural walls were no longer substantially intact. 2. As no alternative argument was advanced by the appellant, the Commissioner confirmed that the Council’s objection in principle was well founded and the reason for refusal was sustained. 3. With regard to Rural Character, the Commission did acknowledge the substantial built development [Ballymacrickett Primary School] identified to the north of the site some 40 metres distant. That said, the decision notes at paragraph 9 that the area around the appeal site and in particular that to the south of the school presents as rural in appearance and is characterised by dispersed dwellings set in farmland. 4. For the reasons outlined at paragraph 10, the Council’s reason for refusal on the grounds of rural character was not upheld as the Commissioner, having regard to the augmentation of existing vegetation and the appeal site along with the roadside and in curtilage vegetation ensured that views of 36 and 42 Scroggy Road on approach in either direction would be limited and filtered. This, together with the separation
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	spaces between the buildings would be sufficient to ensure that the proposal would not materially alter the existing dispersed settlement pattern of the area or have any unacceptably adverse impact on its rural character.	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 4 – Appeal Decision – LA05/2023/0062/O
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Planning Appeals
Commission

Appeal Decision

4th Floor
92 Ann Street
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Appeal Reference:	2023/A0013
Appeal by:	Mr John Nelson.
Appeal against:	The refusal of outline planning permission.
Proposed Development:	Replacement dwelling and garage.
Location:	Land opposite No. 36 Scroggy Road, Glenavy, Crumlin.
Planning Authority:	Lisburn and Castlereagh City Council.
Application Reference:	LA05/2023/0062/O.
Procedure:	Informal Hearing on 5 th February 2024.
Decision by:	Commissioner Damien Hannon, dated 19 th February 2024.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposed development is acceptable in principle in the countryside and its impact on rural character.
3. Lisburn and Castlereagh City Council (LCCC) adopted a Plan Strategy (PS) on 28th June 2023. The adoption of a Plan Strategy engages legislative provision confirming that both the Plan Strategy and the pre-existing Departmental Development Plan (DDP) form the extant Local Development Plan (LDP) and that any conflict between the two component documents should be resolved in favour of the PS. There was agreement between the parties to the hearing that the DPP, namely the Belfast Urban Area Plan 2001, was engaged only to the extent that it designated the appeal site as lying within the countryside and that the relevant operational policy context was provided by the countryside policies in the PS.
4. The Council presented revised reasons for refusal to the hearing that take account of the recently adopted PS and the relevant corresponding policies. Policy COU1 of the PS is entitled 'Development in the Countryside' and states that there are a range of types of development which are acceptable in the countryside and that will contribute to the aims of sustainable development. It adds that details of acceptable residential development proposals are set out in operational policies COU2 through to COU10. The appellant argued the proposal to be acceptable in principle in the countryside as a replacement dwelling in compliance with Policy COU 3.
5. Policy COU 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of

a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

6. The appeal site is a triangular shaped field accessed off the Scroggy Road via a field gate and track. It accommodates two old, dilapidated, stone buildings set back between 35 and 40m from the road. The smaller building, which parties agreed was a shed, has collapsed and is in ruins. I observed the larger building to have three standing walls that were substantially intact and supporting the remains of a corrugated iron roof. These walls were the northern gable, part of the western wall and what appeared to be an internal partition wall. The western wall, the southern wall and the eastern wall have collapsed in part, allowing a substantial part of the roof to have also collapsed. While I am satisfied, from my inspection and the submitted evidence, that the larger building was previously used as a dwelling, I judge that it no longer exhibits the essential characteristics of a dwelling, given its dilapidated state and the fact that all its external structural walls are no longer substantially intact. I consequently conclude that the proposal does not constitute a replacement dwelling in compliance with Policy COU 3 and the Council's second reason for refusal, based on this Policy, is therefore sustained.
7. The appellant advanced no alternative argument as to how the proposal fell within the range of types of acceptable residential development set out in Policy COU1 of the PS. In this evidential context I am not persuaded that the appeal proposal is acceptable in principle in the countryside. The Council's objection to the proposal in principle is well founded and its first reason for refusal based on Policy COU 1 is therefore sustained.
8. The Council also objected on rural character grounds. Policy COU16 of the PS is entitled 'Rural Character and other Criteria' and requires that all proposals for development in the countryside do not cause a detrimental change to, or further erode the rural character of an area. Criterion (c) of Policy COU 16 states that new development proposal will be unacceptable where they would have an adverse impact on the rural character of the area.
9. Ballymacrickett Primary School is a prominent building set within a substantial complex and located some 40m north of the appeal site. Notwithstanding this substantial built commitment in the landscape, the area around the appeal site, and in particular that to the south of the school, presents as rural in appearance and is characterised by dispersed dwellings set in farmland. No. 36 Scroggy Road is a detached farm dwelling and outbuilding fronting the opposite side of the road and facing the appeal site. No. 42 is a detached dwelling located some 140m north of the appeal site and opposite the school.
10. The Council argued that the proposed dwelling and garage, when viewed with Nos. 36 and 42 Scroggy Road and the school, would present as a build up of development that would have an unacceptable adverse impact on the character of the surrounding rural area. There was agreement that, were the existing vegetation at the appeal site to be augmented, a dwelling and garage could be satisfactorily integrated into the landscape. Furthermore, roadside, and other in-curtilage vegetation ensures that views of Nos. 36 and 42, on approach along the road in either direction, would be limited and filtered. This, together with the distances between the buildings in question would be sufficient to ensure that the

proposal would not materially alter the existing dispersed settlement pattern in the area or have any unacceptably adverse impact on its rural character.

11. The Council's objection on rural character grounds is not upheld and its third reason for refusal, based on Policy COU 16 is not sustained. The reasons for refusal that I have found sustained are determining in this case and the appeal is dismissed.

This decision is based on the 1:2500 scale Site Location Plan numbered 5422-1A sta received by the Council on 1st March 2023.

COMMISSIONER DAMIEN HANNON

List of Documents

Planning Authority:-	COU 1 COU 2	Statement of Case Rebuttal
Appellant:-	APP 1	Statement of Case

List of Appearances

Planning Authority: -	Laura McCausland Peter McFadden (Observing)
Appellant: -	Norman McKernan (JE McKernan & Sons)
Queens University Belfast: -	Rachel Kelso Mason (Observing)

Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2020/0496/F

1.0 **Background**

1. An application for the erection of a dwelling on land adjacent and southwest of 66 Knockbracken Road, Castlereagh was refused planning permission on 18 November 2022.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 30 January 2023.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 13 December 2023.
4. The main issues in the appeal are whether the proposed development:
 - is acceptable in principle in the countryside;
 - would create ribbon development;
 - would result in a change to the rural character of the area.
5. A decision received on 19 January 2024 indicated that the appeal was allowed and that full planning permission was granted subject to conditions.

Key Issues

1. A preliminary matter is dealt with at paragraph 2 of the decision report whereby the Commissioner notes that the Council's decision issued prior to the adoption of its Plan Strategy and that opportunity was afforded to all parties to provide comment on the updated policy position with officers of the Council revising the refusal reasons to align with new operational policies contained in Plan Strategy.
2. Personal and domestic circumstances were cited as extenuating circumstances and the case presented by the appellant considered at paragraphs 9 – 14 of the Commissioner's report.
3. For the reasons outlined, the Commissioner did not consider extension of the current property to be a viable option nor were they persuaded that a modest size outbuilding located on the site in a restricted location was suitable for conversion or reuse to provide adequate accessible accommodation.
4. A temporary mobile home was not considered to be an appropriate response having regard to the young age and need for long term needs to be accommodated.

5. The conclusion reached by the Commissioner in this case was that genuine hardship would be caused by refusing permission and that no alternative solutions were available to meet the circumstances of this case.
6. With regard to the refusal reasons associated with COU8 and COU16, the Commissioner accepted at paragraph 16 that the development would add to a ribbon of development and to the suburban build-up of development along the Knockbracken Road and would unacceptably erode the rural character within the countryside.
7. Despite policies COU8 and COU16 being offended, the view expressed at paragraph 18 was that these policy tests are outweighed by the personal domestic circumstances advanced which meet Policy COU6.
8. It was considered necessary to impose a planning condition restricting occupation of the property.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:

Appendix 5 – Appeal Decision – LA05/2020/0496/F



Appeal Decision

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388

Appeal Reference:	2022/A0174
Appeal by:	Mr Dobbin
Appeal against:	The refusal of full planning permission
Proposed Development:	Erection of dwelling
Location:	Adjacent and southwest of 66 Knockbracken Road, Castlereagh
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0496/F
Procedure:	Written Representations with Commissioner's site visit on 13 th December 2023
Decision by:	Commissioner Diane O'Neill, dated 19 th January 2024

Decision

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

Preliminary Matter

2. The Council's decision issued prior to the adoption of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) in September 2023. The Commission wrote to the parties inviting them to comment on the PS insofar as it related to the appeal proposal.
3. Taking into account the PS, the Council provided revised reasons for refusal. This decision is based on these revised reasons for refusal.

Reasons

4. The main issues in this appeal are whether the proposed development:
 - is acceptable in principle in the countryside
 - would create ribbon development
 - would result in a change to the rural character of the area
5. Section 45(1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 3 of the Schedule of the Planning (Local Development Plan) Regulations (NI) 2015 (as amended) states that where a plan strategy is adopted by a council a reference to the local development plan

in the 2011 Act is a reference to the departmental development plan and the plan strategy read together. Any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.

6. On 26th September 2023 the Council adopted their PS. This sets out the Council's objectives in relation to the development and use of land in its district and its strategic policies for implementing those objectives. In this appeal the Belfast Urban Area Plan 2001 (BUAP) is the relevant departmental development plan. In that plan the site is located within the Green Belt. No other policies in the BUAP are relevant to this proposal. The Draft Belfast Metropolitan Area Plan 2004 (dBMAP) locates the appeal site within the Green Belt. However, Green Belt policies were overtaken by regional policy. Accordingly, the dBMAP is not material in this appeal as there are no policies within it that are pertinent to the proposal. Within the PS the appeal site is located within the countryside. As the Council has adopted the PS, previously retained policies under the transitional arrangements outlined within the SPPS and contained within the Planning Policy Statements (PPSs) have ceased to have effect within the district and are now no longer material.
7. Within the PS Policy COU 1 Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The justification and amplification text of Policy COU 1 recognises that pressure for development must be balanced against the needs of rural communities. As well as having to meet Policies COU 2-10, any proposal for development in the countryside is also required to meet all the general criteria set out in Policies COU 15-16. As well as Policy COU 1, which is the basis for the first reason for refusal, the Council raised concern in relation to PS Policies COU 6, 8 and 16.
8. Policy COU 6, which is basis for the second reason for refusal, relates to personal and domestic circumstances. It states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal and domestic circumstances and provided it meets a number of criteria. Criterion (a) requires the applicant to provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. Criterion (b) of Policy COU 6 requires that no alternative solutions are available to meet the particular circumstances of the case such as an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short-term circumstances.
9. The proposed dwelling is for the appellant's son (Son #1). It would also have provision for a carer's rest/den. The appellant and his other son (Son #2) reside adjacent to the appeal site at No.66 Knockbracken Road. Son #1 currently resides on the Upper Newtownards Road, Belfast which is approximately 6 miles from the appeal site. The Council did not dispute Son #1's medical condition and the need for more suitable and wheelchair friendly accommodation.

10. Medical evidence was presented from a Consultant Neurologist and a GP confirming that Son #1 suffers from a progressive condition which leaves him wheelchair-bound and unable to undertake daily tasks or stand without assistance. At present he resides in a ground floor apartment which is not adapted to meet his present or future needs. For instance, the small kitchen area does not have wheelchair accessible cooking facilities leaving him reliant on his immediate family members to prepare him freshly cooked meals.
11. The GP stated that his condition requires immediate and constant care and attention. The second son is said to be the main carer however evidence was presented that shows he works away from home for long periods. During this time, the appellant is carer. The appellant's advancing years are said to make driving at night difficult for him should assistance be required.
12. The Consultant Neurologist considers it is unsafe for Son #1 to live alone for reasons provide in evidence. The GP considers that the proposal is necessary, not only as a means of providing care, but also to provide a sense of independence. Without the dwelling, they both indicate his level of independence would be unacceptably reduced or non-existent. The medical professionals are fully supportive of the proposal as the family would be close by to provide care as necessary whilst also enabling independent living. Without the dwelling, the GP states that genuine hardship and stress would result with dire consequences.
13. The appellant's residence (No.66 Knockbracken Road) is an older property which the appellant has lived in since he was a child. Given that Son #1 has been living independently and the presented arguments as to why the property at No.66 would be problematic to extend, I do not consider this to be a viable solution. Son #1 would also be confined to the extension as significant renovations to the appellant's property would be required to facilitate a wheelchair. In my judgement, this would not provide Son #1 with a reasonable quality of life. The very modest outbuilding located on the site is in a restricted location. I am not persuaded that it is suitable for conversion or reuse to provide adequate accessible accommodation. Son #1 is still a relatively young man that requires permanent accommodation to meet his long-term needs so a temporary mobile home is not an appropriate response.
14. In the evidential context provided, I am persuaded that genuine hardship would be caused by refusing the proposal and that there are no alternative solutions available to meet the particular circumstances of this case. The proposal therefore meets Policy COU 6. Consequently, the second reason for refusal is not sustained.
15. Policy COU 8, which is the basis for the third reason for refusal, relates to infill/ribbon development. It is stated that planning permission will be refused for a building which creates or adds to a ribbon of development. Exceptionally, it adds that there may be situations where the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. Policy COU 16, which is the basis for the fourth reason for refusal, states that in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area. A new proposal will be unacceptable where it is contrary to a number of criteria including that it does not

respect the traditional pattern of settlement exhibited in that area; results in urban sprawl and has an adverse impact on the rural character of the area.

16. The residential development at Nos. 66, 68A, 68 and 70 Knockbracken Road are located adjacent and to the east of the appeal site. They all share a common frontage to the road and are visually linked with each other making a ribbon of development. There is no development located adjacent and to the west of the appeal site. This ribbon of development (Nos.66, 68A, 68 and 70) appears suburban in nature and it erodes the rural character of the area. The proposal, despite its modest setback within the plot, the presence of woodland on the appeal site and having some 30m separation distance from No.66 Knockbracken Road, would nonetheless be visually linked with the existing buildings within the ribbon. This would occur even if the proposed dwelling were to be of a modest scale. It would add to the ribbon of development and to the suburban build-up of development along the Knockbracken Road. It would further unacceptably erode the rural character within the countryside. As a result, the Council's third and fourth reasons for refusal based on Policies COU 8 and 16 are sustained.
17. No substantive evidence was presented to demonstrate that the current use of the access arrangement at No.66 Knockbracken Road poses a danger to road safety, or that unacceptable intensification would arise should Son #1 reside there. Whilst it was argued that it was not possible to improve the safety of the current access, a new access arrangement for No.66 could be put in place without constructing a further dwelling at this location.
18. Although the proposal offends Policies COU 8 and 16, these are outweighed by the personal domestic circumstances advanced which meet Policy COU 6. The proposal is therefore a type of development deemed to be acceptable in this countryside location meeting Policy COU 1. The Council has therefore failed to sustain its first reason for refusal.
19. In the circumstances of this case, the meeting of Policies COU 1 and COU 6 are determining as set out above and the appeal must succeed. As the personal domestic circumstances are determining, it is necessary to impose a planning condition that Son #1 is the occupier of the property.
20. A Preliminary Ecological Appraisal (PEA) was submitted with the planning application and sent to NIEA for their consideration. As the appeal site contained badgers protected by the Wildlife (NI) Order 1985 (as amended) it is appropriate that measures are put in place for their protection. The PEA concluded that the proposal was unlikely to have a significant impact on foraging and commuting bats, which are a European protected species under the Habitats Regulations. The evidence indicates that the erection of at least four bat boxes within the wider area of plantation woodland would increase the potential of the site for roosting bats. It is noted that, subject to a number of conditions, NED offered no objection to the proposal.

Conditions

1. The dwelling shall first be occupied for a period of five years by Mr Gareth Dobbin and other members of his family or other persons providing care and support to him.

2. The visibility splays shown on the approved Drawing 02D date stamped by the Council on 24th November 2021 shall be laid out before any building operations commence.
3. The access shall be completed in accordance with the approved Drawing 02D date stamped by the Council on 24th November 2021 before the dwelling is occupied and shall be permanently retained.
4. The landscaping scheme, as indicated in Drawing 02D date stamped by the Council on 24th November 2021, shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone has been provided around each badger sett entrance at a radius of 25m as shown on the proposed site layout Drawing 02D date stamped by the Council on 24th November 2021. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone without the consent of the Council unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone shall be retained and maintained until all construction activity has been completed on site.
6. At least four bat bricks or bat boxes are to be installed on site as recommended by the Preliminary Ecological Appraisal (PEA) date stamped by the Council on 27th October 2020. These should be located at a height and maintained free from disturbance or direct lights in accordance with Bat Conservation Trust Guidance 1.
7. The development shall be begun before the expiration of five years from the date of this permission.

This decision is based on the following drawings:-

Drawing 01 1:2500 site location map date stamped by the Council on 29th June 2020

Drawing 02D 1:500 site layout date stamped by the Council on 24th November 2021

Drawing 03 1:100 floor plan and front elevation date stamped by the Council on 29th June 2020

Drawing 04 1:100 elevations and layout of loft over garage date stamped by the Council on 29th June 2020

COMMISSIONER DIANE O'NEILL

List of Documents

Planning Authority
(Lisburn and Castlereagh City Council):-

Statement of Case (PA 1)
Rebuttal (PA 2)
Comments on PS (PA 3)

Appellant (GT Design-agent):-

Statement of Case (A 1)
Rebuttal (A 2)



Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Statutory Performance Indicators – January 2024

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function. 2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the monthly position for each indicator for the month of January 2024. 2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such. 3. Members will note that the performance against the statutory target for local applications for January 2024 was 52.8 weeks with performance year to date noted to be 41.8 weeks. There remains a focus on dealing with older planning applications. Approximately 86 decisions from the years 2019, 2021 and 2022 have issued year to date, 70 of which have issued since June 2023. 4. Our continued focus on reducing the number of older applications means it is unlikely that the Council will return to good performance for local applications in the short term but the implementation of a structural review and improvement plan should see an overall improvement against this target in the next business year. 5. It is important to note that legal challenges and ongoing resourcing pressures continues to impact on our ability to improve performance in relation to local applications. 6. Performance in relation to major applications for January 2024 was 63.2 weeks. That said, performance year to date noted to be 56.4 weeks. The types of major
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	<p>applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p> <p>7. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the January 2024 Statutory Performance Indicators.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 6 – Statutory Performance Indicators – January 2024</p>
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Statutory targets monthly update - January 2024 (unvalidated management information)

Lisburn and Castlereagh

DATA HIGHLIGHTED YELLOW IS EXPERIMENTAL

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	2	1	49.6	0.0%	55	45	57.8	11.1%	27	6	47.8	66.7%
May	0	1	102.2	0.0%	67	71	35.6	15.5%	28	25	95.8	48.0%
June	0	1	44.2	0.0%	74	71	33.6	14.1%	28	16	20.7	93.8%
July	0	0	-	-	62	8	44.2	25.0%	13	12	27.6	83.3%
August	1	0	-	-	56	79	37.2	16.5%	23	7	41.9	71.4%
September	0	1	25.6	100.0%	47	62	43.4	11.3%	39	33	28.2	87.9%
October	0	0	-	-	73	62	45.3	8.1%	18	23	26.8	95.7%
November	1	0	-	-	61	62	42.4	1.6%	15	16	29.7	93.8%
December	3	1	63.2	0.0%	39	43	44.6	2.3%	12	7	33.0	85.7%
January	0	1	63.2	0.0%	38	55	52.8	1.8%	10	16	40.4	68.8%
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	7	6	56.4	16.7%	572	558	41.8	10.0%	213	161	32.6	80.1%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Update on DAERA actions to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation requests.

1.0 Background

1. Members will be aware of previous correspondence from the Northern Ireland Environment Agency (NIEA), who are an Executive Agency of DAERA, in 2021 which advised that they would not be providing detailed responses to requests for updates in relation to timeframes for issuing consultation responses, as the high volume of requests was considered to significantly reduce the time officials had for processing consultation case work.
2. In a letter dated 30 January 2024, the Head of Natural Environment Division, a Department within NIEA, provides an update in relation to:
 - the outcome of actions which the Department, as a Statutory Consultee in the planning process, took to improve our planning consultation response times in the autumn of 2021; and
 - consideration of the need to facilitate prioritisation requests to assist with ongoing caseload management practices.

Key Issues

1. The letter advises that the measures adopted in 2021, along with other initiatives, have resulted in significant improvements to performance in responding to planning applications. When introduced in 2021, Natural Environment Division [NED] had an outstanding caseload of approximately 600. The total outstanding caseload is just in excess of 140.
2. NED identified challenges around resourcing pressures remain in maintaining the improvements gained to date and for this reason, they advise that the Department will be maintaining its position of not providing indicative response times for any planning consultation until further notice.
3. The frustrations to planning authorities and officials in not providing detailed updates or facilitating the prioritisation of consultations is acknowledged. Confirmation is provided that NED officials are still available to offer advice to planning officials about queries of a technical nature. What this means and how it can assist in speeding up consultation processes is not clear. Further advice will be sought from NIEA on this matter.
4. In relation to prioritisation requests, comment is made that these impact significantly on the flow of casework management and consultation response, and invariably

	<p>impacts on response timeframes for those consultations not prioritised. NIEA is, however, willing to consider reviewing its position if planning authorities are able to jointly agree a prioritisation procedure and criterion for use in exceptional circumstances only. It is suggested that this matter be progressed through the Planning Statutory Consultee Forum. This matter is to be discussed at the next Heads of Planning meeting in early March 2024.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the update from the Head of Natural Environment Division in relation to actions taken to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation requests.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the Head of Natural Environment Division. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report for noting correspondence from the Head of Natural Environment Division. RNIA not required.</p>	

Appendices:	<p>APPENDIX 7 – Letter from NIEA providing an update on DAERA actions to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation requests.</p>
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Natural Environment Division

Cromac Avenue
Klondyke Building
Malone Lower
Belfast
BT7 2JA
Telephone: 028 905 69579

Your Reference:
Our reference:

Heads of Planning
Local Planning Authorities

Mark.Hammond@daera-ni.gov.uk

Date: 30 January 2024

Dear Head of Planning,

**UPDATE ON DAERA ACTIONS TO IMPROVE PLANNING CONSULTATION
RESPONSE TIMEFRAMES AND ENGAGEMENT ON THE NEED TO FACILITATE
PRIORITISATION REQUESTS**

The purpose of my writing to you at this time is twofold: to provide you with an update in relation to the outcome of actions which the Department, as a Statutory Consultee in the planning process, took to improve our planning consultation response times in the autumn of 2021; and consideration of the need to facilitate prioritisation requests to assist with ongoing caseload management practices.

You will be aware that since November 2021 DAERA has not been providing detailed responses to requests seeking updates in relation to timeframes for issuing consultation responses. We found that the provision of detailed updates for the high volume of requests received from applicants/agents, political representatives and planning officials significantly reduced the time officials had for processing consultation case work responses. This measure was therefore initiated to maximise the time case officers spent on responding to planning consultations as opposed to providing such updates. We also have not been facilitating prioritisation requests to assist with case management.

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I am pleased to inform you that these measures alongside other initiatives undertaken by NED have resulted in significant improvements to our planning performance:

- At the time these measures were introduced (November 2021) Natural Environment Division (NED) had an outstanding caseload of close to 600 cases. At present NED's total outstanding caseload is just in excess of 140 cases.
- DAERAs statutory performance levels have increased from 62% of responses being made within statutory timeframes (based on the 2022/2023 annual performance) to a current rate of 75% by Quarter 2 of 2023/24: an increase of 13 percentage points.

Although these improvements are welcome, we are aware of significant challenges to maintain the improvements gained to-date, in particular challenges around resourcing pressures. Given the weekly number of planning consultations receipted has remained steady and not reduced since the autumn of 2021 the Department will be maintaining our position of not providing indicative response times for any planning consultation until further notice.

I am aware that stopping the provision of detailed updates and not facilitating prioritisation has caused frustration to planning authorities and that planning officials would like to be able to speak to individual NIEA case officers in relation to queries they have.

However, as was previously the case, it should be noted that officials are still available to offer advice about queries of a technical nature. In these regards planning officials should contact the DAERA Planning Response Team in the first instance outlining their technical query. PRT will then seek the most appropriate case officer/s to respond from DAERA's 7 internal planning teams.

In relation to prioritisation requests our experience has shown that they have been received from a wide range of planning officials, government officials, applicants/agents and political representatives for a broad spectrum of planning application types and for a wide variety of reasons. Prioritisation impacts significantly on the flow of casework management and consultation responses and invariably impacts on response timeframes

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for those consultations not prioritised. Unless used only in exceptional circumstances, prioritisation could overwhelm our ability to respond to all other casework in a timely manner.

Nonetheless, acknowledging our role as a Statutory consultee and the conflicting demands and pressures associated with the variety of development across all Planning Authorities, DAERA is willing to consider reviewing our position if Planning Authorities are able to jointly agree a prioritisation procedure and criterion; and any agreed procedure and criterion are only to be used in exceptional circumstances.

A good starting point may be for this issue to be raised and considered at the Planning Statutory Consultee Forum at which representatives from the Senior Planners Group (SPG) attend. We would of course be willing to engage with the Forum as thoughts develop.

Hopefully this letter gives you encouragement in relation to NED's performance, the availability of NIEA case officer advice in relation to technical queries and our willingness to engage further in relation to the prioritisation issue.

Yours sincerely,



MARK HAMMOND

Head of Natural Environment Operations - NIEA

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An Agency within the Department of
**Agriculture, Environment
and Rural Affairs**
www.daera-ni.gov.uk



**INVESTORS
IN PEOPLE**

Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Letter from Department in relation to Buildings of Special Architectural or Historic Interest – Blaris Radio Transmitter

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is copied into a letter from the Department for Communities (DfC) that issued to Arqiva Ltd on 09 October 2023 regarding the above site. The letter advises that the Department has recently reviewed the details of the above site and the buildings located within the curtilage of the transmitter. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The letter explains that a building had been flagged as having the potential to meet the Criteria for Listing [required under section 80 of the Planning Act (NI) 2011] during a Defence Heritage survey carried out by external contractors on behalf of DfC. It also explains that the transmission hall has a nuclear shelter underneath and a more modern [1980s] nuclear shelter beside it. Officials from the Department have been in contact with the management company to try and arrange access to the building but to date, no access has been afforded. Internal access is required to enable the Department to fulfil its statutory requirements in determining whether the building meets the necessary criteria for listing. The process associated with the internal surveying is explained. The letter makes the owner aware that the Council can issue a Building Preservation Notice on an unlisted building where the building appears to be of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its special interest. The view is expressed by the Department that the building does make a valuable contribution to Northern Ireland's heritage and to the character of our communities.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the letter from the Department for Communities. The Council is not currently investigating the need for a building preservation notice but will keep this under review in consultation with DfC.</p>

3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the Department for Communities. EQIA not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report for noting correspondence from the Department for Communities. RNIA not required.</p>	

<p>Appendices:</p>	<p>APPENDIX 8 – Letter from Department for Communities in relation to Building of Special Architectural Interest</p>
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Department for
Communities

An Roinn
Pobal

404

Department for
Commonities

www.communities-ni.gov.uk

IMPORTANT – THIS MAY AFFECT YOUR PROPERTY

Arqiva Ltd.
Crawley Court
Winchester
Hampshire
SO21 2QA



Historic Environment Division
Ground Floor
9 Lanyon Place
Belfast
BT1 3LP
Phone: 028 9081 9356
email:
HED.secondsurvey@communities-ni.gov.uk

Our Ref: **HB19LQ063**
Date: 9th October 2023

Dear Sir,

UPDATE: BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

RE: Blaris Radio Transmitter at Lisnagarvey, Lisburn, Northern Ireland

The Department for Communities, Historic Environment Division has recently reviewed the above as part of the PAD planning application (LA05/2022/0908/PAD). This had been flagged as having the potential to meet the Criteria for Listing (required under section 80 of the Planning Act (NI) 2011) during the Defence Heritage Survey carried out by external contractors on behalf of the Department. The transmission hall has a nuclear shelter underneath it and a more modern (1980s) nuclear shelter beside it (DHR 419:002 and DHR 00419:003).

We have been in contact with the management company to try and arrange access to the building but to date we have not been afforded access. In order to complete this survey record we require internal access to the building at your earliest convenience. This will allow The Department to fulfil its statutory requirements in determining whether the building meets the criteria for listing. The Criteria for Listing can be easily accessed from our website.

<https://www.communitiesni.gov.uk/sites/default/files/publications/communities/dfc-hed-scheduling-of-historic-buildings.pdf>

The survey itself is straightforward and involves experienced departmental architects, visiting your property and recording, through notes and photographs, the main elements of the interior. It would also be useful if you could pass on any historical information you



may have. Once all the data is gathered from the full survey it will then be assessed by Historic Environment Division architects.

If your building is proposed as a new listing, the Historic Buildings Council, and the local council are required to be consulted by the Department. It is also standard practice to give the owner an opportunity to comment on the record and notify them of the Notice of intention to list.

Please note the interior description, interior photographs and your personal details will be held by the Department and will not be released without an owner's permission except in exceptional cases, for example when there may be a breach of planning legislation and it is required regarding an enforcement case. Should the Department receive a request from a member of the public or another body aside from the Local Council to view this information, the Department will contact you for permission to release the information.

I would also make you aware that your Local Council can issue a Building Preservation Notice on an unlisted building where a building appears to be of special architectural or historic interest and is in danger of demolition or of alteration in such a way as to affect its special interest. This provides statutory protection to the building for a period of 6 months, as if it were listed.

Buildings such as yours make a valuable contribution to Northern Ireland's heritage and to the character of our communities. Listing marks and celebrates a building's special architectural or historic interest and affords its statutory protection, bringing any work to it under consideration of the planning system, so its character can be protected. This however, does not prohibit development but rather manages the proposed changes. Many listed buildings will have undergone change from their original design which is a natural part of a buildings life, listing allows us to highlight what is significant about a building or site, and seeks to make sure that any future changes do not result in the loss of this significance.

Please refer to the enclosed leaflet, '*Information Guide on the Second Survey of Historic Buildings*'.

I would be grateful that you contact the Department to arrange a suitable time and date for the survey to take place. Contact details can be found at the top of the letter.

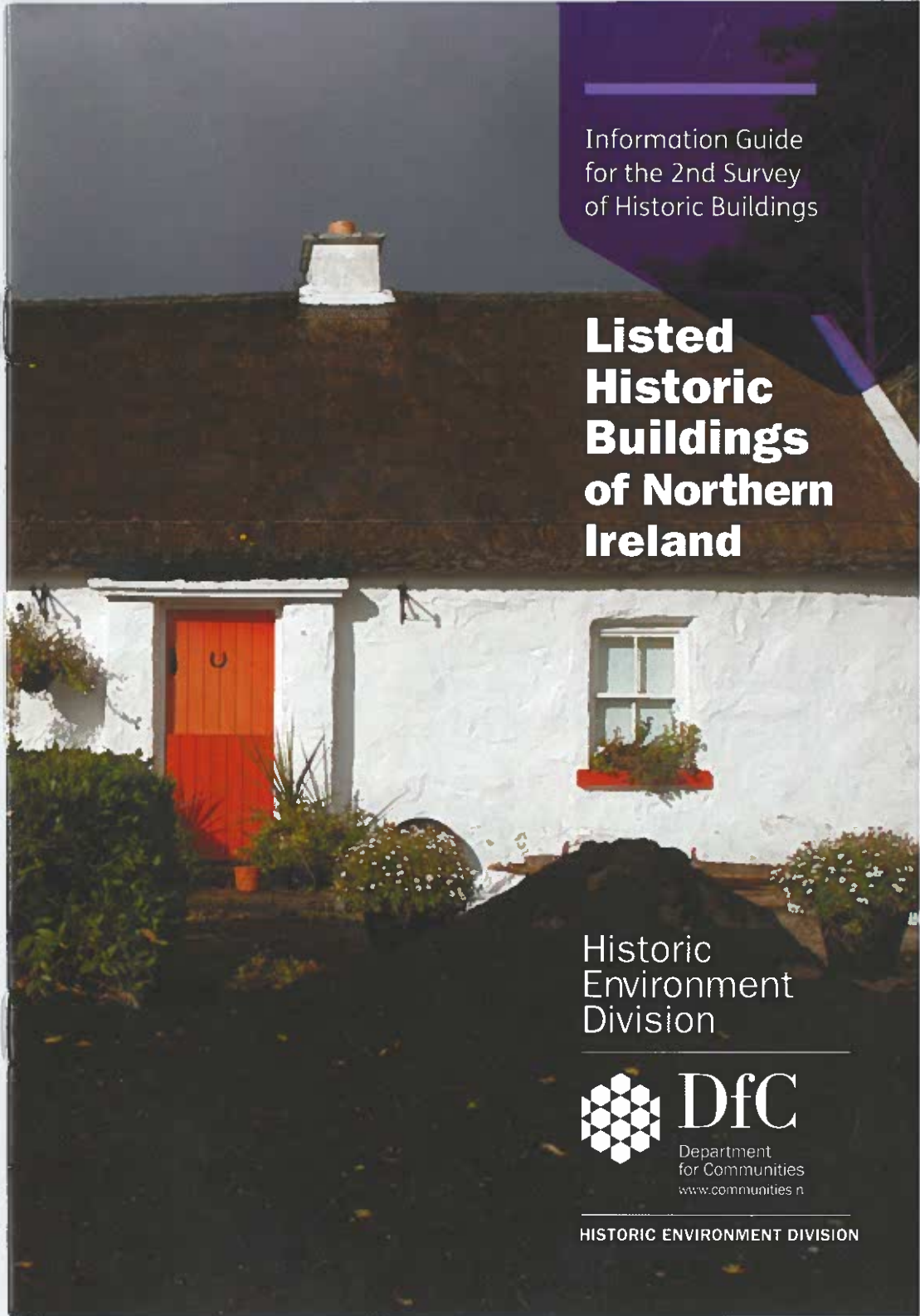
Yours faithfully

A handwritten signature in black ink that reads "Aoibheann Mallon". The signature is fluid and cursive, with a long horizontal stroke at the end. A vertical line is drawn through the beginning of the signature, extending from the "Yours faithfully" text above down to the printed name below.

Aoibheann Mallon, Senior Architect.

Copy to Rachel Taylor -Planning Lisburn & Castlereagh City Council
Conor Hughes- Head of Planning Lisburn & Castlereagh City Council

Enc: Second Survey leaflet



Information Guide
for the 2nd Survey
of Historic Buildings

Listed Historic Buildings of Northern Ireland

Historic
Environment
Division



DfC

Department
for Communities
www.communities.ni

HISTORIC ENVIRONMENT DIVISION

The Principles of Conservation

In 1931, the Athens Charter first laid down the agreed international principles of conservation. The charter was reviewed and updated in 1964 as the Venice Charter. The Venice Charter stresses the need to understand what is important about each protected building before considering how to conserve or alter it. This means that an accurate architectural and historic record is essential. In England an initial survey was

carried out starting in 1947 and, with the Venice Charter, a revision of the list was started in 1964.

The protection of such buildings began later in Northern Ireland starting in the early 1970s. This late start resulted in the loss of some significant buildings and structures because of an increase in redevelopment in the 1960s. The First Survey took around twenty years to complete.

By the end of the First Survey in 1994, the information being recorded was more detailed. Some building types that had







been less appreciated, such as vernacular buildings, were, even during the course of the First Survey, becoming increasingly scarce just as their true heritage value was being recognised.

The Second Survey

The Second Survey started in 1997. Initially, areas were surveyed in the same sequence as the First Survey. Now that

the Survey is based on Council areas as a whole, HED also looks at planning activity and geographical spread to determine which area to survey next.

From time to time a member of the public may contact HED with a 'Listing Query' if they believe that a building should be listed. If the building is not within the geographical area currently being Second Surveyed and has not been evaluated previously, or if new evidence



been less appreciated, such as vernacular buildings, were, even during the course of the First Survey, becoming increasingly scarce just as their true heritage value was being recognised.

The Second Survey

The Second Survey started in 1997. Initially, areas were surveyed in the same sequence as the First Survey. Now that

the Survey is based on Council areas as a whole, HED also looks at planning activity and geographical spread to determine which area to survey next.

From time to time a member of the public may contact HED with a 'Listing Query' if they believe that a building should be listed. If the building is not within the geographical area currently being Second Surveyed and has not been evaluated previously, or if new evidence



is presented to HED which demonstrates that the building may be of special architectural and historic interest, the building may be surveyed and considered for listing.

Fieldwork survey and historical research are carried out by HED architects and historians. Generally, access to buildings and property is by invitation and appointment. The Second Survey team are authorised by the Department for Communities

to enter any land or building for the purposes of amending the List as described in Section 80 of the Planning Act (NI) 2011. This important Act acknowledges the special protection afforded to buildings which meet the legislative tests for listing; indeed any person wilfully obstructing a person acting in connection with surveying any building in connection with a proposal to include the building in, or exclude it from, a list compiled under

Section 80 shall be guilty of an offence, and liable on summary to a conviction of a fine.

Surveyors undertake the Second Survey fieldwork and accompanying historical research. Records are more detailed than those of the First Survey and as comprehensive as possible within the survey timetable. They include a description of the whole building, inside as well as out, and of its setting. Once all the relevant information has been gathered, the buildings are evaluated relative to published criteria.

The Historic Buildings Council and district councils are then consulted on any amendments (additions and deletions) to the List and owners informed. Its comments are considered. After a final evaluation, the owners and District Council are notified of buildings being added to or taken off the list. Surveys of buildings that do not end up as listed but are recorded as having some interest are kept so that the widest pool of information is

available to inform and educate about the historic environment. A full description and flow chart describing the process of listing can be found at the Department for Communities Historic Environment Division website: www.communities-ni.gov.uk/publications/listing-process

There is no formal appeal process for an owner but HED staff are happy to discuss and explain the reasons for their decisions.

The listing criteria

Throughout the First Survey, the listing criteria - reasons for listing - were developed continually, as the understanding of our built heritage changed over time.

The test for assessing a building's 'listability' is whether or not it has 'special architectural or historic interest'. The criteria set out below are used by HED to ensure a consistent approach and to help



others, including owners and researchers, to understand why a building is considered special enough to be protected.

These criteria are published online: www.planningni.gov.uk/index/policy/planning_statements/pp6_-_revised_annex_c___criteria_for_listing.pdf

The older a building is, the greater the historical perspective it allows and the fewer examples remain. Generally, buildings under 30 years old are not considered for listing unless they are of outstanding quality. Under architectural interest,

style, proportion ornamentation, plan form, spatial organisation, structural system, innovatory qualities, degree of alteration, quality and survival of interiors, setting, group value, age and authenticity, are all considered.

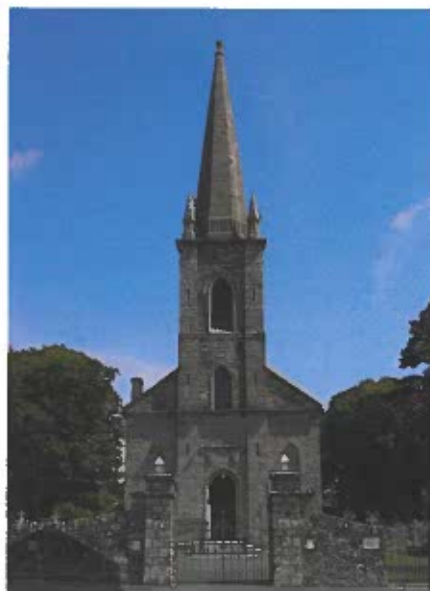
Under historic interest, historic importance, historic associations, authorship, Northern Ireland/ international interest, local interest, social, cultural and economic importance and rarity are assessed.

Normally a listed building will meet some of the architectural interest criteria as well as being

of local or national interest. National interest refers to the context of Northern Ireland. Listed buildings are graded A, B+, B1 or B2 with A being the highest grade.

Removing Buildings from the list – ‘de-listing’

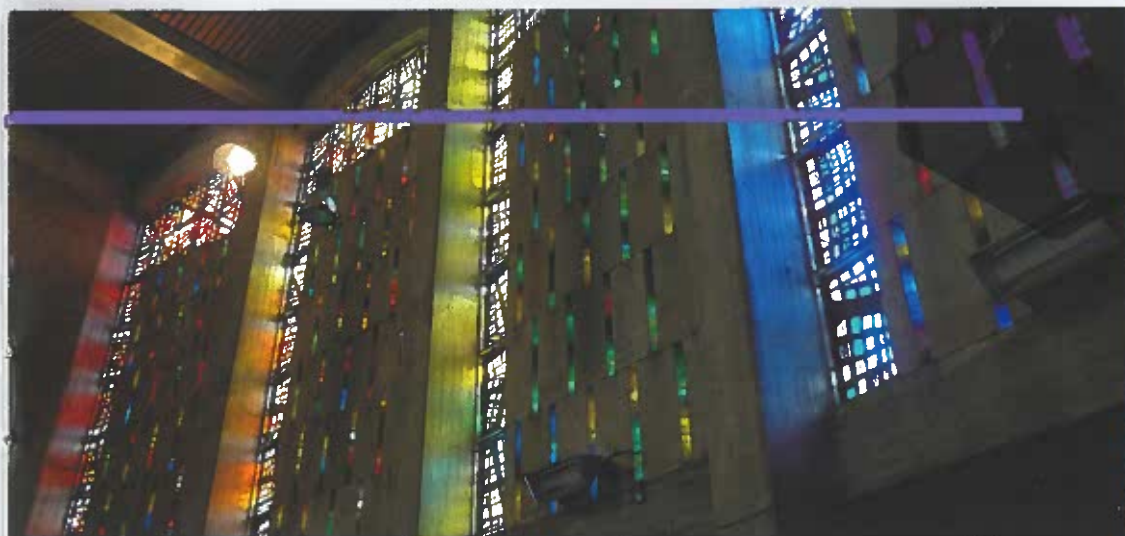
Buildings may be considered for de-listing using the same listing criteria as found in Annex ‘C’ of PPS6. New evidence to suggest



why the building no longer meets the statutory tests may be presented at any time to HED. A team of architects and historians then evaluates this information and may or may not find that a building no longer satisfies one or more criteria for which it was listed. If insufficient criteria remain for the building to be retained on the list, HED then consults with the Historic Buildings Council and the relevant local Council before amending or adding to the List.

Why do we list?

The List is made to identify our architectural heritage and protect it. There are several important reasons for listing the best. Every era has produced buildings of quality and listing protects the best examples. Historic buildings are material evidence of how people lived in the past – both buildings and scheduled monuments providing a visual and physical record of man’s occupation of this island from the earliest of times.



Great buildings give a sense of place and help reinforce local and national identity. They can even provide a useful source of reference for architects designing the architecture of today.

The statutory list

The Legislation under which the Department 'lists' buildings is contained within the Planning (NI) Act 2011. Section 80(1) of this Order states 'the Department shall compile lists of buildings of special architectural or historic interest and may amend any list so compiled'. Under Section 80(7) such structures are to be known as a 'listed building'. Special architectural or historic interest is therefore the legislative test to which all new listing

proposals must be compared. Once listed, a building is, in an increasingly competitive world, given legal protection to ensure that its special interest is considered in decisions to do with its future. Listed Building Consent (LBC) is required from the local council to carry out any works – both internal or external – which may affect its character as a listed building. It also applies to proposals to demolish all or part of a listed building. It is a criminal offence to do anything without the necessary permission. Applications for Listed Building Consent are made to the local Council – forms and more information on applying for LBC can be found by searching for 'listed building consent' at www.planningni.gov.uk.

What can be listed?

It is a common mistake to think that only the front façade of a building is listed. Listing covers the complete building, inside and out and extends to fixtures and free standing objects within the curtilage of the building. The local council planning authority determines whether LBC and/or Planning Permission are required in any particular case. Where changes to a listed building are being considered it is good practice to discuss

the proposals with the council planning authority and the Department for Communities: Historic Environment Division before the design is developed. HED recommends that, where an owner proposes work or changes, they employ accredited consultants experienced in this specialist field.

Listing is not confined to buildings. Practically any man-made structure may be listed and the List demonstrates this: fountains, telephone boxes, lighthouses, post boxes and ice houses are all included.

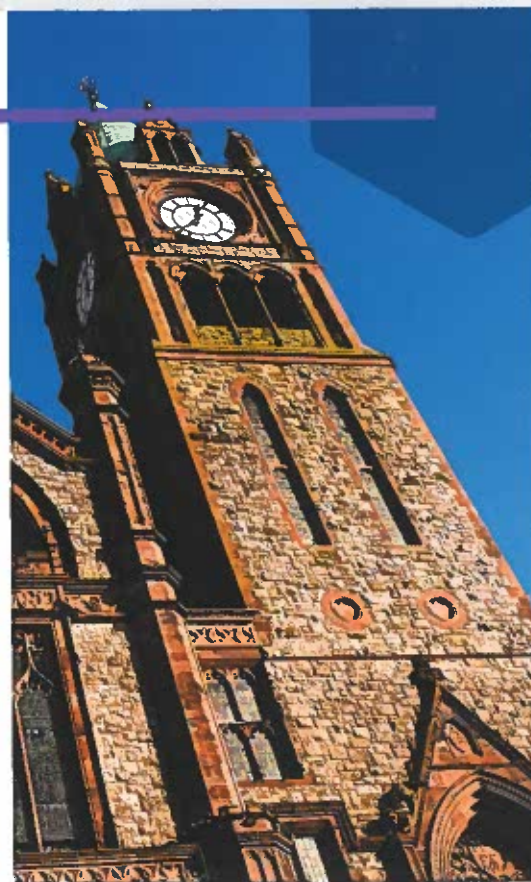


Where can the List be seen?

The List can be viewed on the Department for Communities web site at www.communities-ni.gov.uk/articles/listed-buildings by clicking on the 'Northern Ireland Buildings Database'. Copies of the list can also be viewed in the National Monuments and Buildings Record in the Klondyke Building, The Gasworks, Belfast, as well as in local libraries. Local Councils also hold copies of the List for their areas.

What does listing mean?

As well as identifying the most important historic buildings, the purpose of listing is to protect the character of a listed building and its setting. This does not mean that it must remain unchanged from the day it was listed or be returned to its original state. We understand that every



building has to have a function to survive and that some buildings undergo changes of use that often require change. HED and other accredited experts offer advice to owners on why it is listed, how best to care for their building and how it may be changed. This includes advice on how to ensure that changes do not harm its essential character; the acceptability of proposed works; and information on historically correct materials and detailing.



Historic Environment Division

Heritage Buildings Designation Branch
Klondyke Building
Cromac Avenue
Gasworks Business Park
Malone Lower
Belfast
BT7 2JA

Contact us:

Listing enquiries: 028 9056 9281
Email: historicenvironmentenquiries@communities-ni.gov.uk

[www.communities-ni.gov.uk/
topics/historic-environment](http://www.communities-ni.gov.uk/topics/historic-environment)



Committee:	Planning Committee
Date:	04 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by three operators, Openreach, Cornerstone and Fibrus Network Limited, of their intention to utilise permitted development rights at eleven locations within the Council area to install communications apparatus. The installations consist of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:	Appendix 9 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights March 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	55 Beechill Road, Belfast	Installation of broadband equipment	19/01/2024
2	Openreach	BT	Cochranstown Road, Dundrod	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	31/01/2024
3	Cornerstone	O2	Hillhead Farm, 37 Laverys Bridge Road, Moira	Notification before commencement of development consisting of the installation, alteration or replacement of a mast or antenna.	01/02/2024
4	Fibrus Networks Ltd	Fibrus	68 Ashbourne Park, Lisburn	Regulation 5 of The Electronic Communications Code (Conditions and Restrictions) Regulations 2003 of our intention to install this cabinet at this location.	01/02/2024
5	Openreach	BT	5 Greenhill Road, Dundrod	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	02/02/2024
6	Openreach	BT	88a Nettlehill Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	02/02/2024
7	Cornerstone	O2	Derryvolgie House, Lisburn	Regulation 5 of the Electronic Communications Code	05/02/2024
8	Openreach	BT	13 Beechland Walk, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	07/02/2024
9	Openreach	BT	25 Ballymullan Road	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	12/02/2024
10	Cornerstone	O2	(HILLSBOROUGH GUN CLUB) 17 Old Coach Road, Hillsborough	Proposed upgrade works at existing Telecommunications installation	12/02/2024
11	Cornerstone	O2	41a Meeting House Lane, Lisburn	Proposed upgrade works at existing Telecommunications installation	12/02/2024



Committee:	Planning Committee
Date:	4 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	LDP Quarterly Update

1.0	<p><u>Background</u></p> <p>Following the previous update in November 2023, Members will be aware of how the Council’s Local Development Plan 2032, Plan Strategy policies are being applied in the decision making process.</p> <p><u>Next Steps</u></p> <p>Work on the Local Policies Plan continues to focus on the following:</p> <ul style="list-style-type: none"> • Development of a work programme and updated timetable • Assessment of the evidence base required to support the site specific policies, proposals, zonings and designations in relation to housing, employment, retailing, natural and built environment, and infrastructure • Development of procurement briefs in order to appoint appropriate experts to assist the Council in its site specific policies, proposals, zonings and designations • Implementation of the Plan Strategy Monitoring Framework is required to inform the policies and proposals of the Local Policies Plan. A pilot is ongoing with the Planning Portal Team (ICF and DfI) on the Forward Planning Module whereby policies can be incorporated into case officer reports and monitoring of policies can commence. 		
2.0	<p><u>Recommendation</u></p> <p>Members are asked to note the next steps on the preparation of the LDP. The updated timetable has been presented to the Regeneration and Growth Committee for approval. This programme of work accords with the Planning Act (NI) 2011, the Planning (LDP) Regulations (NI) 2015.</p>		
3.0	<p><u>Finance and Resource Implications</u></p> <p>An additional Planning Officer has been appointed through the external recruitment process to support the development of the LDP programme.</p>		
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>		
4.1	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Has an equality and good relations screening been carried out?</td> <td style="text-align: center;">No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on the status of the Plan and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on the status of the Plan and RNIA is not required.	

Appendices:	N/A
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Committee:	Planning Committee
Date:	4 March 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Enforcement Quarterly Update

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council continues to operate its planning enforcement powers under delegated authority in accordance with the Council’s Enforcement Strategy (published on website). It is stated at paragraph 15 of the Protocol for the Operation of the Planning Committee that Planning Officers will prepare a quarterly report on the progress of formal enforcement cases which will be circulated detailing the number of notices issued, and convictions obtained. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> Three live prosecutions and one appeal against a prosecution is pending. The total number of live cases by category is also presented to the Members for completeness and for understanding of the general scope and nature of the work officers are engaged in. <p><u>Enforcement Workshop</u></p> <ol style="list-style-type: none"> It is intended to provide members with training on Planning Enforcement (‘An Introduction to Planning Enforcement’) on Monday 8th April 2024 following the monthly Planning Committee.
2.0	<p><u>Recommendation</u></p> <p>Members are asked to note:</p> <ol style="list-style-type: none"> The Planning Enforcement Update on its caseload. The proposed Planning Enforcement Workshop following Planning Committee on Monday 8th April 2024.
3.0	<p><u>Finance and Resource Implications</u></p>

	<p>Members should note owing to business needs of the Planning Unit, the Enforcement team is now operating at a reduced capacity. This being kept under review quarterly.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on its Planning Enforcement caseload and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on its Planning Enforcement caseload and RNIA is not required.</p>	

Appendices:	Appendix 11 - Enforcement Update - Caseload
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Planning Enforcement Update – Planning Committee – March 2024

Item Number	Title	Background and Key Issues
Development Committee		
1	Planning Enforcement Cases with Court proceedings	<p>LA05/2019/0237/CA Lands opposite 18 Tansy Road, Lisburn</p> <p>Non-compliance with Enforcement Notice, appeal against prosecution 29th Feb.</p> <p>LA05/2022/0276/CA Multiple Locations in LCCC Area</p> <p>Display of multiple unauthorised Advertisements, defendant fined £1,000 on 15th Sept, further summons action served, awaiting Court date.</p> <p>LA05/2021/0351/CA 130 Saintfield Road, Lisburn</p> <p>The unauthorised material change of use of agricultural buildings and associated agricultural / former residential yard to vehicle repairs, case adjourned in Court on the 16th January re-listed for the 20th February.</p>
2	Current Enforcement Caseload	<p>Current Planning Enforcement Live Case list: 321 cases</p> <p>Nature of Breach:</p> <ul style="list-style-type: none"> Unauthorised Advertisements: 45 cases Operational Development: 160 cases Breach of Condition: 47 cases Change of Use: 64 cases Demolition in Conservation Area: 1 cases Unauthorised Works to Protected Trees: 3 cases Works to Listed Buildings: 1 case <p>No of Notices issued: 0</p>