Chairman: Councillor L Poots
Vice Chairman: Councillor N Trimble
Aldermen: D Drysdale, J Dillon MBE JP
Councillors: N Anderson, J Craig, O Gawith, A Girvin, B Hanvey, U Mackin, M Tolerton

The Monthly Meeting of the Planning Committee will be held in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Wednesday 8 November 2017 at 2.00 pm, for the transaction of business on the undernoted Agenda.

Please note that lunch will be available in The Members Suite from 1.30 pm. Refreshments will also be available in The Members Suite during the adjournment of the meeting at 5.30 pm.

You are requested to attend.

DR THERESA DONALDSON
Chief Executive
Agenda

1. Apologies

2. Declarations of Interest

3. Minutes:
   Minutes of the Planning Committee Meeting held on 2 October 2017

4. Report from the Lead Head of Planning

4.1 Schedule of Applications to be Determined

   (1) **LA05/2016/1054/RM** – Major Application – Proposed Supermarket on the site of the former Down Royal Public House, Ballinderry Road, Lisburn.

   (2) **LA05/2017/0858/F** - Major Application – Proposed pavilion building for use as conference and exhibition space on lands at Balmoral Park, Halftown Road, Maze Long Kesh (MLK), Lisburn.

   (3) **LA05/2017/0648/F** - Local Application (Mandatory) – Proposed painted bitmac MUGA (multi-use-games-area) bounded by 1.2m re-bounded fence with 4m high ballstop fence with 8m high lighting and pedestrian lighting at Moneyreagh Community Centre, 36a Church Road, Moneyreagh.

   (4) **LA05/2017/0076/O** - Local (Exceptions Apply) – Development of houses for private use at 20 Hillsborough Road, Dromara, including gardens to the rear.

   (5) **LA05/2015/0618/F** – Local (Called In) – Demolition of existing bungalow and erection of a pair of semi-detached dwellings with associated parking (amended plans) at 27 Cairnshill Road, Belfast.

   (6) **LA05/2016/1111/O** - Local (Called In) – Bungalow and garage on a site adjacent to 20 Bridge Road, Moira.

   (7) **S/2015/0208/F** - Local (Called In) – 5 no dwellings on lands adjacent to and south of 7 Woodfall Manor, Annahilt, Ballycrune, Hillsborough.
4.2 Capacity Building Study.

4.3 Department for Infrastructure: Roadway Adoption Certificates.

4.4 Conservation Areas – Powers to Vary or Cancel


4.6 Budget Report – Planning Unit

5 Confidential Report

Members are requested to access the Confidential Report on Sharepoint under the Confidential Folder – Planning Committee

5.1 Planning Agreement Screening

Confidential for reason of information which reveals that the Council proposes (a) to give under any statutory provision a notice by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any statutory provision.

5.2 Enforcement - Cases with Court Proceedings for October 2017

Confidential for reason of information relating to any individual; information which is likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

5.2 Rolling Year Absence Figures for the Planning Unit.

Confidential as it is information relating to an individual.

6. Any Other Business

To: Members of Lisburn & Castlereagh City Council
Minutes of Meeting of the Planning Committee held in the Council
Chamber, Lisburn & Castlereagh City Council Offices, Island Civic Centre,
The Island, Lisburn on Monday 2 October 2017 at 2.00 pm

PRESENT:  
Councillor L Poots (Chairman)  
Councillor N Trimble (Vice-Chairman)  
Aldermen J Dillon MBE JP, D Drysdale  
Councillors N Anderson, J Craig, O Gawith, A Girvin,  
B Hanvey, U Mackin.

OTHER MEMBERS:  
Alderman W Leathem  
Cllr A Redpath

IN ATTENDANCE:  
Lead Head of Planning  
Principal Planning Officer (RH)  
Senior Planning Officers (RT, AS and MB)  
Committee Secretary  
Attendance Clerk  
Cleaver Fulton & Rankin  
Kate McCusker (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor L Poots, welcomed everyone to the meeting.

Introductions were made by the Chairman and some Housekeeping and Evacuation announcements were made by the Lead Head of Planning.

1. Apologies

Apologies for non-attendance at the Meeting were accepted and recorded on behalf of Councillor M Tolerton.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk.

The following Declarations of Interest were made:
- Councillor B Hanvey advised that he wished to declare a non-pecuniary interest in applications S/2014/0320/O and LA05/2016/1231/F due to the fact that his son was the Case Officer. He stated that he would be withdrawing from the meeting during discussions on the above applications.

- During the course of the meeting Councillor B Hanvey and Councillor N Anderson both declared that they had interests in application no Y/2015/0002/F which was discussed as a Verbal Item within the Confidential Report. Both Councillors had made representations in the past in respect of this application.

3. Minutes

It was proposed by Councillor N Trimble, seconded by Councillor J Craig and agreed that the phrase ‘over saturation has been identified’ be removed from the list of reasons on page 5 due to the fact that this was merely an observation rather than one of the reasons put forward.

It was proposed by Councillor O Gawith seconded by Councillor J Craig and agreed that the following Minutes be approved and signed subject to the incorporation of the amendment outlined above.

- Minutes of Meeting of Planning Committee held on 4 September 2017.

4. Report from the Lead Head of Planning

It was agreed that the report and recommendations of the Lead Head of Planning be adopted, subject to any decisions recorded below:

Items for Decision

4.1.1 Schedule of Applications:

The Chairman reminded Members that they needed to be present for the entire item. If absent for any part of the discussion they would render themselves unable to vote on the application.

The Legal Adviser highlighted paragraphs 46 - 48 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, she advised, needed to be borne in mind when determinations were being made. The Chairman advised that there were a number of speakers in attendance making representation on some of the applications and therefore the Schedule of Applications would be taken out of order to enable these applications to be taken first.

The Chairman welcomed Mr Mark Burns to the meeting and advised that Mr Burns had been appointed as a Senior Planning Officer.
(1) S/2011/0065/F – Major Application – Retention of existing development including the three entrance lanes and one exit lane, weighbridges, weighbridges office, site administration offices, car parking, electrical container, storage bays, leachate tank and compound, maintenance areas, mess facilities, pedestrian shelter and two earth banks to either side of the entrance with established landscaping (Amended Proposal and Plans received) at Mullaghglass Landfill, 26 Mullaghglass Road, Lisburn.

The Senior Planning Officer (AS) presented this application as outlined within the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 10:0 with 0 abstentions to approve the application as outlined in Officer’s report and subject to the conditions stated therein.

The importance of monitoring the enforcement of conditions was emphasised by Councillor U Mackin.

(3) LA05/2016/0174/F – Local (Called in) – Re-siting of approved dwelling and garage previously approved under S/2013/0044/F, incorporating realigned private road and retaining structure to side of dwelling (amended plan) on lands 60m west of no. 92 Carnreagh, Hillsborough and rear of No.10 Farriers Green, Hillsborough

The Senior Planning Officer (MCO’N) presented this application as outlined within the circulated report.

(During consideration of the item the Senior Planning Officer AS left the meeting at 3.06pm returning at 3.09 pm).

The Committee received Mr D Donaldson who wished to speak in opposition to the application highlighting the following:

- Approval had been granted for 4 dwellings including an access road. The proposed amendment would result in sharp dangerous bends. He outlined discrepancies in the lay-out plan, driveway, levels, number of dwellings, distance and fit.
- He stated that the proposal did not meet the requirements set out in Creating Places and outlined the impact there would be on boundary trees for which there had been no replacement arrangements outlined nor ecological surveys completed.
- He stated that the slope starts at the road edge and would be unsafe for pedestrians and cyclists and highlighted that TNI had stated that they preferred the original proposal.
- He stated that it was incumbent on the Council to achieve high quality development – a requirement not met by this proposal.
- He highlighted issued on the new approach which would be created by car headlights.
He stated that there was no room in the revised arrangement for planted banks and that this was a backward step from the previous proposal.

A question and answer session followed.

The Committee received Councillor A Redpath who wished to speak in opposition to the application highlighting the following:

- He concurred with the comments of the previous speaker.
- The road issue was the principal concern.
- The effect of retaining structures on the sheugh was a major issue and preparation for this had already been culverted in preparation.
- He urged the Committee to consider all of the objections presented and suggested that a site visit take place so that members can see the issues highlighted.

A question and answer session followed.

The Committee received Mr E Loughrey who wished to speak in support of the application highlighting the following:

- He welcomed the recommendation to approve.
- He stated that this was a straightforward amendment to an access route.
- All the necessary information has been provided.
- The objector has an interest in the site.
- The new application is an improved scenario as it will greatly reduce the speed traffic can travel at.
- There is no change to the dwelling type and it moves the garage away from the site boundary where retention measures would also have been required.
- The new scheme actually requires less retention.
- The application is a quality application.
- The issues raised are laughable.
- There is no culverting and there would be no wildlife issues.
- The application is largely in compliance with Creating Places.
- There is speed control in place at the bend at the bottom of the site which has not been raised as an issue.

A question and answer session followed during which it was proposed by Councillor N Trimble that a site visit take place to view the issues under discussion. The proposal was seconded by the Chairman Councillor L Poots and put to a vote where it fell by a majority of 6:4 against.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations, agreed by a majority of 8:1 with 1 abstention to approve the application as outlined in Officer’s report and subject to the conditions stated therein.
Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 3.29 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 3.37 pm.

(4) **LA05/2015/0588/O – Local (Called in) – 2 storey dwelling (amended location description) on lands approximately 30m NE of 67 Beanstown Road, Lisburn.**

The Senior Planning Officer (AS) presented this application as outlined within the circulated report.

The Committee received Alderman W Leathem who wished to speak in opposition to the application highlighting the following:

- He highlighted that this application was contrary to PPS21, CTY1, 2A, 8, 13 and 14.
- He highlighted the cumulative effect of traffic in the area due to the fact that there were other applications pending.
- He highlighted a split in the road which currently causes issues which would be exacerbated by this scheme should it proceed.
- He fully supported the recommendation to refuse.

A question and answer session followed.

The Committee received Mr A McCready who wished to speak in support of the application highlighting the following:

- This was an outline planning permission for a dwelling.
- When submitted it was within BMAP settlement limits.
- Initially there was an application for 2 dwellings later reduced to 1.
- There were no objections from Consultees.
- The adoption of BMAP being ruled as unlawful by a Judicial Review has seriously impacted the application.
- The Lisburn Area Plan is now the current plan and under it this application is not on development land.
- However, given the above set of circumstances and the fact that there is no demonstrable harm demonstrated one could assume that this application could be approved.
- If the application had been considered in a timely fashion it would have been approved and therefore it is being unfairly treated.
- The road should be considered as a single wrapping road and in that scenario it could be considered as an infill dwelling
- TNI offered no objection.
- He suggested a reduction to a 1.5 storey building should that be acceptable.
A question and answer session followed during which the timing issues referred to by Mr McCready were clarified by the Senior Planning Officer (AS) who advised that there had been delays on the part of the applicant and he emphasised that he did want it thought that the case officer had held the application up.

The Committee received Councillor A Redpath who wished to speak in support of the application highlighting the following:

- Initially there had been an application for 2 dwellings. In the interim the land was unzoned due to the Judicial Review.
- There were a number of built up developments in the vicinity.
- The section of road immediately around the development was reasonably good.
- Cumulative impact on traffic by applications currently in the system cannot be taken on board.
- TNI had suggested conditions but were broadly supportive.
- The decision for the Council was which Plan should be applied.
- He feels that the applicant has been left in a difficult situation.
- There was some precedent where the Committee have considered a built-up frontage going round a corner.

A question and answer session followed.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations, agreed by a majority of 7:3 with 0 abstentions to refuse the application for the reasons as outlined in Officer’s report.

At the request of Councillor O Gawith a recorded vote had been taken with members voting as follows:

**Voting in favour of the recommendation to refuse planning permission:**


**Voting against the recommendation to refuse planning permission:**

Councillor L Poots, Councillor N Trimble and Alderman J Dillon.

(6) LA05/2016/1231/F – Local Application (Called in) – Proposed renovation and extension to existing stone dwelling under PPS 21 CTY 4 – with erection of detached garage on lands adjacent to 6 Ballyclough Road, Lisburn.

Councillor B Hanvey left the meeting at 4.45 pm having declared an interest in this application.
Alderman D Drysdale left the meeting at 4.45 pm and did not return.

Councillor U Mackin left the meeting at 4.45 pm and returned at 4.54 pm rendering him unable to vote on this application.

The Senior Planning Officer (AS) presented this application as outlined within the circulated report.

The Committee received Mr P Johnston and Mr A Johnston who wished to speak in support of the application highlighting the following:

- The application was made on the basis of Planning Policy PPS 21 CTY-1 and CTY-4 re-use of an existing building in the countryside as a single dwelling.
- The proposal meets all the criteria in that there is a permanent structure on site, its re-use maintain and enhances the original building, the proposed design was in keeping with and respects the local character of the area, all necessary services are available in this case and there are no objections from NI Water, NIEA or Environmental Health, TNI have no objections.
- He outlined the history of the site which formed part of a small holding for over 100 years whilst the construction date could have been much longer ago.
- A replacement dwelling was approved in 2000 and occupied in 2004.
- The applicant retained the building and continued to use it as a separate dwelling with rates applied until recently.
- The building is now immune from planning enforcement.
- The proposed works are sympathetic and would allow for the retention of an original stone building dating back to the early 1800s.
- He provided examples of precedent in the area and further afield.
- He outlined examples of precedent allowed by the Planning Appeals Commission.
- He stated that he considers planning permission should be granted.

A question and answer session followed.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations agreed by a majority of 5:2 with 0 abstentions to refuse the application for the reasons as outlined in Officer’s report.

(Councillor U Mackin was unable to vote as he had not been present for the consideration of the application in its entirety).

(2) S/2014/0320/O – Local Application (Called in) – Proposed farm dwelling and garage on lands adjacent to and south of no. 39 Soldierstown Road, Aghalee, Craigavon.

(Councillor B Hanvey remained outside the Chamber having declared an interest in the above application).
The Senior Planning Officer (MCO’N) presented this application as outlined within the circulated report.

The Committee received Mr John Kilpatrick who wished to speak in support of the application highlighting the following:

- This was a long running application justified under CTY10.
- Statutory Consultees apart from HED were content.
- He outlined how the proposal had attempted to mitigate the issues highlighted by HED and emphasised that only a small portion of the roof would be visible.
- All other options have been exhausted.
- Access would be well integrated.
- Sitelines would be facilitated.
- The main elevation would be parallel to the listed building and would not dominate.
- A simple rectangular structure is proposed.

A question and answer session followed during which it was proposed by Alderman J Dillon that the application be deferred pending additional information, however this proposal was not seconded and therefore fell.

At the culmination of further discussion and ensuing debate, the decision was put to a vote and by a majority of 7:0 with 1 abstention, it was agreed that the recommendation of the Planning Officer would not be upheld.

The Chairman stated that the Professional Officer's recommendation to refuse planning permission had fallen and that a new motion was now under consideration.

It was then proposed by Councillor O Gawith, seconded by Councillor N Anderson and by a majority of 7:0 with 1 abstention it was agreed that the reasons cited for the approval of the application would be:

- That the concerns of HED can be mitigated by conditions which should include vegetation and screening.

The Chairman declared the application approved for the reasons stated above.

The Chairman then highlighted that because the application had been recommended for refusal, no conditions had been drafted. It was agreed by a majority of 7:0 with 1 abstention that the drafting of Conditions be delegated to the Planning Unit.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 5.55 pm for refreshments.
Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 6.25 pm Councillor A Girvin did not return to the meeting.

(5) LA05/2016/1070/O – Local (Previously Deferred) – Proposed erection of detached farm dwelling with associated site works on lands 20m east of 7 Rock Road, Stoneyford, Lisburn.

The Senior Planning Officer (MCO’N) presented this application as outlined within the circulated report providing an update on matters since the last time it was considered.

She advised that additional information, which had been received at a late stage, had been tabled for information.

Alderman J Dillon stated that he considered it appalling that this information had been submitted by the Agent at such a late stage.

The Committee received Mr P O’Reilly who wished to speak in support of the application highlighting the following:

- He outlined that the late information had been submitted directly by the applicant rather than through him and that unfortunately there had been some confusion and the applicant had not gathered together the correct information.
- He explained why the applicant had not been able to obtain evidence from DEARA as had been requested and outlined the mitigating reasons for this.
- He emphasised the uniqueness of this case and stated that the farm was active but due to illness there was little evidence to prove this.
- He confirmed that the farm had been maintained and kept in good condition.

A question and answer session followed during which it was proposed by Councillor N Trimble, seconded by Councillor N Anderson and agreed to go ‘In Committee’ to receive Legal Advice in the absence of press and public being present.

After noting advice it was proposed by Councillor N Anderson, seconded by Councillor N Trimble and agreed to come out of Committee and normal business was resumed.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations agreed by a majority of 7:1 with 0 abstentions to refuse the application for the reasons as outlined in Officer’s report.

(7) LA05/2017/0753/O – Local Application (Exeptions Apply) – Proposed new single storey dwelling with sunroom on lands adjacent to 1 Ballymacward Road, Dundrod, Lisburn.
The Senior Planning Officer (MB) presented this application as outlined within the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 8:0 with 0 abstentions to approve the application as outlined in Officer’s report.

At this stage (7.05 pm) the Senior Planning Officers (MCO’N, AS and MB) left the meeting.

**Items for Noting**

**4.2 Correspondence from the Chief Planner, DfI**

Members had been provided with a copy of the Chief Planner’s Update of 20th September 2017 the purpose of which was to update councils with information on particular planning issues.

The Principal Planning Officer (RH) provided members with a verbal summary on the contents of the correspondence which included an update on the status of the new Planning Portal.

The above information was noted.

At this stage, and in response to a question from Councillor J Craig discussion ensued on how best to monitor planning enforcement, in particular the demolition of original structures when a replacement dwelling has been approved.

It was agreed that consideration be given to a process which would dovetail this with Building Control inspections.

**4.3 Department for Infrastructure : Roadway Adoption Certificates**

Members had been provided with a copy of the following Roadway Adoption Certificates:

(a) Halftown Road, Maze/LongKesh, Lisburn
(b) Queensway, Dunmurry, Lisburn

The above information was noted.

**4.4 Development Management Practice Note 5 – Historic Environment.**

Members were provided with a link to information by way of a Development Management Practice Note 5 on Historic Environment.

The above information was noted.

**4.5 Date of January 2018 Planning Committee Meeting**
It was noted that the January meeting of the Committee would be held on Monday 8 January 2018 as the scheduled date fell on a Bank Holiday.

4.6 **Budget Report – Planning Unit**

Members noted information provided in a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 August 2017.

4.7 **Verbal Item – Commendation of Planning Unit Staff**

Alderman J Dillon referred to a Report on Rolling Year Absences for the Planning Unit which was to be discussed within the Confidential Report and he wished to commend the Planning Unit on the very low instances of sickness absence.

Councillor N Anderson also wished to commend the Planning Unit for the manner in which they had worked to progress the determination of legacy applications and stated that they were a credit to the Council.

After some further discussion it was proposed by Councillor L Poots, seconded by Councillor J Craig and agreed that the Mayor be asked to host an event to recognise the work carried out by the Planning Unit.

4.8 **Verbal Item – Use of Electronic Devices in meetings**

The Lead Head of Planning advised that the above matter had been discussed with the Head of Central Support Services who had advised that the matter would be included in a forthcoming Review of Council Standing Orders.

The above information was noted.

4.9 **Verbal Item – NILGA Planning and Regeneration Working Group Event**

The Lead Head of Planning updated that NILGA were arranging a meeting to take the organisation of the above event forward and that the Chair and Vice-Chair would be requested to attend to provide input.

The above information was noted.

5. **Confidential Report from the Lead Head of Planning and Building Control**

It was agreed that the reports and recommendations of the Lead Head of Planning be adopted, subject to any decisions recorded below.

The Chairman advised that the following items would be discussed ‘in Committee’ for the reasons indicated:
'In Committee’

It was proposed by Councillor N Anderson, seconded by Alderman J Dillon and agreed that the items in the Confidential Report be considered ‘In Committee’, in the absence of press and public being present.

The Legal Advisor left the meeting at 7.25 pm.

5.1.1 **Enforcement Cases with Court Proceedings in October 2017**

It was noted that this item was confidential for reason of information relating to any individual; information which is likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

Having been provided with information on Enforcement Cases with Court Proceedings in October 2017 it was agreed that the information provided within the Report should be noted.

5.1.2 **Rolling Year Absence Figures for the Planning Unit**

It was noted that this item was confidential for reason of information relating to any individual.

Having been provided with information on rolling year absence figures for the Planning unit, it was agreed that the information be noted.

5.1.3 **Application No Y/2015/0002/F**

It was agreed that the Legal Advisor be requested to return to the meeting for discussion of this item and she returned at 7.30 pm.

(Councillors Hanvey and Anderson left the meeting at 7.30 pm as they had both made representations in the past in respect of this application).

The Lead Head of Planning provided members with an update on the above application which was noted by members of the Committee.

5.1.4 **Confidential Matter – Receipt of anonymous correspondence**

It was agreed that Council Officers leave the meeting for the discussion of the above item.

The item was confidential for reason of information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

The Lead Head of Planning, the Principal Planning Officer, the Members Services Officer and the Attendance Clerk left the meeting at 7.40 pm. The Legal Adviser remained.
Advice from the Legal Adviser was noted.

Resumption of Normal Business

It was agreed to come out of committee and normal business was resumed.

7. Any Other Business

There being no further business, the meeting concluded at 7.55 pm.

___________________________________
CHAIRMAN / MAYOR
LISBURN & CASTLEREAGH CITY COUNCIL
MEETING OF THE PLANNING COMMITTEE – 8 NOVEMBER 2017

REPORT BY THE LEAD HEAD OF PLANNING

PURPOSE AND BACKGROUND

The purpose of this report is to set out for Members’ consideration a number of Planning Matters.

The following decisions are required:

1. To consider the Schedule of Applications to be determined
2. To agree that the Chairman and the Head of Planning, or his nominee, attend the study visit to Roscommon County Council
3. To note information received from the Department for Infrastructure regarding Roadway Adoptions
4. To note advice received from the Department for Infrastructure regarding powers to vary or cancel Conservation Areas
5. To note information regarding NI Planning Statistics 2017/18 Quarterly Statistical Bulletin
6. To note information regarding the budget report for the Planning Unit

ITEMS FOR DECISION

1. SCHEDULE OF APPLICATIONS TO BE DETERMINED

1.1 LA05/2016/1054/RM – Major Application – Proposed Supermarket on the site of the former Down Royal Public House, Ballinderry Road, Lisburn. Attached at APPENDIX 1.1 is a copy of the report together with a location map in relation to this application.

Recommendation

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be Approved for the reasons outlined in the Officer’s report.

1.2 LA05/2017/0858/F - Major Application – Proposed pavilion building for use as conference and exhibition space on lands at Balmoral Park, Halftown Road, Maze Long Kesh (MLK), Lisburn. Attached at APPENDIX 1.2 is a copy of the report together with a location map in relation to this application.

Recommendation

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be Approved for the reasons outlined in the Officer’s report.
1.3 **LA05/2017/0648/F - Local Application (Mandatory)** – Proposed painted bitmac MUGA (multi-use-games-area) bounded by 1.2m re-bounded fence with 4m high ballstop fence with 8m high lighting and pedestrian lighting at Moneyreagh Community Centre, 36a Church Road, Moneyreagh. Attached at APPENDIX 1.3 is a copy of the report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be approved for the reasons outlined in the Officer’s report.

1.4 **LA05/2017/0076/O - Local (Exceptions Apply)** – Development of houses for private use at 20 Hillsborough Road, Dromara, including gardens to the rear. Attached at APPENDIX 1.4 is a copy of the report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be approved for the reasons outlined in the Officer’s report.

1.5 **LA05/2015/0618/F – Local (Called In)** – Demolition of existing bungalow and erection of a pair of semi-detached dwellings with associated parking (amended plans) at 27 Cairnshill Road, Belfast. Attached at APPENDIX 1.5 (a) is a copy of an addendum report together with a location map in relation to this application. The main report is attached at Appendix 1.5 (b).

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be refused for the reasons outlined in the Officer’s report.

1.6 **LA05/2016/1111/O - Local (Called In)** – Bungalow and garage on a site adjacent to 20 Bridge Road, Moira. Attached at APPENDIX 1.6 (a) is a copy of an Addendum report together with a location map in relation to this application. The main report is attached at Appendix 1.6 (b).

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be refused for the reasons outlined in the Officer’s report.
1.7  **S/2015/0208/F - Local (Called In)**  – 5 no. dwellings on lands adjacent to and south of 7 Woodfall Manor, Annahilt, Ballycrune, Hillsborough. Attached at **APPENDIX 1.7** is a copy of the report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be **Refused** for the reasons outlined in the Officer’s report.

1.8  **LA05/2015/0345/F – Local (Called In)**  – 3 no. new detached dwellings with associated siteworks and landscaping at 16 Dromore Road, Hillsborough. Attached at **APPENDIX 1.8** is a copy of the report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be **Refused** for the reasons outlined in the Officer’s report.

1.9  **LA05/2016/1178/O – Local (Called In)**  – New dwelling and garage (amended plans and additional information) on lands 80m SE of 64a Lisnabreeny Road, Belfast. Attached at **APPENDIX 1.9** is a copy of the report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Unit and determines whether planning permission should be **Approved** for the reasons outlined in the Officer’s report.

2.  **CAPACITY BUILDING STUDY**

Attached at **APPENDIX 2** are details of a Capacity Building Study Visit to Roscommon County Council which has been received from NILGA. There is no cost for the event but it may be necessary to stay overnight on the evening prior to the visit.

**Recommendation**

It is recommended that the Chairman and Head of Planning, or his nominee, attend the Study Visit to Roscommon County Council.
ITEMS FOR NOTING

3. DEPARTMENT FOR INFRASTRUCTURE: ROADWAY ADOPTION CERTIFICATES

Attached at Appendix 3(a) is a copy of a Roadway Adoption Certificate at Ballantine Gardens, Hillhall Road, Lisburn.

Attached at Appendix 3(b) is a copy of a Roadway Adoption Certificate at Belsize Meadow, Belsize Crescent and Belsize Road, Lisburn.

Attached at Appendix 3(c) is a copy of a Roadway Adoption Certificate at Linen Wood, Lisburn.

Attached at Appendix 3(d) is a copy of a Roadway Certificate at Kings Oak, Kesh Road, Lisburn.

Recommendation

It is recommended that the Committee note this information.

4. CONSERVATION AREAS – POWERS TO VARY OR CANCEL

Attached at Appendix 4 is a letter from the Department for Infrastructure (DfI) regarding powers to vary or cancel Conservation Areas.

Recommendation

It is recommended that the Committee note this information.

5. NORTHERN IRELAND PLANNING STATISTICS 2017/18 QUARTERLY STATISTICAL BULLETIN

The Department for Infrastructure (DfI) NI Planning Statistics 2017/18 have been published for the first quarter. The publication presents a summary of NI planning volumes and performance figures for Councils.

A copy of the documents can be accessed via the link:


Recommendation

It is recommended that the Committee note this information.

6. BUDGET REPORT - PLANNING UNIT

Attached at Appendix 5 for the information of Members is a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 30 September 2017.
Recommendation

It is recommended that the Committee note this information.

IAN WILSON
LEAD HEAD OF PLANNING
30 October 2017
Lisburn & Castlereagh City Council

<table>
<thead>
<tr>
<th>Council/Committee</th>
<th>Planning Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of Committee Meeting</td>
<td>8 November 2017</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Major</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2016/1054/RM</td>
</tr>
<tr>
<td>Date of Application</td>
<td>14 October 2016</td>
</tr>
<tr>
<td>District Electoral Area</td>
<td>Lisburn South</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Proposed Supermarket</td>
</tr>
<tr>
<td>Location</td>
<td>Former Down Royal Public House, Ballinderry Road Lisburn</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>TJ Morris Ltd / Home Bargains</td>
</tr>
<tr>
<td>Representations</td>
<td>2 Letters of objection have been received</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Mark Hanvey</td>
</tr>
<tr>
<td>Recommendation</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

**Summary of Recommendation**

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeds 1 hectare.

2. The application is presented to the Planning Committee with a recommendation to Approve.

**Description of Site and Surroundings**

3. The application site is located to the north of Ballinderry Road East and to the west of the Knockmore Road. Causeway End Road is located to the north. The application site is a vacant plot of land consisting of a hard surfaced area that has become overgrown.
4. Site boundaries are well established by mature hedgerows. The majority of the site is relatively flat with the northern portion of the site consisting of a steep slope. The application site is within the Settlement Development Limit of Lisburn and is shown as whiteland in both the Lisburn Area Plan 2001 and the Draft Belfast Metropolitan Area Plan 2015.

**Proposed Development**

5. This is a reserved matters application in respect of a proposed supermarket. The principle of development on this site has been accepted under appeal ref 2012/A0212.

**Relevant Planning History**

6. The relevant planning history includes the following

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2012/0153/O</td>
<td>Supermarket with associated Petrol Filling Station</td>
<td>Allowed on appeal 2012/A0212</td>
</tr>
</tbody>
</table>

**Planning Policy Context**

7. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy (RDS) 2035
   - Local Development Plan (LDP)
   - Draft Belfast Metropolitan Area Plan (dBmap) 2015
   - Strategic Planning Policy Statement for Northern Ireland (SPPS)
   - Planning Policy Statement 3 (PPS3) – Access, Movement and Parking
   - Landscaping.

**Consultations**

8. The following consultations were carried out

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport NI</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections</td>
</tr>
<tr>
<td>LCCC Environmental Health</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>NIEA - Water Management Unit</td>
<td>No objections</td>
</tr>
</tbody>
</table>
Representations

9. Two letters of objection were received in relation to the proposal. The issues raised include:
   - Traffic
   - Car parking
   - Need for supermarket at this location
   - Impact on other businesses

Consideration and Assessment

10. The main issues to consider in the determination of this planning application are:
   - Principle of Development
   - Access Movement and Parking
   - Impact on Character of Area in terms of Layout, Design and Materials
   - Residential Amenity
   - Landscaping Considerations

Principle of Development

11. 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 of applications must be in accordance with the plan unless material considerations indicate otherwise.

12. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had, in its entirety not been lawfully adopted. As a consequence of this decision, the application must now be assessed in accordance with the Lisburn Area Plan 2001 (LAP) as the statutory plan. However, draft BMAP and its policy considerations remains a material consideration.

13. The main body of the site is identified in LAP 2001 and draft BMAP as being unzoned in the Plan and lie outside the city centre but inside the development limit. The principle of development at this location was approved at appeal.

Strategic Planning Policy Statement

14. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period planning policy within existing retained documents and guidance will
apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

15. The SPPS indicates 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.

16. 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.

17. Whilst paragraph 6.280 requires Council to impose a sequential test for planning applications which are not in an existing centre and are not in accordance with an up to date LDP, it is important to note that the principle of development has been accepted on this site under appeal ref 2012/A0212 and the issue of need was fully explored by the Planning Appeals Commission (PAC) during the appeal.

18. This reserved matters application deals with the detailed design issues, car parking, landscaping and residential amenity.

**Access, Movement and Parking**

19. Planning Policy Statement 3 – Access Movement and Parking sets out policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitments to the provision of a modern, safe, sustainable transport system.

20. Policy AMP1 of PPS3 – Creating an Accessible Environment, aims to create an accessible environment for everyone.

21. Policy AMP7 of PPS3 – Car Parking and Servicing Arrangements, requires proposals to provide adequate provision for car parking and appropriate servicing arrangements.

22. The Service Management plan submitted by the agent indicates that 151 parking spaces are proposed to serve the supermarket. The service yard is adjacent to the southern side of the retail unit adjacent to Ballinderry Road. This will ensure that delivery vehicles are not in close proximity to customer parking.

23. Transport NI were consulted in relation to this proposal and are satisfied the proposed layout provides a safe and convenient road system.
24. A number of conditions have been recommended in order to ensure that there is a satisfactory means of access in the interests of road safety and the convenience of road users.

25. It is therefore contended that that the application as presented will provide adequate provision for parking and circulating within the site.

**Impact on Character of Area in terms of Layout, Design and Materials**

26. In terms of site layout it is contended that this proposal is acceptable when compared with other buildings in its immediate vicinity. The surrounding area is characterised by residential properties in either red brick or render and to the south west of the site buildings have a typical industrial appearance.

27. The proposed design and layout of the proposal seeks to enhance that of the overall area.

28. The proposed building measures approx. 40 metres x 120 metres and has a ridge height of approx. 8.5 metres. It is situated along the eastern boundary of the site and there are no existing buildings beyond this boundary.

29. The materials to be used in the construction of the supermarket include red brickwork with dark grey mortar, mid grey flat profile cladding, silver flat profile cladding panels.

30. These finishes are very typical of those you would expect to find for this type of modern building within the settlement limit and it is contended therefore that the design of, and construction materials are acceptable and will not be detrimental to the overall character of the area.

31. The plans submitted also show the permeability at the site, with a pedestrian access proposed from Knockmnoore Road which will assist in encouraging footfall.

32. It is therefore contended that the layout, design and materials are appropriate at this location and will not have detrimental impact on the character of the area.

**Residential Amenity**

33. The residential properties located closest to the proposal are at Addison Park (approx. 90 metres away) and Causeway End Road (approx. 85 metres away). It is considered that these properties are located a sufficient distance away and that the proposed supermarket will not have a detrimental impact on their residential amenity.

34. A noise impact assessment has been submitted which indicates that the main source of potential outdoor noise will come from the outdoor condenser units located on the southern side of the building. The residential properties closest
to the condenser units are located across the Ballinderry Road and the report has concluded that this particular sound source will have a low impact on the residential amenity of these residential properties.

35. Environmental Health have reviewed the noise impact statement submitted with the application and have no objections to the proposal subject to conditions.

**Landscaping Considerations**

36. With regard to Landscape Considerations, the existing landscaping on the Northern boundary with Causeway End Road is to be retained and the existing hedgerow along the Western boundary is to be retained and trimmed.

37. Additional hard and soft landscaping is proposed throughout the site which includes mature trees scattered throughout the site and shrub beds within the car park to which will soften the impact of the hard surfacing.

**Consideration of Representations**

38. Two letters of objection were received. The following issues were raised:

- **Traffic lights at junction of Knockmore Road and Ballinderry Road** – the objector raised the issue of traffic lights at the above junction, he also stated that he did not have an objection in principle to the supermarket.

- **Proposal is contrary to policy** – This is a reserved matters application, the original outline approval (S/2012/0153/O) was previously granted at appeal and therefore the principle of development is acceptable.

- **Need for the development / Impact on other businesses** – the objector raised the issue of the need for the development. This issue was dealt with at the previous appeal and cannot be revisited at the reserved matters stage. The Planning Appeals committee accepted the need for the supermarket at the appeal.

- **Inadequate provision for parking** - the objector raised parking as a concern at the site. Transport NI have been consulted regarding the parking provision and they have no objection to the proposal subject to conditions.
Conclusions

39. Having considered the nature of the proposal against all the relevant planning policies and material considerations, including the status of this site within the up to date LDP, compliance with the conditions attached to the outline permission and consultation responses, it is considered that the application satisfies all the key policy requirements.

Recommendations

40. It is recommended that planning permission is approved, subject to conditions

Conditions

41. The following conditions are recommended:

- The development to which this approval relates must be begun by whichever is the later of the following dates:-

  The expiration of a period of 5 years from the grant of outline planning permission; or
  The expiration of a period of 2 years from the date hereof.

  **Reason:** As required by Section 62 of the Planning Act (Northern Ireland) 2011.

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 06 bearing the Planning date stamp 27 Apr 2017, 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 gradient of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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 user.
- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, visibility splays or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicants expense.

**Reason:** In the interest of road safety and the convenience of road users.

- No other development hereby permitted shall be commenced until the existing access indicated on Drawing No 16056-MRA-004Rev B bearing the Planning date stamp 24 Aug 2017 has been permanently closed and the footway properly reinstated to DfI-Roads satisfaction.

**Reason:** In order to minimize the number of access points on to the public road in the interests of road safety and the convenience of road users.


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. 16056-MRA-004 Rev B bearing the Planning date stamp 24 Aug 2017.

**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 retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 06 bearing date stamp 27 Apr 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

**Reason:** To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

- The development hereby permitted shall be operated in accordance with the approved Service Management Plan.

**Reason:** To ensure that adequate provision has been made for servicing and traffic circulation within the site.

- The development hereby permitted shall not become operational until cycle parking has been provided and permanently retained in accordance with approved drawing No 06 bearing the Planning date stamp 27 Apr 2017.
**Reason:** To ensure that adequate provision has been made for cycle parking and to encourage and promote alternatives modes of transport.

- The gross floor area of the foodstore hereby approved shall not exceed 2,500m$^2$ and the net floor area shall not exceed 1,700m$^2$ when measured internally.

**Reason:** To control the nature range and scale of retailing activity to be carried out at this location to ensure compliance with the Departments objectives and policies for retailing and town centres.

- The net retail floor area of the foodstore hereby approved shall be used for the sale and display of convenience goods, subject to not more than 500m$^2$ being used for the sale of non food comparison goods. Convenience goods for this purpose are hereby defined as:-

  (i) Food, non alcoholic beverages, alcoholic drink;
  (ii) Tobacco, newspapers, magazines, confectionery;
  (iii) Stationery and paper;
  (iv) Toilet requisites and cosmetics;
  (v) Household cleaning materials; and
  (vi) Other retail goods as may be determined in writing by the planning authority as generally falling within the category of convenience goods or as generally being appropriate to the trading in these premises.

**Reason:** To control the nature range and scale of retailing activity to be carried out at this location to ensure compliance with the Departments objectives and policies for retailing and town centres.

- All hard and soft landscape works shall be carried out in accordance with drawing No. 3 bearing the Lisburn & Castlereagh City Council date stamp 14 October 2016 and the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out during the 1st available planting season after occupation of the dwellings/buildings hereby approved.

**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.
Site Location Plan - LA05/2016/1054/RM
Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development area of the site exceeds 2 hectares and the floorspace measures approximately 5800sqm.

2. The application is presented to the Planning Committee with a recommendation to approve.

Description of Site and Surroundings

3. The application site is a large parcel of land of approximately 27.1 hectares located at Balmoral Park which is within the Maze Long Kesh site off Halftown Road. Only part of the overall site is proposed to be developed as part of this scheme. The site is flat and includes a number of existing buildings and associated features including the Eikon Exhibition Centre and car parking area to the front, a number of internal roads and infrastructure associated with
Balmoral Park including showground arena, equine and livestock show rings and access onto Halftown Road.

4. The southern boundary of the site encompasses areas of mature overgrown hedging and trees which demarcates the site from adjacent agricultural land. The eastern boundary follows an existing line of metal fencing approximately 3-4 metres in height. This fencing extends on to the north eastern boundary at which point there are a number of sections of earthen bunding covered in vegetation on the inside of this boundary.

5. The north western boundary is mainly undefined and cuts across the existing hardstanding areas within the site. The western boundary is along a substantial vegetation covered earthen bund which divides the site from the remaining buildings associated with the Maze Prison further to the west.

Proposed Development

6. The application proposes a pavilion building for use as conference and exhibition space. The access is taken from the existing road to the east of the site connecting with Halftown Road. The proposal includes additional designated parking spaces with a total of 626 (including 80 for disabled badge holders) for both Eikon exhibition spaces.

7. The building proposed encompasses approximately 5800 square metres of floorspace for conference and exhibition facilities. Internally it is open plan in nature and finishes include solid light grey aluminium panels on walls and roof with doors and window frames also grey aluminium.

8. The Royal Ulster Agricultural Society (RUAS) relocated to this site from Balmoral during 2013. The first stage of development of the site in 2013 included the permanent infrastructure required primarily to facilitate the Balmoral Show. This included a main showground arena, equine and livestock show-rings in addition to the creation of an access from the Halftown Road. The existing pavilion building (Eikon Exhibition Centre) was approved under LA05/2015/0084/F.

9. This application site is where temporary marquees were erected during the Balmoral Show and proposes a second permanent pavilion building to fulfil demand and provide greater flexibility to end users.

10. The application is supported by a number of documents including a Pre-Application Community Consultation Report, Transport Assessment Form, Design and Access Statement, Drainage Assessment, Contamination Report and a copy of Schedule 6 drainage consent.
Relevant Planning History

11. The relevant planning history includes the following:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2012/0421/F</td>
<td>Redevelopment of part of former Maze/Long Kesh prison site to create international standard showground’s facility incorporating main arena, equine and livestock show-rings, entrance canopy, associated landscaping and ancillary infrastructure.</td>
<td>Permission Granted 08.02.2013</td>
</tr>
<tr>
<td>S/2012/0645/F</td>
<td>Provision of new access to include visibility splays, security gates and fencing</td>
<td>Permission Granted 27.02.2013</td>
</tr>
<tr>
<td>LA05/2015/0084/F</td>
<td>Proposed pavilion building and related car parking, proposed landscaping and private road link connecting to existing Halftown Road access.</td>
<td>Permission Granted 12.10.2015</td>
</tr>
<tr>
<td>LA05/2015/0532/A</td>
<td>Individual mounted backlit letters to front façade of Eikon Exhibition Building</td>
<td>Permission Granted 05.11.2015</td>
</tr>
<tr>
<td>LA05/2015/0732/F</td>
<td>Street lighting of existing unadopted private access road. Street lighting to consist of 640m underground cable and 19 nr 6m high columns and lanterns. Low level planters will be placed alternatively between columns to create avenue effect to the RUAS complex.</td>
<td>Permission Granted 15.12.2015</td>
</tr>
<tr>
<td>LA05/2017/0853/F</td>
<td>Erection of temporary office accommodation and associated car parking area.</td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

Pre – Application Notice Procedure

12. It is a requirement under Section 27 of the Planning Act (NI) 2011 that the applicant submits to Council a ‘proposal of application notice’ (PAN) and consults the community in advance of submitting the application and subsequently compiles a Pre Application Community Consultation Report (PCCC) as part of the planning submission.
13. A pre application notification (LA05/2017/0329/PAN) relating to this proposal was received. The application, when submitted, was accompanied by a Community Consultation Report. This detailed the method and extent of public consultation with local residents and political representatives and included specific issues raised in the Community Exhibition Event on 19 March 2017 and subsequent correspondence between the Applicant and interested parties. There was limited feedback from the community event however some issues relating to traffic problems generated from the Balmoral Show were raised.

### Planning Policy Context

12. The relevant planning policy context which relates to the application is as follows:
- Regional Development Strategy (RDS) 2035
- Lisburn Area Plan 2001
- Draft Belfast Metropolitan Area Plan (BMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage
- Planning Policy Statement (PPS) 13 – Transportation and Land Use
- Planning Policy Statement (PPS) 15 - Planning and Flood Risk.
- Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside.

### Consultations

13. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport NI</td>
<td>No objection subject to condition</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA Water management</td>
<td>No objection</td>
</tr>
<tr>
<td>NIEA Waste Management</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection</td>
</tr>
<tr>
<td>HED – Monuments Unit</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>HED – Buildings Unit</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objection</td>
</tr>
</tbody>
</table>
Representations

14. No letters of objection have been received to date.

Consideration and Assessment

15. The main issues to consider in the determination of this planning application are:
   - Development Plan
     - Strategic Land Reserve of Regional Importance
   - Principle of Development
   - Access, Movement and Parking
   - Design and Landscaping Considerations
   - Built Heritage
   - Contamination
   - Drainage issues

Development Plan

16. 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.

17. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had, in its entirety not been lawfully adopted. As a consequence of this decision, the application must now be assessed in accordance with the Lisburn Area Plan 2001 (LAP) as the statutory plan. However, draft BMAP and its policies remain a material consideration.

18. The application site is identified in LAP 2001 as being within the open countryside and outside any designated settlement limit.

Strategic Land Reserve of Regional Importance

19. The site is designated within a ‘Strategic Land Reserve of Regional Importance’ (LN09) within the draft BMAP. Planning policy states that these lands are to be safeguarded from any development that would prejudice their potential as a reserve for any future major development. It is also noted that the site is identified in the Regional Development Strategy 2035 as an example of regional importance.

20. It is contended that the proposed development would be acceptable within this designated site. The designation within draft BMAP does not outline the acceptability of potential uses within the Maze site however cognisance should be taken regarding the uses already approved on the site such as the existing Eikon Exhibition Centre. Given the proposed developments link with the
existing development at the site it is not considered that it would prejudice the potential of this land for future major development of regional significance.

**Principle of Development**

21. The Strategic Planning Policy Statement (SPPS), published in September 2015, indicates that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply.

22. Paragraph 3.8 of the SPPS indicates 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.

23. 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.

24. The materiality of draft BMAP and the previous approvals for similar developments on this site are key considerations in the assessment and determination of this application.

**Access, Movement and Parking**

25. Planning Policy Statement 3 – Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

26. Policy AMP 2 – Access to Public Roads requires proposals to demonstrate that any direct access or intensification of an existing access would not prejudice road safety or significantly inconvenience the flow of traffic. In addition the development must ensure that it does not conflict with Policy AMP 3 Access to Protected Routes.

27. The application as presented proposes the use of the existing access to the site from the Halftown Road (approved under application LA05/2015/0084/F) and it is therefore accepted that the visibility splays as proposed are acceptable for access purposes.

28. It is also accepted that the proposed development does not provide access onto a protected route as defined in Policy AMP 3. Transport NI have been
consulted and have advised that the current plans as proposed would not prejudice road safety and would therefore have no objections in this regard.

29. Policy AMP7 – Car Parking and Servicing Arrangements requires proposals to provide adequate provision for car parking and appropriate servicing arrangements. It is noted that under the plans submitted the proposed development would be sited on an area designated for overflow parking under the approved plans for the existing Eikon Centre.

30. Whilst specific details on traffic management/servicing have not been provided with this application, it is noted that an event management plan (including a transport management plan) has been agreed with Transport NI and the Council. This management plan will continue to be relevant should approval be forthcoming in this case.

31. A Transport Assessment Form was submitted in support of the current application noting the use of an area as a temporary car park however, it advises that this overflow parking will be relocated and expanded, with an increased level of formal parking to provide 626 spaces with a total of 4000 across the whole Maze site including overflow parking areas.

32. Transport NI having considered the proposal have indicated that they are satisfied that the proposal as presented incorporates adequate parking provision and it is therefore contended the development as presented is compliant with this policy.

**Design and Landscaping**

33. With regard to design and landscaping considerations, the application proposes a large pavilion building measuring approximately 5800sqm gross floorspace with a height of approximately 8.4m from finished floor level to the highest part of the roof.

34. The detail associated with the application denotes finishes which comprise grey aluminium panelling with the inclusion of a number of roller shutter doors.

35. It is not considered that the proposed building would be out of keeping with the current Eikon Exhibition Centre located directly to the east which is of a similar design and scale.

36. In terms of landscaping considerations, the Design and Access Statement submitted with the application notes that the proposed building will share the existing landscaped plaza entrance associated with the existing Eikon Exhibition Centre.

37. It is also understood from the information provided that the existing vegetation along the southern boundary of the site abutting an existing minor watercourse is to be retained. It is considered that the retention of this planting will assist with filtering views from the south.
38. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage.

39. Policy BH 11 relates to development affecting the setting of a listed building and advises that development will not normally be permitted where it would adversely affect the setting of a listed structure and will only be considered appropriate where the design respects the listed building in terms of scale, height, massing and alignment, that it makes use of sympathetic building materials, and that the nature of the use respects that character of the setting.

40. The proposed site is in proximity to the Cellular Administration Block at the former Maze Prison and is a Grade 1 listed building of special architectural or historic interest set out and protected through the Planning Act (NI) 2011. In response to the application for the existing pavilion building Historic Environment Division (HED) advised that they had no concerns with the proposal.

41. Through consultation on the current application HED have advised they are content that the proposed car parking and landscaping layout as proposed will cause no greater demonstrable harm to the setting of the listed buildings. They have however recommended a condition restricting the finishes to grey aluminium panelling (as detailed on the plans) in order to preserve the essential character and setting of the listed buildings.

42. The application site is also located within the former runways of RAF Long Kesh, a World War 2 airfield and is designated a defence heritage site. An initial response from HED advised that they were content with the proposals subject to mitigation through a programme of works to be undertaken prior to commencement of the scheme.

43. Following consideration of further information regarding previous excavation at the site through remediation of contaminated land and subsequent ground disturbance HED have updated their response to advise that no further archaeological mitigation is required.

Contamination

44. In the context of the historical uses within the wider Maze site NIEA advised that the land to be developed may be affected by contamination through previous uses.

45. A Detailed Quantitative Risk Assessment was previously prepared for the wider Maze site and a Validation Report has been submitted in support of this application to outline remediation activities undertaken during 2010-2012 under the Phase 2 Remediation Works contract. The report concluded that the remediation works undertaken were compliant with the Detailed Quantitative
Risk Assessment and Outline Remedial Strategy (April 2008 & subsequent updates) which was subsequently agreed by NIEA and the Environmental Health Department of the Council.

46. The NIEA consultation response note that they accepted the findings of the remedial works provided and advised that conditions be attached to deal with the potential for impacts to environmental receptors if pollution pathways are created during the development should piling be necessary. The Agent has confirmed that no piling is required as part of construction works and as such a piling risk assessment would only be required should these construction details change prior to commencement of the scheme.

Drainage issues

47. Planning Policy Statement (PPS) 15 sets out planning policies which aim to minimise and manage flood risk to people, property and the environment.

48. Policy FLD1 states that development will not be permitted within the 1 in 100 year fluvial flood plan or the 1 in 200 year coastal plan unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

49. Rivers Agency has advised that the development is outside the floodplain as shown in DfI Rivers Flood Maps (NI) and therefore would have no specific reason to object to the proposed development from a drainage or flood risk perspective and would therefore not conflict with Policy FLD1.

50. Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that a Drainage Assessment will be required for all development proposals that exceed specified criteria. One such criteria is where the development site exceeds 1 hectare or involves new buildings and/or hard surfacing exceeding 1000sqm in area.

51. A Drainage Assessment was submitted in support of the application. The Assessment concluded that while the site is located outside the 1 in 100 year fluvial floodplain adequate measures should be put in place limit areas of standing water, including re-profiling of any low lying parts of the site and provide suitable water drainage infrastructure.

52. It is further noted that a Schedule 6 Consent has been granted for the proposal allowing the discharge of surface water to a nearby watercourse. Rivers Agency have advised that they would have no reason to object to the proposals.

Conclusions

53. Based on careful consideration of all relevant material considerations, it is contended that the proposal satisfies all of the relevant planning policies, including draft BMAP which is an important material consideration in this case. It is also considered to represent an acceptable use within the context of the
wider MLK site which already benefits from planning permission for a number of similar uses.

**Recommendations**

54. It is recommended that planning permission is granted subject to conditions.

**Conditions**

55. 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.

- No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No 03 bearing date stamp 15 August 2017 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. **Reason:** To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

- Cladding panels, roof finish and doors to the new Pavilion No.2 shall be Solid Light Grey Aluminum finish. **Reason:** To preserve the essential character and setting of the listed buildings on the former Maze prison site.

- Should any piling work be required on this site a piling risk assessment shall be submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at [http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf](http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf). **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 Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall
be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.
**Reason:** Protection of environmental receptors to ensure the site is suitable for use.

- After completing the remediation works under Condition 5, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.
  **Reason:** Protection of environmental receptors to ensure the site is suitable for use.

- All hard and soft landscaping works shall be carried out in Drawing 05 bearing the date stamp 22nd September 2017 and the appropriate British Standard or other recognized Codes of Practice. The soft landscaping works shall be carried out within the first available planting season after the commencement of the development.
  **Reason:** To ensure the provision 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.

- The existing natural screenings along the southern boundary of the site shall be retained except where indicated to be removed or unless necessary to prevent danger to the public.
  **Reason:** To ensure the maintenance of screening to the site.
Summary of Recommendation

1. This is a local application. The application has been referred to the Planning Committee for determination in accordance with the Scheme of Delegation.

2. This application is presented to the Planning Committee with a recommendation to approve.

Description of Site and Surroundings

3. This site is located upon the eastern side of Church Road, Moneyreagh. Access is gained via an existing access which serves Moneyreagh Community Centre. The site comprises of Moneyreagh Community Centre and associated grounds which include car parking, a soccer pitch with a path around it and a playground.

4. The topography of the site is flat with the soccer pitch being located at a lower level than the community centre/car parking area. Upon the southern side of
the community centre there is a rectangular grassed area. The boundaries of the site are defined via in situ hedging, wooden fencing and palisade fencing.

5. The character of the area is defined by the in situ community centre and surrounding residential areas. Agricultural lands are also noted.

### Proposed Development

6. Full planning permission is sought for a painted bitmac MUGA (multi-use-games-area) bounded by 1.2m fence with 4m high ballstop fence with 8m high lighting and pedestrian lighting.

### Relevant Planning History

7. The planning history is as follows:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA05/2016/0564/A</td>
<td>1 proposed 0.6 x 5.0m vinyl sign mounted to existing railings.</td>
<td>Permission Granted 29/9/2016</td>
</tr>
<tr>
<td>Y/2012/0126/F</td>
<td>Provision of a community garden, grass sports pitch and floodlit Multi Use Games Area in the grounds of the existing community centre with associated earthworks, drainage, landscaping, fencing.</td>
<td>Permission Granted 20/12/2012</td>
</tr>
<tr>
<td>Y/2011/0176/F</td>
<td>Play area ancillary to the main use of the community centre, incorporating a variety of play equipment and a 1.2m fence.</td>
<td>Permission Granted 11/8/2011</td>
</tr>
<tr>
<td>Y/2006/0613/RM</td>
<td>Erection of community centre, formation of formal reception (Amendment to previous approval Y/2006/0390/RM)</td>
<td>Permission Granted 9/1/2007</td>
</tr>
<tr>
<td>Y/2006/0390/RM</td>
<td>Erection of community centre, formation of formal recreation space and associated car parking and access.</td>
<td>Permission Granted 4/10/2006</td>
</tr>
<tr>
<td>Y/2005/0407/O</td>
<td>Site for erection of community centre, formation of formal recreation space and associated car parking and access.</td>
<td>Permission Granted 8/12/2005</td>
</tr>
<tr>
<td>Y/1980/0215</td>
<td>Development of land as playing pitch.</td>
<td>Permission Granted</td>
</tr>
</tbody>
</table>
Planning Policy Context

8. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy 2035
   - Local Development Plan – draft BMAP 2015
   - Strategic Planning Policy for Northern Ireland (SPPS): Planning for Sustainable Development
   - Planning Policy Statement 2 (PPS 2) Natural Heritage
   - Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation

Consultations

9. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Health</td>
<td>No objection.</td>
</tr>
<tr>
<td>NIEA Natural Heritage and Conservation Areas</td>
<td>No objection</td>
</tr>
<tr>
<td>Transport NI</td>
<td>No objection</td>
</tr>
</tbody>
</table>

Representations

10. No representations have been received in respect of this application.

Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:
   - Local Development Plan Considerations
   - Principle of Development
   - Open Space Considerations
     - Outdoor Recreation in the Countryside
     - Floodlighting of Sports and Outdoor Recreational Facilities Natural Heritage
   - Natural Heritage Considerations
   - Access, Movement and Parking

Local Development Plan Considerations

12. 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 of applications must be in accordance with the plan unless material considerations indicate otherwise.
13. The adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued on 18th May 2017. A recent consideration by the Planning Appeals Commission (PAC) notes its current thinking in relation to this matter. The PAC concluded that the LDP preceding BMAP, in its draft form is applicable, therefore in this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remains a material consideration.

**Principle of Development**

14. The application site, is within the countryside, abutting the Settlement Limit of Moneyreagh.

15. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

16. The SPPS states that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

17. Government policy recognises that open space, sport and outdoor recreation is important to society now and in the future. It supports many cultural, social, economic, health and environmental benefits. Everyone, particularly children, older people and people with disabilities should have easy access to open space and the opportunity to participate in sport and outdoor recreational activity or simply enjoy and have contact with nature.

18. This is recognised in the Regional Development Strategy 2035 (RDS) which highlights the need to provide adequate provision for green and blue infrastructure in cities, towns and neighbourhoods, and new developments.

It is contended that the proposal for a multi-use-games-area (MUGA) with 8m high lighting and pedestrian lighting adjacent to and within the grounds of Moneyreagh Community Centre complies with the main thrust of government and strategic planning policy in this regard.

**Open Space Considerations**

19. The SPPS seeks to ‘facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents’. It also seeks to ‘ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older
people and those with disabilities’. High standards of siting, design and landscaping for all new open space areas and sporting facilities are sought.

Open Space, Sport and Outdoor Recreation

20. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the planning policy for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation. The policy embodies the Government’s commitment to sustainable development, to the promotion of a more active and healthy lifestyle and to the conservation of biodiversity.

Outdoor Recreation in the Countryside

21. Policy OS 3 - Outdoor Recreation in the Countryside states development of proposals for outdoor recreational use in the countryside will be permitted where a number of criteria are met.

22. The site is not located within an area of archaeological importance, nature conservation or built heritage designation and as such, it is contended that there will be no adverse impacts on features of importance to nature conservation, archaeology or built heritage.

23. Given that the proposed development is to be located to the rear of existing residential dwellings and the Moneyreagh Community centre, views of the proposal are limited hence it is considered that no adverse impacts shall arise in respect of visual amenity.

24. The proposal is positioned to the rear of existing residential dwellings and Moneyreagh Community centre and as such, views of the proposal will be limited. It is also considered that no unacceptable impacts shall arise in respect of neighbouring residents in terms of loss of amenity.

25. A number of conditions in relation to the proposed floodlights and hours of operation are recommended to ensure the protection of residential. The facility will only operate between the hours of 08:30 and 22:30. The floodlights will only be in use between the hours of 09:00 and 22:00.

26. The proposed abacus lighting columns (floodlights) will measure approx. 8 metres in height and will be located on the southern boundary of the site and the ballstop fence also located on the southern boundary is to be 4 metres in height and constructed from horizontal wiring. It is considered that the development is to be designed to a high standard and shall be sympathetic to the surrounding area.

27. In terms of road network considerations, the existing access at Church Road and the existing car parking located at the rear of Moneyreagh Primary school will serve the MUGA proposal. The existing road network and car parking is therefore considered to be adequate, TransportNI have been consulted and have no objections.
Floodlighting of Sports and Outdoor Recreational Facilities

28. Policy OS 7 - the Floodlighting of Sports and Outdoor Recreational Facilities states that the development of floodlighting associated with sports and outdoor recreation facilities will only be permitted where a number of criteria are met.

29. The information submitted with the application indicates that 2 no. floodlights will be located to the southern boundary behind Moneyreagh Primary school and Community Centre and that the light will be directed in a northerly direction away from the existing residential properties.

30. The agent has submitted a luminous levels report which measures light from the floodlights at a particular location. The report demonstrates that the 8 metre high floodlights will direct light away from the existing residential properties and as such, they will not have a detrimental impact on amenity nor will they impact on the character of the areas.

31. To protect the amenity of neighbouring dwellings with respect to obtrusive light, a condition restricting the hours of use is recommended.

32. LCCC Environmental Health Unit has considered the proposal and advise that that they have no objections to the proposal subject to conditions.

33. It is therefore contended that the proposed floodlighting will not result in unacceptable impacts on the amenities of adjacent residents, visual amenity or character of the area, nor will it prejudice public safety.

Natural Heritage

34. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

35. Given the location of the proposal on the edge of the settlement development limit NIEA were consulted to ensure that there would be no detrimental impact on the existing natural heritage.

36. Following consultation with Natural Environment Division no issues/concern has been expressed with regard to any element of the proposed development.

Access, Movement and Parking

37. Planning Policy Statement 3 – Access, Movement and Parking, sets out the policies for vehicular and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

38. Policy AMP1 of PPS3 – Creating an Accessible Environment, aims to create an accessible environment for everyone. Transport NI were consulted in relation to this proposal and are satisfied the proposed layout provides a safe and
convenient road system. It is therefore contended that the proposal as presented is compliant with this policy.

39. Policy AMP7 of PPS3 – Car Parking and Servicing Arrangements, requires proposals to provide adequate provision for car parking and appropriate servicing arrangements. The application proposes to avail of the existing access from church road and the existing car park located to the rear of Moneyreagh Primary.

40. TransportNI have been consulted and offer no objections. It is therefore contended that Transport NI are satisfied the proposal incorporates adequate parking provision to serve the new proposal

Conclusions

41. All relevant material considerations have been taken into account assessed and the proposal as presented is considered to comply with the development plan and relevant planning policy.

Recommendation

42. It is recommended that planning approval is granted.

Proposed condition(s)

43. The following condition(s) 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

- Development should be undertaken in strict accordance with the approved drawings including the drawing specifying the Horizontal Illuminance Levels received by the Planning Service Unit 29/09/17
  **Reason:** To protect the amenity of neighbouring dwellings with respect to obtrusive light.

- Use of the floodlights should be limited to between the hours of 09:00 and 22:00.
  **Reason:** To protect the amenity of neighbouring dwellings with respect to obtrusive light.

- Operation of the site should be limited to between the hours of 08:30 and 22:00.
  **Reason:** To protect the amenity of neighbouring dwellings with respect to noise.
In compliance with the submitted lighting design drawing any artificial lighting to the development must minimise obtrusive light and conform to the requirements of 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.
Site Location Plan – LA05/2017/0648/F
1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation.

2. The application is presented with a recommendation to approve.

3. The site is located to the western side of the Hillsborough Road in Dromara. A large dwelling house occupies the site (3 storey to the rear and 2 storey to the front) and there are a few detached outbuildings situated in a large garden area to the rear. There is an existing stream located in the rear garden which has been previously culverted. The dwelling fronts the Hillsborough Road and abuts the public footpath.
4. The site is surrounded by a mixture of domestic housing, along with retail and commercial development. Directly opposite the site a new residential development is currently under construction which consists of 2 storey dwellings.

**Proposed Development**

5. The application as presented is for an outline application for a development to be houses for private use.

**Relevant Planning History**

6. The relevant planning history is set out in the table below.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA05/2016/0904/PAD</td>
<td>Proposed residential development</td>
<td></td>
</tr>
</tbody>
</table>

**Planning Policy Context**

7. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy 2035
   - Lisburn Area Plan 2001 and draft Belfast Metropolitan Area Plan (BMAP) 2015
   - Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development
   - Planning Policy Statement 2 (PPS 2): Natural Heritage
   - Planning Policy Statement 3 (PPS 3): Access Movement and Parking
   - Planning Policy Statement 6 (PPS 6): Planning, Archaeology and the Built Heritage
   - Planning Policy Statement 7 (PPS 7): Quality Residential Environments
   - Planning Policy Statement 12 (PPS 12): Housing in Settlements
   - Planning Policy Statement 15 (PPS 15): Planning and Flood Risk
   - Creating Places
   - DCAN 8

**Consultations**

8. The following consultations were carried out:
Representations

9. No objections or representations have been received.

Consideration and Assessment

10. The main issues to consider in the determination of this planning application are:

- Principle of Development
- Impact on Archaeology and Built Heritage
- Impact on Character of the Area
- Layout/Design/Material and Impact on Residential Amenity
- Access, Movement and Parking
- Natural Heritage
- Flooding and Drainage

Principle of Development

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

12. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had, in its entirety not been lawfully adopted. As a consequence of this decision, the application must now be assessed in accordance with the Lisburn Area Plan 2001 (LAP) as the statutory plan. However, draft BMAP and its policy considerations remains a material consideration.

13. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

14. The SPPS states that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

15. 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.

16. The application site is located within a Settlement Development Limit of Dromara in all the relevant area plans where there is a presumption in favour of development subject to compliance with all other relevant material planning considerations.

**Impact on Archaeology and Built Heritage**

17. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage sets out the planning policies for heritage protection.

18. Policy BH1 – The Preservation of Archaeological Remains of Regional Importance and their Settings operates a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings.

19. The site is not located within an Area of Townscape Character or a Conservation Area. However the application site is in close proximity to the location of a corn mill recorded between 1846-62 and is a monument of local importance protected by PPS 6. The site is also within a buffer zone of protection, the aim of these zones is to protect the above ground and below ground archaeological remains associated with the early development of the settlement.
20. Historic Environment Division has considered the impacts of the proposal and are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an industrial archaeology survey.

Quality Residential Environments


22. Policy QD1 – Quality in New Residential Development is a key policy test. It states that planning permission will only be granted for new residential development where it is demonstrated that it will create a quality and sustainable residential environment.

23. Policy QD1 directs that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. Key considerations in this regard are set out below.

Impact on Character of the Area

24. The proposal is to replace a residential dwelling house on a large plot with 5 residential units. In terms of site layout it is contended that this proposal is acceptable when compared with other developments in its immediate vicinity, including the residential development currently under construction facing the site.

25. The scheme comprises a house type reflective of those in adjacent developments and which are appropriate to the character and topography of the site in terms of their layout, scale, proportions, massing/appearance of buildings and other landscaped and hard surfaced areas.

26. It is therefore contended that the proposed development would not have a detrimental impact on the character of the area.

Layout/Design/Materials and Impact on Residential Amenity

27. The application as submitted is for outline approval and no detailed plans have been provided to show the proposed buildings in terms of their layout, scale, proportions, massing and appearance of buildings. These matters are reserved.

28. An indicative Layout has however been submitted with the application and based on this drawing, it is considered that the design and layout of the proposal will result in sufficient separation distances between proposed dwellings and those in adjacent developments and will not therefore create
conflict or unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

29. It is therefore contended that the residential amenity of existing residents will not be detrimentally impacted on.

**Access, Movement and Parking**

30. PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

31. The proposed access to the site is from the Hillsborough Road. The indicative layout details proposed visibility splays of 2.4m by 60m in both directions. Provision is made within the overall scheme for 12 parking spaces, 2 for each unit and 2 visitor parking spaces.

32. Transport NI has no objections subject to standard conditions. It is therefore contended that the proposal complies with PPS 3.

**Natural Heritage**

33. PPS 2 – Natural Heritage, sets out the planning polices for the conservation, protection and enhancement of our natural heritage.

34. There are no notable features present within the application site that would cause concerns with regards to natural heritage issues. No existing vegetation within the site is required to be removed to accommodate the proposal.

35. It is therefore contended that the proposal complies with PPS 2. Informatives regarding wildlife etc. would be placed on any approval decision notice.

**Flooding and Drainage**

36. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

37. The application site is 55m away from the River Lagan and a designated culverted watercourse (known as Begney Lake Outlet) runs through it.

38. A small portion of the application site in the South West corner is within the 1 in 100 year fluvial flood plain and therefore a Flood Risk Assessment was submitted for consideration. The affected area is however excluded from the overall layout of the development.
39. Rivers Agency have advised that they have no reason to disagree with the conclusions of the Flood Risk Assessment and no further mitigation measures are required.

40. A Drainage Assessment is required for all development proposals that exceed particular thresholds. Rivers Agency advised that the proposal meets one of these thresholds, namely hard surfacing exceeding 1000 square metres in area.

41. However, the agent has supplied a detailed indicative layout plan which indicates that the amount of hard surfacing is below the required threshold. There is therefore no requirement for a Drainage Assessment.

Conclusions

42. Based on careful consideration of all relevant material considerations, it is contended that the principle of the proposed development at this location is acceptable.

Recommendation

43. It is recommended that planning permission is approved subject to conditions.

Conditions

44. The following conditions are recommended:

- As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for the approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:
  (i) the expiration of 5 years from the date of this permission; or
  (ii) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
  Reason: Time limit

- Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.
  Reason: To enable the Council to consider in detail the proposed development of the site.
Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.  
**Reason:** To enable the Council to consider in detail the proposed development of the site.

The approved development shall be carried out in general conformity with the proposed site layout bearing the date stamp 8 August 2017 or as may be modified by agreement in writing with the Council to achieve similar design objectives.  
**Reason:** To ensure the delivery of a quality and sustainable residential development.

A detailed drawing should be submitted at reserved Matters stage indicating that the dwellings proposed have a minimum freeboard of 600mm above the predicated 100 year fluvial flood level and that any infilling required to achieve this should be located outside the 100 year flood plain.  
**Reason:** To prevent future development from the risk of flooding.

A detailed landscaping scheme shall be submitted to the Council for approval at Reserved Matters stage providing for species, siting, planting distances, presentation and programme of planting. It shall include indications of all existing trees and hedgerows on the land together with details of any to be retained and measures for their protection during the course of the development.  
**Reason:** To ensure the continuity of amenity afforded by existing trees, and the provision, establishment and maintenance of a high standard of landscape

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.  
**Reason:** To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

All redundant accesses from the site to public road shall be permanently closed off and the (footpath / roadside verge) reinstated to the satisfaction of Roads Service.  
**Reason:** In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.


The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.  
**Reason:** To ensure there is a safe and convenient road system within the
development and to comply with the provisions of the Private Street (Northern Ireland) Order 1980.

- At Reserved Matters Stage parking and servicing shall be in accordance with the requirements of the Department’s current published Parking Standards.

  **Reason:** To ensure the provision of adequate parking facilities to meet the needs of the development and in the interests of road safety and the convenience of road users.

- The development hereby permitted shall not (be commenced/be occupied/become operational/be adopted) until any (highway structure/retaining wall/culvert) requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 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 BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

- The development hereby permitted shall not (be commenced/be occupied/become operational/be adopted) until any geotechnical feature requiring Geotechnical Certification, has been approved and constructed in accordance with Geotechnical Certification procedures as laid down in the current version of HD 22 Managing Geotechnical Risk: Volume 4: Design Manual for Roads and Bridges.

  **Reason:** To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

- No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

- Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and carry out archaeological recording.

  **Reason:** to ensure the identification, evaluation and appropriate recording of any archaeological remains which are exposed by the operations.

- All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the development.
**Reason:** To ensure the provision, establishment and maintenance of a high standard of landscape.
Summary of Recommendation

1. A recommendation to refuse planning permission was presented to the Planning Committee in August 2017.

2. The planning application was deferred at the August Planning Committee for a period of two months pending additional information being made available. Information was submitted for consideration on 17 August 2017. This required the neighbours to be re-notified of the amended scheme on 21 August 2017 and the proposal was re-advertised on 25 August 2017.

3. Based on a reassessment of the application taking into account the information submitted, the recommendation remains to refuse planning permission.
Further Representations

4. Two further letters of objection have been received in relation to the amended proposal. The following issues were raised.

- Proposal will overlook the objector’s rear garden windows and patio area in Gracemount Park due to site being elevated.
- Proposal will devalue objector’s property.
- Proposed dwellings not in keeping with the low row of existing bungalows.
- The design of the proposed dwellings is not in keeping with the character of the surrounding properties.
- The proposed increase in vehicles serving 2 no, vehicles will pose a risk to road safety.

5. The issues raised are further considered in the section below.

Further Assessment

6. The amended proposal comprised a reduction in the overall height of 0.5m and the removal of 2 no. bedroom windows on the rear return of the proposed dwellings.

7. The footprint and proposed site layout of the proposed semi-detached dwellings remains unchanged and the distance to the boundaries is as previously submitted.

8. Whilst the amended drawings go some way into alleviating the concerns of overlooking onto the properties at the rear (Gracemount Park), it is contended that the proposal will still overlook the immediately adjacent properties along Cairnshill Road and will therefore have a detrimental impact on their residential amenity.

9. It is also considered that the concern expressed previously in relation to the detrimental impact the proposal will have on the character of the established residential area remain. The introduction of 2 no. large proposed dwellings on a plot occupied by a modest single storey bungalow is considered to be contrary to planning policy.

10. The proposed development (as amended) is out of character with the surrounding area and it would erode the environmental quality of the wider housing area. The proposal seeks to introduce two dwellings onto a plot which is too small to accommodate two dwellings and in doing so proposes a density that is unacceptable. The proposal represents overdevelopment and as such, will result in a built form that is not in keeping with the character of the area.
Conclusions

11. Based on careful consideration of all relevant material considerations, it is contended that the original recommendation to refuse planning permission remains.

12. The amended scheme fails to demonstrate that the proposed development meets the requirements of the SPPS and Policy QD1 of PPS 7 in terms of the quality/density of the layout, the detrimental impact on the residential amenity of the adjoining residents and local character as well as setting an unacceptable precedent.

Recommendation

13. It is recommended that planning permission is refused.

Reasons

14. The following refusal reasons are recommended:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1, criteria (a) of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ in that the development, if permitted, would be detrimental to the local character of this established residential area which is comprised mainly of detached dwelling set in mature plots.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1, criteria (h) of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ in that the development, if permitted, would cause unacceptable damage to residential amenity in terms of overlooking and loss of privacy on No’s 25 and 29 Cairnshill Road.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland Policy and Policy QD1 of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ and its addendum as the buildings would if permitted would create conflict with adjacent land uses resulting in an unacceptable adverse effect on existing properties in terms of overlooking, loss of light and overshadowing. The proposal would also result in a density significantly than what is found in the established residential area and would fail to create a quality residential environment creating an unacceptable precedent.
This is a local application that has been referred to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee.

This application is presented with a recommendation to refuse.

The site is located within the confines of the settlement development limit for Metropolitan Castlereagh and is situated within an area primarily characterised as a residential area.

The majority of properties within the immediate surrounding area are mainly detached properties ranging from one to two storeys in height, within singular

APPENDIX 1.5(b)
detached plots. The dwellings display differing characteristics in terms of design, finishing and form.

5. Many of the gardens to the rear are private due to dense hedgerow planting and/or fenced boundaries whilst grounds to the front of these dwellings are characterised by relatively more open boundaries close to the adjacent road corridor, with smaller gardens or parking space to the front.

6. The majority of the dwellings display some form of modification or extension. A small line of cohesion runs throughout the wider Cairnshill Road area in that there is a relatively distinctive front building line evident within the street-scene of detached singular plots.

### Proposed Development

7. The application seeks full planning permission for the demolition of existing bungalow and erection of a pair of semi-detached dwellings with associated parking.

8. This scheme has been amended from two detached dwellings to a pair of semi-detached dwellings following an office meeting on 23 September 2016 detailed later in this report.

### Relevant Planning History

9. There is no planning history relating to the application site.

### Planning Policy Context

10. The relevant planning policy context is as follows:

- Local Development Plan
- Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 7 – Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements
- Planning Policy Statement 3 - Access, Movement and Parking
Consultations

11. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>NIEA Water Management Unit</td>
<td>No objection</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection</td>
</tr>
<tr>
<td>Transport NI</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Northern Ireland Water</td>
<td>No objection</td>
</tr>
</tbody>
</table>

Representations

12. Eight letters of objection have been received in relation to the proposal. The following issues were raised:

- Proposal violates key principles of SPPS regarding local character and environmental quality as well as safeguarding the amenity of existing residents;
- Overdevelopment of site and town cramming;
- Sets an undesirable precedent;
- Scale is out of context with adjacent properties;
- Out of character with the area;
- Proposal would result in significant erosion of environmental quality for the surrounding residents;
- Proposal would result in a significant loss of privacy and residential amenity for surrounding neighbours;
- Concerns over loss of privacy and residential amenity for surrounding neighbours.

Consideration and Assessment

13. The main issues to consider in the determination of this planning application are:

- Principle of Development
- Quality Residential Environments
  - Impact on Character of Area
  - Layout / Design / Materials
  - Landscaping/Amenity Space
  - Residential amenity
  - Parking and Access
- Access, Movement and Parking
- Representations
Principle of Development

14. The site is located within the confines of the settlement development limit for Metropolitan Castlereagh.

15. The adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued on 18th May 2017. A recent consideration by the Planning Appeals Commission (PAC) concluded that the LDP preceding BMAP, in its draft form is applicable, therefore in this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remains a material consideration.

16. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

17. In principle residential development would be acceptable subject to compliance with the provisions of the Strategic Planning Policy Statement for Northern Ireland and relevant planning policies.

Quality Residential Environments


19. Policy QD1 – Quality in New Residential Development, is the key policy test and states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy directs that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

20. Policy QD1 sets out the criteria which new development should conform to, including; respect for its surrounding context and landscape features; provision of open space; movement patterns; and adequate parking provision.

21. Policy LC1 of the addendum to PPS 7 - Protecting Local Character, Environmental Quality and Residential Amenity is another important consideration. It states that in established residential areas a key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and that the development is in harmony with the local character of the established residential area.

22. The following are the applicable criteria of Policy QD1 of PPS 7 to ensure that new developments create a Quality Residential Environment.
Impact on Character of Area

23. The original proposal submitted in September 2015 was for 2 no. detached two storey dwellings with two accesses from Cairnshill Road.

24. Contact was made with the agent and concerns were expressed that the proposal would result in the loss of amenity to adjoining dwellings. It was also considered that the proposed dwellings would be out of keeping with the existing character of the area in that the density was too high in relation to the size of the site and as such, would lead to town cramming. Amended drawings were received following that meeting.

25. The revised drawings comprise 2 no. semi-detached dwellings. The roof has been partially hipped. The proposed front gardens would comprises mainly of hard standing. The revised height of the dwelling is 6.9m.

26. Whilst the visual impact may be marginally less than the original scheme, it is still contended that the proposal fails to respect the character of the area in terms of density and plot size.

27. Despite the amended drawings being received, it is considered that this proposal is out of character with the surrounding area and it would erode the environmental quality of the wider housing area. The proposal seeks to introduce two dwellings onto a plot which is too small to accommodate two dwellings and in doing so proposes a density that is unacceptable. The proposal represents overdevelopment and it not in keeping with the character of the area.

28. Policy LC1 from PPS 7 addendum states that in established residential areas a key consideration is to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and that the development is in harmony with the local character of the established residential area.

29. The first criterion in Policy LC1 is that the proposed density of the proposal is not significantly higher than that found in the established residential area. The second criterion in Policy LC1 is that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.

30. The proposal seeks to introduce town cramming into an area in which presently there is none. Accordingly the proposal comprehensively fails this policy test.

31. The unwelcome precedent which would be created if the application were to be approved simply put would be impossible for the Council to resist future applications to demolish single storey dwellings on the Cairnshill Road with the result that the character of this residential area would be eroded.
Layout / Design / Materials

32. It is considered that the design of the dwellings is not consistent with the existing built fabric in terms of height, scale and massing. The properties along this side of the road are mainly single storey bungalows of low elevation and modest in nature. The proposed semi-detached dwellings are 6.9m in height with a hipped roof located some 8m from the rear boundary.

33. The site layout plan demonstrates a density and ratio of built form to garden area that is inconsistent with the surrounding area. For this reason, it is contended that the proposal represents over development of the site.

34. Finishing materials to be used in the construction of the dwellings includes red/brown facing brick, smooth painted render and brown interlocking concrete roof tiles, UPVC windows and rainwater goods along with UPVC doors. These finishes match those of the dwelling designs in the surrounding development and are considered acceptable.

Landscaping/ Amenity Space

35. Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of new developments. The drawings indicate that the proposed boundary planting is to be retained.

36. Creating places states that average private amenity space should be approximately 70 square metres in areas such as this.

37. In this regard, the submitted layout shows that the proposal meets this minimum policy requirement.

Residential Amenity

38. The amended layout depicts the semi-detached dwellings located 8m from the party boundary with Gracemount Park. In contrast, the existing single storey dwelling on site is located 16m from this boundary.

39. The proposal dwellings are 6.9m in height and will undoubtedly have a negative impact on the properties to the rear of the site which are located at a lower level. The level of overlooking would be detrimental to the residential amenity and privacy currently enjoyed by these properties.

40. Furthermore the inadequate separation distances and location of windows on the proposed gables will have a negative impact on no’s 25 and 19 Caimshill Road.

41. Whilst the amended drawings depict a reduction in height and an amended layout, it is still considered that the proposed dwellings still represent overdevelopment and will have a negative detrimental impact on the amenity of neighbouring properties.
Parking and Access

42. The submitted layout illustrates proposed car parking for the proposed 2 units to the front of the site. This area consists of hard standing and is out of character with the surrounding plots which all have the benefit of individual driveways with front landscaped gardens. It is contended that this does not have the characteristics of a quality residential development.

Access, Movement and Parking

43. Planning Policy Statement 3 – Access Movement and Parking, sets out policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

44. Transport NI are the competent authority in this regard and following consultation, they have offered no objections to the proposal access and parking arrangements.

45. It is considered that the proposal complies with the relevant policy tests associated with PPS 3.

Consideration of Representations

46. As has been demonstrated throughout this report, it is evident that most of the concerns raised by the objectors have been substantiated and form the basis of the reasons for refusal.

47. The amended scheme is not sufficient to lessen the impact of the development on adjoining properties.

48. The opinion remains that the development fails to meet the policy tests associated with Policy QD1 of PPS 7. There is concern that the dwellings would be over dominant and result in loss of privacy neighbouring properties.

49. Overall the proposal is out of character with area and it would result in a significant erosion of environmental quality and character of the surrounding area.

Conclusions

50. Based on careful consideration of all relevant material considerations, it is contended that it has not been demonstrated that the proposed development meets the requirements of the SPPS and Policy QD1 of PPS 7 in terms of the quality/density of the layout, the detrimental impact on the residential amenity of
the adjoining residents and local character as well as setting an unacceptable precedent.

**Recommendation**

51. It is recommended that planning permission is refused.

**Reasons**

52. The following refusal reasons are recommended:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1, criteria (a) of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ in that the development, if permitted, would be detrimental to the local character of this established residential area which is comprised mainly of detached dwelling set in mature plots.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1, criteria (h) of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ in that the development, if permitted, would cause unacceptable damage to residential amenity in terms of overlooking and loss of privacy on No’s 25 and 29 Cairnshill Road and No’s 5 and 7 Gracemount Park.

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland Policy and Policy QD1 of the Council’s Planning Policy Statement 7 ‘Quality Residential Environments’ and its addendum as the buildings would if permitted would create conflict with adjacent land uses resulting in an unacceptable adverse effect on existing properties in terms of overlooking, loss of light and overshadowing. The proposal would also result in a density significantly than what is found in the established residential area and would fail to create a quality residential environment creating an unacceptable precedent.
Site Location Map – LA05/2015/0618/F
Lisburn & Castlereagh City Council

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<thead>
<tr>
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<tr>
<td>Date of Committee Meeting</td>
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<tr>
<td>Committee Interest</td>
<td>Local Application (Called in) - Addendum</td>
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<td>LA05/2016/1111/O</td>
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<td>Date of Application</td>
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<td>Proposal Description</td>
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<td>Location</td>
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<td>Applicant/Agent</td>
<td>Mr Bruce Wylie</td>
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<tr>
<td>Representations</td>
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<td>Case Officer</td>
<td>Joanna Magee</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Refusal</td>
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Summary of Recommendation

1. A recommendation to refuse planning permission was presented to the Planning Committee in September 2017.

2. The planning application was deferred at the August Planning Committee for a period of two months to allow the submission of additional medical evidence.

3. Information was submitted for consideration on the 13 October 2017. Based on an assessment of the additional information, the recommendation remains as per the initial DM Officer report.

Further Assessment

4. The applicant details in a letter the following points for consideration:
   - An extension or adaption of the existing house would result in an even larger house, hardly suitable for two old age pensioners.
   - Having lived at this address for almost 30 years, the family have moved on.
The applicant has good neighbours and friends, a bungalow would be good for the applicant’s needs and great to stay near friends and neighbours.

The only alternative would be to sell the house and move to a suitable bungalow outside of the area.

5. The applicant’s letter is accompanied by further information from his GP which makes the following points;

- The applicant’s medical condition causes mobility problems and difficulty with stairs and washing, the condition will deteriorate.
- The applicant’s house is large and he is keen to downsize to reduce the burden of housework.
- The applicant has another recurring condition for which he has recently been admitted to hospital, this is a life-threatening condition.

6. In considering this information against the criteria set out in Policy CTY6 of Planning Policy Statement 21, it is not disputed that medical history in this case suggests the applicant has long-term needs for which single-storey accommodation would be more suited. It is also acknowledged that an extension or adaptation of the family home will result in it remaining as a large dwelling occupied by only 2 persons, however this in itself is not a site-specific reason to demonstrate that a new dwelling is the only and necessary response to the applicant’s medical circumstances.

7. It is also acknowledged that the applicant has a genuine desire to remain in an area where he has lived for a considerable length of time. This is also not a sufficient reason to set aside the criteria of Policy CTY6. In fact the applicant acknowledges an alternative solution would be the sale of the current house and a move to a suitable bungalow. Whilst the applicant states that such a move would be to a location outside ‘the area’, he does not define what the area is nor does he substantiate why a suitable bungalow within the area could not provide for his needs, allowing him to remain in the locality.

Conclusions

8. Having considered the nature of the proposal against prevailing planning policy, and all relevant material considerations, it is contended this application fails to satisfy the key policy tests set out in the body of the main DM Officer report.

9. The additional information submitted following the earlier deferral has failed to explain why care can only be provided at the specific location and that genuine hardship would be caused if planning permission were refused.

Recommendation

10. It is recommended that planning permission is refused.
Refusal Reasons

11. The following reasons are recommended.

- The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

- The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the applicant has not provided satisfactory long term 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; and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that that the proposed building (a) is a prominent feature in the landscape; (b) the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure to integrate the building into the landscape.

- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing buildings and therefore result in a detrimental change to the rural character of the countryside.
Site Location Plan: LA05/2016/1111/O
Lisburn & Castlereagh City Council

Summary of Recommendation

1. This application is categorised as a local planning application in accordance with the Development Management Regulations 2015. If has been ‘called in’ to the Planning Committee for determination in line with the Council’s Scheme of Delegation.

2. The application is presented to the Planning Committee with a recommendation to refuse planning permission.

Description of Site and Surroundings

3. The application site is located on lands adjacent and north-east of 20 Bridge Road, Moira. The site is comprised of a small, relatively flat field with frontages to a laneway that runs along its north-east and north-west boundaries. The boundary to the north-west side is a hedge of approximately 4 metres high, whilst a hedge of approximately 1.5 metres defines the north-east boundary. The south east boundary, adjacent to No. 20 Bridge Road is defined by a post and rail fence with a 3 metre conifer hedge beyond in the curtilage of No. The south-east boundary is defined by a 1.2 metre post and wire fence and hedge.
A building, possibly small stable block constructed in wood, is located within the site and adjacent to the hedge along its north-west boundary. Bridge Road is elevated beyond the north-west boundary and crosses the M1 Motorway a short distance to the north of the site.

4. No. 20 Bridge Road is a large two storey detached dwelling with attached garage. Finishes to the property include a rough render finish, brick plinth, concrete roof tiles and dark framed upvc windows. The dwelling shares an access laneway from the public road with No’s 22 and 24 Bridge Road.

5. The site lies within the Lisburn Countryside as defined in the Lisburn Area Plan 2001 and the wider area is rural in character. There is a dispersed pattern of residential and agricultural properties in the locality.

**Proposed Development**

6. This is an outline application for the development of a bungalow and garage adjacent to an existing dwelling under Policy CTY6 of Planning Policy Statement 21 – Personal and domestic circumstances.

**Relevant Planning History**

7. The following is the previous planning history on this site.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Address Description of Proposal</th>
<th>Decision</th>
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</thead>
<tbody>
<tr>
<td>S/2005/0466/O</td>
<td>Site adjacent to 20 Bridge Road, Moira.</td>
<td>Dwelling and garage</td>
</tr>
</tbody>
</table>

**Planning Policy Context**

8. The relevant planning policy context which relates to the application is as follows:

- Lisburn Area Plan 2001
- Draft Belfast Metropolitan Area Plan (BMAP) 2015.
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access, Movement and Parking
Consultations

9. The following consultations were carried out:

<table>
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<td>No objections</td>
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<td>NI Water</td>
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Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:

- Principle of Development
- Sustainable Development in the Countryside
- Personal and Domestic Circumstances
- Ribbon Development
- Rural Character
- Integration and Design of Buildings

Principle of Development

12. The adopted BMAP 2015 was quashed by a judgement of the Courts on the 18th May 2017, as a consequence the Lisburn Area Plan 2001 is now the statutory up to date LDP. Draft BMAP remains a material consideration. Within both the LAP 2001 and Draft BMAP 2015 the site is within a countryside area beyond any settlement development limit.

13. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
14. A guiding principle of the SPPS indicates that planning authorities in determining 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.

15. In practice this means that development which accords with an up-to-date development plan should be approved and development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Sustainable Development in the Countryside

16. As the site is located within a rural location Planning Policy Statement 21 – Sustainable Development in the Countryside is the applicable policy for consideration of the proposal.

17. Policy CTY1 of PPS21 sets out the circumstances when proposals for domestic properties are in principle considered acceptable in such a rural location. The application has been submitted on the basis that the proposed dwelling is a necessity due to the applicant’s personal and domestic circumstances. As such Policy CTY1 directs consideration of that necessity to Policy CTY6.

Personal and Domestic Circumstances

18. Policy CTY6 will grant planning permission for a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons related to the applicant’s personal or domestic circumstances. This is on the provision that the applicant provides a) satisfactory evidence that a new dwelling is necessary for the particular circumstances and genuine hardship would be caused if permission was refused; and b) there are no alternative solutions such as an extension to the existing dwelling, conversion or reuse of another building in the curtilage of the property or the use of a temporary mobile home for a limited period.

19. The applicant has submitted information to support the personal circumstances. The wish is to build a bungalow adjacent to the current home that would be more suited to the applicant’s health requirements due to mobility difficulties. Support for the proposal is primarily a letter from the applicant’s GP which confirms the desire to live in a new property more suited to their health requirements. The GP’s letter concludes that the applicant would benefit from not having stairs in a property and that adapted washing facilities would be needed.

20. Whilst Planning Unit empathise with the particular circumstances, the criteria for an approval under this policy has not been satisfied as no compelling site specific reasons why a new dwelling is a necessary response in this case, nor that genuine hardship would be caused if planning permission were refused.
21. The applicant has failed to demonstrate their particular needs cannot be catered for by appropriate adaption of, or an extension or annex to their existing dwelling to provide downstairs facilities considered of benefit to their condition. No. 20 Bridge Road is a large dwelling with integral garage set within a curtilage of approximately a fifth of a hectare (2000 sqm) and is capable of accommodating an extension to facilitate the applicant’s needs, without the need for a new dwelling adjacent.

22. The planning history of this site is a material consideration. The Department previously refused an application for a dwelling and garage on the site for the same applicant. That application was also sought on a case of medical need. The application was subsequently appealed to the PAC which, in its findings of the 15th May 2007, noted that during the site visit ‘the appellant agreed that there were other options and his existing dwelling and garage could be converted or extended to provide accommodation to meet his needs. He confirmed that this is an option he had considered were the appeal to fail’. Further the PAC report states ‘Whilst the circumstances identify the need for single storey accommodation they do not establish a specific need for such a dwelling on the appeal site and I am not persuaded that a new dwelling is a necessary response to the particular circumstances of the case’.

23. In view of the information as submitted to support this proposal and the weight afforded to the findings of the PAC on the previous application, it is contended the application is contrary to Policy CTY6 of PPS21.

Ribbon Development

24. Policy CTY8 of PPS21 will refuse planning permission for a building which creates a ribbon of development. This proposal seeks permission for a dwelling and garage adjacent to a single dwelling and would those result in the creation of a ribbon of development in this locality.

Integration and Design of Buildings in the Countryside

25. Policy CTY13 of PPS21 will refuse planning permission where a proposal is considered unacceptable if it will result in a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for its integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features. To the north and west of the site the Bridge Road is elevated to accommodate its passing above the M1 motorway. It is considered that the proposal, when viewed from Bridge Road to the north, will appear as a prominent feature in the landscape given the relatively flat nature of the landscape character behind it and a lack of mature site boundaries to aid integration.
26. Reference in this regard is made to the findings of the PAC into its consideration of S/2005/0466/O. Its report states; ‘There are critical views from the motorway bridge to the north-west, travelling south-west. Given the flat nature of the site, lack of backdrop to the south-east and the flat landform beyond, regardless of siting the proposal would appear unduly prominent, and be detrimental to visual amenity’.

27. It remains that this proposal is contrary to Policy CTY13 of PPS21.

28. In the same way as CTY 8 this proposal is contrary to this policy as the proposed dwelling would result in a suburban style build-up when viewed with the existing buildings and create a ribbon of development along the section of road frontage. As such the proposal would have an adverse impact on the rural character of this area.

**Rural Character**

29. Policy CTY14 of PPS21 will refuse planning permission for a building in such a countryside location if it further erode the rural character of an area. Buildings that are unduly prominent in the landscape, result in suburban style build up when viewed with existing buildings and which create ribbon development are considered detrimental to rural character.

30. As has been discussed above this proposal will result in a pattern of development that is contrary to the protection of rural character and it is therefore contended it is contrary to Policy CTY14.

**Conclusions**

31. Having considered the nature of the proposal against prevailing planning policy, it is contended this application fails to satisfy the policy tests set out in the body of this report.

**Recommendation**

32. It is recommended that planning permission is refused for the following reasons.

**Refusal Reasons**

33. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
34. The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the applicant has not provided satisfactory long term 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; and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

35. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that that the proposed building (a) is a prominent feature in the landscape; (b) the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure to integrate the building into the landscape.

36. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing buildings and therefore result in a detrimental change to the rural character of the countryside.
Lisburn & Castlereagh City Council

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<td>8 November 2017</td>
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<td>Kevin Maguire</td>
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<td>Recommendation</td>
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Summary of Recommendation

1. This is a local planning application. The application has been referred to the Planning Committee for determination in accordance with the Protocol of the Operation of the Planning Committee.

2. The application is presented to the Planning Committee with a recommendation to refuse.

Description of Site and Surroundings

3. The proposed site is located adjacent and South of 7 Woodfall Manor and measures approximately 0.38 hectares. The site is currently part of a larger agricultural field which slopes steadily on an upward trajectory from east to west across the site, with the top of the site several metres higher than the existing road adjacent. There are currently no buildings on the site. There are weak boundaries to define the site, with the east defined by a post and wire.
fence. Along the north there is a post and wire fence with the adjoining neighbouring property (No 7). The south and west boundaries of the site are undefined.

4. The proposed site is located within Annahilt Settlement Development Limit or within any other zoned area as defined in the Belfast Metropolitan Area Plan. Although within the settlement limit, the site is currently part of a rolling agricultural landscape which extends beyond to the south.

5. To the east and north of the site there is already established residential development along both sides of Woodfall Manor, with the majority of these being either single storey or 1 ½ storey detached units with brown and red brick finishes. There is a mixture of pitched and hipped roofs being mainly finished in tiles. Most of the curtilages, particularly on the east of Woodfall Manor are quite generous both to the front and rear of the properties.

**Proposed Development**

6. The application proposes 5 No dwellings including integral garages. The site is sloped and has been designed to provide two levels of living accommodation meaning the dwellings appear as 2 storey (between approximately 7-8 metre ridge) buildings and single storey (approximately 5.5 metre ridge) to the rear.

7. The materials vary between the sites with Sites 1, 3 and 5 finished in rustic clay brick walls with sandstone details and Sites 2 and 4 in Cream self-coloured render. The roof style in the dwellings is a mixture of pitched and hipped with concrete tiles black/grey. Each dwelling has its own separate access onto Woodfall Manor. The application also proposes landscaping around its boundaries, particularly to the west and south boundaries, incorporating hedging and deciduous tree planting.

**Relevant Planning History**

8. There is no relevant or extant planning history on the site.

**Planning Policy Context**

9. The relevant planning policy context which relates to the application is as follows:
   - Lisburn Area Plan 2001
   - Draft Belfast Metropolitan Area Plan (BMAP) 2015
   - Strategic Planning Policy Statement (SPPS)
   - Planning Policy Statement (PPS) 2 – Natural Heritage
   - Planning Policy Statement (PPS) 3 - Access, Movement and Parking
   - Planning Policy Statement (PPS) 3 - (Clarification): Access, Movement and Parking
- PPS7: Quality Residential Environments
- PPS7 (Addendum): Safeguarding the Character of Established Residential Areas
- Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside
- Creating Places
- DCAN 8 Housing in Existing Urban Areas
- DCAN 15 Vehicular Access Standards

Consultations

10. The following consultations were carried out.

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<td>NIEA: Historic Buildings Unit</td>
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Representations

11. The Council has received 27 letters of objection in response to the local press advertisement and neighbour notifications. The following issues were raised:
- Housing density
- Amenity issues Loss of light/overshadowing/noise/privacy
- Change to residential character e.g. 2 storey
- Parking issues including turning, road access, increased in traffic
- Design issues e.g. finishes
- Visual amenity
- Planning Policy
- Unfinished properties in Annahilt/other dwellings not selling
- Site zoning
- Error in original address provided
- Problems with water supply/sewage network
- Start of a larger development
Consideration and Assessment

12. The main issues to consider in the determination of this planning application are:
   - Principle of Development;
   - Sustainable Development in the Countryside;
     - Clustering;
     - Infill/Ribbon Development;
     - Integration and Design of Buildings;
     - Rural Character;
     - Development Relying on Non-Mains Sewerage;
   - Access, Movement and Parking
   - Flood Risk

Principle of Development

13. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

14. The Statement indicates that a 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.

15. 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.

16. An important consideration in this regard is that the adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued on 18th May 2017. A recent consideration by the Planning Appeals Commission (PAC) notes its current thinking in relation to this matter. The PAC concluded that the LDP preceding BMAP, in its draft form is applicable, therefore in this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remains a material consideration.

17. In this case the site is located outwith the Annahilt Settlement Development Limit in both the Lisburn Area Plan 2001 and draft BMAP 2015, therefore the principle for 5 dwellings at this location has not be established.
Access, Movement and Parking

18. PPS 3 – Access, Movement and Parking sets out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

19. Policy AMP1 – Creating an Accessible Environment aims to create an accessible environment for everyone. Transport NI were consulted in relation to this proposal are satisfied the proposed internal layout of this development would provide a safe access to the existing road system. It is therefore contended that the proposal as presented is compliant with this policy.

20. Policy AMP7 – Car Parking and Servicing Arrangements requires proposals to provide adequate provision for car parking and appropriate servicing arrangements.

21. The proposal shows 2 in curtilage car parking spaces for each of the proposed dwellings.

22. Transport NI are satisfied the proposal incorporates adequate parking provision for each dwelling and it is therefore contended the proposal as presented is compliant with this policy.

Sustainable Development in the Countryside

23. The site is located outside the defined settlement development limit of Annahilt under the Lisburn Area Plan 2001 which is the up to date local development plan for the area. Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside in addition to the Strategic Planning Policy Statement is the primary policy consideration in this case.

24. PPS 21 sets out planning policies for development in the countryside. Policy CTY1 makes reference to a range of circumstances where planning permission will be granted for dwelling houses in the countryside subject to compliance with other policy tests.

25. It is however important to note that, there is no provision within PPS 21 for the proposal of 5 dwellings within the countryside unless it is within a Dispersed Rural Community in accordance with Policy CTY2. The proposed development site does not fall within such a designated area.

Ribbon Development

26. Policy CTY 8 – Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development.
27. The proposed development lies adjacent to No 7 Woodfall Manor directly to the north of the site however it is acknowledged that as this building is located within the designated settlement limit it would be considered under a different policy context.

28. In this regard it contended the 5 dwellings proposed outside the settlement development limit would result in the creation of a ribbon of development along Woodfall Manor.

Integration and Design of Buildings

29. Policy CTY 13 - Integration and Design of Buildings advises that a new building will be unacceptable where, among others, it is a prominent feature in the landscape; 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; it relies primarily on the use of new landscaping for integration; or fails to blend with the landform, existing trees, buildings slopes and other natural features which provide a backdrop.

30. The site includes minimal mature boundaries with the northern and eastern boundaries of the site being defined by a post and wire fence, with the remaining boundaries left undefined.

31. It is contended that the existing vegetation cover would not provide an adequate level of enclosure in which to integrate the development at this location. It is however acknowledged that the impact of any buildings proposed would be mitigated to a degree by the rising land to the south and west which would provide a backdrop to the development when viewed from Woodfall Manor.

32. It is considered that due to the lack of boundaries the proposed development would rely primarily on the use new landscaping for integration and would therefore be unacceptable.

Rural Character

33. CTY 14 – Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where, amongst others, it results in a suburban style build-up of development when viewed with existing and approved buildings; or it creates or adds to a ribbon of development.

34. It is considered that the proposal as submitted constitutes the creation of ribbon development and would have a negative impact on the surrounding area. Therefore this proposal also fails to meet these criteria of Policy CTY 14.
The Setting of Settlements

35. Policy CTY 15 – The Setting of Settlements states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

36. It is contended that the development proposes 5 dwellings which are to be sited adjacent to the settlement development limit of Annahilt, and on this basis would lead to urban sprawl along Woodfall Manor.

Quality Residential Environments

37. As rural planning policy would not satisfactorily cover a residential development such as this it is also necessary to consider the policy context associated with PPS 7 – Quality Residential Environments. This policy sets out planning polices for achieving quality in new residential developments.

38. Policy QD1 – Quality in New Residential Development states that planning permission will only be granted for new residential development where it is demonstrated it will create a quality and sustainable residential environment. It directs that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. Consideration of key policy tests are set out below.

Impact on character of area

39. The scheme proposes five detached split level houses with a number of bedrooms and garage to ground floor and living space and further bedrooms to first floor with access to garden at the rear. These levels have influenced the design of the dwellings and resulted in a two storey front (north east) façade onto Woodfall Manor and a single storey rear elevation. There are three types of dwellings (Site 1, Sites 2 and 4, and Sites 3 and 5) with the ridge height of the front and rear elevations measuring between 7-7.8m and 4.5-5.2m respectively.

40. Policy QD 1 requires that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

41. Furthermore, it states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character of the area.

42. Creating Places notes that the design of the dwellings should pay particular attention to the characteristics of the local setting and sites shall be analysed to ensure that the development will provide spatial characteristics and building forms that are sympathetic to the surroundings.
43. In relation to the topography of the site the guidance advises that analysis of the site should be undertaken which would result in the development responding to the form of the land, its contours and its views to and from the site. Creating Places also notes that development should respect the characteristics of the local setting and respond with layouts that reflect the best qualities of the local landscape or townscape, and the building forms and details of the site’s surroundings.

44. It is accepted that with regards to finding a suitable design the proposed site poses difficulties through its landform which rises by several metres from the existing roadway along the eastern boundary towards the west and south. This challenging topography has resulted in the form of the dwellings currently proposed, with 2 storey front façade with single storey at rear.

45. The drawings submitted appear to show the dwellings stepping up the landform with a number of retaining walls required in order to facilitate the dwellings on this slope.

46. It is considered that the design and particularly the retention of the two storey element to the front of the site would be at odds with scale, form and massing of dwellings in the immediate area. Specifically, No 7 Woodfall Manor adjacent to the north of the site is single storey with an underbuild of approximately 1 metre.

47. While the drawings have indicated that the finished floor level in Site 1 is less than the level in this existing dwelling the larger proposed dwelling would result in a higher ridge height. The roof of the dwelling at Site 1 is proposed to be hipped in appearance which would help to lessen the visual impact when viewed alongside No 7 to the north. However, due to the topography of the site the visual impact of the frontage of the proposed dwellings when viewed from Woodfall Manor would become more pronounced through Sites 2-5 where the land is at a higher level.

48. As stated above the front elevation would be 2 storey and measure approximately 7.7m-8m in height which would be in contrast to the existing dwellings along Woodfall Manor which are all 1-1.5 storey in the immediate area of the site. In this regard the dwellings proposed have not demonstrated that they have appropriately responded both to site conditions (i.e. topography) and scale/massing of the existing dwellings along this part of Woodfall Manor.

49. Considering the density of the development Policy LC1 of the addendum to PPS 7 - Protecting Local Character, Environmental Quality and Residential Amenity is another important consideration and advises that the proposed density is not significantly higher than that found in the established residential area.

50. Whilst the density of dwellings would be higher than dwellings to the north and west of the site the density of the proposal would be more in keeping with dwellings on the east side of Woodfall Manor.
Residential Amenity

51. Policy QD1 states that adequate provision must be made for private open amenity space and further details of the requirements are outlined in Creating Places which states that private amenity open space located behind the building line should be calculated as an average space standard for the development as a whole, and should be around 70 sqm per house or greater. For any individual house an area of less than 40sqm will generally be unacceptable.

52. The proposed dwellings within this application include private amenity areas behind the building line and all are in excess of the minimum space requirements. It is acknowledged that a number of the private amenity areas are on a sloping site however it is not considered that the differential in levels would make these areas inaccessible or unusable.

53. In considering the potential amenity impact on adjacent dwellings PPS 7 states that the design and layout of the proposal must not create unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

54. Creating Places refers to a separation distance of around 20m between opposing rear floor first windows of new houses and where a development abuts the private garden area of existing properties, with a minimum of around 10m between the rear of new houses and the common boundary. It is noted that there is no proposed or existing dwellings to the rear of this site and therefore this requirement will not apply in this case.

55. Creating Places also notes that an enhanced separation distance may also be necessary for development on sloping sites. While this on a sloping site, the dwellings would front onto the public road with a distance of 20m or greater between the proposal and dwellings on the opposite side of the road. In this context it is considered that this separation distance would be acceptable and the distances provided would not lead to significant issues of overlooking or overshadowing.

Layout/Design/Materials

56. The proposed site layout shows the dwellings facing onto Woodfall Manor with access and parking to the front. There are a variety of different designs and materials used in other dwellings in the immediate area however the majority include various types of brick and some with part rendered finish.

57. The development proposes rustic clay brick walls, and while this may not be consistent with dwellings adjacent it would not result in a reason for refusal in this case. The design of the dwellings however, including the scale and massing of the buildings, has been considered above and it has been determined that the dwellings would be out of character and not in keeping with
existing residential development located along Woodfall Manor which is predominantly 1-1.5 storey in size.

Assessment of Representations

58. As indicated above, a total of 27 objection letters have been received in relation to the proposal. Whilst a number of issues raised by way of third party representation in relation to housing density, amenity and character issues, parking and design matters have been assessed in the main body of the report, An assessment of further issues raised are set out below:

Problems with water supply/sewage network

59. Issues were raised regarding water supply/sewage capacity in previous times and it was noted that NI Water still undertake regular maintenance at Woodfall Manor due to this long standing issue. Sewage issues have also been raised in a number of representations. These objections have been forwarded to the relevant statutory consultees for comment, specifically NI Water and Water Management Unit, however no problems have been cited which would justify refusal in this case.

Unfinished properties in Annahilt/other dwellings not selling

60. Issues relating to how this proposal relating to unfinished/unwanted dwellings in the area has been raised, and that this could lead to visual amenity impacts. Once approved the Council would have limited control over whether an application is actually built or the speed at which it is built, which is often dependent in market forces on both a global and local scale. Unfinished properties in the immediate area which could be read cumulatively with the proposed property were not evident from site inspections.

Change of use of the land

61. A number of the letters questioned whether this land was zoned for agriculture or a change of use had taken place however this does not appear to have been the case. The application site was located within the Annahilt Settlement Development Limit under the adopted Belfast Metropolitan Area Plan (BMAP) 2015 however outside the settlement limit under the draft BMAP and Lisburn Area Plan 2001. Following the recent Court of Appeal judgement which ruled the Adopted BMAP 2015 to be unlawful and in consideration of a recent appeal by the Planning Appeals Commission it is concluded that the Lisburn Area Plan 2001 is the up to date LDP however draft BMAP and its policy considerations remains a material consideration.

Error in original address provided

62. Some of the earlier representations received related to an error in the address of the site (the south of 7 WoodHALL Manor and opposed to WoodFALL Manor). This has been amended on the system and was re-advertised and re-
neighbour notified with the amended address, therefore it is considered this issue has now been satisfactorily addressed. It is also considered that all the relevant neighbours have been fully notified of the plans in line with statutory requirements

Start of a larger development

63. On the question of whether this is the start of a larger development it is important to note that the application is assessed on its individual merits and the potential for future applications is not something that can be taken into account.

64. However, it might be helpful to note that the application site is bounded to its west and south by the defined settlement development limit and any further residential development proposed in addition to this application is likely to be situated outside of the settlement where under current policy there is not a presumption in favour of development and would have to be certain criteria to be acceptable. This is also based on the current settlement limits defined in the adopted plan and it should be noted that these boundaries could be changed as part of the plan making process.

Conclusions

65. Having considered the nature of the proposal against all the relevant planning policies and material considerations including representations and consultation responses, it is considered that the application would be contrary to the key policy requirements.

Recommendations

66. It is recommended that planning permission is refused as it is contrary to the SPPS, Policies CTY1, CTY8, CTY13 and CTY14, CTY15 of PPS21, and Policy QD1 (a) of Planning Policy Statement 7.

Reasons for refusal

67. The following refusal reasons are recommended

- The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the Strategic Planning Policy Statement
Policy and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the public road.

- The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted, be a prominent feature in the landscape due to the inappropriate design of the proposed buildings. The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings would create a ribbon of development and would therefore further erode the rural character of the countryside.

- The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Annahilt and the surrounding countryside and result in urban sprawl.

- The proposal is contrary to Policy QD1 (a) of Planning Policy Statement 7 in that, if permitted, its design and layout is not based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
Lisburn & Castlereagh City Council

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<td>Kevin Maguire</td>
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<td>Recommendation</td>
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Summary of Recommendation

1. This is a local planning application that has been referred to the Planning Committee for determination in accordance with the Protocol of the Operation of the Planning Committee.

2. The application is presented to the Committee with a recommendation to refuse.

Description of Site and Surroundings

3. The site comprises a small parcel of land of approximately 0.234 hectares in size that is located adjacent to Dromore Road, Hillsborough. The site had previously been used as a petrol filling station, however all associated buildings have been removed and only hardstanding remain.

4. The site, as defined by the hardstanding is relatively flat and sits at the same level as the adjacent public road. Beyond the site to the north west, south west and north east ground levels fall sharply away. These boundaries are poorly defined, there is evidence of a wooden panel fence along the north east boundary, probably within the adjacent site, overgrown vegetation along the...
south western boundary and the roadside boundary (south east) is defined by 2 metre high metal security fencing.

5. The surrounding area is characterised by residential development of varying design, form and scale. To the north east are detached two storey Georgian style dwellings in Royal Park Avenue and Royal Park Lane, access to these dwellings is via the Moira Road. To the south west are a mix of detached and semi-detached dwellings in Ladyhill Court. To the south of the site, on the opposite side of Dromore Road, land levels rise away from the site.

6. Detached dwellings, a mix of traditional and modern design and varying materials are set back from the public road on this rising ground. To the rear of the site lands are undulating agricultural land with long distant views across the Lagan Valley. The A1 dual carriageway sits within, but is hidden from view by this landform. Further to the north east is the Hillsborough Castle Demesne.

Proposed Development

7. This application proposes 3 No. detached dwellings with associated site-works and landscaping. Dwelling finishes are to include clay facing brick, corbelled eaves detail and painted render panels. Roofs are a mixture of pitched and hipped design, concrete tiles and metal clad dormer windows. Windows and patio doors include uPVC framing with metal cladding/panel details and external doors are stained hardwood.

8. The application is accompanied by a Supporting Statement within which the Applicant seeks to demonstrate that the proposal is in accordance with planning policy and guidance.

Relevant Planning History

9. There are a number of planning histories that either wholly or partial include the site. These are detailed below:

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<tr>
<th>Application Reference</th>
<th>Description of Proposal and Address</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2005/1333/F</td>
<td>15 Residential Units – 16 Dromore Road</td>
<td>Approved 21/01/2008</td>
</tr>
<tr>
<td>S/2011/0523/F</td>
<td>24 Dwellings and Garages - Opposite 19-23 Dromore Road</td>
<td>Approved 17/10/2013</td>
</tr>
<tr>
<td>LA05/2016/1262/F</td>
<td>13 Dwellings – 14 Dromore Road</td>
<td>Approved 20/09/2017</td>
</tr>
</tbody>
</table>
Planning Policy Context

10. The relevant planning policy context which relates to the application is as follows:

- Lisburn Area Plan 2001
- Draft Belfast Metropolitan Area Plan (BMAP) 2015
- Strategic Planning Policy Statement (SPPS)
- Planning Policy Statement (PPS) 2 – Natural Heritage
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- PPS7: Quality Residential Environments
- PPS7 (Addendum): Safeguarding the Character of Established Residential Areas

Consultations

11. The following consultations were carried out.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport NI</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>NIEA Waste Management Unit</td>
<td>No objection subject to conditions</td>
</tr>
</tbody>
</table>

Representations

12. 35 letters of objections have been received to date, the issues raised include:

- Non-compliance with PPS 7 and PPS 7 Addendum;
- Scale, design and massing of development not in keeping with existing character of area;
- Density of proposal not in keeping with other developments in area;
- Set a precedent for other development in area;
- Footprints must greater than adjacent houses;
- The development would lead to amenity impacts and result in a direct line of sight into adjacent houses and associated amenity areas;
- Not in keeping with Hillsborough Conservation Area;
- Advised that no neighbour notification was received (No 17 and 17a);
- Resultant increase in traffic and inadequate number of parking spaces;
- Proximity to Local Landscape Policy Area;
- Flood risk within the site;
- Impact on Councils tourist plan for area.
Consideration and Assessment

13. The main issues to consider in the determination of this planning application are:

- Development Plan
- Principle of Development
- Quality Residential Environments
- Access, Movement and Parking
- Contamination issues
- Natural Heritage Interests

Development Plan

14. 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.

15. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan 2015 had, in its entirety not been lawfully adopted. As a consequence of this decision, the application must now be assessed in accordance with the Lisburn Area Plan 2001 (LAP) as the statutory plan. However, draft BMAP and its policy considerations remains a material consideration.

16. The application site is identified in LAP 2001 as being within the settlement limit of Hillsborough, its status remains the same in the emerging draft BMAP.

17. An important consideration is that this site has previously formed lands upon which planning approval for housing development has been granted. Additionally the site is located adjacent to zoned housing land within the emerging draft BMAP (Zoning HH05/02 & HH/04/03).

18. The Planning Appeals Commission (PAC) report on objections to draft BMAP notes a representation relating to the former petrol filling station (this current application site). That representation advised that there was no intention to retain or re-open the petrol station facility and that the site should be included within the surrounding housing zonings. The PAC agreed and considered ‘that any basis for retaining the site as whiteland has now gone’.

Principle of Development

19. The Strategic Planning Policy Statement (SPPS), published in September 2015, indicates that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply.
20. Paragraph 3.8 of the SPPS indicates 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.

21. 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.

22. It is therefore contended that the principle of development at this site is acceptable, subject to compliance with all other relevant material planning considerations.

Quality Residential Environments


24. Policy QD1 of PPS7 is the key policy test. It states that planning permission will only be granted for new residential development where it is demonstrated it will create a quality and sustainable residential environment. QD1 also directs that the design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. All proposals for residential development will be expected to conform to the following criteria;

25. **Policy QD1(a) – the development respects the surrounding context 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:** This proposal involves the redevelopment of a small area of land to provide 3 dwellings and an access from Dromore Road that runs through the middle of the site. Two of the proposed dwellings are located to the east side of that access, the other is located to the west side. Despite the constrained area of the site and the size of the dwellings proposed, in terms of their footprint, the 3 dwellings are not considered inappropriate to this site in terms of layout, scale, massing and appearance with one another.

26. The proposal does not however respect the surrounding context within which the dwellings are to be sited. As was described in Paragraph 4 above, ground levels fall away to all sides of this site, with the exception of the site’s southern boundary that is level with the adjacent Dromore Road. As such this site can be described as a small plateau of land to the north side of the public road where all other lands on that side of the road and to either side of the site fall away in a northerly direction. Those lands, either side of this plateau have either been developed with residential schemes, or have extant planning approvals for such development.
27. As such, it is contended that the proposal does not respect the surrounding context because it sits considerably higher than those other developments and, due to the size constraint of the site, the proposed dwellings will sit much closer to Dromore Road than those other developments. Again this is out of context with its surroundings. Additionally the existing dwellings opposite the site, on the south side of Dromore Road are set considerably further back from the road than this proposal. It is contended this proposal is at odds with this criteria of QD1 as it fails to respect the surrounding context of development.

28. **Policy QD1(c)** – adequate provision should be made for private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area. In terms of private open space this proposal more than adequately provides such space to each of the dwellings. It should however be noted that the layout of this development will require a significant amount of 2 metre high walling around the rear of Site 2 to enable its amenity space to remain private when viewed from the access road adjacent to it. No significant landscaping is to be provided to the roadside boundary of the site, due to the forward position of Sites 1 and 2, this is an element of the adjacent and built approvals that is provided to integrate these schemes. No significant landscaping has been provided along the north east boundary with the adjacent approval, it relies on the provision of a 2 metre wooden fence instead. What landscaping has been provided to this boundary is positioned to the rear of approved garages within the adjacent approval rather than in the critical positions between the back of those approved dwellings and the rear and side of dwellings on Sites 1 and 3 of this proposal.

29. It is therefore contended this proposal is at odds with this criteria of QD1 as it fails to integrate the development into the surrounding area.

30. **Policy QD1(h)** – the design and layout will not create conflict with adjacent 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. The ground levels of this site and the proposed height of the dwellings will be in conflict with the approved properties adjacent to the north east. The dwelling proposed on Site 1 will sit at a ground level that is approximately 2 metres higher than the finished floor level of those approved dwellings (Sites 1 and 2) to its north east. This is compounded by the proposed height of the dwelling which is 10 metres in height, or 9 metres where it is closest to those adjacent approvals. The ground level difference between the two sites when combined with the height of the proposed dwelling on Site 1 will result in a massing of between 11 and 12 metres in height to the rear of the approved dwellings. Similarly the dwelling proposed on Site 3 has a ground level that is also 2 metres higher than the finished floor levels of approved dwellings (Sites 3 and 4) to its north east. The height of the proposed dwelling is also 10 metres, thus if approved it will result in a dwelling that sits 12 metres above the finished ground floor level of the approved dwellings.
31. The proposed dwellings on Sites 1 and 3 are set three (3) and seven (7) metres respectively from the common boundary with those approved dwellings to the north east. It should be noted that the approved dwellings sit 10 metres back from the same boundary. ‘Creating Places’ offers guidance to Developers, their Agents and Council Planning Officers on measures to achieve quality in residential developments. Paragraph 7.15 of that guidance document states; ‘on green-field sites and in low-density developments (which this is), good practice indicates that a separation distance of around 20 metres or greater between opposing rear first floor windows of new houses is generally acceptable’. Whilst the proposal on the approved neighbouring site has achieved half of this separation requirement (10 metres to the common boundary), this proposal has fallen short, particularly with regard to Site 3. It could be argued Site 1 is not applicable as it sits side on to those approved dwellings.

32. However, given the scale, massing, the difference in site levels and the reduce separation distance to the approved dwellings it is contended this proposal will result in unacceptable overlooking, a loss of light and overshadowing to the dwellings already approved. It is contended the proposal is not in accordance with this criteria of QD1.

33. The Addendum to PPS 7: Safeguarding the Character of Established Residential Areas is also applicable. The primary purpose of the addendum is to reinforce existing planning policy on housing within urban areas by introducing additional provisions to protect areas of established residential character, environmental quality and local amenity. The key consideration is to continue to ensure that new residential schemes are sensitive in design terms to people living in existing neighbourhoods and are in harmony with the local character of established residential areas, villages and smaller settlements.

34. Policy LC1 of the addendum seeks to protect Local Character, Environmental Quality and Residential Amenity. In addition to the need for a proposal to fulfil the requirements of Policy QD1, the addendum requires that the pattern of development is in keeping with the overall character and environmental quality of the established residential area. This proposal is situated along the frontage of Dromore Road and it is contended that it is not in accordance with the overall character of this part of Hillsborough, as has been discussed in the paragraphs above.

**Access, Movement and Car Parking**

35. Planning Policy Statement 3 – Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government’s commitment to the provision of a modern, safe, sustainable transport system.

36. Policy AMP1 – Creating an Accessible Environment aims to create an accessible environment for everyone. Transport NI were consulted in relation to this proposal and are satisfied the proposed internal layout of this development
provides a safe and convenient road system. It is therefore contended that the proposal as presented is compliant with this policy.

37. Policy AMP 2 – Access to Public Roads requires proposals to demonstrate that any direct access or intensification of an existing access would not prejudice road safety or significantly inconvenience the flow of traffic. In addition the development must ensure that it does not conflict with Policy AMP 3 Access to Protected Routes. Transport NI have been consulted and have advised that following request for additional details the current plans as proposed would not prejudice road safety and would therefore have no objections.

38. Policy AMP7 – Car Parking and Servicing Arrangements requires proposals to provide adequate provision for car parking and appropriate servicing arrangements. Transport NI are satisfied the proposal incorporates adequate parking provision for each dwelling and it is therefore contended the proposal as presented is compliant with this policy.

Contamination issues

39. The previous use of the site comprised of a petrol filling station and car wash both of which had the potential to have caused contamination of the site. Environmental Health were consulted and advised that the site needed to be subject to a detailed investigation to establish its suitability for the proposed end use. In this regard a Preliminary and Quantitative Risk Assessment was submitted in support of the application. This has identified works undertaken at the site which significantly reduced the contaminant loading and associated groundwater risks at the site. Both Environmental Health and NIEA Waste Management have been consulted on this submission and have not raised any further objections to the proposal subject to conditions outlined.

Natural Heritage Interests

40. PPS 2 – Natural Heritage, sets out the planning polices for the conservation, protection and enhancement of our natural heritage.

41. The site comprises of an infilled piece of ground which had formally been used as a petrol filling station and car wash. The majority of this hard standing remains and there is relatively weak natural boundaries surrounding the site, with a number of small trees and other vegetation along the south western boundary. A visual assessment of the site did not indicate any clear evidence for areas suitable for the roosting and breeding of bats or indication that badgers are active on the site and no information has been received to the contrary. Overall, it is considered that the biodiversity potential for the site is relatively low.

Consideration of Representations

42. A total of 35 objection letters have been received in relation to the proposal. The issues raised by way of third party representation are set out below:
Non-compliance with PPS 7 and PPS 7 Addendum

43. The application has been assessed against these policies and it has been determined that the proposal would not be in keeping with the provisions outlined.

Scale, design and massing of development not in keeping with existing character of area

44. A number of the objections note that the houses are modern in appearance and in addition do not propose the use of materials or finishes sympathetic to other development in the immediate area. In addition some objections raise the issue of the ridge height, particularly of the front two dwellings and the relationship with the road, and that the dwellings should be set back in accordance with established building line. Whilst it is considered that a building line is not clearly defined along the north side of the Dromore Road, this is a valid issue. Previous approvals now built (Royal Park and Ladyhill Court), the extant approvals to the east and west sides of the site and the dwellings to the south side of the road include acceptable set back distances and to which this proposal should, but doesn’t, conform. In terms of the design elements proposed it is noted that dwellings in the area are a mix of architectural styles with both traditional and modern materials. The dwellings proposed with this application would not be incongruous in this regard. However, as has been detailed above there are some concerns over the visual impact on the character of the area caused by the relative height of the dwellings in proximity to the carriageway and extant permissions to either side of the site. It is considered that this relationship is not replicated in other developments in the area and has the potential to be overbearing and dominant.

Density of proposal not in keeping with other developments in area

45. There is a mix of layouts and densities of residential development in the area and it is not considered that this development would be incompatible.

Set a precedent for other development in area

46. This comment relates specifically to an earlier element of this proposal that included an apartment development which has now been removed from this application and therefore is no longer an issue.

Footprints must greater than adjacent houses

47. The average footprints of the proposed dwellings measure approximately 96 square metres, this is not dissimilar to existing dwellings or those approved but yet to be built.
The development would lead to amenity impacts and result in a direct line of sight into adjacent houses and associated amenity areas

48. The development is unlikely to detrimentally impact on dwellings to its south on the other side of the public road. However, and as detailed above, with the design and layout of this proposal there is significant potential to impact on the amenity of proposed development adjacent and dwellings within the development itself. Issues relating to overlooking from roof terraces are now not applicable due to the removal of the apartment element from this scheme.

Not in keeping with Hillsborough Conservation Area

49. The proposed development is located approximately 200 metres to the west of the Conservation Area boundary and therefore the related policies outlined in the LDP, SPPS and PPS 6 would not be applicable in this case.

Advised that no neighbour notification was received

50. This has been checked and records indicate that letters had been issued to the 2 addresses concerned.

Resultant increase in traffic and inadequate number of parking spaces;

51. Transport NI have been consulted on the amended scheme and have no objections to the proposals subject to conditions. An objection has highlighted the need to ensure 30mph speed limit area is expanded however this would be outside the remit of this planning application.

Proximity to Local Landscape Policy Area

52. There are a number of LLPAs identified in draft BMAP 2015 which are within the immediate area of the application site, however this is still approximately 70 metres from the closest part of this designation. Policy ENV 3 of the draft plan advises that where proposals adjoin a designated LLPA, a landscape buffer may be required to protect the environmental quality of the LLPA. In this case it is noted that the site does not adjoin the LLPA and is therefore unlikely to be affected.

Flood risk within the site

53. The Flood Maps published by Rivers Agency indicates that the proposed site is located outside the identified floodplain nor is it prone to surface water flooding, therefore a Flood Risk Assessment is not required. In addition, the development does not exceed the threshold outlined in Policy FLD3 requiring a Drainage Assessment to be submitted.

Impact on Council’s tourist plan for area

54. There is no evidence provided that the development would impact on any tourist plans for the Hillsborough Area.
Conclusions

55. Based on careful consideration of all material considerations, it is contended that the proposal would impact on the character of the established residential area in relation to its siting relative to Dromore Road. The height and massing of the buildings proposed would detrimentally impact the residential amenity of approved dwellings on an adjacent site and between dwellings within this development. In addition, the landscaping information provided does not include adequate details to be able to make a full assessment of the proposal.

Recommendation

56. It is recommended that planning permission is refused as it is contrary to Policies QD1 (a), (c), (h) of Planning Policy Statement 7 and Policy LC1 (b) of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas.

Reasons for refusal

57. The following reasons are recommended.

- The proposal is contrary to Policy QD1 (a) of Planning Policy Statement 7, ‘Quality Residential Environments’, as the development does not respect the surrounding context and is inappropriate to the character of the site in terms of layout, scale, massing and appearance of the buildings proposed.

- The proposal is contrary to Policy QD1 (c) of Planning Policy Statement 7, ‘Quality Residential Environments’, as it has not been demonstrated that adequate landscaping has been provided along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

- The proposal is contrary to Policy QD1 (h) of Planning Policy Statement 7, ‘Quality Residential Environments’, in that the proposal would be harmful to the living conditions of residents of proposed dwellings through dominance and overlooking, resulting in a loss of residential amenity.

- The proposal is contrary to Policy LC1 of the Addendum to Planning Policy Statement 7, as the pattern of development will not be in keeping with the overall character and environmental quality of the established residential area.
Summary of Recommendation

1. This is a local application. The application has been referred to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee.

2. This application is presented to the Committee with a recommendation to approve.

Description of Site and Surroundings

3. The proposed site is located to the east of Lisnabreeny Road, Belfast. The proposed site is mainly agricultural in nature and partly a hard surfaced car parking area which serves Armstrong Meats. The proposed site is bounded by a 2m high post and wire fence and a mixed hedgerow.

4. To the north and adjoining the proposed site is No. 64 a Armstrong Meats (a meat processing and packaging plant) and beyond this No. 64 Lisnabreeny Road a single storey dwelling. Access to the application site is directly from...
Lisnabreeny Road via the existing access serving Armstrong Meats. The topography of the site slopes downwards in a southerly direction.

### Proposed Development

5. Outline planning permission is sought for a new dwelling and garage.

### Relevant Planning History

6. The relevant planning history is as follows:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Address &amp; Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y/2010/0450/F</td>
<td>64A Lisnabreeny Road, Castlereagh - Erection of farm/coffee shop in association with existing meat factory</td>
<td>Withdrawn 26.09.2011</td>
</tr>
<tr>
<td>Y/2011/0389/F</td>
<td>64A Lisnabreeny Road, Castlereagh - Erection of a single storey extension to existing business enterprise to provide improved staff facilities and prepacked stock storage area and environmental improvements to site</td>
<td>Permission Granted 28/03/2017</td>
</tr>
<tr>
<td>Y/2014/0344/A</td>
<td>64A Lisnabreeny Road, Castlereagh - Advertising board erected on 4 poles 2.4M high</td>
<td>Permission Granted 19.02.2015</td>
</tr>
<tr>
<td>Y/2014/0349/F</td>
<td>64A Lisnabreeny Road, Castlereagh - Amended access &amp; parking &amp; landscaping to business (non-compliance of conditions 2,5,8 of Y/2011/0389/F)</td>
<td>Permission Granted 11.05.2015</td>
</tr>
<tr>
<td>Y/2014/0350/F</td>
<td>64A Lisnabreeny Road, Castlereagh - Minor extension to curtilage of existing factory to facilitate installation of LPG tank</td>
<td>Permission Granted 30.03.2015</td>
</tr>
</tbody>
</table>

### Planning Policy Context

7. The relevant planning policy context which relates to the application is as follows:

- Regional Development Strategy 2035
- Strategic Planning Policy for Northern Ireland (SPPS): Planning for Sustainable Development
- Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
- Planning Policy Statement 3 (Clarification): Access, Movement and Parking
8. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport NI</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection in principle.</td>
</tr>
<tr>
<td>HED Historic Monuments</td>
<td>Content with the proposal</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections subject to informatives</td>
</tr>
</tbody>
</table>

9. A number of representations have been received (from the same Agent/Individual) in respect of this application. The following issues were raised:

- Inaccuracies in information submitted with the application. Impact regarding third party land, has the correct ownership certificate been completed
- Proposal contrary to the SPPS, Policy CTY1 and CTY8 of PPS21 and is not an exception
- Potential prejudice to an existing access (No. 66 & No. 68 Lisnabreeny Road)
- No P1C form submitted
- No site specific need
- Retirement is not a valid nor sound reason to constitute need for a further dwelling under Policy CTY 7

10. The main issues to consider in the determination of this planning application are:

- Local Development Plan
- Principle of Development
- Sustainable Development in the Countryside
- Site specific need
- Integration and design of buildings in the Countryside
- Ribbon Development
- Rural Character
- Access, Movement and Parking
- Archaeology and Built Heritage

11. 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.

12. The adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued on 18th May 2017. A recent consideration by the Planning Appeals Commission (PAC) notes its current thinking in relation to this matter. The PAC concluded that the LDP preceding BMAP, in its draft form is applicable, therefore in this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remains a material consideration.

13. The application site is identified in Belfast Urban Area Plan 2001 as being beyond any defined settlement limit and within the open countryside. The site remains outside any settlement limit defined within the draft Belfast Metropolitan Area Plan.

**Principle of Development**

14. The Strategic Planning Policy Statement (SPPS) states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

15. The SPPS indicates 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.

16. 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.

**Sustainable Development in the Countryside**

17. Given this proposals rural location as defined by the BUAP 2001 and Draft BMAP (2004), Planning Policy Statement 21 – Sustainable Development in the Countryside is applicable to its consideration.

18. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside.

19. Policy CTY 1 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. One of these is the
development under CTY 7 namely ‘Dwellings for Non Agricultural Business Enterprises’.

20. Policy CTY 7 – Dwellings for Non-Agricultural Business Enterprises states that planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprises where a site specific need can be clearly demonstrated that makes it essential for one of the firm’s employees to live at the site of their work.

**Site Specific need**

21. During the processing of the application additional information was requested in the form of an amended site layout/landscaping plan and supporting information in relation to the background of the existing business profile. A synopsis of the supporting information submitted with this application is detailed below.

- Armstrong Meats is a local longstanding indigenous family run business enterprise which is involved in the wholesale supply of meat, poultry and other associated products to the catering and retail trade. The Armstrong family have been involved in farming for generations but the company business model was realigned in the 1980’s to the wholesale supplying of meat, poultry etc. The business realignment also led the company to establish Coffeys High Class Butchers to sell their own products to the public. As a result, Coffey Butchers has two retail establishments, one on the Lisburn Road and another in Finaghy.

- Armstrong Meats currently operates from its EEC approved premises at Lisnabreeny Road wherein the meat processing and packaging operations are undertaken for onward supply to the catering and retail trade. Traceability of meat is a significant and fundamental aspect in meat processing and wholesale supply to the food chain and as such Armstrong Meats receives its uncut meat/carcasses from a strong network of local producers. However the Company also receives meat products from producers in both Scotland and the Netherlands via 40-50 separate shipments per week. Such shipments of meat are delivered to the Company outside normal working hours (6am-6pm).

- In respect of its organisational structure, Mr Armstrong Senior is the Managing Director of Armstrong Meats. Mr Armstrong is retiring from the business and his son Mr George Armstrong will assume the duties of Managing Director of the Company. Mr Armstrong Seniors other two sons will remain in their position as Directors of the Company, all have equal voting rights. Mr Armstrong Senior lives at 64 Lisnabreeny Road, (immediately adjacent to the premises) and will continue to do so following his retirement. Mr George Armstrong lives in Killinchy. Living adjacent to the premises has ensured that Mr Armstrong is always immediately available to received and process all shipments of meat outside normal working hours and to address any system failures (refrigeration) which occur outside of normal working hours. As the product ultimately ends up
in the food chain, immediate intervention to address any non performing matter in the operation is required and not only to ensure the quality and integrity of the product to the food chain, but also to ensure that the operation fully complies with the EEC guidance in respect of its systems and processes which directs how the business must operate. Failure to meet the requirements laid down in the EEC legislative provisions may lead to the closure of premises/businesses because it may have endangered the public. As such proximity to the premises is a fundamental requirement to the operation of the business.

- Armstrong Meats currently employs 28 people (excluding the company directors) a figure which has increased by 20% since 2015. Approximately 65% of the current workforce live within the Lisburn and Castlereagh City Council area. Armstrong Meats turnover has increased year after year and during the last five years from £3,402,540 in 2012/13 to £3605,391 in respect of the last financial trading year. There has been a 5% increase in its local customer and commercial trading base across Northern Ireland during the past two years during which time the Company has also grown its exports to the UK and Republic of Ireland markets by approx. 7.5%.

- Mr George Armstrong (the applicant) will become upon the retirement of Mr Armstrong Senior, the company’s EEC/Approved qualified person with sole legal responsibility to manage compliance and governance in respect of the company’s operating practices in order to ensure that the quality of the food product and its integrity is protected as to meet stringent EEC standard and controls given importantly that the end product will enter the food chain for human consumption.

- In accordance with Article 18 of General Food Law Regulations (EC) 178/2002, it is the statutory duty solely of the company’s EEC/Approved qualified person to confirm the traceability of food products at the point of receipt/delivery to the facility and latterly throughout the production, processing and distribution stages. Traceability required the facility to know the supplier from which a batch of raw material has been purchased and the customer of a batch of finished products to whom the product is sold. This ensures that if significant food safety concerns arise, the food can be tracked backwards or forwards through the food chain. No person therefore in the Company apart from the managing director being the named EEC/Approved qualified person, possesses the statutory authority and bears the statutory responsibility of ensuring that the Company and its product is fit for human consumption and free from contamination at every stage of its process to the point at which it enters the food chain.

- In addition the statutory responsibility which is wholly places upon the applicant as managing director is also appropriate Hazard Analysis and Critical Control Point (HACCP) certified person within the Company. Implementing a HACCP system requires that both Prerequisite Programs and HACCP plans are implemented. Prerequisite programs are programs that are put in place in the facility to control hazards in the environment to prevent contamination of the food product at every stage of the food
processing chain. In addition to this and in a local food governance and compliance context the applicant as Managing Director is the named ‘legally responsible person’ in respect of delivering Company compliance with DARDs own systems and processes in respect of food processing and the safety of products entering the food chain for human consumption. Failure to meet DARD’s compliance standards renders the ‘legally responsible person’ individually and personally liable for prosecution. To place the onus on another would in the opinion of the applicant be detrimental to the future commercial integrity management and operation of the company. There exists a personal and commercial liability upon Mr Armstrong as Managing Director to ensure Armstrong Meats continues to operate in a safe and timely manner in respect of its integrity both an employer and as a supplier of a product which is ultimately being entered into the food chain for human consumption.

22. It is contended that the assessment of working practices as outlined above would support a dwelling and a site specific need has been demonstrated that makes it essential for an employee of the business to live at the proposed site.

23. It is considered that the evidence given by way of supporting statement is site specific and demonstrates the proposed development is essential in this rural location and could not be located in a settlement. It is therefore acceptable in principle in the countryside and meets the policy tests of Policy CTY 7 in that the proposal is for a dwelling to meet the essential needs of a non-agricultural business enterprise.

24. It is evident from the information submitted that it is essential for one of the firm’s employees to live at the site of their work. Policy CTY 7 directs that where such a need is accepted, the dwelling house will need to be located beside, or within the boundaries of the business enterprise and integrate with the buildings on the site.

27. It is considered that the proposal complies with this policy test in that the dwelling house is located beside the business enterprise and would integrate with the buildings on the site. Furthermore the proposed dwelling is accessed via an existing entrance. The existing buildings on the site at Lisnabreeny Meats and No. 64 Lisnabreeny Road are low level road side buildings.

28. It follows that, as the proposal meets Policy CTY 7, then the proposal would fall within one of the accepted forms of development permitted by Policy CTY1. In line with policy CTY 7 a condition restricting occupation of the dwelling for the use of the business is recommended.

Integration and Design of Buildings in the Countryside

29. Policy CTY 13 - Integration and Design of Buildings in the Countryside states
that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

30. It is considered that a proposed single storey dwelling on this site would not be a prominent feature in the landscape as it would be located beside and accessed through the existing access to Lisnabreeny Meats. A proposed building on this site would be read in conjunction with the existing established buildings to the north and adjoining the proposed site.

31. The topography of the proposed site also slopes slightly downwards in a southerly direction so the proposed dwelling would be located on slightly lower ground to the existing buildings to the north.

32. A comprehensive landscaping plan has been submitted with the proposal detailing the retention and augmentation of the existing hedgerow along the Lisnabreeny Road and laneway to the south of the proposed site and new boundary hedging. The proposed site is therefore able to provide a suitable degree of enclosure for the building to integrate into the landscape.

**Ribbon Development**

33. Policy CTY 8 – Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.

34. There are two buildings located to the north of the site. No. 64 and 64a Lisnabreeny Road no building exists to the south. No. 64 and 68 Lisnabreeny Road are located along an existing laneway located to the south of the proposed site and are well set back from the road.

35. Ribboning is not a category of development that can be defined by numbers. In this case, the agent has produced a design solution to integrate the new building into the landscape, and there are exceptional circumstances for a dwelling to be located on this site. A condition restricting the height of the proposed dwelling to 5.4m will ensure that the dwelling is not a prominent feature in the landscape. Furthermore, the existing vegetation and topography of the land will assist with the integration of a building on this site. It is contended that the introduction of a dwelling on this site would not result in ribbon development.

36. Another consideration in the determination of this application is that the proposal would also be accessed via the existing access serving Armstrong Meats and would read as ancillary to the existing buildings located adjoining the proposed site. The proposal would not cause demonstrable harm to interests
of acknowledged importance and as such provision should be made for this new dwelling in connection with this established non-agricultural business enterprise.

**Rural Character**

37. Policy CTY 14 - Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

38. It is considered that the proposal would not be unduly prominent in the landscape or result in a sub-urban style of build-up given the pattern of development already exhibited within the surrounding area, it would respect this. The proposed dwelling will be read in conjunction with the existing buildings associated with the business. It is proposed to be of low elevation and due to the topography and presence of vegetation it will not have a negative impact on the character of the area.

39. It is contended that the proposal meets the policy test associated with CTY 14.

**Access, Movement and Parking**

40. Planning Policy Statement 3 – Access, Movement and Parking sets out policies to ensure that any new development does not create a traffic hazard.

41. Transport NI (TNI) in its consultation response offer no objection to this development proposal subject to standard conditions. It is therefore contended that the proposed development will not create a traffic hazard.

**Archaeology and Built Heritage**

42. PPS 6 – Planning, Archaeology and the Built Heritage sets out the Departments planning policies for the protection and conservation of archaeological remains and features of the built heritage.

43. Policy BH2 – The protection of Archaeological remains of Local Importance and their settings states that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the values of the remains in question.

44. The application site is over 100m from the site of a destroyed Rath 9DOW 009:018). This monument is of local importance and is protected by Policy BH2 of PPS 6.
45. Historic Environment Division: Historic Monuments has considered the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

**Assessment of Representations**

46. An assessment of concerns expressed by way of third party representation are set out below.

Inaccuracies in information submitted with the application/Landownership

47. There is sufficient information provided to make an informed assessment on the application and the information submitted meets policy requirements. The Council is satisfied with the accuracy of the ownership certificate. There is sufficient information provided to make an informed assessment on the application and the information submitted meets policy requirements. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Proposal contrary to the SPPS and CTY 1 and is not an exception

48. The application has been considered against the relevant policy tests and material considerations including all representations/objections and consultee responses and is policy compliant.

Potential prejudice to an existing access (No. 66 & No. 68 Lisnabreeny Road)

49. TransportNI have been consulted on the application and have no objections subject to conditions. The proposal is policy compliant with PPS 3 Access Movement and Parking

No P1C form submitted

50. A P1C is not required with this application as is not for a dwelling on a farm.

No site specific need. Retirement is not a valid nor sound reason to constitute need for a further dwelling under CTY 7

51. Policy CTY 7 makes no provision for an additional dwelling to facilitate retirement of an employee or proprietor of a business however the supporting information does establish there is a site specific need for a further dwelling in accordance with Policy CTY 7.

Proposal represents Ribbon development

52. The proposed development is not considered to constitute ribbon development due to the topography of the land and the vegetation along boundaries. A dwelling of low elevation would sit comfortably on the site and not result in ribbon development.
53. A recommendation in respect of this application had been placed on the weekly list of delegated applications for consideration by Members and following the acceptance of a request for the application to be Called In, a further representation was received on 3 October 2017. The following additional issues were raised:

- The planning officer has not adequately interrogated the applicant's planning statement;
- Policy CTY 8 has not been considered adequately;
- Evidence in relation to policy CTY 7 is inadequate;
- Accepting the rationale in relation to number of shipments as a site specific need for this dwelling is a dangerous precedent to set;
- Appeal examples cited in previous correspondence has not been taken into consideration.

54. The issues raised in this further letter of objection have been considered.

55. It is contended that the evidence submitted to demonstrate a site specific need for a dwelling at this location based on the needs of the established business is adequate to meet the policy requirements of Policy CTY 7. The assessment and conclusion reached in this regard is a matter of planning judgement taking into account the merits of the case and indeed the specific business to which the application relates.

56. In terms of Policy CTY 8, the reports assessment does adequately demonstrated that a dwelling at this location will not result in ribbon development due to the unique characteristics of the site. Furthermore, it is recommended that a condition restricting the proposed ridge height be associated with the approval along with one that will ensure the provision, establishment and maintenance of screening to the site.

57. The issue of precedent is not one that can be given determining weight. Each planning application is assessed on its own merits taking into account all material considerations. In this case, the proposal meets the stringent policy tests and if approved, an occupancy condition will be added to ensure the proposed dwelling is only occupied by a formal member of the business in accordance with policy.

58. The cited appeal examples are noted however, it is contended that they do not ‘sit on all fours’ with this particular application. As stated previously, each application is considered on its own merits.

59. In light of the above consideration, it is contended that the various issues raised by way of third party representation cannot be given determining weight in the assessment of this application.

**Conclusions**
60. Having considered the nature of the proposal against all the relevant planning policies and material considerations including representations/objections and consultation responses, it is considered that the application satisfies the relevant policy tests set out primarily those in PPS21 and is policy compliant.

61. It is contended that the proposal would not cause demonstrable harm to interests of acknowledged importance.

**Recommendation**

62. It is recommended that planning permission is approved.

**Conditions**

63. The following conditions are recommended.

- As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:
  (i) the expiration of 5 years from the date of this permission; or
  (ii) the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

  **Reason:** Time Limit

- Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matter"), shall be obtained from the Council, in writing, before any development is commenced.

  **Reason:** To enable the Council to consider in detail the proposed development of the site.

- A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

  **Reason:** To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

  **Reason:** To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays 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.

- The ridge height of the dwelling shall not exceed 5.4 metres from the finished floor level and under-building shall not exceed 0.35m at any point above the existing ground level. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.

  **Reason:** To ensure the development is prominent in the landscape.

- The existing natural screenings of this site shall be retained.

  **Reason:** To ensure the provision, establishment and maintenance of screening to the site.

- No development shall take place until there has been submitted to and approved by the Planning Authority a comprehensive landscaping scheme. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. 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.

  **Reason:** To ensure the development integrates into the countryside to ensure the maintenance of screening to the site.

- The dwelling hereby permitted shall be occupied only by a person solely employed by the business Armstrong Meats located at No. 64a Lisnabreeny Road, Belfast and any resident dependents

  **Reason:** The site is located in the rural area where it is the policy of the Councils to restrict development and the planning permission hereby granted, solely because of the applicant's special circumstances.
Capacity Building Study Visit - Planning
Date for Your Diary

The All Island Local Authority Forum, co-funded by DFC NI and DHPLG, is facilitating a Capacity Building Study Visit to Roscommon County Council on

Thursday 23rd November 2017

Objective of the Study Visit:
The main purpose of the study visit will be to explore and discuss key issues such as the following:

- The administrative and political context for effective planning delivery in ROI
- The role of Elected Members in the planning process
- Potential for Conflict of interest in the decision-making process
- Local Area Plans – effective consultation
- Barriers to implementation
- Recent developments

Who Should Attend:
Chief Executives and Senior Planning Staff from Local Authorities across Northern Ireland, together with Elected Members and representatives from DFC & DFI NI.

To register for this capacity building study visit:
Please email your name, organisation and title/position to Carol Dunbar at Co-operation Ireland – cdunbar@cooperationireland.org

Programme Details:
Full programme details are attached.

There is no fee for attending this visit.
All-Island Local Authority Forum

Local Government Planning
Capacity Building Visit to Roscommon County Council
Thursday 23rd November 2017

10am:  
Tea / Coffee & Registration
Introductions

10.30 – 11.15:  
Planning Context:
- NDP – RPGs – Core/Retail Strategies
- CDP Process
- Settlement Strategy Implications
- Role of Elected Members in the planning process – from lobbyist to decision-maker
- Conflict of Interest in the Decision-Making Process

11.15 – 11.30  
Local Area Plans – why?
- Consultation – a task or a productive exercise?

11.30 – 12.00  
Barriers to implementation
- Judicial review
- An Bord Pleanála
- Part VIII
- Political Resistance
- Local Activists

12.00 – 1.00  
Recent Developments
- NPF
- RSES
- Community Planning
- Town & Village Renewal
- Rural Guidelines

1.00 – 2.00pm:  
Lunch

www.cooperationireland.org
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI - EASTERN DIVISION

(Lisburn & Castlereagh) Council Area

ADOPTION OF STREETS UNDER THE PRIVATE STREETS (NI) ORDER 1980
AS AMENDED BY THE PRIVATE STREETS (AMENDMENT) (NI) ORDER 1992

DECLARATION

Ballantine Gardens, 270.0 Linear metres of traditional carriageway with associated footways and
Hillhall Road inc roundabout.
R'about -

WHEREAS the street described above has been provided, satisfactorily completed and maintained for the usual period and the Department being satisfied that the street is in all respects fit and proper to become a public road.

NOW THEREFORE the Department in exercise of the powers conferred on it by the Order hereby declares the street to be a public road.

See drawing reference (S/2005/0440)

Preliminary Certificate Issued NA
Final Certificate Issued 15th September 2017

Signed

Engineer

Authorised Officer
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI – EASTERN DIVISION

Lisburn and Castlereagh Council Area

ADOPTION OF STREETS UNDER THE PRIVATE STREETS (NI) ORDER 1980
AS AMENDED BY THE PRIVATE STREETS (AMENDMENT) (NI) ORDER 1992

DECLARATION

BELSIZE MEADOW - 189 linear metres of traditional carriageway with associated footway (Belsize Road to house No.25)
BELSIZE CRESCENT - 125.2 linear metres of shared surface carriageway with associated service strip and 80.5m² of lay-by parking (Belsize Meadows to house No 12)
BELSIZE CRESCENT - 7.5 linear metres of traditional carriageway with associated footway (junction Belsize Meadows)
BELSIZE ROAD - 100 linear metres of footway widening and sightline (fronting Belsize Meadows)

WHEREAS the street described above has been provided, satisfactorily completed and maintained for the usual period and the Department being satisfied that the street is in all respects fit and proper to become a public road.

NOW THEREFORE the Department in exercise of the powers conferred on it by the Order hereby declares the street to be a public road.

Refer to attached map for layout of adopted areas

Preliminary Certificate Issued N/A
Final Certificate Issued 29th September 2017

Signed

Engineer

Authorised Officer
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI - EASTERN DIVISION

(Lisburn & Castlereagh) Council Area

ADOPTION OF STREETS UNDER THE PRIVATE STREETS (NI) ORDER 1980
AS AMENDED BY THE PRIVATE STREETS (AMENDMENT) (NI) ORDER 1992

DECLARATION

Linen Wood - 87.0 Linear metres of traditional carriageway with associated footways and turning head.

311.0m² of communal parking.

WHEREAS the street described above has been provided, satisfactorily completed and maintained for the usual period and the Department being satisfied that the street is in all respects fit and proper to become a public road.

NOW THEREFORE the Department in exercise of the powers conferred on it by the Order hereby declares the street to be a public road.

See drawing reference (0615/RB01)

Preliminary Certificate Issued 17 October 2011

Signed Engineer

Final Certificate Issued 15th September 2017

Signed Authorised Officer
OS PLAN: 216510NE3

Premier
BUILDING DESIGN
Chartered Architectural Technologists
First Floor, Unit 3, Wallace Studios
27 Wallace Avenue, Lisburn
BT27 4AE

Tel: (028) 92 660 776
Fax: (028) 92 834 977

Proposed Date
PROPOSED HOUSING DEVELOPMENT
AT B456 WOODLAND PARK,
LISBURN, BT26 1LQ

Drawing Title
ROAD BOND MAP

Client
S & A MACGOWAN

Drawing No
0515/BD01

Scale
1:1250
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI - EASTERN DIVISION

(Lisburn & Castlereagh) Council Area

ADOPTION OF STREETS UNDER THE PRIVATE STREETS (NI) ORDER 1980
AS AMENDED BY THE PRIVATE STREETS (AMENDMENT) (NI) ORDER 1992

DECLARATION

Kings Oak - 100 Linear metres of traditional carriageway.

170 Linear metres of shared surface carriageway and associated turning heads.

20 Linear meters of new footway on the Kesh Road

50m² of grass verge.

WHEREAS the street described above has been provided, satisfactorily completed and maintained for the usual period and the Department being satisfied that the street is in all respects fit and proper to become a public road.

NOW THEREFORE the Department in exercise of the powers conferred on it by the Order hereby declares the street to be a public road.

See drawing reference (B-01 Rev B)

Preliminary Certificate Issued 4 July 2016

Final Certificate Issued 17 October 2014

Signed

Engineer

Authorised Officer
Planning Policy Division

To: Heads of Planning

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB
Tel: 028 9054 0636
10 October 2017

RE: CONSERVATION AREAS - POWERS TO VARY OR CANCEL

You will recall that the issue of whether councils could vary or cancel a conservation area designated by the Department of the Environment (DOE) under the 1991 Planning Order has been raised at previous Strategic Planning Group meetings.

Following legal advice, the Department is satisfied, by virtue of Section 29(3) (Effect of substituting provisions) of the Interpretation Act (Northern Ireland) 1954, that any conservation area previously designated by DOE under Article 50 of the 1991 Order prior to transfer of planning powers is taken to be a conservation area designated by the relevant council under s.104 of the Planning Act (Northern Ireland) 2011.

The Department is therefore of the opinion that a council has the powers to vary or cancel any conservation area designated before 01 April 2015, subject to the requirements for consultation under section 104(5) to (7) of the 2011 Act. As you know, following the Departments (Transfer of Functions) Order (NI) 2016, departmental responsibility for built heritage functions (including departmental powers under section 104 of the 2011 Act transferred to the Department for Communities (DFC).

Councils or DFC may of course seek their own legal advice on this issue.

I trust you find this information helpful.

Yours sincerely

ANGUS KERR
Director

cc. Iain Greenway (DIC)
## Planning Services - April 2017 to March 2018
### Month: Sep-17

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