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, T Jeffers, U Mackin

The Monthly Meeting of the Planning Committee will be held in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Monday 9 April 2018 at 10.00 am, for the transaction of business on the undernoted Agenda.

Please note that catering will be available in The Members Suite as follows: breakfast baps from 9.30 am; lunch at 1.30 pm and refreshments at 5.30 pm.

You are requested to attend.

DR THERESA DONALDSON
Chief Executive
Agenda

1. Apologies

2. Declarations of Interest

3. Minutes of the Planning Committee Meeting held on 5 March 2018

4. Report from the Director of Service Transformation

4.1 Report by the Planning Manager

4.1.1 Schedule of Applications to be Determined

(1) S/2008/0551/F – Major Application – Proposed Apart-hotel comprising 70 bedrooms and 60 suites, associated parking and proposed road improvements to Governor’s Road at Lisburn Leisure Park, Governor’s Road, Lisburn.

(2) LA05/2015/0040/F – Major Application – Housing development of 72 dwellings with a mix of terrace, semi-detached and detached houses (amended scheme) on lands 100m south of 23 Saddler’s Hall, Carnreagh, Hillsborough accessing from Ballynahinch Road via Governor’s Gate.

(3) LA05/2016/0920/F – Local Application (previously deferred) – Proposed construction of 24 no. dwellings consisting of 2 storey semi-detached dwellings and an associated 3 storey apartment block with associated communal and integral parking and public open space (amended address) on lands bounded by no.12 and 25 Alveston Drive, nos 1 to 15 (odds) Alveston Drive and nos 1 to 27 (odds) and 54 to 60 (evens) Killynure Green, Carryduff.

(4) LA05/2016/1178/O – Local Application (Called In) – New dwelling and garage (amended plans & additional information) on lands 80m SE of 64a Lisnabreeny Road, Belfast.

(5) LA05/2017/0401/O – Local Application (previously deferred) – Proposed domestic dwelling on lands immediately to the rear of Classic Kitchens, 35a Soldierstown Road, Aghalee.

(6) LA05/2016/0994/O – Local Application (previously deferred) – replacement dwelling at 13 Moneybroom Road, Lisburn.

(7) LA05/2017/1209/F – Local Application (Called in) – Proposed removal of Condition 6 of Planning Permission S/2012/0153/O (approved on appeal ref: 2012/A0212) regarding the completion...
of junction works at Ballinderry Road and Knockmore Road at Site of former Down Royal Public House, Ballinderry Road, Lisburn.

(8) LA05/2016/1050/F – Local Application (Called in) - Erection of 4 no. detached dwellings with double garages including new vehicular accesses and all other associated site works on land to the south west of No. 4 Beanstown Road, Aghnahough, Lisburn.

(9) LA05/2016/0686/F – Local Application (Called In) – Erection of 5 no. detached dwellings with double garages including new vehicular accesses and all other associated site works (amended plans) on land to the East of No7 Beanstown Road, Aghnahough, Lisburn and to the north of 94-102 (evens) Sir Richard Wallace Walk, Aghalislone (Upper Massereene), Lisburn.

(10) LA05/2017/0516/O – Local Application (Called In) – Replacement of existing with dwelling at 123A Pond Park Road, Lisburn

(11) LA05/2017/1300/F – Local Application (Mandatory) – Retention of shed as an internal picnic and play area for the open farm at 70 metres south-east of 42 Ballyhanwood Road, Streamvale Open Farm, Belfast

(12) LA05/2017/0952/F – Local Application (Exceptions apply) – Two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding on land adjoining 97 & 101 Moss Road, Lambeg, Lisburn.

(13) LA05/2017/1204/F – Local Application (Exceptions apply) – Proposed single storey rear extension to kitchen/dining area at 2 Richmond Crescent, Lisburn.

(14) LA05/2017/0532/F – Local Application (Exceptions Apply) – Erection of replacement dwelling and garage and demolition of existing dwelling and outbuildings at 50 Monlough Road, Ballyknockan, Ballygowan.

4.1.2 Planning Appeal Decisions as at 26 March 2018

4.1.3 Northern Ireland Planning Statistics 2017/18 Third Quarterly Bulletin

4.2 Budget Report – Planning Unit
Members are requested to access the Confidential Report on SharePoint under the Confidential Folder – Planning Committee

5.1 New Planning IT System
Confidential as it relates to the financial or business affairs of any particular person (including the Council holding that information).

5.2 Enforcement Cases with Court Proceedings for April 2018
Confidential as it relates to information which is likely to reveal the identity of an individual and relates to information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

5.3 Rolling Year Absence Figures for the Planning Unit.
Confidential as it is information relating to an individual and as it relates to information which is likely to reveal the identity of an individual.

6. Any Other Business

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To: Members of Lisburn & Castlereagh City Council
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 5 March 2018 at 10.00 am

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

OTHER MEMBERS:
The Right Worshipful the Mayor, Councillor T Morrow
Alderman J Tinsley
Councillor J Palmer

IN ATTENDANCE:
Director of Service Transformation
Lead Head of Planning
Planning Manager
Principal Planning Officer (RH)
Senior Planning Officers (AS, PMcF and MB)
Committee Secretary
Attendance Clerk
Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)
Brendan Martyn (Legal Advisor)
A&L Goodbody
Orla O’Hare (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor L Poots, welcomed everyone to the meeting. In particular, he welcomed Alderman T Jeffers to his first meeting of the Planning Committee and advised that Alderman Jeffers was replacing Councillor M Tolerton who was still in hospital. He passed on his best wishes to Councillor Tolerton.

He also welcomed Mr Brendan Martyn from Cleaver Fulton & Rankin who was also attending the meeting for the first time. Finally the Chairman advised Members that this would be the last Planning Committee meeting for the Council’s Lead Head of Planning who would be retiring at the end of the month.

Introductions were made by the Chairman and some Housekeeping and Evacuation announcements were made by the Lead Head of Planning.
It was agreed to consider Item 5, Confidential Report, at this stage in the meeting.

1. Confidential Report from the Lead Head of Planning

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 on the meeting Agenda:

‘In Committee’

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

1.1 Planning Application LA05/2015/0342/O

Councillor Gawith indicated that, as he had not been present when this application had been considered in December 2017, he would not take part in the discussions or in voting. Alderman T Jeffers also did not take part in the voting.

It was proposed by Councillor U Mackin, seconded by Councillor A Girvin, and agreed by a majority of 7:0 with 2 abstentions to rescind the resolution made at the December Planning Committee regarding LA05/2015/0342/O to enable it to be re-determined at this meeting.

Councillor N Anderson arrived at 10.08 am

Items for Noting

1.2 Cases with Court Proceedings in March 2018

Having been provided with information on enforcement cases with court proceedings in March 2018 it was agreed that the information provided be noted.

1.3 Presentation by Commissioner of Standards

The Committee was provided with copy of agreed questions received from Members of the Planning Committee and submitted to the Commissioner of Standards. Councillor N Anderson raised a specific concern and was advised that this had been included in the issues forwarded to the Commissioner.

It was noted that, pending a response from the Commissioner, a meeting would be arranged to receive a presentation in relation to planning matters from the Commissioner that would take account of the issues raised by Members.

1.4 New Planning IT System
The Committee was provided with copy and noted a Market Engagement report received from the Planning Policy Division DfI in relation to the ongoing work for a new Planning IT System.

1.5 Rolling Year Absence Figures for the Planning Unit

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

1.6 Potential Judicial Review

The Committee was updated on the possibility of a Judicial Review of a planning decision taken by the Council and noted that advice from Senior Counsel was being obtained.

1.7 Forthcoming Events

The Committee noted that the NILGA event, Eye on the Hill, scheduled for 27 March 2018 had been cancelled.

The Committee noted that the proposed study visit to Birmingham City Council, scheduled for April 2018, had been postponed until June 2018.

1.8 Audio-Recording of Meetings

The Committee noted that the Council’s Management Team was considering the introduction of audio-recording of Planning Committee meetings and was seeking legal advice on the issue.

1.9 Applications

In response to a query in respect of correspondence on files, the Planning Manager confirmed that officers as part of the process carried out planning history checks of all applications and read the correspondence if available.

Resumption of Normal Business

It was proposed by Councillor N Anderson, seconded by Alderman D Drysdale, and agreed to come out of committee and normal business was resumed.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 10.44 am

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 10.56 am

Councillor N Anderson left the meeting at 10.56 am
2. **Apologies**

The Chair advised that Councillor J Craig had indicated that he would be arriving later in the evening. There were no apologies.

3. **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 declared an interest in Applications Nos Y/2007/0455/F, Y/2008/0224/F AND Y/2009/0114/F on the basis that he had previously made representations on these applications.

- Councillor B Hanvey also declared an interest in Application No LAO5/2017/0535/F on the basis that he had attended a public consultation event and had expressed his support for a water business facility.

- Councillor O Gawith referred to Application No LAO5/2015/0342/O and stated that in December 2017 he had declared an interest in that he had supported objectors to a neighbouring development. He stated however that, in the interim, he had taken legal advice and would be taking part in the discussions as he had not predetermined this application.

- Alderman WJ Dillon referred to Application No LAO5/2015/0342/0 and stated that he had met with the consultant and with the owner of the estate a year ago but that he had not predetermined the application.

- The Chairman, Councillor L Poots, declared an interest in Application No LAO5/2015/004/F on the basis that he had lobbied on behalf of the applicant and would be withdrawing from the meeting during the discussion.

- The Chairman, Councillor L Poots, advised his father would be speaking on the following applications but that he himself had not predetermined any of these applications: LAO5/2015/0342/O; LAO5/2015/0040/F; LAO5/2016/0994/O; LAO5/2017/0678/O; LAO5/2017/0682/O; LAEO52017/1140/O and LAO5/2017/1141/O

During the course of the meeting, the following Declarations of Interest were submitted:

- Councillor N Anderson declared an interest in the following applications: Y/2007/0455F, Y/2008/0224/F, Y/2009/0114/F, LAO5/2017/0535/F and LAO5/2015/0920/F on the basis that he had already predetermined his opinion and had met with applicants and/or objectors as a local councillor and, in some cases, had been involved as an advocate and mediator.

- Alderman D Drysdale referred to the following applications: Y/2007/0455/F, Y/2008/0224/F and Y/2009/0114F and stated that these applications may
have been presented to the former Castlereagh Borough Council but he had no recollection of commenting on any of these applications as they were not in his area.

- Alderman D Drysdale referred to Application No LAO5/2015/0342/O and stated that he was Chair and Director of Inspire Business Park, Dundonald.

Councillor B Hanvey, the Director of Service Transformation and the Planning Manager left the meeting at 11.05 am

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 Report of the Planning Manager

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

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 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.

(1) Y/2007/0455/F – Major Application – 107 dwellings, access roads, open space and associated site works (2 of 6 phases of BMAP Zoning CF 03/05) - total of 350 dwellings, access from Mealough Road, as per scheme approved under Y/2009/0034/F on lands to the rear and north of 9-21 Marlborough Crescent and 8-22 Blenheim Park accessed from Mealough Road, south of reservoir and east of 6 Mealough Road, Carryduff (part of BMAP Zoning CF 03/05).

The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F (Items 4.1.1(1), 4.1.1(2) and 4.1.1(3)).

The Committee received Mr Michael Gordon, Mr Brendan Daly, Mr Jonathan Skelton, Mr Dermot Monaghan, Mr David Worthington, Mr David Sutherland and Mr Paul Fraser who wished to speak in support of the 3 applications.

Mr Gordon indicated that he would speak on behalf of all the consultants and he highlighted the following:
The 3 applications have been in the system for a long time
Applicants have been working together to deliver a positive outcome
Infrastructure improvements include upgrading of junctions at Saintfield Road/Mealough Road and Saintfield Road/Knockbracken Road; widening and realigning of Mealough Road, with a footway and street lighting being installed.
There have been ongoing discussions with planners to address the details of the design
Applicants have consulted widely including with Killynure Community Association and Carryduff Regeneration Forum
The development of 350 houses is a significant investment in the local area and will create construction jobs.

There then followed a question and answer session.

The Committee received Councillor Nathan Anderson who wished to speak in support of the application, highlighted the following:

- Outline planning approval for 350 houses had been granted as far back as 2004
- The developers had been working together and with the Council’s planning unit
- There are local concerns about traffic levels on the Saintfield Road
- People want development in Carryduff to be carried out in a sustainable way.
- The development includes significant upgrading and realignment to the Mealough Road which will be completed in advance of dwellings on the site.
- Happy to see that developers have taken on board concerns about Carryduff Greenway and there is connectivity between this development and previous developments
- Local community groups are very supportive of the riverside walk way
- Lough Moss is located 500 m from the site and there will be pedestrian access from the development
- Welcome the inclusion of a play area within the scheme.

Councillor N Anderson left the meeting again at 11.34 am

There then followed a question and answer session with the Planning Officer.

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 approve the application as outlined in Officer’s report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

(2) Y/2008/0224/F – Major Application – Development of 117 new houses of mixed variety (amended plans) on lands to the rear and north of 21 – 57 Marlborough Crescent accessed from Mealough Road and south of 6, 14 and 16 Mealough Road (part of BMAP Zoning CF 03/05.)
The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F.

The representations made by Mr Michael Gordon and Councillor N Anderson as detailed at Item 4.1.1(1) and the discussions that ensued also applied to this application.

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 approve the application as outlined in Officer’s report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

(3) Y/2009/0114/F – Major Application – Erection of 126 dwellings, access roads, open space including that part of the Carryduff Greenway from Queensfort Road to Mealough Road and associated site works (amended proposal and plans) on lands north of Blenheim Park and Queensfort Court, west of Saintfield Road and south of Mealough Road, Carryduff, accessed from Mealough Road, south of the reservoir and east of No.6 Mealough Road (part of BMAP Zoning CF 03/05).

The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F.

The representations made by Mr Michael Gordon and Councillor N Anderson as detailed at Item 4.1.1(1) and the discussions that ensued also applied to this application.

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 approve the application as outlined in Officer’s report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

The Chairman, Councillor L Poots, left the meeting at 11.41 am

Councillor N Anderson, Councillor B Hanvey and the Planning Manager returned to the meeting at 11.43 am

In the absence of the Chairman, Councillor L Poots, the Vice-Chairman, Councillor N Trimble took the chair for the following item.

(4) LA05/2015/0040/F – Major Application – Housing development of 72 dwellings with a mix of terrace, semi-detached and detached houses (amended scheme) on lands 100m south of 23 Saddlers Hall, Carnreagh, Hillsborough, accessing from Ballynahinch Road.

The Senior Planning Officer (MB) presented this application as outlined within the circulated report.
The Committee received Ms Anne Farrell and Mr Roy Elliott who wished to speak in opposition to the application highlighting the following:

- The date of validation of the application, 31 March 2015, was incorrect and the objectors had still not received a response from the Planning Office as to the correct date of validation. The date of validation is relevant as the rules relating to public consultation changed in July 2015.
- Objectors are asking for an environmental impact assessment to be carried out. Matters relating to planting, traffic impact and nature conservation need to be dealt with in a consultation process and that has not been adequately addressed.
- Objectors feel there should be a full community consultation with public meetings. Only 44 residents received neighbour notification yet there were 114 objectors to the proposal. People’s concerns and views need to be taken into account
- Objectors seek an independent drainage and ecology report
- The previous traffic impact assessment was carried out in 2003 and is no longer fit for purpose
- The planner’s report inaccurately states that there is consideration of a new access to the public road.
- Access to the development is through Governor’s Gate and the roads in that development have not been adopted
- There is still an adverse impact in terms of overlooking and overshadowing
- The play area should be relocated to the badger protection area to create a wildlife area
- There are omissions and inaccuracies in the planner’s report including reference in condition 15 to buffer planting on the eastern boundary when it should be the western boundary.
- A site meeting would be helpful in demonstrating the problems and issues arising.

This was followed by a question and answer session.

The Committee received Councillor John Palmer who wished to speak in opposition to the application highlighting the following:

- There is major concern about the suitability of access via Governors Gate in view of the unadopted road
- Continuing traffic problems in Hillsborough and congestion
- Access to this development should have been via the developer’s own land
- Further information re the drainage assessment was requested from Rivers Agency and has not been received.
- Some early information regarding this application is no longer available on the planning portal
- Request deferral of the application for further information and a traffic impact assessment.

This was followed by a question and answer session.

The Committee received Mr Trevor Lunn MLA who wished to speak in opposition to the application highlighting the following:
The traffic impact assessment on which the planning opinion was based dates from 2003 and Hillsborough is very different now with traffic volume through the village greatly increased.

100 houses was the threshold for a traffic impact assessment but there is a lot more than 100 houses taking into account those planned and those already built.

Given the history of the site, it would be important that any badger protection works be overseen by an ecologist.

Culvert and works to provide badgers with access to the open countryside will require excavation close to the badger setts and require close supervision.

Maintenance of the buffer planting along the boundary with Downshire Crescent is to be the responsibility of home owners but he would query to what extent that would be enforceable. He suggested that consideration should be given to covering this issue in the contracts between the developer and the buyers.

There is concern about separation distances between houses particularly those in Downshire Crescent. While on the face of it distances are adequate, they do not take into account the topography of the site. He feels that the developer should adjust the location of the houses to make rear gardens slightly larger and improve separation distances.

This was followed by a question and answer session.

The Committee received Mr Edwin Poots MLA who wished to speak in opposition to the application highlighting the following:

He was not necessarily opposed to the application but had concerns regarding the attached conditions.

His key focus at the PAC hearing was traffic and its impact on the existing development. This remained a key issue. Traffic volume in Hillsborough has changed. The school has doubled in size; other new businesses include a private medical facility, a new restaurant facility and a children’s nursery which have all impacted on traffic volume.

Hillsborough is gridlocked at certain times of the day.

PAC had recommended traffic lights in the centre of Hillsborough but these had not been implemented due to opposition from local businesses.

Buffer areas recommended by PAC have not been planted. There were still some aspects of the PAC recommendations that could be implemented.

The relocation of the open space to create a wild life zone would seem to be logical.

Very important that errors within the planner’s report be corrected, e.g. changing ‘eastern’ in Condition 15 to ‘western’.

Overlooking issues affecting Downshire Crescent need to be addressed.

The issue regarding unadopted roads in Governors Gate also needs to be addressed.

This was followed by a question and answer session.
The Committee received Mr Eamonn Loughrey who wished to speak in support of the application, highlighting the following:

- He welcomed the recommendation to approve the application
- The land is zoned for housing in both BMAP and the Lisburn Area Plan
- The application has been under consideration for 3 years and the applicant has reduced the number of dwellings from 82 to 72
- Adequate public and open space has been provided in accordance with PPS8 and there is adequate car parking provision
- The applicant has incorporated a large badger protection zone and an underpass for badgers
- There is a 5 metre wide landscaped buffer zone between the site and Downshire Park which will help to retain privacy and reduce overlooking
- Separation distances are in accordance with Creating Places guidelines and houses are arranged either back to back or rear to gable
- The application is below the 100 dwelling threshold and therefore does not require an impact assessment
- Traffic Impact Assessments have a life time of 20 years and one was completed in 2003; Transport NI can request an assessment if they consider it appropriate but did not do so in this case
- Applicant is happy to comply with conditions in respect of landscaped buffers
- A deferral is only to be requested in exceptional circumstances and the application has already been deferred once.
- It may not be straightforward to move a house further away from the boundary.

This was followed by a question and answer session.

The Planning Manager provided clarification on some of the issues that had arisen during the presentations including validation dates, traffic impact assessment, access to the development and relocation of open space. In particular, he confirmed that the date of validation of the application was 8 May 2015 which meant it was not affected by changes in consultation requirements that came into force later in the year. He also advised that relocation of open space provision closer to the badger’s habitat might not be a suitable option in terms of wildlife protection.

The Planning Officer then answered Members’ questions.

In Committee

During the course of the debate, it was proposed by Councillor N Anderson, seconded by Alderman D Drysdale and agreed to go into Committee to receive legal advice in the absence of the press and public.

Members noted the advice provided by the Legal Adviser.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith, and agreed to come out of committee and normal business was resumed.
The Committee was reminded that this application had been withdrawn from the Schedule at the Committee’s meeting on 5 February 2018 rather than being considered and then deferred.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith, and agreed on a majority of 5:4 with 0 abstention to defer the application for a site meeting at which information on the roads issue and the badger protection zone be made available to Members and Transport NI be invited to attend.

**Adjournment of Meeting**

The Vice-Chairman, Councillor N Trimble, declared the meeting adjourned at 2.17 pm.

The Chairman, Councillor L Poots, returned to the meeting at 2.52 pm. Councillor DJ Craig arrived at the meeting at 2.52 pm

**Resumption of Meeting**

The Chairman, Councillor L Poots declared the meeting resumed at 2.52 pm.

(5) LA05/2015/0342/O – Major Application -- Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works (amended proposal description and plans) on lands immediately south-east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira.

[Note Item 1.1 – Previous decision rescinded to allow decision to be taken again]

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

The Committee received Mr Michael Graham who wished to speak in opposition to the application highlighting the following:

- Mr Graham was representing developers who were currently seeking residential approval for land close to the site
- There was already provision for industrial land within Moira at Glenavy Road
- The application should be refused on the grounds of prematurity in view of the emerging Lisburn Development Plan
- Application fails to satisfy PPS4 in relation to industrial development in the countryside
- This is not a major industrial application and will not make a significant contribution to the regional economy
- There are no other exceptional circumstance that would permit this development
- Will impact on the amenity of nearby residents
- Vehicular access arrangements are convoluted and pass through land that has already receive planning approval for residential housing.
The proposal is not an extension of existing premises but is brand new development
The need for new industrial development at this location has not been established

This was followed by a question and answer session.

The Committee received Mr William Orbinson QC, Mr Andy Stephens, Mr Hannan, Mr Warke and Mr Brown who wished to speak in support of the application highlighting the following:

- This was an exceptional circumstances case and whether or not to grant permission was a decision that can only turn on planning judgement
- Neither BMAP or the Lisburn Development Plan contributes anything of significance to this site
- Planning policy seeks to support economic development but it does not say Glenavy road or bust.
- The application is to provide a facility on the site to meet the future needs of the business
- With the demolition of the Moy Park facility, no suitable alternative site exists within Moira.
- The site cannot be expanded within Moira; it can only be expanded within the countryside.
- The proposed site is the next most preferable site; it is on the edge of the settlement
- The Glenavy Road site is in open countryside 2 miles outside Moira
- The current usages on the Glenavy Road site are not compatible with the usages on this site.
- The development will involve an investment of £2-3 million, with 50 construction jobs and potentially 80 new operation jobs
- The existing business will have the capacity to double in size and will bring new people and new jobs into Moira from the adjoining council area.
- Would argue that these reasons are exceptional circumstances and the reasons for refusal of the application are misconceived.

This was followed by a question and answer session which covered the following issues:

- The businesses on the site are light industrial, storage and distribution and there would be no inconsistency in permitting this development and still permitting housing development in the proximity.
- Hannan Foods had already relocated 3 members of management staff to Moira and the business relocating to the new site would bring an additional 12 members of staff. The estimate of 80 new jobs was considered to be a conservative estimate based on business plans and the capacity of the proposed development
- Businesses on the Glenavy Road site included production of fertilisers and processing of end of life cars and these businesses are incompatible with a food business
• There are ongoing discussions between the applicant and the owner of the site approved for housing and through which vehicular access would be required
• With regard to the issue of prematurity, it was argued that PAC had been clear that a refusal could not be sustained on the basis of prematurity where no definite plan had been published.
• With regard to urban sprawl, it was argued that CCTY15 referred to a visual assessment and the site was screened from view along the Lurgan Road; there was therefore no evidence of urban sprawl.
• Mr Hannan emphasised that his business had been at the location for 28 years and over that time a sum of £5 million had been invested in the premises which included very bespoke facilities which could not be transferred elsewhere. He stated that moving away from the site was not an option for consideration

The Committee received Mr Edwin Poots MLA who wished to speak in support of the application highlighting the following:

• Every reason for refusal has been refuted by the previous speakers
• Moira is a very successful town with quite exceptional growth; there is a great need for jobs and, in particular, quality jobs that are long term and sustainable. The Council would not wish to drive these jobs elsewhere
• Following the closure of the Moy Park premises, the land was rezoned for residential use and that meant a loss of industrial land within Moira.
• The requirement for job creation is an overriding reason from a planning point of view.

There then followed a question and answer session with the Planning Officer.

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 with 9:1 with 1 abstention that the recommendation of the Planning Officer to refuse the application would not be upheld.

A recorded vote had been requested by Alderman WJ Dillon and voting was as follows:

In favour of the recommendation to refuse planning permission: Councillor B Hanvey

Against the recommendation to refuse planning permission: The Chairman, Councillor L Poots; Alderman D Drysdale, Alderman T Jeffers, Councillor N Anderson, Councillor J Craig, Councillor O Gawith, Councillor A Girvin, Councillor U Mackin, Councillor N Trimble

Abstaining: Alderman W.J. Dillon

The Chairman stated that the Professional Officers’ recommendation to refuse planning permission had fallen and that a new motion was now under consideration.
In Committee

It was proposed by Councillor N Anderson, seconded by Alderman D Drysdale and agreed to go into Committee to receive legal advice in the absence of the press and public.

Members noted the advice provided by the Legal Adviser.

It was proposed by Councillor N Trimble, seconded by Councillor N Anderson and agreed to come out of committee and normal business was resumed.

It was then proposed by Councillor N Anderson, seconded by Councillor U Mackin and agreed by a majority of 9:1 with 1 abstention that the reasons cited for approval of the application would be:

- The application is not contrary to policy CTY1 of PPS 21 or paragraph 6.97 of the SPPS as there are overriding reasons why the development is essential on this site
- The zoned industrial lands at the Glenavy Road is not a suitable alternative as the current business uses on that site (fertiliser storage and distribution) are not in keeping with the type of business proposed (butchery and meat processing);
- This is an exceptional case and the application is not contrary to CTY15 of PPS 21 as it will not result in urban sprawl.
- The application is not contrary to Para 5.73 of the SPPS as it is not premature in respect of the emerging Lisburn & Castlereagh City Council local development plan which is not published at this stage. The application is not contrary to policy PED1 of PPS 4 in that it is an exceptional case as there are no other locations in Moira suitable for the proposed types of business.
- The application is not contrary to policy PED2 of PPS 4 as it is an exceptional case.
- The application will bring significant benefits to the area; it will secure 20 existing jobs, create 80 new jobs. The investment is between £2-3 million.
- The application will help the local community as it will provide essential services and benefit the local economy.

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Councillor O Gawith and agreed that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith and agreed on a majority of 9:1 with 0 abstention that the application be declared approved.

It was proposed by Councillor N Anderson, seconded by Councillor J Craig and agreed unanimously that the Department for Infrastructure be notified of the Planning Committee’s decision.
Councillor N Anderson, Councillor B Hanvey and Councillor U Mackin left the meeting at 5.08 pm

(6) LA05/2017/0535/F – Major Application – The proposed Phase 1 is a change of use of the existing reservoir to a new recreational water park. There is to be an upgrade of the existing access and associated parking, provision of paths and pontoons, 10 camping pods and associated facilities, lifeguard, reception and storage buildings. A boathouse consisting of clubhouse and storage facilities for the Belfast Kayak Academy will also be created alongside 2 no. water polo pitches at the Belfast International Water Sports Centre, Knockbracken Reservoir, 591 Saintfield Road, Carryduff.

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

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

- The application will support urban regeneration
- It will promote the health and well-being of the local community
- It will contribute to building a shared society
- It will create a leisure hub at the end of the proposed Carryduff Greenway
- It increases tourism potential within Carryduff
- It creates jobs
- Local residents are very supportive of the proposal

Councillor N Anderson left the meeting again at 5.16 pm

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations agreed by a majority of 8:0 with 0 abstentions 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 5.20 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 6.07 pm

Alderman T Jeffers and Councillor N Anderson left the meeting at 6.07 pm;

The Planning Manager left the meeting at 6.08 pm

The Chairman advised that, due to a conflict of interest, the Council’s Legal Adviser, Ms Kate McCusker, would be replaced for consideration of this item. Ms McCusker and Mr Brendan Martyn left the meeting at 6.08 pm and Ms Orla O’Hare took their place.
The Senior Planning Officer (PMcF) presented this application as outlined within the circulated report.

The Committee received Mr Aaron Thompson and Mr David McPhillips who wished to speak in opposition to the application, highlighting the following:

- During the Phase 1 development, there were promises to the community about integration and providing community facilities for the area
- A 25 ft retaining wall has been built at the development
- Community facilities were pulled from the proposal without any discussion with the local community
- Since Phase 1 was completed, levels of anti-social behaviour and crime rates have gone through the roof; Killynure is now considered a critical area by PSNI
- The local community is concerned about the management of the site, with one tenant in particular having 140 petitions submitted against him
- There continues to be an issue regarding maintenance
- At the bottom of the retaining wall, there is a temporary fence 3 ft from the back of existing houses.
- There are grass cutting and general maintenance issues
- The issues are creating distress within the local community
- An apartment block is being planned for an area that has been used by the community as open space
- Choice Housing recently held community consultation and acknowledged the issues that had to be addressed.

This was followed by a question and answer session.

The Committee received Councillor N Anderson who wished to speak in opposition to the application highlighting the following:

- There is not enough green space on the site
- The proposal for the apartments is at a higher elevation and will create overlooking and overshadowing
- Fear of crime can be considered a material consideration in planning matters; there has been an increase in crime in the local area both in anti-social behaviour and in crime
- Choice Housing has to accept people who are at the top of the housing list and some of these are people who have been removed from other areas because of anti-social behaviour
- He would request that the application be deferred and a site meeting be held

This was followed by a question and answer session.
Councillor N Anderson left the meeting again at 6.58 pm

The Committee received Mr Sam McKee and Ms Catherine Devlin who wished to speak in support of the application highlighting the following:

- Think a site meeting would be beneficial
- This is a phase 2 scheme and is for 24 units with in-curtilage parking
- Acknowledged the concerns regarding anti-social behaviour and in Phase 2 a central landscaped area will mitigate against incidents of anti-social behaviour
- Phase 2 of the scheme also provides increased private amenity space
- Phase 2 also includes an landscaping scheme to include management and maintenance plans
- Community consultation event was held on 30 January 2018
- Monthly multi-disciplinary meetings are being held with Killynure Community Association, NIHE and other groups to address issues of concern
- Choice Housing made a contribution of £80k towards provision of a community hub and the money is being held by the Council
- The provision of open space within the development is within planning requirements

This was followed by a question and answer session. In response to Members’ queries, Ms Devlin advised that Choice became aware of the level of community concerns about anti-social behaviour at the consultation event in January. She advised residents to report anti-social behalp both to PSNI and to Choice Housing. She also advised that Choice Housing had instigated private security patrols in the development from November 2017 and residents had been provided with contact numbers for the patrols.

Having considered the information provided within the Report of the Senior Planning Officer and by those making representations, it was proposed by Councillor JD Craig, seconded by Councillor O Gawith and agreed on a majority of 8:0 with 0 abstention to defer the application for a site meeting.

Councillor N Anderson returned to the meeting at 7.22 pm

Ms Orla O’Hare, Legal Adviser, left the meeting and Ms Kate McCusker and Brendan Martyn, Legal Advisers, returned to the meeting at 7.22 pm

The Director of Service Transformation left the meeting at 7.23 pm

(7) LA05/2017/0738/O – Local Application (Previously Deferred) Proposed dwelling and garage (amended proposal) on land adjacent to No.103 Hillsborough Road, Carryduff.

The Principal Planning Officer (RH) presented this application as outlined within the circulated report.
The Committee received Mr John Kirkpatrick who wished to speak in support of the application highlighting the following:

- The application was not in agreement with the Planning Officer’s assessment
- The proposal only fails to meet 1 of the 6 criteria set out in CTY1 in that there was not a focal point in the area
- The cluster represents as a visual entity in the countryside
- PAC has previously allowed approval to be given to an application where there was also no focal point at the cluster

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representation, agreed by a majority of 5:4 with 0 abstentions to refuse the application for the reasons outlined in Officer’s report.

(8) **LA05/2016/0994/O – Local Application (Called In) – Replacement dwelling at 13 Moneybroom Road, Lisburn**

The Committee noted that the above application had been withdrawn from the Schedule to allow further consideration.

(9) **LA05/2017/0678/O – Local Application (Called In) – A site for an infill dwelling on lands 80m west of 90 Ballydonaghy Road, Dundrod, Crumlin**

The Principal Planning Officer (RH) presented a combined report on this application and application no LAO5/2017/0682/O (Item 4.1.1(10)) as outlined within the circulated report.

The Committee received Mr Les Ross who wished to speak in opposition to the applications highlighting the following:

- There is a huge gap between the existing buildings
- There are flooding problems
- Planning seeks to protect the countryside and one of the exceptions are infill sites; CTY 8 specifies that an exception can be made where there is a small gap; this is not a small gap
- The proposed sites are significantly larger than the nearby sites both in terms of width and in depth.
- The site does not look like a small gap; it is a large gap between 2 small pockets of development
- You cannot describe the character of the area as a built up frontage; it will create ribbon development
- There has been incidents of flooding in this field in 2001, 2005 and 2008; the flooding assessment is incorrect.

This was followed by a question and answer session.
The Committee received Mr Edwin Poots MLA who wished to speak in support of the applications, highlighting the following:

- Clearly 3 existing buildings between No 86 and No 90
- 124 metres is not an unusual gap for 2 sites and is in keeping with widths in existence along the road
- With regard to the flooding issue, the Rivers Agency have given their opinion and they are the experts in flooding issues

This was followed by a question and answer session.

This was then followed by a question and answer session with the Planning Officer.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representations, agreed by a majority of 6:0 with 2 abstentions 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 9.00 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 9.05 pm

(10) LA05/2017/0682/O – Local Application (Called In) – Site for infill dwelling on lands 50m east of 86 Ballydonaghy Road, Dundrod, Crumlin.

The Principal Planning Officer (RH) presented a combined report on this application and application no LAO5/2017/0678/O (Item 4.1.1(9)) as outlined within the circulated report.

The representations made by Mr Les Ross and Mr Edwin Poots MLA in respect of Application LAO5/2017/0678/O and the discussions that ensued also applied to this application.

Councillor N Trimble left the meeting at 8.05 pm

The Committee, having considered the information provided within the report of the Principal Planning Officer and by those making representations, agreed by a majority of 6:0 with 2 abstentions to approve the application as outlined in Officer’s report and subject to the conditions stated therein.

(12) LA05/2017/1140/O – Local Application (Called In) – Dwelling and garage on lands beside and north-west of 65 Cockhill Road, Maze.

The Principal Planning Officer (RH) presented a combined report on this application and application no LAO5/2017/1141/O (Item 4.1.1(13)) as outlined within the circulated report.
The Committee received who Mr Edwin Poots MLA who wished to speak in support of the application highlighting the following:

- He outlined the buildings on either side of the application to demonstrate that there was a substantial level of built-up frontage
- The gap will provide 2 sites with widths of 50 metres; the Planning Office has just issued a recommendation to approve infill sites that had a width measurement of over 60 metres each

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

- There are two applications for in-fill dwellings
- These applications are similar to two applications considered previously and recommended for approval
- There is substantial and continuous built-up frontage in the area
- The gap is big enough only to allow two in-fill dwellings
- Other sites in the area have similar road frontage widths

This was followed by a question and answer session.

This was then followed by a question and answer session with the Planning Officer. Discussion focused on the measurement of the infill gap which had been measured from building to building. The site adjoining the applicant’s site had a glass house to the rear and building foundations to the front and this site had been included with the applicant’s site in the measurement of the gap.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 6:2 with 0 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

It was then proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed by a majority of 6:2 with 0 abstention that the reasons cited for approval of the application would be:

- The Committee believes that this to be an infill site
- The measurement of the infill gap should be from boundary to boundary rather than from building to building

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig, and agreed on a majority of 7:1 with 0 abstention that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed on a majority of 6:2 with 0 abstention that the application be declared approved subject to conditions to be drafted by the Planning Unit.
The Principal Planning Officer (RH) presented a combined report on this application and application no LA05/2017/1140/O (Item 4.1.1(12)) as outlined within the circulated report.

The representations made by Mr Edwin Poots MLA and Mr Andrew McCready as detailed at Item 4.1.1.(12) and the discussions that ensued also applied to this application.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representations, agreed by a majority of 6:2 with 0 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

It was then proposed by The Chairman, Councillor L Poots, seconded by Councillor N Anderson and agreed by a majority of 6:2 with 0 abstention that the reasons cited for approval of the application would be:

- The Committee believes that this is an infill site
- The measurement of the infill gap should be from boundary to boundary rather than from building to building.

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon, and agreed on a majority of 8:0 with 0 abstention that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed on a majority of 6:2 with 0 abstention that the application be declared approved subject to conditions to be drafted by the Planning Unit.

(11) LA05/2017/0973/O – Local Application (Mandatory) – Proposed infill of 2 no. dwellings on lands between 2 & 6 Creevy Road, Lisburn

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

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

Item for Noting

4.1.2 Planning Appeal Decisions as at 21 February 2018

The Committee was provided with copy of a Planning Appeals Decision dated 31 January 2018 regarding planning application LA05/2017/0196/O for a dwelling on an infill site within existing ribbon development on lands adjacent to 8D Station Road. The Committee noted that the appeal had been dismissed.
Item for Noting

4.2. Budget Report – Planning Unit

The Committee had been provided with and noted a summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 December 2017.

5. Any Other Business

In Committee

It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig and agreed to go into committee to consider the next item.

5.1 LA05/2015/0342/O – Major Application – Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works (amended proposal description and plans) on lands immediately south-east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira.

It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig and agreed that the opinion of Senior Counsel be obtained in respect of the reasons for approval drafted by the Planning Committee.

It was proposed by Councillor A Girvin, seconded by Councillor N Anderson, and agreed to come out of committee and normal business was resumed.

5.2 Farewell to Lead Head of Planning

The Chairman reminded the Committee that this meeting would be the last meeting attended by the Lead Head of Planning before his retirement.

The Chair placed on record his appreciation of the hard work carried out by the Lead Head of Planning in supporting the Planning Committee as it assumed responsibility for planning matters. Members then individually recorded their thanks and good wishes to Mr Wilson and referred in particular to his achievements in establishing planning protocols, introducing training programmes and completing the determination of the legacy cases inherited by the Lisburn and Castlereagh City Council.

The Lead Head of Planning in turn thanked Members for their support and wished them every success in the future.

Alderman W.J. Dillon left the meeting at 9.59 pm

6. Minutes

It was proposed by seconded by and agreed that the Minutes of the Planning Committee meeting held on 5 February 2018 be approved and signed subject to the following amendments:
• At Item 4.1.1 Schedule of Applications at ultimate line of 3rd Paragraph: replace the word ‘deferred’ with ‘removed from the schedule’
• At Item 4.1.1(2): replace the word ‘deferred’ with ‘removed from the schedule’

There being no further business, the meeting concluded at 10.02 pm.

CHIEF / MAYOR
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 report by the Planning Manager
2. To note information regarding the budget report for the Planning Unit

ITEMS FOR DECISION

1. REPORT BY THE PLANNING MANAGER

   Attached at APPENDIX 1 is a report by the Planning Manager.

   Recommendation

   It is recommended that the Committee considers the Planning Manager’s report.

ITEM FOR NOTING

2. BUDGET REPORT - PLANNING UNIT

   Attached at APPENDIX 2 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 28 February 2018.

   Recommendation

   It is recommended that the Committee note this information.

D ROGAN
DIRECTOR OF SERVICE TRANSFORMATION
26 March 2018
REPORT BY THE PLANNING MANAGER

PURPOSE AND BACKGROUND

The purpose of this report is to set out for Member’s consideration a number of recommendations specifically relating to the operation of the new Council.

The following decisions are required:

1. To consider the Schedule of Applications to be determined.
2. To note the Planning Appeal Commissions decisions as at 26 March 2018.

ITEMS FOR DECISION

1. SCHEDULE OF APPLICATIONS TO BE DETERMINED

1.1 S/2008/0551/F – Major Application – Proposed Apart-hotel comprising 70 bedrooms and 60 suites, associated parking and proposed road improvements to Governor’s Road at Lisburn Leisure Park, Governor’s Road, Lisburn. Attached at APPENDIX 1.1PM is a copy of a report together with a location map in relation to this application.

Recommendation

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

1.2 LA05/2015/0040/F – Major Application – Housing development of 72 dwellings with a mix of terrace, semi-detached and detached houses (amended scheme) on lands 100m south of 23 Saddler’s Hall, Carnreagh, Hillsborough accessing from Ballynahinch Road via Governor’s Gate. Attached at APPENDIX 1.2(a)PM is an addendum report detailing consideration of matters associated with the deferral/site visit. Attached at APPENDIX 1.2(b)PM is a copy of the initial report together with a location map in relation to this application.

Recommendation

It is recommended that the Committee considers the report from the Planning Manager and determines whether planning permission should be Approved for the reasons outlined in the Officer’s report.
1.3 LA05/2016/0920/F – Local Application (previously deferred) – Proposed construction of 24 no. dwellings consisting of 2 storey semi-detached dwellings and an associated 3 storey apartment block with associated communal and integral parking and public open space (amended address) on lands bounded by no.12 and 25 Alveston Drive, nos 1 to 15 (odds) Alveston Drive and nos 1 to 27 (odds) and 54 to 60 (evens) Killynure Green, Carryduff. Attached at APPENDIX 1.3(a)PM is an addendum report detailing consideration of matters associated with the deferral/site visit. Attached at APPENDIX 1.3(b)PM is a copy of the initial report together with a location map in relation to this application.

Recommendation

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

1.4 LA05/2016/1178/O – Local Application (Called In) – New dwelling and garage (amended plans & additional information) on lands 80m SE of 64a Lisnabreeny Road, Belfast. Attached at APPENDIX 1.4PM is a copy of a report together with a location map in relation to this application.

Recommendation

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

1.5 LA05/2017/0401/O – Local Application (previously deferred) – Proposed domestic dwelling on lands immediately to the rear of Classic Kitchens, 35a Soldierstown Road, Aghalee. Attached at APPENDIX 1.5(a)PM is an addendum report detailing consideration of matters associated with the deferral/site visit. Attached at APPENDIX 1.5(b)PM is a copy of the initial report together with a location map in relation to this application.

Recommendation

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

1.6 LA05/2016/0994/O – Local Application (previously deferred) – replacement dwelling at 13 Moneybroom Road, Lisburn. Attached at APPENDIX 1.6PM is a copy of the initial report together with a location map in relation to this application.
**Recommendation**

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

1.7 LA05/2017/1209/F – Local Application (Called in) – Proposed removal of Condition 6 of Planning Permission S/2012/0153/O (approved on appeal ref: 2012/A0212) regarding the completion of junction works at Ballinderry Road and Knockmore Road at Site of former Down Royal Public House, Ballinderry Road, Lisburn. Attached at **APPENDIX 1.7PM** is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

1.8 LA05/2016/1050/F – Local Application (Called in) - Erection of 4 no. detached dwellings with double garages including new vehicular accesses and all other associated site works on land to the south west of No. 4 Beanstown Road, Aghnahough, Lisburn. Attached at **APPENDIX 1.8PM** is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

1.9 LA05/2016/0686/F – Local Application (Called In) – Erection of 5 no. detached dwellings with double garages including new vehicular accesses and all other associated site works (amended plans) on land to the East of No7 Beanstown Road, Aghalislone (Upper Massereene), Lisburn. Attached at **APPENDIX 1.9PM** is a copy of a report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Manager and determines whether planning permission should be **Approved** for the reasons outlined in the Officer’s report.
1.10 LA05/2017/0516/O – Local Application (Called In) – Replacement of existing with dwelling at 123A Pond Park Road, Lisburn. Attached at APPENDIX 1.10PM is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

1.11 LA05/2017/1300/F – Local Application (Mandatory) – Retention of shed as an internal picnic and play area for the open farm at 70 metres south-east of 42 Ballyhanwood Road, Streamvale Open Farm, Belfast. Attached at APPENDIX 1.11PM is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

1.12 LA05/2017/0952/F – Local Application (Exceptions apply) – Two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding on land adjoining 97 & 101 Moss Road, Lambeg, Lisburn. Attached at APPENDIX 1.12PM is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

1.13 LA05/2017/1204/F – Local Application (Exceptions apply) – Proposed single storey rear extension to kitchen/dining area at 2 Richmond Crescent, Lisburn. Attached at APPENDIX 1.13PM is a copy of a report together with a location map in relation to this application.

**Recommendation**

It is recommended that the Committee considers the report from the Planning Manager and determines whether planning permission should be **Approved** for the reasons outlined in the Officer’s report.
1.14 LA05/2017/0532/F – Local Application (Exceptions Apply) – Erection of replacement dwelling and garage and demolition of existing dwelling and outbuildings at 50 Monlough Road, Ballyknockan, Ballygowan. Attached at APPENDIX 1.14PM is a copy of a report together with a location map in relation to this application.

**Recommendation**

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

**ITEM FOR NOTING**

2. **PLANNING APPEAL DECISIONS AS AT 26 MARCH 2018**

Attached at APPENDIX 2(a)PM is a Planning Appeals Decision dated 16 March 2018 regarding planning application LA05/2017/0334/F for one Chalet bungalow on lands adjacent to No 11 Seymour Park, Lisburn. The appeal was dismissed.

Attached at APPENDIX 2(b)PM is a Planning Appeals Decision dated 26 March 2018 regarding planning application LA05/2017/0135/O for replacement dwelling and garage at 11 Lisnode Road, Lisburn. The appeal was dismissed.

**Recommendation**

It is recommended that the Committee notes the appeal decisions.

3. **NORTHERN IRELAND PLANNING STATISTICS 2017/18 THIRD QUARTERLY BULLETIN**

The Department for Infrastructure NI Planning Statistics 2017/18 Third Quarter Statistical Bulletin has been published. The publication presents a summary of NI planning volumes and processing performance for Councils in Quarter 3.

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


**Recommendation**

It is recommended that the Committee note this information.

**CONOR HUGHES**

**PLANNING MANAGER**

26 March 2018
Lisburn & Castlereagh City Council

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<td>Committee Interest</td>
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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 2 hectares.

2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development complies with all relevant planning policies and that all relevant material planning considerations have been fully assessed.

Description of Site and Surroundings

3. The application site measures approximately 4.67 hectares in size and lies within the existing car park of Lisburn Leisure Park, adjacent to Governors Road.
4. The site is located just outside the City Centre but within the development limit of Lisburn as identified within map 02/003 (Lisburn City Centre) of the Belfast Metropolitan Area Plan (BMAP) 2015.

5. The site is accessed using the existing access on Governors Road and this will be upgrades as part of this application and a pedestrian crossing is also proposed on Governors Road.

6. The topography of the site is undulating with an east to west trending slope. All boundaries are undefined with the exception of the eastern boundary which is defined by TPO trees and abut the existing playing fields.

7. The area is characterised by commercial development. The Leisure Park provides various entertainment including the leisure centre, a bowling alley and Cinema, there are also a number of restaurant and fast food outlets.

---

**Proposed Development**

8. The application is for a proposed Apart-hotel comprising 70 bedrooms and 60 suites, associated parking and proposed road improvements to Governors Road.

9. The proposed Apart-hotel is to be 6 storeys at its northern point adjacent to the roundabout at Governors Road dropping to four storeys at its southern point adjacent to the Cinema.

10. The materials to be used in the construction of the hotel include:
- White self-coloured render
- Smooth red clay facing bricks (Ground floor only)
- Plate glass balustrade with stainless steel handrail (balconies)
- Dark grey aluminium panels
- Aluminium curtain walling
- Ashlar jointed sandstone rain screen cladding
- Natural zinc
- Planar glazing panels
- Light grey polyester powder coated aluminium
- Light grey polyester powder coated aluminium fins
- Opaque coloured glass spandrel panel
- Perforated aluminium panels (Car park element of proposal only)

---

**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>LA05/2017/0780/F</td>
<td>External changes to east, west, north and south elevations including, window treatments, render, new awnings, new entrance doors, mounting of refrigeration equipment and new extract duct to rear</td>
<td>Permission Granted</td>
</tr>
<tr>
<td>S/2009/1146/F</td>
<td>Proposed upgrading of existing car park, construction of new carparking, 5 and 7 aside 3G football cages, a full size 3G football pitch, floodlighting and new changing accommodation.</td>
<td>Permission Granted</td>
</tr>
</tbody>
</table>

**Planning Policy Context**

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

- Regional Development Strategy (RDS) 2035
- Draft Belfast Metropolitan Area Plan (DBMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 2 - Natural Heritage
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 15 Planning and Flood Risk.
- Planning Policy Statement (PPS) 16 Tourism

**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 objections subject to conditions re number of spaces to be provided and parking layouts.</td>
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<td>NIEA Water management</td>
<td>No objections subject to informatives and agreement of NI water to connect to main sewers.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections subject to informatives.</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objections, drainage assessment acceptable.</td>
</tr>
</tbody>
</table>
Representations

14. No letters of objections have been received to date. One letter of support has been received.

Consideration and Assessment

15. The main issues to consider in the determination of this planning application are:
   - Local Development Plan
   - Principle of Development
   - Tourism
     - Impact on Character of Area
     - Residential amenity
     - Layout / Design / Materials
     - Landscaping
     - Parking and Access
   - Access, Movement and Parking
   - Flooding
   - Natural Heritage Interests (TPO Trees)

Local 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 policy considerations remains a material consideration.

   Within the LAP 2001 and draft BMAP the site is located on whiteland within the settlement limit of Lisburn. It is therefore considered that the proposal given its nature would not be contrary to the up to date area plan.

Principle of Development

18. 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. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

19. 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.

20. 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.

21. An important consideration in this regard is that this proposal is located on land within the city centre which is zoned as whiteland in the LDP. It is therefore contended that the principle of development at this site is acceptable, subject to compliance with all other relevant material planning considerations.

**Tourism**

22. Planning Policy Statement 16 – Tourism states that Planning permission will be granted for a proposal for tourism development (including accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

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

24. Policy TSM 7 – Criteria for Tourist development states that proposals for tourism use, in addition to the other policy provisions of PPS 16, will be permitted where a number of criteria are met.

25. The site is located just outside the City Centre as identified within map 02/003 (Lisburn City Centre) of the Belfast Metropolitan Area Plan (BMAP) 2015. Given its location close to the City Centre there is adequate and convenient access to public transport.

26. The site layout, design and infrastructure are considered to be acceptable and of high quality and will not have a detrimental impact on the character or appearance of the area. TPO tress to the rear of the site will not be impacted on as result of this development.

27. Additional boundary treatment is proposed along the western boundary with Governor’s Road and will include semi mature tree planting. The existing TPO tress on the western boundary are to be retained.
28. Bin storage from the development is to be stored away from public view in an area of the ground floor car park as indicated on the site layout.

29. A drainage assessment has been submitted which indicates how surface water will be managed. Rivers agency have no objections to the proposal subject to informatives. NI Water and NIEA Water Management Unit also had no objection to the proposal subject to informatives.

30. The nearest residential properties, located in Howard Place, are approximately 50 metres away from the proposed development. Environmental Health have been consulted with the proposal they and have no objection in relation to noise nuisance and disturbance. It is therefore considered that the development will not have a detrimental impact on amenity of nearby residents.

31. DfI Roads have been consulted with the proposal and have no objection subject to a pedestrian pelican crossing being built across Governors Road and other conditions in relation to car parking within the Leisure Park.

**Access, Movement and Parking**

32. 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.

33. Policy AMP1 – Creating an Accessible Environment aims to create an accessible environment for everyone. A new pedestrian crossing is proposed on Governors Road to facilitate safe pedestrian movement to the site. DfI Roads were consulted in relation to this proposal and they are satisfied the proposed pedestrian crossing and the internal layout of this development provides a safe and convenient road system. It is therefore considered that the proposal as presented is compliant with this policy.

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

35. A Transport Assessment form and an overall car parking layout has been provided for all of the Lisburn Leisure Park which indicates 1085 car parking spaces and 6 coach spaces. DfI Roads are satisfied the proposal incorporates adequate parking provision for the proposal and it is therefore contended the proposal as presented is compliant with this policy.

**Flood Risk**

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. A drainage assessment was submitted on 29 January 2018 and Rivers Agency, while not being responsible for the preparation of that assessment has accepted its logic and has no reason to disagree with its conclusions. In light of this Rivers Agency has granted discharge consent for this proposal and therefore it is deemed acceptable to PPS15.

38. NIEA Water Management Unit has also considered the potential impacts of the proposed development on the water environment and on the basis of the information provided is content subject to informatives.

**Natural Heritage**

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

40. Policy NH5 – Habitats, Species or features of Natural Heritage Importance states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long established woodland categories but are in themselves important for local biodiversity.

41. There are existing TPO trees on the eastern boundary of the site which abuts the adjacent playing fields. The TPO tress are to be retained and information has been submitted in relation to safeguarding their health during the construction of the proposal, this includes protective barriers to create a tree protection zone. No construction traffic, fires, materials or debris will be permitted within this zone.

42. It is therefore considered that approval of this application will not have a detrimental impact on any natural heritage features and in particular the TPO trees.

**Consideration of Representations**

43. The letter of support received noted that the provision of such a hotel should be regarded as having regional significance from a tourism point of view.

**Conclusions**

44. Based on careful consideration of the relevant planning policies and having considered the third party representation received it is considered that on
balance the proposal will not cause detriment to the character of the area or the residential amenity of any of the residents in neighbouring properties.

**Recommendations**

45. It is recommended that planning permission is granted.

**Conditions**

46. The following conditions are recommended:

- As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. **REASON:** Time Limit.

- The development hereby permitted shall not become operational until the Pedestrian Crossing on Governors Road indicated on Drawing ‘JPC 030, Proposed Access and Car Parking Layout’ bearing the Lisburn City and Castlereagh Council Planning Office date stamp 09 August 2017 becomes operational. The crossing shall be designed and constructed to the satisfaction of DfI Roads. **REASON:** To ensure there is a satisfactory means of pedestrian access in the interests of road safety.

- The development hereby permitted shall not become operational until 1085 car parking spaces, 6 coach spaces, and hard surfaced areas for manoeuvring have been constructed in accordance with the approved layout Drawing ‘JPC 030, Proposed Access and Car Parking Layout’ bearing the Lisburn City and Castlereagh Council Planning Office date stamp 09 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 than for the parking and movement of vehicles. **REASON:** To ensure that adequate provision has been made for parking.

- The development hereby permitted shall operate in accordance with the approved Car Park Management Plan bearing the Lisburn City and Castlereagh Council Planning Office date stamp 09 August 2017. This includes implementation of parking enforcement measures outlined within and adherence to the overall parking allocation and layout shown on Drawing ‘JPC 031, Proposed Car Parking Layout’ bearing the Lisburn City and Castlereagh Council Planning Office date stamp 09 August 2017, or equivalent measures agreed by TransportNI. **REASON:** In the interests of road safety and the convenience of road users.
All hard and soft landscape works shall be managed and maintained in accordance with the approved Drawing 25 date stamped received 3 November 2017. The works shall be carried out during the first available planting season after the occupation of the dwellings hereby approved. 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 Council gives written consent to any variation.

REASON: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape

No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written consent of the Council.

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

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of the Department.

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

No development should take place until a construction noise and dust assessment has been submitted to, and approved in writing by, the Planning Service Unit. The development hereby permitted should be implemented and thereafter operated in accordance with the approved construction noise and dust assessment.

REASON: To protect the amenity of neighbouring dwellings with respect to odour and noise
Site Location Plan – S/2008/0551/F
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>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Major Application – Site Visit Report</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2015/0040/F</td>
</tr>
<tr>
<td>Date of Application</td>
<td>31 March 2015</td>
</tr>
<tr>
<td>District Electoral Area</td>
<td>Downshire East</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Housing Development 72 Dwellings. Mix of terrace, semi-detached and detached houses.</td>
</tr>
<tr>
<td>Location</td>
<td>100m south of 23 Saddlers Hall, Carnreagh, Hillsborough, accessing from Ballynahinch Road via Governors Gate.</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Porter Property Ltd / MCL Consulting Ltd</td>
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<tr>
<td>Representations</td>
<td>114 Objections</td>
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<td>Case Officer</td>
<td>Mark Burns</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**Background**

1. A recommendation to approve planning permission was presented to the Planning Committee at its meeting on the 5 March 2018.

2. Following the presentation and at the request of Members, it was agreed that a site visit would be arranged prior to the application being determined by the Committee.

3. The site visit took place on Wednesday 21 March 2018.

**Site Visit Considerations**

4. At the site visit, the Principal Planning Officer and Senior Officer provided clarification as to the extent of the site boundaries, elements of the proposed layout including detail as to the exact location of the area of open space and
extent of the badger protection zone relative to the existing and proposed built form.

5. Members moved around the site and clarification was provided in relation to the following matters:
   - The badger protection area was located to the left of the entrance to the site and 10 housing units had been removed from the original plan to accommodate this area and provide a culvert that would ensure that the badgers would have direct access to open countryside;
   - The badger area would be fenced off and would include planting of prickly vegetation as a protective measure;
   - The suggested relocation of the open space area to an area beside the badger protection zone was not considered to be appropriate as migration of badgers into such an area would restrict its use by others with in the development;
   - The open space area was currently located in a central position within the site;
   - It was explained that there was a level difference of approximately 2 metres from the dwellings on the eastern boundary (site 37) to the dwellings on the southern boundary (site 13);
   - Clarification was provided on potential overlooking issues between site 9 and an existing dwelling in Downshire Crescent. Clarification was provided that the dwelling on site 9 have a finished floor level 2.5 metres higher than the dwelling in Downshire Crescent and that there was a generous separation distance between the properties (29 metres);
   - Access to the site for construction purposes would likely be from the Saddlers Hall development;
   - Confirmation provided that DfI Roads had determined that there could be no permanent vehicular access to the site from Carnreagh Road as it did not have capacity to deal with additional vehicle movements. Reference was made to a key site requirement associated with the local development plan which required that access should be via the Governors Gate development to Ballynahinch Road;
   - Although the roads in the Governors Gate development were currently unadopted, they would be adopted in due course on completion of construction works.
   - A bond was in place to cover the costs of strengthening works to the bridge on the Governors Bridge Road
   - The open space area would be a grassed area surrounded by fencing.
   - Explanation provided that planning policy requires an equipped children’s play area to be provided as an integral part of developments comprising 100 units or more. It was explained that this development did not trigger this policy requirement.
   - It was explained that whilst there was no playground provision within the proposed development, housing units had generous rear gardens.
   - It was confirmed that a mound of earth with some sparse vegetation towards the northern boundary (Saddlers Hall) was not the site boundary and that it would be removed to facilitate the development.
   - Detail associated with the application indicated that there would be a 5 metre planted buffer along the site boundary with Downshire Crescent;
Recommendations

6. It is recommended that the clarification provided during the site visit is used to assist Members with the decision making process.

Conditions

7. As per the initial report, it is recommended that planning permission is approved and that the following conditions are applied to any decision issued

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

   REASON: Time Limit.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with (Reference to submitted drawing to be submitted), 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.

3. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. 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 applicant’s expense.

   REASON: In the interest 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 (Reference to submitted drawing to be submitted)

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 other development hereby permitted, shall be commenced, until the road improvements have been completed in accordance with details submitted to and approved by the Department (Reference to submitted drawing to be submitted). The Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

8. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges determined for adoption.

REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

9. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with (Reference to submitted drawing to be submitted)), to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure that adequate provision has been made for parking.

10. An appointed ecologist shall oversee all works on site with the potential to impact on the badger setts including construction of the road directly to the east of the sett, housing directly to the north and south of the sett, and
planting within 25m of all sett entrances. The Ecologist shall have authority to halt works if required and to direct the location of all planting within 25m of all sett entrances.

REASON: To protect badgers

11. Prior to the commencement of any site works the mammal pass/culvert, the badger protection zone and the badger protection fencing shall be completed as shown on drawing number 02 bearing the Lisburn and Castlereagh Council date stamp 27 February 2018.

REASON: To protect badgers.

12. There shall be no construction activity within 25m of any of the badger sett entrances, including storage or dumping of materials, or movement of machinery.

REASON: To protect badgers.

13. All planting within 25m of the badger sett on site shall only be carried out under a licence which shall be sought from NIEA.

REASON: To protect badgers.

14. Only species native to Northern Ireland shall be planted within the 5m buffer planting along the western boundary of the site.

REASON: To maintain the biodiversity value of the site.

15. The 5 metre buffer of planting on the western boundary of the site and hatched blue as indicated on drawing no 02 date stamped by Lisburn and Castlereagh City Council 27 February 2018 shall be in place before any development commences on site and should be retained in perpetuity.

REASON: To ensure the provision, establishment and maintenance of this landscaping.

16. All hard and soft landscape works except those as indicated in condition 15 shall be carried out in accordance with the approved details as indicated on drawing no 02 date stamped by Lisburn and Castlereagh City Council 27 February 2018 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.

17. 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.

18. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

REASON: To ensure the continuity of amenity afforded by existing trees.
Site location Plan - LA05/2015/0040/F
Lisburn & Castlereagh City Council

<table>
<thead>
<tr>
<th>Council/Committee</th>
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<tbody>
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<td>Date of Committee Meeting</td>
<td>Monday 5 March 2018</td>
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<tr>
<td>Committee Interest</td>
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</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 development comprises 50 units or more and the area of the site exceeds 2 hectares.

2. The application is presented to the Planning Committee with a recommendation to approve as all relevant planning policies and material considerations including representations received from third parties and it is considered that on balance the proposal will not cause detriment to the character of the area or the residential amenity of any of the residents in neighbouring properties.

Description of Site and Surroundings

3. The application site measures approximately 3.9 hectares in size and lies between the existing Governors Gate development to the South West, the existing Downshire Park/Crescent Development to the West, the existing
Saddlers Hall Development to the North (currently under construction) the existing Farriers Green Development to the North East. The South East boundary is adjacent to the open Countryside.

4. The topography of the site is undulating with an East to West trending slope. The site is devoid of any substantial vegetation with only sporadic trees located throughout the site and existing hedge rows and trees on the South and South East boundaries adjacent to the settlement development limit.

5. The area is residential in character use with recent or ongoing developments to the North, South East and West of this proposal.

6. The South and South East boundaries form the settlement edge of Hillsborough, beyond which this the land is mainly rural in character and primarily agricultural in use.

**Proposed Development**

7. Housing Development comprising of 72 of terrace, semi-detached and detached dwellings.

**Relevant Planning History**

8. The relevant planning history includes the following

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<tr>
<th>Application Reference</th>
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<th>Decision</th>
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<tbody>
<tr>
<td>S/2001/1633/O</td>
<td>Site for residential development.</td>
<td>Appeal allowed</td>
</tr>
<tr>
<td>S/2004/1674/F</td>
<td>Housing development of 20 dwellings and garages.</td>
<td>Approval</td>
</tr>
<tr>
<td>S/2013/0717/F</td>
<td>Change of layout and house types (21 dwellings).</td>
<td>Approval</td>
</tr>
<tr>
<td>S/2014/0441/F</td>
<td>5 Dwellings - change of house type.</td>
<td>Approval</td>
</tr>
</tbody>
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**Planning Policy Context**

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

- Regional Development Strategy (RDS) 2035
- Draft Belfast Metropolitan Area Plan (DBMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
• Planning Policy Statement (PPS) 2 - Natural Heritage.
• Planning Policy Statement (PPS) 3 - Access, Movement and Parking
• Planning Policy Statement (PPS) 7 - Quality Residential Environments
• Planning Policy Statement (PPS) 8 - Open Space, Sport and Outdoor Recreation
• Planning Policy Statement (PPS) 15 Planning and Flood Risk.

Consultations

10. The following consultations were carried out

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<tr>
<td>Environmental Health</td>
<td>No objections subject to informatives.</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objections, drainage assessment acceptable.</td>
</tr>
</tbody>
</table>

Representations

11. 114 letters of objections have been received to date, a summary of the issues raised include:

- Increased Traffic / Car Parking.
- The need for access through Governors Gate.
- Impact on Existing wildlife.
- Flooding.
- Density of development and impact on the Character of area.
- The requirement for Community Consultation to be carried out

Consideration and Assessment

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

- Local Plan Context/Principle of Development
- Access, Movement and Parking
- Quality Residential Environments
  - Impact on character of area
- Residential amenity
- Layout / Design / Materials
- Landscaping
- Parking and Access
  - Outdoor Space and Recreation
  - Flooding
  - Natural Heritage Interests

### Local Plan Context/Principle of Development

13. 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 zoned for housing and within the settlement limit of Hillsborough.

14. 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. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

15. 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.

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. This proposal is located on land zoned for housing in the LDP and it is contended that the principle of development at this site for housing is acceptable, subject to compliance with all other relevant material planning considerations.

### Quality Residential Environments

18. PPS 7 – Quality Residential Environments sets out planning policies for achieving quality in new residential developments.

19. 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 it will create a quality and sustainable residential environment. 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.

20. 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.

21. The following are the applicable criteria of Policy QD1 of PPS 7 to ensure compliance with Policy LC1 of the addendum to PPS 7.

Impact on Character of Area

22. In terms of site layout it is contended that this proposal is acceptable when compared with other developments in its immediate vicinity. The scheme comprises a range of house types reflective of those in adjacent developments (Governors Gate and Saddlers Hall) 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.

Layout/Design/Materials

23. The proposed site layout is consistent with the form of housing found in the local context. The dwellings are sensitively positioned, offering sufficient front and rear amenity space and with suitable garages and car parking provision.

24. The design of the dwellings draw upon the characteristics of, and are broadly in line with the existing built fabric in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to garden area that is appropriate to planning policies and is consistent with that found in the immediate vicinity. Separation distances between proposed dwellings and their relationship with adjacent residential dwellings and their existing boundaries is adequately addressed through the detailed design.

25. Finishing materials to be used in the construction of the dwellings will include light red facing brick (Redstone blue), black natural slate, black seamless aluminium gutters / downpipes, white UPVC windows, and painted hardwood doors. These finishes very much match those of the dwelling designs in the surrounding developments and it is contended therefore that the design of, and construction materials are acceptable and will not harm the overall character of the area.

Residential Amenity

26. It is considered that the design and layout of the proposal will result in sufficient separation distances between the proposed dwellings and those in adjacent developments, particularly Downshire Park and Crescent. The separation
distance from the rear elevation of the dwelling at site no.9 to the common boundary is approximately 17 metres and the back to back separation distance with the existing property at no 6 Downshire Crescent is approximately 28 metres.

27. Similarly the separation distance from the side elevation of site 22 (which has an ensuite window only in this elevation) to the common boundary is 8 metres and the side to rear separation distance with the existing property at no 10 Downshire Park is approximately 21 metres.

28. It is therefore considered that the proposal will not create conflict or unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

**Landscaping/ Amenity Space**

29. Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of new developments.

30. The level of private open space (measured as an area of rear garden space) as illustrated in the proposed site layout plan is acceptable. Drawing No L0 01 (Landscape proposals) indicates the size of the gardens proposed within the development. No dwelling has less than 60 square metres of private open space provision, and the average for the site as a whole is more than 70 metres per dwelling as specified in guidance in the Creating Places document.

31. Landscaping plans has been submitted to indicate the position, species and canopy spread of existing and proposed vegetation and trees and the ongoing management and maintenance of landscaping provided as part of this proposal. Proposed landscaping and the maintenance of the existing vegetation to be retained is considered appropriate.

32. It is considered that the provision of private open space, and the landscaping proposed is acceptable.

**Access, Movement and Parking**

33. 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.

34. Policy AMP1 – Creating an Accessible Environment aims to create an accessible environment for everyone. Access to the development is from the Ballynahinch Road and through the existing Governors Gate development. Transport NI were consulted in relation to this proposal. They 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.

35. 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.

Public Open Space

36. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the planning policies 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.

37. Open space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of our cities, towns and villages.

38. As this proposal exceeds an area of one hectare Policy OS2 of PPS8 directs that open space must form an integral part of this development and that a normal expectation will be the provision of such space on at least 10% of the total site area.

39. Several areas of open space are provided throughout the site with more than 10% of the total site area dedicated to open space, equating to 0.48 hectares of land.

Flood Risk

40. 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.

41. A drainage assessment was submitted in October 2017 and Rivers Agency, while not being responsible for the preparation of that assessment has accepted its logic and has no reason to disagree with its conclusions. In light of this Rivers Agency has granted discharge consent for this proposal and therefore it is deemed acceptable to PPS15.

42. NIEA Water Management Unit has also considered the potential impacts of the proposed development on the water environment and on the basis of the information provided is content subject to informatives.

Natural Heritage Interests

43. PPS 2 – Natural Heritage, sets out the planning polices for the conservation, protection and enhancement of our natural heritage.
44. During the progressing of the application a badger sett was identified within the site. As a result of this the scheme was amended and house numbers reduced around the location of the set.

45. Following extensive negotiations with NIEA mitigation measures were agreed to protect the badgers and Setts. These measures include a 25 metres exclusion zone around the setts, badger friendly post and rail fencing, native mix hedge rows / shrubs and a culvert pipe which allows the badger’s access to the wider countryside.

46. NIEA have reviewed the final mitigation measures and have no objections to the proposal subject to conditions.

**Representations**

47. 114 letters of objections have been received to date, the issues raised include:

- **Increased Traffic / Car Parking / Access through Governors Gate**

48. A number of objections have been received from residents of Governors gate in relation to the increase in traffic and the proposal being served through the existing development and accessing onto the Ballynahinch Road – Transport NI have been consulted with the proposal and have no objection to the use of the existing access through Governors Gate being utilised. Sufficient parking and circulation is proposed within the site and in general accordance with the guidance in creating places.

- **Impact on Existing wildlife**

49. Badger Setts were discovered on site and mitigation measures have been proposed that include a 25 metre exclusion zone, badger friendly fencing, additional vegetation and an underpass allowing the badgers access into the wider countryside and beyond. NIEA have been involved in the application and are content with the final proposal to protect the badgers.

- **Flooding**

50. Objectors stated that the site is prone to flooding. In line with FLD 3 of Planning Policy Statement (PPS) 15 Planning and “Flood Risk” a drainage assessment was submitted and sent to Rivers Agency for consideration. Rivers Agency have no evidence of the site flooding and were content with the detail of the drainage assessment in that it would not exacerbate flooding elsewhere and had no objection to the proposal subject to conditions.

- **Density/Character of area**

51. In terms of the character of the existing area it is noted that the proposal is located within a suburban context and the number of units proposed has a density broadly similar to the nearby and adjacent developments. The density
of the proposal is not considered to be at odds with the wider context. The design of the dwellings, as previously stated, is not incongruous to the established suburban setting found in the immediate vicinity or indeed the wider context.

- **Community Consultation not carried out**

52. The application was submitted on 31 March 2015 before the statutory requirement came into force. The need for a community consultation was therefore not required at that time the application was submitted.

### Conclusions

53. Based on careful consideration of the relevant planning policies and having considered the third party representation received it is considered that on balance the proposal will not cause detriment to the character of the area or the residential amenity of any of the residents in neighbouring properties.

### Recommendations

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

### Conditions

55. The following conditions are recommended:

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

   **REASON:** Time Limit.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with (Reference to submitted drawing to be submitted), 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.

3. The access gradients to the dwellings hereby permitted shall not exceed 8% (1
in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. 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 applicant’s expense.

REASON: In the interest 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 (Reference to submitted drawing to be submitted)

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 other development hereby permitted, shall be commenced, until the road improvements have been completed in accordance with details submitted to and approved by the Department (Reference to submitted drawing to be submitted). The Department may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

8. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in verges determined for adoption.
REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

9. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with (Reference to submitted drawing to be submitted), to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure that adequate provision has been made for parking.

10. An appointed ecologist shall oversee all works on site with the potential to impact on the badger setts including construction of the road directly to the east of the sett, housing directly to the north and south of the sett, and planting within 25m of all sett entrances. The Ecologist shall have authority to halt works if required and to direct the location of all planting within 25m of all sett entrances.

REASON: To protect badgers

11. Prior to the commencement of any site works the mammal pass/culvert, the badger protection zone and the badger protection fencing shall be completed as shown on drawing number 02 bearing the Lisburn and Castlereagh Council date stamp 27 February 2018.

REASON: To protect badgers.

12. There shall be no construction activity within 25m of any of the badger sett entrances, including storage or dumping of materials, or movement of machinery.

REASON: To protect badgers.

13. All planting within 25m of the badger sett on site shall only be carried out under a licence which shall be sought from NIEA.

REASON: to protect badgers.

14. Only species native to Northern Ireland shall be planted within the 5m buffer planting along the western boundary of the site.

REASON: To maintain the biodiversity value of the site.

15. The 5 metre buffer of planting on the western boundary of the site and hatched blue as indicated on drawing no 02 date stamped by Lisburn and Castlereagh City Council 27 February 2018 shall be in place before any development commences on site and should be retained in perpetuity.
REASON: To ensure the provision, establishment and maintenance of this landscaping

16. All hard and soft landscape works except those as indicated in condition 15 shall be carried out in accordance with the approved details as indicated on drawing no 02 date stamped by Lisburn and Castlereagh City Council 27 February 2018 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.

17. 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.

18. If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that / those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

REASON: To ensure the continuity of amenity afforded by existing trees.
## Background

1. A recommendation to approve planning permission was presented to the Planning Committee at its meeting on the 5 March 2018.

2. Following the presentation and at the request of Members, it was agreed that a site visit would be arranged prior to the application being determined by the Committee.

3. The site visit took place on Wednesday 21 March 2018.
4. At the site visit, the Principal Planning Officer and Senior Officer provided clarification as to the extent of the site boundaries, elements of the layout and detail on the various housing units proposed.

5. Members then observed the site from the following viewpoints:

- Entrance to the application site
- Playpark
- Alveston Drive junction looking toward the site
- Private laneway to rear of Alveston Drive

6. Clarification was provided in relation to the following matters:

- Phase 1 of the development was complete and there was current planning approval for phase 2 to include similar two-storey dwellings similar to those built as part of phase 1;
- The current application sought to change the layout of the site and the type and design of housing units to include two-storey semi-detached units, bungalows and three-storey apartment block with the units arranged in horse-shoe shape around the site with open space in the centre;
- Entrance to the site would be through the phase one development;
- Ground levels were discussed and it was explained that the earth banking would be removed to level the site;
- The decision to provide bungalows was to negate overlooking issues to existing properties;
- Explanation provided that the three-storey apartment block and two storey bungalows were designed for disabled and special need users;
- The apartment block would provide 6 units, two on each floor with bedroom accommodation to rear, facing gable walls of the two dwellings on Alveston Drive;
- The positioning of windows to the rear of the block to ensure that any overlooking of garden amenity space was minimised;

7. The site was viewed from the play park area to show the context with the existing retaining walls. The proposed position of the semi-detached dwellings was outlined. The position of the two detached bungalows was explained. Members were able to observe any potential overlooking or loss of amenity to existing dwellings.

8. To demonstrate changes in levels, the site was viewed from a private laneway to rear of Alveston Drive where clarification was provided in relation to the position of the proposed apartment block.
**Recommendation**

9. It is recommended that the clarification provided during the site visit is used to assist Members with the decision making process.

**Conditions**

10. As per the initial report, it is recommended that planning permission is approved and that the following conditions are applied to any decision issued

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

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- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing PSD B bearing the Area Planning Office date stamp 18 September 2017 and the Department for Infrastructure Determination date stamp of 09 October 2017. Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

- No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of each dwelling for the parking of private cars in accordance with drawing PSD B bearing the Area Planning Office date stamp of 18 September 2017 and the Department for Infrastructure Determination date stamp of 09 October 2017. Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

- The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing PSD B bearing the date stamp 18 September 2017 and the Department for Infrastructure Determination date stamp of 09 October 201, prior to the (occupation) of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing PSD B bearing date stamp 18 September 2017 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking.
The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant’s expense. Reason: In the interest of road safety and the convenience of road users.

The open space areas indicated on the stamped approved Drawing 02d date stamped 18th Sept 2017 shall be managed and maintained in accordance with the Landscape Management Plan, received on 6th Sept 2016 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council. Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space in the interests of visual and residential amenity.

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 hedgerow along the southern, boundary of the site shall be retained as indicated on drawing 02e bearing the date stamp 18th Jan 2018. Reason: To ensure the maintenance of screening to the site.

If any retained hedge is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by hedging in the same location of a species and size as specified by the Council. Reason: To ensure the continuity of amenity afforded by existing vegetation.

None of the dwellings as approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Council. Reason: In the interests of public health.
### 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 approve as it is considered that the proposed development complies with all relevant planning policies and that all relevant material planning considerations have been fully assessed.
Description of Site and Surroundings

3. The site is noted on the P1 form as being on lands bounded by no. 12 and 25 Alveston Drive nos 1 to 15 (odds), Alveston Drive and nos. 1 to 27 (odds) and 54 to 60 (evens) Killynure Green, Carryduff.

4. The lands in question are located to the northern side of Killynure Road, Carryduff.

5. The Northern boundary of the site is characterised by a retaining wall. Properties 1-27 Killynure Green lie along the southern boundary and at a substantially lower level than site. There is also a play area with potential access to the site along this boundary. Currently there is a 2m green metal open mesh fence along this boundary.

6. Initial access is via the existing road network off Killynure Road and then through the existing access road serving the Killynure Green development. Access to the actual site is between a communal parking area and Nos 50-54 Killynure Green. There is a section of finished roadway and footway which terminates at the boundary of the site. The 2m green metal open mesh fence continues along this portion of the site boundary. There is a slight rise into the site at this access point.

7. The southern boundary is delineated by an access lane serving a private residential dwelling. There is a grass bank with a mature hedge above. The site sits slightly elevated in relation to the laneway. There is currently a temporary builder’s fence along the inner side of the hedge. There is a rise from the central section of the site to this boundary.

8. The eastern boundary of the site is demarcated by the side boundaries of the residential properties in Alveston Drive and rear boundaries of the adjacent properties along Killynure Road. These are mainly close boarded fences. There is a retaining structure along the properties on the Killynure Road and these properties are set below the application site. Along this boundary within the site is substantial mounding of earth.

9. The central portion of the site is flat in nature. The site is 0.71 hectares in area. There is some evidence on the site of small scale illegal dumping and burning of material.

Proposed Development

10. Proposed construction of 24 no. dwellings consisting of 2 storey semi-detached dwellings associated 3 storey apartment block with associated communal and integral parking and public open space.
11. The proposal has been amended during the processing of the application (amended address for clarity) and the site layout. Neighbours where initially notified and also re-notified.

**Relevant Planning History**

12. There is relevant planning history relating to the site and also to the lands adjacent to the site. Relevant planning history is detailed in the table below.

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal and Address</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y/2013/0144/F</td>
<td>Erection of 65 dwellings comprising 61 family homes, 4 apartments, amendment to previous approval to allow rerouting of NIE cables. Lands North West of Kilnynure Road Carryduff. Site entrance between 19 Kilnynure Road and 1 Alveston Drive. BT8 8EE</td>
<td>Approved 27.02.2014</td>
</tr>
<tr>
<td></td>
<td>Minor amendment approved 13.11.2014</td>
<td></td>
</tr>
<tr>
<td>Y/2011/0401/F</td>
<td>Proposed landscaping and retaining edge proposals to southern boundary (in association with works proposed relating to planning application Y/2011/0253/F)</td>
<td>Approved 28.03.2012</td>
</tr>
<tr>
<td>Y/2011/0253/F</td>
<td>Erection of 65 no. dwellings comprising of 61 family homes and 4 apartments (2 duplexes and 2 laterals) designed to achieve Code for sustainable homes Code 5 and 6 Lands north west of Kilnynure Road Carryduff. Site entrance between 19 Kilnynure Road (BT8 8EE) and 1 Alveston Drive (BT8 8RL)</td>
<td>Approved 28.03.2012</td>
</tr>
</tbody>
</table>

**Planning Policy Context**

13. The relevant planning policy and policy guidance which relates to the application is as follows:

- Regional Development Strategy (RDS) 2035
- Local Development Plan
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 7 – Quality Residential Environments
- Planning Policy Statement (PPS) 7 Addendum: Safeguarding the Character of Established Residential Areas
Consultations

14. The following consultations were carried out. A summary of the final response from each consultee is given. A fuller explanation is given in relation to some of the more detailed responses.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transport NI</td>
<td>Upon receipt of full PSD drawings no objection is offered in relation to the proposal and Conditions and informatives are supplied if approval is recommended.</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections – Statutory response.</td>
</tr>
<tr>
<td>NIEA;WMU</td>
<td>No objection – Subject to standard conditions and informatives.</td>
</tr>
<tr>
<td>LCCC Environmental Health</td>
<td>No objection to the proposed development subject to condition in relation to connection to main sewer with NI water approval.</td>
</tr>
</tbody>
</table>

Consideration and Assessment

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

- Principle of Development/Development Plan Context
- All relevant planning policies and material planning considerations.
- Impact on the Character of Area
- Quality Residential Environments
- Public Open Space
- Access, Movement and Parking
- Flood Risk
- Third Party Representations

Principle of Development/Development Plan Context

16. With the transfer of the planning function to local government on 1 April 2015, the assessment of applications by a Plan Led System established by the Planning Act 2011. Therefore in making any determination under this Act, regard is to be had to the Local development plan and the determination must
be made in accordance with the Plan unless material considerations indicate otherwise.

17. 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.

18. The SPPS also directs 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 (SPPS Para 5.72).

19. The SPPS reinforces the importance of the plan led system. It states that the Local Development Plan (LDP) process will play an important role for councils in identifying key features and assets in the countryside and balancing the needs of rural areas and communities with the protection of the environment. Furthermore, where a new LDP is under preparation, it may be justifiable, in some circumstances, to refuse planning permission on the grounds of prematurity. This is in respect of developments which are so substantial, that to grant planning permission would prejudice the outcome of the plan process by pre-determining decisions about the scale, location or phasing of new development which ought to be taken in the Local Development Plan (LDP) process.

20. The current thinking from the PAC in relation to which area plan needs to be considered. This is an extract from a recent PAC decision;

21. Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Carryduff Local Plan 1991 and BUAP 2001 are now the statutory development plans for the area with draft BMAP remaining a material consideration.

22. In the Carryduff Local Area Plan the site falls within the Carryduff Development limit. In Draft BMAP the site is located within the proposed Carryduff Settlement Development Limit and land zoned for housing designation CF 05/03.

23. It is important to note that there are two previous approvals covering the site. The two applications in question covered the site and adjacent lands now built out. The Y/2013/0144F remains extant being approved and commenced on
site. This represents a fall-back position. This position as taken in relation to 2013 application on the back of the original 2011 approved application.

24. It is contended that the principle of development (housing) at this location is fundamentally acceptable as the site lies within the area zoned for housing and has the benefit of an extant planning approval Y/2013/0144/F which could be built out.

**Access, Movement and Parking**

25. PPS 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.

26. Access arrangements and car parking provision have been shown on related drawings. Taking the form of PSD drawings which Transport NI have considered in detail subsequently offering no objection in principle.

27. With regards to PPS3, the professional advice of road engineers is relied upon. Transport NI have been consulted on numerous occasions and finally upon receipt of PSD drawings they have supplied a full set of conditions pertaining to those drawings. No other objections to the proposal are found and in light of all operational policy tests contained within PPS3 have been satisfied.

**Quality Residential Environments**

28. PPS 7 – Quality Residential Environments sets out planning polices for achieving quality in new residential developments.

29. Policy QD1 – Quality in New Residential Development is the key policy test. It 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.

30. Policy QD1 sets out the criteria which new development should conform to. This includes respecting the surrounding context and landscape features; provision of open space; movement patterns; and adequate parking provision. The design and layout should draw on the positive aspects of the surrounding context.

31. In the addendum to PPS 7, the policy tests associated with Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity are important considerations. The policy 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.

32. In terms of the overall layout, the proposal is considered to be acceptable when
compared with the developments in the surrounding area. This would be
Killynure Green and the residential properties in the local vicinity. This scheme
comprises a three storey two bed apartment block, detached single storey two
and three bedroom dwellings and semi-detached 2 storey two and three
bedroom dwellings. The schedule of proposed finishes include slim profile fibre
cement slate. Self-coloured render, pre finished mineral fibre board cladding
(black), PVC/aluminium windows, soffits and fascia’s with clipped eaves. These
finishes are reflective of the surrounding built form.

33. The design of the dwellings seek to enhance the overall development and the
scale massing and design are reflective of what has been built in the adjacent
housing development. The proposed dwellings have front amenity provision
some of which are planted while others have in-curtilage parking for the
dwellings. All dwellings have private rear amenity space provision. The amenity
space provided for each individual dwelling is both functional and appropriate to
the actual dwelling. This is in relation to the guidance provided in Creating
Places.

34. In terms of the scale, massing and design the overall layout of the proposed
dwellings are broadly in line with the existing built fabric. The distance to any
adjacent residential boundaries within the development is considered adequate
and all new internal residential boundaries are respected.

35. It is considered that adequate separation distances have been provided to the
rear mutual boundaries of any adjacent dwellings. In particular sites 13 to 24
have existing dwellings set to their rear. The relationship across the northern
boundary is somewhat awkward in that there is a substantial change in levels
from the site to the built form in Killynure Green.

36. Proposed dwellings on sites 21-24 have been moved forward as much as
possible for two reasons. To provide more private amenity space but also to
increase the physical separation distance across this boundary. The proposed
properties are all set more than 10m off the common boundary and a
separation distance of between 22m and 20m is achieved. The guidance in
Creating Places is a separation distance of greater than 20m will generally be
appropriate to minimise overlooking.

37. The relationship across the common boundary to the rear of sites 19 and 20 is
characterised by a retaining wall and a change in levels in excess of 3m. To
alleviate this issue the sites are again located to the front of the sites and have
been amended during the processing of the scheme into single storey
dwellings. There is also a 1.8m fence proposed along the rear boundary. These
factors reduce the potential for overlooking (ground floor windows only) from
these 2 sites into the existing properties located in Killynure Green.
38. Sites 13-18 are located along the eastern boundary. They abut the residential properties on Killynure Road and Alveston Drive. There is once again a change in levels across this boundary with an existing retaining wall set to the rear of the properties located on the Killynure Road. The distance from the rear of the proposed dwellings to the common boundary is 10m. The separation distance is also in line with that as set out in creating places.

39. The final built form adjacent to existing dwellings is the apartment block. Any rear views from this block look onto the turning head in Alveston Drive and also the side gable of the nearest dwelling at a distance of 23m. There is also a 2m wall along the rear boundary of the apartment block which curtails views from the lower level windows.

40. The site fulfills the policy tests set out in the addendum in that the proposed density of this scheme is not significantly higher than that found in the general locality. It is actually a redesign of the scheme previously approved which had a very similar density.

41. The proposed density, ratio of built form to garden area, scale height and massing of the proposed dwellings is consistent with those found in the surrounding area. The level of private open space as previously noted and illustrated in the proposed site layout plan appears to be acceptable.

42. It is considered that the proposal meets the requirements of PPS 7 and will result in a quality residential development.

Public open space

43. PPS 8 – Open Space and Outdoor Recreation sets out the planning policies 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.

44. Open space is essential in any community for both amenity and recreation purposes and often contributes positively to the character, attractiveness and vitality of our cities, towns and villages.

45. In relation to this scheme it would not fall under provisions of PPS 8 as the proposal is for 25 units and is under one hectare. That being said this scheme has retained an area of communal open space centrally located within the scheme. This is to be welcomed and helps to visually soften the overall scheme.

46. The application as presented does fulfil the PPS8 policy test although it is not specifically required to do so. The site layout as indicated showing the provision of open space.

47. In the wider context there are links to the play area which has been constructed and also other community facilities in the wider locality.
48. It is contended that policy tests contained within PPS8 have been met and as such, it is considered that the proposal is compliant with Policy OS 2 of PPS 8.

Flooding

49. This is phase 2 of the original scheme approved under Y/2013/0144/F which allowed for the construction of 65 No dwellings. This permission was started and is being carried out in a phased nature on the choice of the developer. The current application is described as phase 2 as the developer seeks to alter the layout of this section of the previously approved site.

50. The agents have advised via email 13 Feb 2018 that Phase 2 of the Killynure scheme is proposed to tie into phase 1 infrastructure which is in the process of being adopted by NIW. Therefore phase 2 will connect to NIW pipework and not require a schedule 6. The Planning unit is in receipt of the NIW article 161 agreement relating to future adoption of sewers, pumping stations, works and accessories. This was also noted in the response received from NIW on 2/2/2017. It is however recommended that an appropriate condition is included in any decision issued in relation to drainage prior to the occupation of any dwelling. Also an informative will be attached in relation to the green field rate which is acceptable.

51. No other objections to the proposal are found in relation to drainage considerations and as such, the proposal on balance is considered to be acceptable.

Consideration of Representations

52. Forty six letters of objection were received in respect of the proposal. Multiple letters (same letter bearing individual signatures from specific residential addresses) were received. There was a covering letter from the Killynure Community Association requesting that all the letters be considered individually. A second template objection letter was received with individual comments attached.

53. The covering letter noted the following points
   - Reports of anti-social behaviour
   - Lack of engagement from applicant.

54. Any issues in relation to anti-social behaviour are not a material planning matter. The scheme is designed with secure amenity space and the open space is overlooked from numerous proposed properties.

55. There is no statutory obligation for the developer/agent to engage with the local community. That said, detail was provided to indicate some engagement between the parties but not the level or significance of that engagement. The agents were advised in 26 June 2017 (following the request by local community
representative) that they enter into some degree of formal consultation with the community to address their ongoing concerns.

56. Correspondence dated 14 February 2018 advised that representatives had met on 19 January and that a drop in event had been held on 30 January 2018. The correspondence indicated they participants were content that all issues were covered and explained. The issues raised related mainly to management issues associated with phase 1. Transport issues which TNI have been consulted on and are content with. Finally the Agent indicated that they were of the opinion no points were material to the consideration of the current planning application.

57. The following issues were raised in relation to the 40 letters
- Issue pertaining to previous application and discussions with the housing provider.
- Need for community consultation
- Anti-social behaviour
- Parking
- Drainage
- Environmental concerns
- Archaeological concerns

58. Issues relating to the previous application and any promises made to the community are a matter between the parties. None of these form part of this application.

59. As previously started there is no statutory obligation for the developer/agent to engage with the local community. There was some contact between the parties but the level or significance of that engagement is unclear. That said, the Agent was asked to enter into some degree of formal consultation with the community to address their ongoing concerns. Further engagement between the parties took place in January of this year.

60. The proposed scheme has been designed with secure individual amenity space and the open space is overlooked from numerous proposed properties.

61. The issue of parking has been fully considered. PSD drawings were passed to Transport NI and have been endorsed. They included conditions relating to parking and circulation provision within this development and are referenced in the endorsed drawing.

62. Archaeological concerns: There are no archaeological constraints identified on the site.

63. In relation to concerns expressed about ecological issues, the site is not designated and within any scenario which would warrant a fully ecological survey. This is in line with the NI Biodiversity Checklist. A full Landscape Management plan has been submitted and will be included and conditioned. All existing natural boundaries remain unaffected by the proposal.
64. Several elected representatives (MP, MLA and local councillor) have expressed concerns in relation to this development. These relate to the matters noted above and are dully considered.

65. Issues raised by way of third party representations have been considered and no determining material weight can be attached to any specific individual issue of objection.

**Conclusion**

66. Having considered the proposal against all the relevant planning polices and material considerations including representations and consultation responses, it is considered that proposed development complies with all relevant planning policies and all material planning considerations have been fully assessed.

**Recommendation**

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

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**Recommendation**

68. The following conditions are recommended

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing PSD B bearing the Area Planning Office date stamp 18 September 2017 and the Departure for Infrastructure Determination date stamp of 09 October 2017. Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

- No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of each dwelling for the parking of private cars in accordance with drawing PSD B bearing the Area Planning Office date stamp of 18 September 2017 and the Department for Infrastructure Determination date stamp of 09 October 2017. Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.
The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing PSD B bearing the date stamp 18 September 2017 and the Department for Infrastructure Determination date stamp of 09 October 201, prior to the (occupation ) of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing PSD B bearing date stamp 18 September 2017 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking.

The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant’s expense. Reason: In the interest of road safety and the convenience of road users.

The open space areas indicated on the stamped approved Drawing 02d date stamped 18th Sept 2017 shall be managed and maintained in accordance with the Landscape Management Plan, received on 6th Sept 2016 any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council. Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space in the interests of visual and residential amenity.

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 hedgerow along the southern boundary of the site shall be retained as indicated on drawing 02e bearing the date stamp 18th Jan 2018. Reason: To ensure the maintenance of screening to the site.

If any retained hedge is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by hedging in the same location of a species and size as specified by the Council. Reason: To ensure the continuity of amenity afforded by existing vegetation.

None of the dwellings as approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved by the Council. Reason: In the interests of public health.
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>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local Application (Called In)</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2016/1178/O</td>
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<tr>
<td>Date of Application</td>
<td>28 November 2016</td>
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<tr>
<td>District Electoral Area</td>
<td>Castlereagh East</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>New dwelling and garage</td>
</tr>
<tr>
<td>Location</td>
<td>80m SE of 64a Lisnabreeny Road, Belfast</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Mr George Armstrong/ HR Jess Architecture Planning &amp; Management</td>
</tr>
<tr>
<td>Representations</td>
<td>5 objections, 3 letters of support</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Grainne Rice</td>
</tr>
<tr>
<td>Recommendation</td>
<td>REFUSAL</td>
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</tbody>
</table>

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 refuse.

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.

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. The site lies within the open countryside within the BUAP Belfast Urban Area Plan 2001 and draft BMAP 2015.

Proposed Development

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

Relevant Planning History

5. 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

6. 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

**Consultations**

7. 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 informatics</td>
</tr>
</tbody>
</table>

**Representations**

8. A number of representations have been received (from the same Agent/Individual) in opposition to this application one of which was by way of formal affidavit. The following issues were raised:
- Inaccurate information/Land Ownership Concerns.
- Contrary to planning policy - not an exception
- Potential prejudice to an existing access
- No P1C form submitted
- No site specific need
- Ribbon Development
- Appeals
- Inaccurate and misleading statements provided
- Unauthorised retail unit
- Lack of interrogation of supporting information
- Misapplication of planning policy

9. Information submitted in support of the application included an affidavit from Mr Armstrong dated 5 March 2018 and associated letters from Hewitt Meats Meat, Wholesalers and Exporters, Vriese koop. This information has been considered as part of the overall assessment of the application.

**Consideration and Assessment**

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
- Ribbon Development
- Integration and design of buildings in the Countryside
- Rural Character
  - Access, Movement and Parking
  - Archaeology and Built Heritage

Local Development Plan

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 Belfast Urban 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.

17. The policy tests associated with PPS 21 are relevant to the determination of this application.
Sustainable Development in the Countryside

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

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

20. 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’.

21. 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

22. 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. The actual number of out of hours shipments is not provided however, it is indicated that a number of these 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 Senior's 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. It is indicated that 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. It is argued that 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 because it may have endangered the public. As such, the applicant considers that proximity to the premises is a fundamental requirement to the operation of the business.

- Armstrong Meats currently employ 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 £3,605,391 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.

23. Having assessed the supporting information and the case presented, it is accepted that strict adherence to food safety and other regulation and traceability of product is central to the success of this business. That said, no evidence has been provided in support of this case to clearly demonstrate that Mr Armstrong (Senior) is the only person who receives the goods out of hours and signs the relevant documents required to provide that the produce was safe and that its origin was traceable. It has not been made clear, how such important regulatory controls are managed when Mr Armstrong is absent from the premises.

24. There is a difference between someone having a legal responsibility to manage compliance and the actual person who ensures and checks whether the product is compliant. No substantive evidence is supplied in the form of doockets, signed invoice or other records to say that Mr Armstrong is the only person working out of hours.

25. The submitted documents also fail to quantify the actual number of deliveries that Mr Armstrong receives out of hours.
26. Whilst reference is made at paragraph 7.12 of the supporting documentation received on 31 March 2017 that ‘the Company receives a significant number of meat products from producers in both Scotland and the Netherlands via 40 – 50 separate shipments per week’ and that there may be 5-6 deliveries to the premises at night times’, no consignment note or other information has been provided to substantiate this detail.

27. Again, reference is made to each item of produce being individually catalogued to provide its origins, traceability and temperature assessed to confirm that it meets the EEC guidelines before being off-loaded into the premises chillers and fridges. No evidence has been submitted to demonstrate the frequency within which such operations take place and that Mr Armstrong is the only person to collate the records out of hours.

28. At paragraph 7.13, reference is made to the fact that ‘there may be system failure in respect of machinery/chilling and cold storage which requires immediate action and redress otherwise the product may become contaminated’. No maintenance records have been provided to demonstrate the frequency of such system failures nor has any evidence been provided to demonstrate what actions Mr Armstrong (Senior) was required to take when equipment broke down or failed.

29. At paragraph 7.14, reference is made to potential operational difficulties associated with travel times from a residence in Killinchy. Again no evidence has been provided to demonstrate the frequency of deliveries, boat times etc… to the site out of hours that would require such journeys to be made. It is also not clear why other directors living close to the business cannot share the operational responsibilities.

30. It is considered that the evidence provided by way of supporting statement fails to clearly demonstrate a site specific need or compelling reasons for the proposed development in this rural location.

Ribbon Development

31. 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.

32. There are two buildings located to the north of the site. No. 64 and 64a Lisnabreeny Road no building exists to the south.

33. It is contended that the introduction of a dwelling on this site would extend the ribbon of development at this location which would be detrimental to the character, appearance and amenity of the countryside.
34. 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.

35. The topography of the proposed site 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.

36. 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.

37. Based on the detail submitted, the proposal is capable of providing for a suitable degree of enclosure to allow a building to integrate into the landscape. In addition, it is contended that a single storey dwelling on this site would not necessarily be a prominent feature in the landscape as it would be located beside and accessed through the existing access to Lisnabreeny Meats which would be read in conjunction with the existing established building form to the north however, no site specific need has been demonstrated to enable this particular application to be treated as an exception.

**Rural Character**

38. 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.

39. The policy also directs that a new building will be unacceptable where (d) it creates or adds to a ribbon of development.

40. As indicated above, the proposed development will create to a ribbon of development and as such, it will be always detrimental to the rural character of an area as it contributes to a localised sense of build-up and in doing so, will fail to respect the traditional settlement pattern of the countryside.

**Access, Movement and Parking**

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

42. 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

43. 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.

44. 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.

45. 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.

46. 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

47. An assessment of concerns expressed by way of third party representation are set out below. This assessment includes consideration of a late representation.

Inaccurate Information/Landownership Issues

48. Concern was expressed about inaccuracies in the information submitted with the application with particular reference made to their being landownership issues.

49. The application has been assessed on the basis of the information submitted. With regard to landownership considerations, the details submitted are considered to be accurate and no information has been submitted to demonstrate otherwise. It is important to note that it is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Contrary to relevant planning policies

50. The view was expressed through representations that the proposal was contrary to planning policy and that no exception applied in this instance.

51. The detail associated with the application has been considered against the relevant planning policy context. All relevant material considerations including third party representations have been considered.
52. It is considered that the evidence provided by way of supporting statement fails to clearly demonstrate a site specific need or compelling reasons for the proposed development in this rural location.

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

53. Concern was expressed that the proposal would potential prejudice the use of an existing access serving no 66 and 68 Lisnabreeny Road.

54. DfI Road were consulted on the application and have no objections subject to conditions. It is therefore contended that the proposal complies with the relevant policy tests and that it will not create a traffic hazard at this location.

No P1C form submitted

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

No site specific need demonstrated.

56. Comment was made in the representation to there being no site specific need for the proposed development and that retirement was not a valid nor sound reason to constitute need within the context of policy CTY 7.

57. As stated above, it is considered that the evidence provided by way of supporting statement fails to clearly demonstrate a site specific need or compelling reasons for the proposed development in this rural location.

Represents Ribbon development

58. Representations expressed the view that the development as presented represented ribbon development.

59. As explained above, there are two buildings located to the north of the site, numbers 64 and 64a Lisnabreeny Road. No building exists to the south.

60. As indicated above, it is contended that the introduction of a dwelling on this site would extend the existing ribbon of development at this location which would be detrimental to the character, appearance and amenity of the countryside.

Incorrect and misleading statements

61. This is an outline planning application for a dwelling and garage and has been considered as such.

62. The reference made in the representations to incorrect and misleading statements being submitted in noted. The application has been progressed to a recommendation based on an assessment of the information and evidence submitted and it is contended that the applicant has failed to clearly
demonstrate a site specific need or compelling reasons for the proposed development in this rural location.

Unauthorised retail Unit

63. The references made to an unauthorised retail unit are currently subject to separate investigations by the enforcement section.

Lack of interrogation of supporting information and misapplication of planning policy

64. The view expressed that the information submitted has not been properly interrogated is incorrect. All information submitted in respect of the application has been assessed. The recommendation reached in respect of the proposal is a matter of planning judgement.

Appeal Examples

65. A number of appeal examples have been reference through third party representations. Consideration of the examples provided are set out below.

- 2009/A0205 – 100m south east of existing engineering works, 25 Corr Road, Dungannon - Managers Dwelling and Garage

66. The Commissioner at this appeal stated that Policy CTY7 makes no provision for an additional dwelling to facilitate the retirement of an employee or proprietor of a business and the evidence did not establish there to be a site specific need for a further dwelling. Furthermore the retirement of a business proprietor does amount to overriding reasons why a new dwelling is essential at a site as opposed to a settlement.

67. Whilst it is noted that Policy CTY 7 states that planning permission will be granted for a dwelling house in connection with an established non-agricultural enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firms employees to live at the site of their work, the information, it is considered that the evidence provided by way of supporting statement fails to clearly demonstrate a site specific need or compelling reasons for the proposed development in this rural location.

- 2017/A0016 – Adjacent and immediately south of No. 17 Ardaraq Road, Newry – Erection of managers dwelling and domestic garage

68. In this appeal, the commissioner concluded that the information provided was insufficient to show that there is a site specific need for a dwelling in association with the business.

69. As indicated above, the evidence submitted fails to clearly demonstrate that there is a site specific need for a dwelling in association with the established business.
70. This appeal decision related to an application for the removal of a siting condition for a farm dwelling. The commissioner concluded the proposed siting for the dwelling would not be unduly prominent. However the re-siting would be visually linked with a number of dwellings and their associated outbuildings and farm buildings; namely No. 62, 64 and 66 Ervey Road. As such it would result in a build-up of development and add to a ribbon of development. The agent argues this is an example of when ribbon development is fatal to an application even if it complies with another policy (in this case CTY10).

71. As indicated above, it is contended that the introduction of a dwelling on this site would add to the existing ribbon of development at this location which would be detrimental to the character, appearance and amenity of the countryside.

Conclusions

72. 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 applicant has failed to clearly demonstrate a site specific need or compelling reasons for the proposed development in this rural location. Furthermore, it is considered that a dwelling in this location with add to ribbon development.

73. The contribution that this business makes to the local economy is a material consideration but not sufficient to out weight the policy objections cited. There is no compelling site specific reason for a dwelling at this location.

Recommendation

74. It is recommended that planning permission is refused.

Reasons

75. The following reasons are recommended:

- The proposal is contrary to the SPPS and 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 SPPS and Policy CTY 7 of Planning Policy Statement 21, Sustainable Development in the Countryside as it does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

• The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not considered to be a small gap in an otherwise substantial and continuously built up frontage and as a result the proposal will create a ribbon of development.

• The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
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<thead>
<tr>
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<tr>
<td>Date of Committee Meeting</td>
<td>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local application (Previously Deferred) - Addendum</td>
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<tr>
<td>Application Reference</td>
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<td>Date of Application</td>
<td>20/04/2017</td>
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<td>District Electoral Area</td>
<td>Killultagh</td>
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<tr>
<td>Proposal Description</td>
<td>Proposed domestic dwelling for applicant’s daughter who will be taking control of Classic Kitchens leading to the applicant’s retirement.</td>
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<td>Location</td>
<td>Proposed site is immediately to the rear of Classic Kitchens, 35a Soldierstown Road, Aghalee.</td>
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<tr>
<td>Applicant/Agent</td>
<td>David Reid/Michael McCorry</td>
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<tr>
<td>Representations</td>
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<tr>
<td>Case Officer</td>
<td>Joanna Magee</td>
</tr>
<tr>
<td>Recommendation</td>
<td>REFUSAL</td>
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### Background

1. A recommendation to refuse planning permission was presented to the Planning Committee at its meeting on the 5 February 2018.

2. Following the presentation and at the request of Members, it was agreed that the application be deferred to allow the applicant to provide additional information to support the proposal.

3. Additional information was received on the 8th March 2018.
4. The additional information submitted on the 8th March includes a number of statements.

5. A statement from Mr David Reid, owner of Classic Kitchens who, as previously stated resides at the family home adjacent to Classic Kitchens and who wishes to retire from the business. Mr Reid states that the business would not have been the success it is were it not for him living on site. Whilst the business operating hours are 9am to 5pm for customers, the site remains open and the manufacturing staff continue to work overtime as and when required to do so.

6. Mr Reid states that when his daughter takes over the business she will be required to live on site, opening the premises at 7am to receive deliveries, set out work schedules for staff, manage materials and meet the public. When work load demands she will be required to manage staff, overtime and close and secure the site. She will receive deliveries during anti-social hours. Mr Reid says this is “a round the clock job” and can be seven days a week.

7. Mr Reid’s daughter has provided a written statement. Miss Reid states that during periods when her father was on holiday she found it impossible to run the business from her current address, which is approximately 10 – 12 minute drive away. During these periods she had to move into the family home to allow her to open, close and secure the site and to be close to staff and members of the public. Miss Reid doesn’t know how she could take charge of the business and expand it if she didn’t live on site.

8. A letter has been provided by Mr David Farr who maintains the machinery for Classic Kitchens. Mr Farr states that he usually works through the night when the factory is closed to have the machinery ready for the next day.

9. A letter has been provided by PWS Distributors Ltd. They have supplied Classic Kitchens for over twenty years, sometimes outside normal working hours. This works well for both parties as Mr Reid lives on site and can take delivery and sign appropriate paper work.

10. A letter from Anfield Transport Ltd states they deliver and collect from Classic Kitchens and quite often outside normal working hours. Mr Reid living on site allows for inspection of goods and signing of paperwork.

11. A letter has been provided by Flanagan Fittings which states they make deliveries to the site at an average of 10 to 12 times each week. They frequently deliver to the site, either early in the morning or late at night. As Mr Reid lives on the premises, this delivery arrangement works well for both parties.
12. A letter from the PSNI Crime Prevention Design Service has been submitted and summarizes a meeting held at Classic Kitchens on the 28 February 2018. The author of that letter refers and lists ten principles of Crime Prevention. The author of the letter does, amongst other things, consider that natural surveillance is a cornerstone in the achievement of community safety. Additionally, as Mr Reid’s statement points out, the author states ‘Everything that adds to the increase in a potential offender being caught reduces the likelihood of the opportunist criminal actually offending therefore the use of surveillance of capable guardian through on site residency could enhance the overall security of the site’.

### Consideration of Additional Information

13. Policy CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside, will grant planning permission for a dwelling house in connection with an established non-agricultural business enterprise 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.

14. The justification and amplification to Policy CTY7 states that applicants must provide sufficient information to show that there is a site specific need for an employee to live at the site, as against a general desire for a dwelling in association with the business.

15. In light of these policy requirements assessment of a dwelling under Policy CTY7 requires a clear demonstration for the need for a dwelling and in doing so sufficient information as to that need must be provided.

16. Mr Reid’s statement advises that whilst the business is open to customers between 9am and 5pm the site remains open and the manufacturing staff continue to work overtime as and when required to do so. This suggests the business does not operate continuously in this fashion and no evidence has been provided to quantify when and how often such work patterns do occur.

17. Mr Reid notes that when his daughter takes over the business her working day will commence at 7am to carry out the management of the business. Further he states; ‘When work load demands she will be required to manage staff, overtime and close and secure the site. She will receive deliveries during anti-social hours. This statement also suggests this is not a common occurrence and no evidence has been provided to quantify this is the standard working pattern of Classic Kitchens.

18. The statement from Miss Reid considers her current address is too remote from the premises at some 10 to 12 minutes’ drive away. Based on the previously submitted address information for Miss Reid the stated travel time for the distance of 2.7 miles is overly cautious and that distance is not considered unreasonable. Nor does it demonstrate that a house on the site is essential, rather that it is a more desirable option. Miss Reid stated that during periods when her father was on holiday she moved into the family home at the site to
carry out her role. This raises and reiterates Mr Reid’s point that an existing dwelling associated with Classic Kitchens already exists on site and could be utilised by the person taking over the operation.

19. The Planning Appeals Commission has considered similar scenarios. One such appeal (PAC reference 2009/A0205) considered the need for a dwelling associated with an existing business. It was sought on the basis of site security and supervision of dispatches and deliveries. The owner had performed that role for the past 27 years from his dwelling at the site but was retiring and passing the business to his son. The details of this appeal are very similar to this planning application. In its consideration of the appeal the PAC came to the following conclusion;

‘The existing dwelling is within the boundaries of the commercial enterprise and is ideally sited for the supervision of the business. The question of who occupies it is an operational business matter. The appellant’s son or another of the firm’s employees or associates could occupy the dwelling and provide the required security and supervision and in this context, I consider any specific need that makes it essential for one of the firm’s employees to live at the site of their work, to be met. Policy CTY7 makes no provision for an additional dwelling to facilitate the retirement of an employee or proprietor of a business and the evidence does not establish there to now be a site specific need for a further dwelling. There is no policy support for the proposal in CTY7. Furthermore, the retirement of a business proprietor does not amount to overriding reasons why a new dwelling is essential at the appeal site as opposed to within a settlement and I conclude the proposal to run contrary to Policy CTY1.’

20. A letter from Mr Farr, who maintains machinery on the site states that he usually works at night when the factory is closed. This does not support Mr Reid’s assertions that the manufacturing element of Classic Kitchens operates beyond normal working hours.

21. Of the letters submitted from haulage/supply companies only one provides comment on the number of visits to the site per week. No evidence has been provided to substantiate such visits and times, although reference is twice made to the owner being available on site to inspect and sign the necessary paperwork. It is stated that this arrangement works well for both parties, however this does not substantiate why this is the only available delivery opportunity for those haulage/supply companies.

22. The letter from PSNI, whilst agreeing that a person living on site can reduce the threat of crime, does offer comment on other measures to deal with such threats. It should be remembered that the premises already benefit from surveillance provided by the existing dwelling associated with the business, adjacent unconnected dwellings and security systems already evident on buildings during the Planning Officer’s site visit (CCTV in operation signage and alarm boxes).
23. On the matter of site security the justification and amplification to Policy CTY7 states; ‘it should be noted that the need to provide improved security from theft and/or vandalism by having someone living on site is unlikely on its own to warrant the grant of planning permission’. In addition Mr Reid, in his statement indicates that ‘crime has been kept under control by my living and working on site’. It is contended this would remain the case given that a dwelling associated with this business already exists on the site.

Summary and Recommendations

24. The application was deferred in March 2018, to allow the submission of further information to clearly demonstrate a site specific need for a dwelling associated with this business. It is contended that the information submitted has not sufficiently demonstrated a need exists for a dwelling, particularly as one associated with the business already exists on the site.

25. It remains the recommendation that this proposal should be refused.

Refusal Reasons

26. The following refusal reasons are recommended:

- The proposal is contrary to the 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 CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.
### Summary of Recommendation

1. This application is categorised as a local planning application in accordance with the Development Management Regulations 2015. It 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 in that the proposal does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

### Description of Site and Surroundings

3. This is an outline application for a proposed dwelling for a non-agricultural business enterprises applied under CTY 7 of PPS 21.
4. The site lies 90 metres south of no 35 Soldierstown Road Aghalee using an existing access serving no 37. The business known as (35a) Classic Kitchens is an established business in this rural area. The two storey property is located at a road frontage plot with surrounding outbuildings associated with the business.

5. There is currently a show room with display kitchens, finished in red facing brick and substantial outbuildings providing workshop areas for the construction of kitchens. The field to the rear of the car parking area is undefined and currently sown in grass with a one metre high native species hawthorne hedge along the lane and to the back of the site while the western boundary is defined by semi mature deciduous trees. The site measures 60 metres x 75 metres at the widest part.

6. The site lies within the Lisburn Countryside as designated under Draft BMAP 2015 and Lisburn Area Plan 2001 but is not within any other specific zoning.

7. The wider area is both rural in character and appearance. Agricultural lands expand to the south of the site. While the site is surrounded by outbuildings and showroom of Classic Kitchens there may be open views of the site.

Proposed Development

8. The application is for proposed dwelling in association with a non-agricultural business enterprises.

Relevant Planning History

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

Planning Policy Context

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

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

11. The following consultations responses were received in relation to this application.

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<tr>
<th>Consultee</th>
<th>Response</th>
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<tr>
<td>Transport NI</td>
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<td>HED Historic Monuments</td>
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Representations

12. There have been no letters of representation received in respect of this application.

Consideration and Assessment

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

- Principle of Development
- Sustainable Development in the Countryside
- Dwellings for Non-Agricultural Business Enterprises.
- Integration and Design of Buildings
- Rural Character
- Development relying on Non Mains Sewerage

Principle of Development

14. The adopted BMAP 2015 was quashed by a judgement of the Courts on the 18 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.

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. 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.

17. 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**

18. The application site is located in the green belt/countryside as set out in the relevant Local Development Plans. There are no specific zoning requirements pertaining to this site in either plan. The plan provides no further guidance and as such, the application falls to be assessed and determined within the context of the prevailing policy tests. PPS 21 - Sustainable Development in the Countryside is a key policy consideration in the determination of this application.

19. Policy CTY1 of PPS21 sets out the circumstances when proposals for domestic properties are in principle considered acceptable in such a rural location. It states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

20. The policy goes on to say that planning permission will be granted for a dwelling house in connection with an established no agricultural business enterprise 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.

21. 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 site. Planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

**Dwellings for non-agricultural business enterprises:**

22. Policy CTY 7 of PPS 21 allows for a dwelling house in connection with an established non-agricultural business enterprise 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.
23. The policy states, 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.

24. Any planning permission granted under this policy will be subject to a condition restricting occupation of the dwelling for the use of the business.

25. The proposal in this case is for the applicant’s daughter who will be taking control of Classic Kitchens leading to the applicant’s retirement.

26. The amplification and guidance text within CTY 7 states at paragraph 5.30: *Established non-agricultural business enterprises, location in the countryside, may require residential accommodation. The presence of such a business is not, of itself, sufficient justification to grant permission for someone to live on the site. Applicants must provide sufficient information to show that there is a site specific need which makes it essential for one of the firm’s employees to live at the site of their work, as against a general desire for a dwelling in association with the business.*

A *business which has been operating satisfactorily without residential accommodation will be expected to demonstrate why accommodation is now considered necessary in order to enable the enterprise to function properly. Furthermore it should be noted that the need to provide improved security from theft and or vandalism by having someone living on the site is unlikely on its own to warrant the grant of planning permission.*

27. Taking into account the associated guidance, it is clear that in this case the business is currently established in a rural location providing jobs in the countryside. There is currently one existing dwelling on site known as 35 Soldierstown Road.

28. The applicant /agent had provided a brief background of the business known as Classic Kitchens established over a 27 year period. The business provides employment for 29 staff. The applicant David Reid is currently approaching retirement aged 60 and is currently making arrangements for the business to be handed to his daughter who is currently a company director. Mr Reid lives in the property at 35 Soldierstown Road, Aghalee.

29. The main justification presented in this case for the dwelling is business need, given that the property doesn’t run on a 9-5 basis and overtime is the norm where staff are on site into the early hours to meet delivery dates. Security on site is another key issue of concern. The site has been the subject of crime over the years and has been advised by police that because he now lives close to the business crime has dramatically fallen. The ability to meet the public at short notice and outside office hours has proved to be a reason for the company’s success. The business needs to run on late hours 7 days a week. Where there is a need to be close at hand for supervision/management. The company’s future will depend on the applicant’s daughter when she takes over and intends to have similar close living arrangements to the company.
30. Additional justification was required to make a final assessment of this case. The daughter resides currently in a location which is considered too remote from the business. The site is approximately 2.7 miles away from the daughter’s residence. This would not be deemed an unreasonable travelling distance out of hours. There are on average 15/20 deliveries and or visits onto the site per day with an average of 12 out of hours deliveries per week including Saturday or Sunday.

31. No evidence is provided to indicate whether delivery could be facilitated in normal business hours and no clear exception is demonstrated why a second house is required.

32. The Council has currently considered the evidence of justification and it is felt that there has been limited information as to why there is a site specific need which makes it essential for one of the firm’s employees to live at the site of the work with no detailed information on the income of the business or specific plans to expand the business at this location.

33. I am satisfied that the proposed siting is suitable to the south of the existing site which does appear within the confines of the existing curtilage which has limited views behind substantial sheds and outbuildings with currently boundaries retained to the south and western boundaries clearly defined. The site is currently grassland on a flat site with good boundaries and no concerns regarding integration.

34. Any conditions will be attached to restrict the occupation of the dwelling if approved to the applicant’s family in this instance.

**Integration and Design of Buildings**

35. Policy CTY 13 – Integration and Design of Buildings in the Countryside requires that buildings visually integrate into the surrounding landscape. The policy lists several instances where a new building in the countryside will be deemed to be unacceptable.

36. It is considered that a dwelling on this site would not appear a prominent feature in the landscape when viewed traveling along the existing road frontage. There is currently no boundary in place along the northern boundary of the application site but well defined to the south and west.

37. In this case, it is considered that the site itself has established natural boundaries and a suitable degree of enclosure as well as being on low lying flat land. The ancillary works are minimal with use of an existing access.

**Rural Character**

38. 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 rural character.
39. It is considered that the proposal meets with CTY 14 policy as the proposed dwellings would not be prominent in the landscape. It would result in a suburban style build-up of development, while not respecting the traditional pattern of settlement in the area. As such the proposal would have an adverse impact on the rural character of this area.

**Development relying on Non Mains Sewerage**

40. Policy CTY 16 – Development Relying on Non- Mains Sewerage states that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

41. The P1 Form indicates that foul sewage is to be disposed of by means other than mains and septic tank and that surface water will be disposed of via soakaways.

42. Environmental Health have no objection in principle, however they have advised that at the subsequent planning stage the applicant should provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/bio disc and the areas of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

43. In addition, Environmental Health recommend that any septic tank unit / waste water treatment unit should be a minimum of 7 metres from the proposed development and any other habitable dwelling/building such as an office or such a dwelling/building in the course of construction or the subject of planning approval.

44. It is considered that the restrictive nature of the site will present design solution challenges in this regard to accommodate the dwelling, service provision and associated usable amenity space.

**PPS 3 – Access, Movement and Parking**

45. PPS 3 – Access Movement and Parking sets out policies to ensure that any new development does not create a traffic hazard and that any proposed development can have a safe access/egress onto the public road.

46. Transport NI have considered the detail associated with the application and consider the proposal with regard to access arrangements and parking to be acceptable. A number of conditions and informatives have been recommended.

47. It is therefore contended that the policy requirements associated with PPS 3 can be satisfied.
PPS 6 Planning Archaeology and Built Heritage

48. PPS 6 Planning Archaeology and Built Heritage has been considered due to the proximity within a nearby listed building to the east of the site. HED Historic Buildings have been consulted accordingly and have no concerns regarding BH11.

Conclusions

49. Having considered the nature of the proposal against the prevailing planning policies it is contended this application fails to satisfy the prevailing policy tests by reason as the applicant does not demonstrate in that it has not been demonstrated there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

Recommendation

50. It is recommended that planning permission is Refused.

Refusal Reasons

51. The following refusal reasons are recommended.

- The proposal is contrary to The 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 CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.
Lisburn & Castlereagh City Council

Summary of Recommendation

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

2. The application is presented to the Planning Committee with a recommendation to refuse as the replacement dwelling is not sited within the established curtilage of the existing dwelling and despite opportunity being provided to the Agent, it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Description of Site and Surroundings

3. The application site adjoins the west side of Moneybroom Road, Lisburn. No. 13 Moneybroom Road is located in the north-east corner of the site along the roadside.
4. The east gable wall of this dwelling adjoins Moneybroom Road. This modest bungalow still exhibits the essential characteristics of a dwelling house but is currently uninhabited and in a bad state of repair. Derelict stables are located on site to the rear/west of the no.13.

5. An established access is located immediately adjacent and south of the dwelling. The remainder of the roadside boundary is defined by mature trees which enclose the established curtilage of the dwelling. The curtilage of no. 13 makes up the eastern section of the site but the bulk of the site is an agricultural field.

6. The eastern stretch of the site’s southern boundary is defined by tall mature trees. The remaining stretch of the southern boundary is defined by hedgerow and smaller trees. The site’s northern boundary is similarly defined by hedgerow and trees. The west boundary is defined by hedgerow.

7. The site is located in the Countryside approximately 2 km north-west of development limit of Lisburn. The area surrounding the site is rural in nature. Knocknadona Quarry is located on the opposite of Moneybroom Road and a short distance south of the site.

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**Proposed Development**

8. The application seeks outline planning permission for a replacement dwelling.

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**Relevant Planning History**

9. The planning history associated with the site is outlined below:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site address</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
</table>

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**Planning Policy Context**

10. The relevant planning policy context which relates to the application is as follows:
    - Local Development Plan
    - Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development
    - Planning Policy Statement 2 Natural Heritage
Consultations

11. The following consultations were carried out

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Ireland Water</td>
<td>No objections</td>
</tr>
<tr>
<td>NI Transport</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections</td>
</tr>
<tr>
<td>Water Management Unit of Northern Ireland Environment Agency</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Natural Environment Division of Northern Ireland Environment Agency</td>
<td>Additional information requested</td>
</tr>
</tbody>
</table>

Representations

12. No representations were received in respect of this proposal.

Consideration and Assessment

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

- Principle of Development
- Sustainable Development in the Countryside
  - Replacement Dwellings
- Natural Heritage Considerations
  - Access, Movement and Parking

Principle of Development

14. Under the SPPS, 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.
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 Lisburn Area Plan 2001 is now the statutory development plan for the area with draft Belfast Metropolitan Area Plan 2015 remaining a material consideration. In accordance with both the Lisburn Area Plan 2001 and Draft Belfast Metropolitan Plan 2015 the site is located within the countryside.

16. The Strategic Planning Policy Statement for Northern Ireland (SPPS) makes specific reference to replacement dwellings in the countryside. It states that provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact.

17. It advises that replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

18. The policy tests associated Policy CTY 3 with PPS 21 – Sustainable Development in the Countryside are relevant to the determination of this application.

**Sustainable Development in the Countryside**

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

20. Policy CTY1 – Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for an individual dwelling house in the countryside as a replacement dwelling in accordance with policy CTY 3 – Replacement Dwelling.

**Replacement Dwelling**

21. Policy CTY3 – Replacement Dwellings states planning permission will be approved for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

22. The building concerned is considered to meet this policy requirement as it exhibits the essential characteristics of a dwelling house and the external walls are substantially intact.
23. Policy CTY3 requires that all proposals for replacements must comply with the following criteria:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

24. A site layout plan has been submitted in conjunction with this outline application. This layout plan shows the replacement dwelling sited outside the established curtilage of the existing dwelling.

25. The applicant was requested to demonstrate justification for this off site replacement. The justification given was to ‘lessen the impact of the replacement by moving it well in from the edge of the road.’ It was also suggested the location of the replacement dwelling some 75 metres back from the road and the inclusion of a belt of landscaped screen planting would have clear and demonstrable landscape benefits.

26. This justification was given full consideration and on balance, it was not considered acceptable taking into account the given the established character of dwellings in the area which are sited adjacent to the road. There is also sufficient frontage and depth within the existing defined curtilage to accommodate a dwelling. No landscape, heritage, access or amenity benefits were demonstrated.

27. The applicant was asked to relocate the proposed replacement dwelling within the established curtilage however no amended plans addressing this issue were received.

28. In the absence of any revised plans being submitted, the detail associated with the current application was considered to be contrary to Policy CTY3 as the proposed replacement dwelling was not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

29. The application seeks to establish the principle of the replacement only. As such, detail of the proposed house type has not been submitted at this stage. In the event a replacement is considered acceptable, an appropriate house type which integrates into the surrounding landscape and does not have a greater visual impact than the dwelling to be replaced can be considered and agreed at reserved matters stage.
30. Should a replacement be considered to be acceptable, it is recommended that the ridge height is restricted to no more than 6 metres above finished floor level.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

31. Detailed of the proposed house type has not been submitted at this stage. In the event that a replacement is considered to be acceptable, an appropriate design for this rural setting can be agreed at reserved matters stage.

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;

32. All necessary services could be provided without significant adverse impact on the environment or character of the locality.

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic

33. Transport NI were consulted in relation to this proposal. They are content the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic.

Natural Heritage Considerations

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

35. Policy NH 2 - Species Protected by Law states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

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

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

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

38. Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance states planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

39. A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

40. Bats are a European protected species (EPS) and some are priority species. All species of wild bird are protected by law. Under the Wildlife (Northern Ireland) Order 1985 (as amended) all wild birds are protected, particularly during the bird breeding season while nesting.

41. Natural Heritage of Northern Ireland Environment Agency were consulted in relation to this proposal. They advised that the buildings on site may be of bat or bird roost potential. They also advised that there was hedgerow and woodland habitat in close proximity to the site which is known to provide foraging opportunities for bats.

42. In light of this advice, the applicant was asked to complete the NI biodiversity checklist to enable the Council to identify specific natural heritage issues and the relevant environmental information, surveys and reports required to enable the determination of the application.

43. The applicant failed to complete the checklist. In accordance with Article 3(6) of the Planning (General Development Procedure) Order (NI) 2015 the council may by direction in writing addressed to the applicant require such further information as may be specified in the direction to enable it to determine any application.

44. In the absence of this information being provided, it is contended that the proposal is contrary to Policies NH2 and NH5 of Planning Policy Statement 2 Natural Heritage as additional information (NI biodiversity checklist) requested in accordance with Article 3(6) of the Planning (General Development
Procedure) Order (NI) 2015 has not been submitted to demonstrate the proposed development will have no adverse impact on bats and birds and their habitats.

**Access, Movement and Parking**

45. PPS 3 – Access, Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

46. Policy AMP2 - Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access onto a public road where:
   a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
   b) the proposal does not conflict with Policy AMP3 Access to Protected Routes.

47. Transport NI were consulted in relation to this proposal. They are content the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic. In this instance, criteria B is not applicable as the application does not propose an access onto a Protected Route or the intensification in use of an existing access onto a Protected Route.

48. Policy AMP7 – Car Parking and Servicing Arrangements states development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. In the event planning permission is approve Transport NI have recommended a condition requiring the provision of 3 no. parking spaces is imposed. Given the scale of the application site, it is considered that this requirement could be easily achieved.

**Conclusions**

49. By way of conclusion, it is considered that the application as presented is contrary to policy in that the replacement dwelling is not sited within the established curtilage of the existing dwelling and despite opportunity being provided to the Agent, it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. Furthermore, the applicant has failed to demonstrate compliance with policies NH2 and NH5 of Planning Policy Statement 2.

**Recommendations**

50. It is recommended that planning permission is refused.
51. The following refusal reasons are recommended

- The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

- The proposal is contrary to Policies NH2 and NH5 of Planning Policy Statement 2 Natural Heritage as additional information requested in accordance with Article 3(6) of the Planning (General Development Procedure) Order (NI) 2015 has not been submitted to demonstrate the proposed development will not have an adverse impact on bats and birds and their habitats.
Summary of Recommendation

1. This is a local planning application. The application has been referred to the 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 approve as it is contended that the proposal on balance will not be detrimental to traffic progression in the context of the information submitted, planning history for the site and nearby residential developments, and consultation response from DfI Roads.

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 of
the site. The application site is a vacant plot of land consisting of a hard
standing area associated with former public house which has become
overgrown. 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.

4. 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. The surrounding area is mainly residential with
industrial units at Ferguson Drive to the south west.

**Proposed Development**

5. The application is submitted under Section 54 of the 2011 Planning Act to
remove Condition 6 of Planning Permission S/2012/0153/O (approved on
appeal ref: 2012/A0212) regarding the completion of junction works at
Ballinderry Road and Knockmore Road. The wording of the condition reads as
follow:

‘No part of the development hereby approved shall become operational until
road improvement works at the Ballinderry/Knockmore Road junction, approved
as part of the LD1 housing development and shown on drawing 12-109/P/0100,
have been provided’.

**Relevant Planning History**

6. The planning history of the site includes the following:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site Location</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2008/0446/F</td>
<td>The Down Royal, Public House, Ballinderry Road, Lisburn.</td>
<td>Construction of 12 no. two storey dwellings and construction of 65 no apartments including basement car park, landscaped courtyard and demolition of the existing building.</td>
<td>Permission Granted 05.03.2012</td>
</tr>
<tr>
<td>S/2012/0153/O</td>
<td>Site formerly occupied by Down Royal Public House, Ballinderry Road, Lisburn,</td>
<td>Supermarket with associated Petrol Filling Station</td>
<td>Permission Granted</td>
</tr>
<tr>
<td>LA05/2016/1054/RM</td>
<td>Former Down Royal Public House, Ballinderry Road, Lisburn,</td>
<td>Proposed Supermarket</td>
<td>Permission Granted 10.11.2017</td>
</tr>
</tbody>
</table>
Application Reference | Site Location | Description of Proposal | Decision  
---|---|---|---  
LA05/2016/1167/F | Former Down Royal Public House, Ballinderry Road Lisburn, | To vary conditions nos. 7 and 8 of planning permission S/2008/0446/F to allow commencement of work to housing development only prior to any road works. | Permission Granted 27.02.2017  

Planning Policy Context

7. The relevant planning policy context and guidance which relates to the application is as follows:
   - Lisburn Area Plan 2001;
   - Draft Belfast Metropolitan Area Plan 2015;
   - Strategic Planning Policy Statement (SPPS);
   - Planning Policy Statement (PPS) 3: Access, Movement and Parking;

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 objection</td>
</tr>
</tbody>
</table>

Representations

9. Six letters of objection have been received. The issues raised in objection to the proposal are summarised as follows:
   - Current junction unable to cope with current traffic volumes and retail unit would worsen situation;
   - Road Safety;
   - Lack of crash barrier between junction and front garden (11 Cottars Chase);
   - Responsibility in upgrading junction jointly lies with both developer and housebuilders associated with LD1 lands to north west;
   - Comments of DfI Roads at reserved matters should not be construed that information was acceptable for removal of Condition 6 of outline permission;
   - Concern that only right turn lane was required as part of outline permission;
   - No supporting information submitted to demonstrate current impact of the development on the surrounding road network.
Consideration and Assessment

10. The main issues to consider in the determination of this planning application are:
   - Development Plan
   - Principle of Development
   - Traffic Assessment/Safety

Development Plan

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. 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.

   Within the LAP 2001 and draft BMAP the site is located on whiteland within the settlement limit of Lisburn. It is therefore considered that the proposal given its nature would not be contrary to the up to date area plan.

Principle of Development

13. 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.

14. 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.

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. Given the location of the proposal within the Lisburn settlement development limit of the LDP, the emerging draft Belfast Metropolitan Area Plan 2015 and the extant approval for retail development at this site it is contended that the
principle of development at this site has been established and this application relates solely to the acceptability of removing the outline planning condition requiring the upgrade of the adjacent junction.

**Traffic Assessment/Safety**

17. PPS3 – Access, Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

18. AMP 2 - Access to Public Roads note that planning permission will only be granted for a development proposal involving direct access, or intensification of the use of an existing access, onto a public road where:

   a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
   b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

18. It is accepted that outline approval and reserved matters permissions have been granted, the former through a non-determination appeal (Ref 2012/A0212) the latter through determination by the Council.

19. In the context of this application the PAC report deals with traffic issues between Paragraphs 52 to 62, with Paragraph 57 being particularly pertinent to the case under consideration. This states that:

   ‘The additional traffic associated with the proposed development....will exacerbate the current unsatisfactory situation at the Knockmore Road junction. Junction improvements are required to accommodate any further housing at zoning LD1 which lies on the western side of Knockmore Road. These include provision of a right only lane and traffic lights at the junction of Ballinderry Road (E) with Knockmore Road together with right turn lanes from Knockmore Road to both sections of Ballinderry Road. Notwithstanding the conclusions of the TIA, my observations lead me to conclude that improvements required as part of the LD1 development must be provided if this junction is to function adequately with the additional traffic generated by the proposed development’.

20. In addition the Commissioner notes that ‘the timing of the junction improvements is uncertain but I was given no indication that they would not be provided within the lifetime of any outline permission’. This appeal decision was given on 11th November 2014 with the reserved matters granted 9th November 2017. To date no works have commenced on these junction improvements.

21. The appeal decision goes on to say that

   ‘In these circumstances a negative condition could be imposed to prevent the opening of the retail development until the junction improvements are in place. Drawings were provided to demonstrate that a relocated access to the development incorporating a right turn lane would not compromise the future...’
junction improvement works at the Knockmore/Ballinderry junction. The Department was satisfied that these improvements would integrate well with the LD 1 improvements’. This point is further emphasised in Paragraph 62 which advises that ‘provided the junction improvements required in connection with LD1 are implemented, the objections in respect of the proposal’s impact on traffic movements, the road network and road safety are not therefore sustained and those aspects of criterion 4 of paragraph 39 are met’.

22. During initial consultation on this application DfI Roads commented as follows:

‘is content that this condition may be withdrawn provided that the Planning Authority is content that the Planning Appeals decision can be altered for the application S/2012/0153/O and 2012/A0212 Appeal’.

23. Further to objections being received from local residents DfI Roads provided comment by summarising that the objections received into 3 main issues:

1) The current junctions of Knockmore Road and Ballinderry Road are unable to cope with existing traffic volumes.
2) The junction improvements are required prior to commencement of this proposed development as conditioned previously.
3) No vehicle restraint system exists at Cottars Chase adjacent to Ballinderry Road/Knockmore Road junction.

24. The consultation from DfI Roads notes that junction improvements are required as a result of the various residential developments on Brokerstown Road and these had been conditioned subject to a maximum number of dwellings being occupied through at Article 40 Agreement.

25. It is acknowledged that to date the developers have not delivered the necessary improvements however discussions are ongoing between the various parties. It is noted that the Applicant has maintained an area of land to be determined for adoption in order that the junction upgrade works can proceed unhindered by this development. It is further advised that the retail development represents a significantly lesser traffic generator in comparison to the residential approvals and therefore it would be unreasonable for the Applicant to fund and provide the necessary junction improvements on their own. DfI are of the opinion that the PAC condition also makes it clear that the junction improvements are a requirement of the LD1 Housing Development and therefore these works are not connected to the retail development.

26. A further point raised by the Applicant in support of the application is that the Condition 6 cannot now be complied with, as it referred to a specific drawing of junction arrangements which have now been superseded, therefore meaning that this condition is no longer precise. DfI Roads have broadly concurred with this view, advising that this condition may not be achievable unless the original design is used, however acknowledged that the junction designs have altered over the years.

27. On the issue of road safety DfI Roads have advised that they are aware of the accident history in the vicinity of the proposal however while the junction
improvements would address this situation it is not envisaged that this development should adversely affect the accident history.

28. Following further clarification of this point details of traffic accidents were provided by DfI Roads over the total length of the Knockmore Road and at this junction specifically. Subsequently it was advised that while this accident history had been considered it would not alter the consultation position. Furthermore clarification received on this matter on behalf of the Applicant notes that the reason for the condition did not relate to road safety, and is of the opinion that the junction will not make it safe.

29. DfI Roads consider that the traffic movements for a retail development tend to peak outside of the normal peak periods, and therefore the effect at peak times would be considered to be minor in this instance. The Applicant has noted that the outline planning permission was for a similar but larger development which would have included a petrol filling station and resulted in further traffic generation. In their response DfI have agreed with this and these points form their reasoning for why the condition should be removed.

Consideration of Representations

30. A total of six objection letters have been received in relation to the proposal. The issues raised are considered below:

Current junction is unable to cope with current traffic volumes and the retail unit would worsen the situation;

31. Consultation with DfI Roads has advised that although the retail development will result in further trip generation onto the public road network, for the most part this increase will be outside the normal peak times when the effect on Knockmore Road is smaller. In addition, unlike the outline permission the scheme approved under the reserved matters submission does not include a petrol filling station and is therefore smaller in terms of expected vehicle trips.

Road Safety

32. Following consultation it was advised that DfI is aware of the accident history in the vicinity of the application site, and whilst the junction improvements should address this it is not envisaged that this development should adversely affect the accident history at this location.

Lack of crash barrier between junction and front garden (11 Cottars Chase);

33. It is noted that Cottars Chase is situated on the opposite side of Knockmore Road from the development site and therefore any works proposed regarding the construction of a crash barrier would not be the responsibility of the developer or within their remit to deliver.
Responsibility in upgrading junction jointly lies with both developer and housebuilders associated with LD1 lands to north west;

34. The PAC condition makes it clear that the junction improvements are a requirement of the LD1 housing development and therefore these works are not connected to the retail development. DfI Roads consider it would be unreasonable that the developer of the retail unit, who is responsible for only a small part of the overall development in the area, should have to accept responsibility for the junction improvements required by the residential developments in the areas. The Applicant of the retail development considered it was unreasonable to delay the development until works outside his control had been completed.

Comments of DfI Roads at reserved matters should not be construed that information was acceptable for removal of Condition 6 of outline permission;

35. At the reserved matters DfI Roads advised that they would have no objections subject to a number of conditions which did not repeat Condition 6 in the outline permission. It is noted by the objector that this is a Grampian style condition which required the works to be completed prior to the proposal becoming operational and was not required to be fulfilled as part of the reserved matters submission.

Concern that only right turn lane was required as part of outline permission;

36. It was deemed through consultation that the right hand turning lane would be acceptable to allow safe access into the site while maintain free flowing traffic along Ballinderry Road. Whilst the upgrading of the Knockmore Road/Ballinderry Road junction was included as a condition in the outline permission, this was on the premise that it would be provided within the lifetime of the approval, which in reality did not materialise. In the current context, DfI consider that a refusal reason in this case could not be sustained and the junction improvements proposed at this location should no longer be a prerequisite for this development to become operational.

No supporting information submitted to demonstrate current impact of the development on the surrounding road network

37. DfI Roads have not requested any additional traffic assessments as part of this application and note that although the retail development will result in further trip generation onto the public road network, most of this increase will outside of the normal peak time traffic flow. In addition it has been noted that the outline permission was for a larger development which included a petrol filling station and would likely result in a lower number of vehicle trips. In these circumstances it has been determined that no further information regarding the impact on the surrounding road network is required with this application.
Conclusions

38. Based on careful consideration of the relevant policies and having regard to the consultation responses and in consideration of the representations received, it is contended that on balance the proposal meets the relevant policy tests and that it will not cause detriment to the character of the area or the residential amenity of any neighbouring resident in neighbouring properties.

Recommendations

39. It is recommended that the removal of Condition 6 of Appeal 2012/A0212 is acceptable for the reasons outlined above.

Conditions

40. The following conditions are recommended should the application be approved:

- This planning permission is effective from date of issue on this notice.

- The permission hereby granted, pertains solely to the removal of Condition No 06 of planning permission S/2012/0153/O and Appeal Reference 2012/A0212, and all other conditions contained within the original permission as detailed above remain applicable.

  Reason: To ensure that all other conditions of this planning approval are adhered to.
Site Location Plan – LA05/2017/1209/F
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>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local Application (Called in)</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2016/1050/F</td>
</tr>
<tr>
<td>Date of Application</td>
<td>18 October 2016</td>
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<tr>
<td>District Electoral Area</td>
<td>Killultagh</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Erection of 4no. dwellings with double garages including new vehicular accesses and all other associated site works</td>
</tr>
<tr>
<td>Location</td>
<td>Site to the south of No. 4 Beanstown Road, Aghnahough, Lisburn</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Farrans Homes/ Alan Patterson Design LLP</td>
</tr>
<tr>
<td>Representations</td>
<td>Seven</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Catherine Gray</td>
</tr>
<tr>
<td>Recommendation</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

**Summary of Recommendation**

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

2. The application is presented to the Planning Committee with a recommendation to approve as the detail submitted with regard to scale, massing and proportions of the proposed dwellings along with the proposed planting are considered to be acceptable within this context and that the proposed development will not be detrimental to the overall character of the area.
Description of Site and Surroundings

3. The site is located to the southern side of the Beanstown Road. The site currently occupies a few road side buildings and the rest is partially stoned and partially soil/grassed area of land.

4. The front boundary of the site abuts the Beanstown Road and is partially defined by a low level hedgerow. The other boundaries are not clearly defined on the ground.

5. The site backs onto a housing development known as Thaxton which is under construction. There are agricultural fields and other derelict buildings on lands opposite the application site. Adjacent and east of the site is the proposal for the new Lisburn feeder road.

Proposed Development

6. The application seeks full planning permission for the erection of 4 no. detached dwellings with double garages including new vehicular accesses and all other associated site works on a site to the south of no. 4 Beanstown Road, Aghnahough, Lisburn.

Relevant Planning History

7. The planning history associated with the site is outlined below:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site address</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2003/0253/O</td>
<td>Lands allocated for housing development in north Lisburn under the Lisburn Plan 2001: LD4 Aghnahough; LD6 Stockdam, Magheralave and Belsize Roads; and LD7 Ponk Park and Deriaghy Road -</td>
<td>New residential neighbourhoods on land zoned for housing to include local community facilities and provision of new roads infrastructure (North Lisburn Feeder Road) to link Wilmar Road, Deriaghy Road, Pond Park Road and Prince William Road on lands</td>
<td>Permission Granted 2 August 2005</td>
</tr>
</tbody>
</table>
8. The relevant planning policy context which relates to the application is as follows:
   - Local Development Plan
   - Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development
   - Planning Policy Statement 2 - Natural Heritage
   - Planning Policy Statement 3 - Access, Movement and Parking
   - Planning Policy Statement 6 – Planning, Archaeology and the Built Environment
   - Planning Policy Statement 7 – Quality Residential Environments
   - Planning Policy Statement 7 – Addendum
   - Planning Policy Statement 12 – Housing in Settlements
   - Creating Places and DCAN 8

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 objections in principle</td>
</tr>
<tr>
<td>DAERA: Drainage and Water</td>
<td>No specific comments to make and refers to standing advice</td>
</tr>
<tr>
<td>NI Water</td>
<td>Standard Response</td>
</tr>
<tr>
<td>Department of Communities – Historic Environment Division</td>
<td>Assessed information provided and content that the proposal is satisfactory to the SPPS and PPS 6 tests.</td>
</tr>
<tr>
<td>DfI Roads</td>
<td>No objections subject to conditions and informatives</td>
</tr>
<tr>
<td>DAERA: Natural Heritage Division</td>
<td>Considered impacts of the proposal on natural heritage interests and on basis of the information provided, has no concerns. Informatives recommended.</td>
</tr>
</tbody>
</table>

10. Seven representations were received in respect of this proposal. The following issues were raised:
   - Boundary Changes
   - Traffic and Roads Infrastructure
   - Cost of Development
   - Local Development Plan
   - Emerging Policies
   - Suitability of the site
Compatibility with neighbouring properties
Potential adverse impact on adjoining properties from noise, fumes;
Environmental damage to natural hedgerows and trees;
Planting required along the boundary hedge;
Access

Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:
- Local Development Plan
- Principle of Development
- Natural Heritage Considerations
- Access, Movement and Parking
- Planning, Archaeology and the Built Environment
- Quality Residential Environments
  - Layout/Design Considerations
  - Residential Amenity
  - Impact of Character
  - Provision of Open Space
  - Landscaping

Local Development Plan

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 must be made in accordance with the plan unless material considerations indicate otherwise.

13. 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 Lisburn Area Plan 2001 is now the statutory development plan for the area with draft Belfast Metropolitan Area Plan 2015 remaining a material consideration.

14. Within the Lisburn Area Plan 2001, the application site lies within the settlement limit and on land zoned for housing within the context of designation LD4 – Aghnahough.

15. Within the draft BMAP, the application site is also located within the Settlement Development Limit on lands zoned for housing within the context of designation LC 04/14 – Housing Land at Aghnahough. Both plans included a number of key site requirements one of which relates to the need for buffer planting along the boundary with the countryside is relevant to this application.

16. The planning history of the site shows that outline permission was granted in August 2005 for the designated area under planning application
S/2003/0253/O. The original concept plan associated with this approval indicates that the development would back onto the Beanstown Road and that it would have a buffer zone along the settlement development limit boundary as per one of the key site requirements stipulated in the local development plan.

**Principle of Development**

17. 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.

18. Under the SPPS, 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.

19. Since the outline approval was granted in 2005, there have been a number of applications determined on lands surrounding the application site – with development backing onto the Beanstown Road some distance from the road itself. This form of development has in effect allowed for further development to take place.

20. The application site is on lands zoned for housing within the Settlement Development Limit where there is a presumption in favour of development subject to material considerations in respect of residential amenity, design and standard consultation advice being satisfied.

**Natural Heritage Considerations**

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

22. Policy NH 2 – Species Protected by Law states that planning permission will only be granted for a development proposal that is not likely to harm a protected species.

23. It is acknowledged that in order to facilitate the proposed development, the existing buildings on the site would need to be removed. Likewise, the existing hedgerow to the roadside would need to be removed in order to accommodate the required visibility splays.

24. During the processing of the application, the Agent was asked to submit the following information to assist with the overall assessment:
   - Biodiversity Checklist dated 28 November 2016;
Bat Roost Potential and Activity Survey dated 3 March 2017
Statements from AEC in relation to the survey results dated 5 April 2017 and 16 May 2017;
Bat Survey and Impact report dated 8 September 2017

25. The biodiversity checklist identified built structures post 1960 as having potential to support roosting bats along with a number of semi mature Ash trees located south west of the existing dwelling. The survey noted that the site area had been cleared previously resulting in bare ground which formed the dominant habitat type. It was noted that land to the south of the existing dwelling is currently utilised for spoil stockpiling and that it would be converted into a temporary site compound.

26. The hedgerows were inspected for evidence of activity from badgers however no such evidence was noted.

27. The bat roost potential and activity survey dated February 2017 concluded that investigations failed to identify any evidence of bat activity within the existing structures or mature and semi-mature trees and that the overall site had low utility to the local bat population with low habitat diversity.

28. The Bat survey and impact report dated September 2017 concluded that previous surveys confirmed that existing structures and mature trees hold low to moderate roosting suitability. It also noted that due to an absence of active roosts within the site, no mitigation measures are required to offset negative impacts as no such impacts are likely to arise should proposals be granted.

29. Natural Environment Division having considered the detail associated with the various reports within the context of the planning application advised that from a nature conservation perspective that they had no concerns with the proposal.

30. Based on the information submitted and the advice from NED, it is considered that the proposal complies with the policy tests associated with PPS 2 and that the works associated with the proposed development will not cause harm to a protected species.

**Access, Movement and Parking**

31. PPS 3 – Access, Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

32. The application site lies adjacent to the proposal for the new Lisburn Feeder and as such, the detail incorporates a new road layout which includes the new feeder road.

33. Two dual access points are proposed onto the Beanstown Road to provide a safe access to the proposed site. This includes an access from the new feeder road onto the Beanstown Road. Within each site, there is a double garage and also provision for an additional 2 vehicles.
34. During the processing of the application, amended plans were received to address concerns expressed by DfI – Roads in relation to verges, entrance points and to provide clarity in relation to old and new boundaries. Private Street Determination drawings were also required.

35. The latest response from DfI – Roads dated August 2017 indicates that they are content with the proposal as presented subject to conditions and informatives aimed at ensuring that there is a satisfactory means of access in the interest of road safety and convenience of road users and that adequate provision is made for parking within the site.

36. Based on the information submitted and advice from statutory consultee, it is contended that the proposal provides for a safe access and adequate parking.

Planning, Archaeology and the Built Environment

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

38. Policy BH 2 – 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 value of the remains in question.

39. The north east corner of the application site is located within a buffer zone surrounding an archaeological site and monument – an enclosure located off the Old Park Road.

40. It is considered that the proposed development would not have a negative effect on the enclosure.

Quality Residential Environments

41. PPS 7 – Quality Residential Environments sets out the planning policies for achieving quality in new residential developments.

42. Policy QD1 – Quality in New Residential Developments 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. It 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.

43. The addendum to PPS 7 – Safeguarding the Character of Established Residential Areas provides additional planning policies on the protection of
local character, environmental quality and residential amenity with in
established residential areas, villages and smaller settlements.

44. Policy LC1 – Protecting Local Character, Environmental Quality and Residential
Amenity states that in established residential areas, a key considerations 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.

45. The following are the applicable criteria of Policies QD1 and LC1.

Layout/Design Considerations

46. The application is for 4 dwellings with double garages. The house type
associated with site 1 is a two storey with a maximum ridge height of 9.3m. It
has different elements to its design which are considered to be appropriate for
a corner site location.

47. The house type associated with site 2 is again, two storey with a maximum
ridge height of 9.3m. The dwelling is rectangular in shape and has a single
storey front porch and single storey rear return. The main frontage of both
these sites is approximately 11.4m.

48. The house type associated with site 3 and 4 are the same, two story with a
maximum ridge height of 9.3m, rectangular in shape with a front porch area and
a small single storey rear return. The main frontage of both these sites is
approximately 10.5m.

49. The design and layout of the various house types are considered to be
acceptable for the site and its location. The positioning of the windows ensures
that there will be no overlooking into any of the neighbouring properties.

50. The level changes within the site means that sites 2, 3 and 4 are split level
dwellings. The separation distances of the dwellings from the rear wall of the
dwelling to the rear boundary range from 10 – 19 m (to the corner site) which is
considered to be acceptable. Taking into account, the approved scheme which
backs onto the application site, the separation distances are again considered
to be acceptable and the design such that there will be no overlooking.

51. The proposed material finishes of all 4 dwellings include select facing brick,
concrete interlocking tiles, Upvc rainwater goods, double glazed windows and
Upvc or hardwood doors. These finishes are considered to be acceptable as
they match those of the dwellings in the surrounding developments.

52. The double garage proposed within each site is rectangular in shape with a
ridge height of 5.1m above finished floor level. The material finishes will match
those of the proposed dwellings which are considered acceptable.

53. The design of the dwellings are broadly in line with the established built form in
terms of height, scale and massing and the site layout plan demonstrates a
density ratio of built form to garden area to be consistent with that in the
immediate vicinity and in keeping with this edge of settlement location and as such, will not be detrimental to the overall character of the area.

Residential Amenity
54. The detail submitted with the application demonstrates that adequate private amenity space above minimum requirements will be provided. The location of the dwellings with each site provides for adequate rear amenity space with the double garage located to the side rear of each dwelling.

55. The position of the dwellings within the site and their orientation will avoid any potential adverse effects in terms of overlooking, loss of light overshadowing, noise or other disturbance.

Impact of Character
56. The application site is at the edge of the settlement development limit on land zoned for housing. The site backs onto a housing development which is already under construction. The density of the proposed development is less than the development to the south and is deemed acceptable.

57. The dwellings will front onto the Beanstown Road. The dwelling associated with the corner site will have a dual aspect as it will in effect present a frontage to both the Beanstown Road and new feeder road in due course.

58. The scale massing and proportions of the dwellings are deemed to be acceptable for the site and its location and it is contended that they will not be out of character with those in the general area. The topography of the site is such that the development would integrate into the landscape.

Provision of Open Space
59. The application is for the erection of 4 dwellings with double garages. There is no policy requirement for the development to make provision for public open space. Adequate private amenity space has been provided in line with guidance set out in creating places.

Landscaping
60. The existing hedgerow along the front of the application site with the Beanstown Road will be removed to facilitate the creation of safe access points into the development. New landscaping is proposed to the boundaries with the exception of that along this frontage to ensure that visibility splays are provided and maintained.

61. New hedgerow and tree planting is proposed and between each site the boundaries will comprise either a new hedgerow or 1.8m boundary fence. The proposed boundary treatments are considered to be acceptable.

62. Due to the changes in level within the site, a small retaining wall is required to the rear of each dwelling. The detail associated with this structure is considered to be acceptable.
63. One of the key site requirements set out in the local development plan relates to a buffer zone of planting along the boundary with the settlement limit. It is however noted that the existing pattern of development along the Beanstown Road at this location is comprised of single dwellings with suburban style development behind.

64. It is considered that a thick buffer planting will not contribute to the overall impression of a defined boundary between the urban edge of the settlement and open countryside. This is as a consequence of the short distance along the Beanstown Road associated with this application.

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**Consideration of Representations**

65. Seven representations were received in respect of this proposal. The issues raised are considered below:

**Boundary Changes**

66. The settlement limit has not changed and the proposal has been considered within the correct local development plan context.

**Traffic and Roads Infrastructure**

67. Two dual access points are proposed onto Beanstown Road within the context of this application. Adequate parking is also denoted on the plans. DfI Roads are content with the detail submitted in this regard and as such, it is contended that the proposal provides for a safe access and parking.

**Cost of Development**

68. Costs associated with the proposed development are not material planning considerations.

**Local Development Plan**

69. The application has been considered within the local development plan context.

**Emerging Policies**

70. Policies which do not yet exist are not material to the determination of this application.

**Suitability of the site**

71. The land associated with the proposed application is zoned for housing and it is within the settlement limits. As such, the principle of development is acceptable subject to all other material considerations being satisfied.
Compatibility with neighbouring properties

72. The proposal is for the erection of 4 dwellings on lands zoned for housing. It is contended that the dwellings will not have a negative impact on any neighbouring properties.

Potential adverse impact on adjoining properties from noise, fumes

73. The proposed site is located within an existing residential area on lands zoned for housing. It is contended that the scheme will not cause unacceptable noise or cause any concerns in relation to fumes. Environmental Health have considered the proposal and offer no objection.

Environmental damage to natural hedgerows and trees

74. Whilst it is noted that the existing hedgerow vegetation is to be removed to facilitate the proposed development and visibility splays, no harm will be caused to protected species. NED have considered the proposal and offer no objection.

Planting required along the boundary hedge

75. In light of previous approvals, existing built form and detail associated with new landscaping and planting, the proposal is considered to be acceptable.

Access

76. The proposal involves the creation of accesses onto the Beanstown Road. The detail associated with this aspect of the proposal is considered to be acceptable. DfI Roads has offered no objection from a road safety perspective.

Conclusions

77. By way of conclusion, it is considered that the detail submitted with regard to scale, massing and proportions of the proposed dwellings along with the proposed planting are considered to be acceptable within this context and that the proposed development will not be detrimental to the overall character of the area.

Recommendations

78. It is recommended that planning permission is approved
Refusal Reasons

79. The following conditions are recommended

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

- The vehicular accesses, including visibility splays and any forward site distances shall be provided in accordance with Drawing No R01h, bearing the LCCC Planning Office date stamp 10 May 2017 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 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 interest of road safety and the convenience of road users.

- The access gradients shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is not abrupt change of slope along the footway.
  
  **Reason**: to ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.


  The 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 P290/R01h bearing the Transport NI determination stamp 01 August 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 dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no P290/R01h bearing the Transport NI determination stamp 01 August 2017 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.
Reason: To ensure that adequate provision has been made for parking within the site.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining full 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.

- During the first planting season, after the occupation of the first dwelling, the planting scheme shall be carried out in accordance to the stamped approved plan No. 16 bearing the Council date stamp 7 March 2017.
  Reason: To ensure the maintenance of screening to the site.

- 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, dies or is seriously damaged, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place.
  Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
### 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 approve as it is contended that the detail submitted with regard to the scale, massing and proportions of the proposed dwellings are acceptable and that the proposal will not cause detriment to the character of the area or the residential amenity of any neighbouring properties.
Description of Site and Surroundings

3. The application site measures approximately 0.47 hectares in size and lies between the Beanstown Road to the North and the existing Sir Richard Wallace Walk development to the South.

4. The topography of the site is undulating with the levels falling in both a westerly and southerly direction, with the land sloping down towards the housing to the rear of the site. It appears the site was once an agricultural field, but on the day of the site visit it was apparent that the site has been substantially cleared and currently consists of soil and mounds of earth.

5. There is a 2-2.5m high fence located along the northern boundary of the fence adjacent to the road. The eastern and western boundaries are not well defined as there are adjacent areas of land that have also been cleared as construction on some development is ongoing. The southern boundary partially consists of 2m high close board fences which are the rear boundaries of the properties in Sir Richard Wallace Walk.

6. The area is characterised as residential with a large development to the south this proposal.

Proposed Development

7. The development is for the erection of 5 no. dwellings with double garages including vehicular accesses and all other associated works.

Relevant Planning History

8. 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>
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<td>New residential neighbourhoods on land zoned for housing to include local community facilities and provision of new road infrastructure (North Lisburn Feeder Road) to link Wilmar Road, Deriaghy Road, Pond Park Road and Prince William Road.</td>
<td>Granted 2nd August 2005</td>
</tr>
</tbody>
</table>

Planning Policy Context

9. 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) 7 - Quality Residential Environments
- Planning Policy Statement (PPS) 8 - Open Space, Sport and Outdoor Recreation

**Consultations**

10. 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 re streets and parking layouts.</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objections subject to informatives re connection to sewerage and water infrastructure.</td>
</tr>
<tr>
<td>NIEA Water management</td>
<td>No objections subject to informatives and agreement of NI water to connect to main sewers.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections subject to informatives.</td>
</tr>
</tbody>
</table>

**Representations**

11. Eighteen representations have been received in respect of this application. The following issues were raised:
- Road Safety
- Construction Access to the site
- Density to high
- Inappropriate Development
- Impact on the landscape
- Encourage additional inappropriate accesses
- Destruction of Hedgerows
- Cost of development to stakeholders
- Local Development Plan Designations
- Emerging Policies
- Suitability of the site
- Compatibility with neighbouring properties
- Loss of Privacy/Overshadowing
- Adverse impacts
- Creation of Ribbon Development
- Sewerage Infrastructure
- Buffer Planting
Consideration and Assessment

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

- Local Development Plan
- Principle of Development
- Access, Movement and Parking
- Quality Residential Environments
  - Impact on character of area
  - Residential amenity
  - Layout / Design / Materials
  - Landscaping
  - Parking and Access
- Water & Sewerage Infrastructure

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

14. 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 Lisburn Area Plan 2001 is now the statutory development plan for the area with draft Belfast Metropolitan Area Plan 2015 remaining a material consideration.

15. This site lies within Housing Zoning LD4 of the Lisburn Area Plan 2001 and Zoning LC04/14 of Draft BMAP 2004. Both plans contained a number of key site requirements including one which required a buffer zone along the settlement limit boundary.

16. 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. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

17. 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.
18. 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.

19. An important consideration in this regard is that this proposal is located on land zoned for housing within the LDP.

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

Access, Movement and Parking

21. 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.

22. Policy AMP1 – Creating an Accessible Environment aims to create an accessible environment for everyone. Transport NI were consulted in relation to this proposal. They 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.

23. 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.

Quality Residential Environments

24. PPS 7 – Quality Residential Environments sets out planning polices for achieving quality in new residential developments.

25. 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 it will create a quality and sustainable residential environment. 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.

26. 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.

27. The following are the applicable criteria of Policy QD1 of PPS 7 to ensure compliance with Policy LC1 of the addendum to PPS 7.

Impact on Character of Area

28. In terms of site layout it is contended that this proposal is acceptable when compared with other developments in its immediate vicinity. The scheme comprises a range of house types 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.

Layout/Design/Materials

29. The proposed site layout seeks to enhance that of the overall area. The dwellings are sensitively positioned, offering sufficient front and rear amenity space and with suitable garages and car parking provision.

30. The design of the dwellings draw upon the characteristics of, and are broadly in line with the existing built fabric in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to garden area that is appropriate to planning policies and is consistent with that found in the immediate vicinity. A lower density of housing is proposed than that found in the adjacent Thaxton Village development. The proposal is more in keeping with this edge of settlement location as beyond the site is open countryside. Separation distances between proposed dwellings and their relationship with adjacent residential dwellings and their existing boundaries is adequately addressed and respected by this proposal.

31. Finishing materials to be used in the construction of the dwellings will include select facing brick, concrete interlocking roof tiles, UPVC rainwater goods, windows to be double glazed, and doors and frames to be uPVC or hardwood. These finishes match those of the dwelling designs in the surrounding developments 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.

Residential Amenity

32. 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. The shortest separation distance between the rear of a dwelling and the boundary is 9m. While this is just slightly below the guidance of 10m separation distance, this is taken from the single storey sunroom to the rear. The distance from the rear of the main body of the dwelling is 12.5m, and it is this part of the house that is 2 storey.
Landscaping/ Amenity Space

33. Policy requires that adequate provision is made for public and private open space and landscaped areas as an integral part of new developments. This proposal has less than the 25 minimum units that the policy stipulates requires an area of public open space.

34. The level of private open space (measured as an area of rear garden space) appears to be acceptable. Drawing No. 24 bearing the planning date stamp 4th July 2017, provides a private amenity schedule with the private amenity provision indicated for every dwelling. No dwelling has less than 233 square metres of private open space provision.

35. One of the key site requirements set out in the local development plan relates to a buffer zone of planting along the boundary with the settlement limit. It is however noted that the existing pattern of development along the Beanstown Road at this location is comprised of single dwellings with suburban style development behind.

36. It is considered that a thick buffer planting will not contribute to the overall impression of a defined boundary between the urban edge of the settlement and open countryside. This is as a consequence of the short distance along the Beanstown Road associated with this application.

37. A landscaping and planting plan has been submitted with the application to indicate the position and species of proposed vegetation and trees and the ongoing management and maintenance of landscaping provided as part of this proposal. The proposed landscaping is considered appropriate.

Water & Sewerage Infrastructure

38. NIW were consulted and stated that there is a public water supply within 20m of the proposal. They also stated that there is no foul sewer and no surface water sewer within 20m of the proposal. They advised that consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how the proposal may be serviced.

39. NIEA Water Management Unit have also considered the potential impacts of the proposal on the water environment and on the basis of the information provided is content. Informatives have been provided to be attached to an approval.

Consideration of Representations

40. Eighteen representations were received in respect of this application. The issues raised are considered below.

Road Safety
41. Transport NI have been consulted several times on this application with each amendment received. They initially suggested that the access to the site should if possible be taken from existing development to the south of the application site. The agent stated that the application is in line with the concept masterplan approved under S/2003/0253/O and that the housing in Sir Richard Wallace Park is a committed development site under planning application LA05/2016/0411/F and is currently under construction.

42. In light of this the application was amended to show a road widening on the Beanstown Road around the vicinity of the site, increasing it from 4.8m to 5.5m wide, at the request of Roads. Roads were re-consulted with these amendments and other amendments they had requested in terms of access details, swept paths for vehicles manoeuvring on the hard standing areas, etc. Roads had no further objections and provided conditions to be attached to an approval.

43. The Planning Unit has no remit to control construction access to the site.

Density too high

44. The housing density is considerably lower than the built and the development under construction abutting the site to the south, which is in land also in the housing zoning.

Inappropriate Development

44. The Development is appropriate to the site and the surrounding area as it is within a housing zoning as designated by Lisburn Area Plan and Draft BMAP.

Impact on Landscape

45. As the site is within a designated housing zoning, there is the expectation that housing will be built on it so the landscape will not be spoiled as housing has been intended for this location.

Encourage additional inappropriate accesses

46. Any future applications which involve new accesses onto the Beanstown Road will be dealt with and assessed on their own merit with consultation with Transport NI.

Destruction of hedgerows

47. Hedgerows will inevitably have to be removed to facilitate the accesses to the development. A landscape and planting plan has been submitted with the application and show some hedging along the front to be re-instated. As the site is zoned for housing there would be an expectation that some of the boundary treatments would be affected by development.

Cost of development to stakeholders

48. The Planning Unit has no remit over costs incurred to other stakeholders.
Local Development Plan Designations

49. The new Area Plan is in the very early stages of development and therefore cannot be given any weight in the assessment of this application.

Emerging policies

50. Policies which do not exist are not material to the determination of this application.

Suitability of the Site

51. It is contended that the site is suitable for this development as it is zoned for housing in the local development plan.

Compatibility with neighbouring property

52. It is considered that the development of the site will have no adverse effects on the neighbouring property nor the dwellings to the rear. There is housing along the Beanstown Road so the proposal is in keeping with the area, and the site is zoned for housing.

Loss of privacy/overshadowing

53. There will be no loss of privacy or overshadowing on the adjoining properties as the proposal is in keeping with planning policy in terms of separation distances as discussed in the above report.

Adverse impact on adjoining property

54. There will be no noise disturbance or disturbance from fumes to the neighbouring properties as the proposal is sufficiently removed from these neighbouring dwellings

Creation of Ribbon Development

55. The site is located in the settlement limit of Lisburn therefore Policy CTY8 - Ribbon Development in Planning Policy Statement 21 - Sustainable Development in the Countryside is not applicable in this instance.

Sewerage Infrastructure

56. The agent has indicated that the foul sewage is to be disposed via the mains. The Environmental Health Office of LCCC were consulted with this and had no objections to it. No septic tanks or soakaways are required.

Buffer Planting

57. It is noted that one of the key site requirements set out in the local development plan relates to a buffer zone of planting along the boundary with the settlement limit. It is also noted that the existing pattern of development along the Beanstown Road at this location is comprised of single dwellings with suburban style development behind.

58. Given this particular context, it is considered that a thick buffer planting will not contribute to the overall impression of a defined boundary between the urban
edge of the settlement and open countryside. This is as a consequence of the short distance along the Beanstown Road associated with this application.

Conclusions

55. Based on careful consideration of all material considerations, it is contended that the detail submitted with regard to the scale, massing and proportions of the proposed dwellings are acceptable and that the proposal will not cause detriment to the character of the area or the residential amenity of any neighbouring properties.

Recommendations

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

Conditions

57. The following conditions are recommended:

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

- The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P289/R01h bearing the Planning date stamp 27th September 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 access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.
  Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.P289/R01h bearing the Planning date stamp 27th September 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 dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no P289/R01h bearing Planning date stamp 27th September 2017 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

**Reason:** To ensure that adequate provision has been made for parking.

During the first planting season, after the occupation of the first dwelling, the planting scheme shall be carried out in accordance to the stamped approved plan No. 23 bearing the date stamp 4th July 2017.

**Reason:** To ensure the maintenance of screening to the site.

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, dies or is seriously damaged, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place.

**Reason:** To ensure the provision, establishment and maintenance of a high standard of landscape.
Location Plan – LA05/2016/0686/F
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>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local Application (Called in)</td>
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<tr>
<td>Application Reference</td>
<td>LA05/2017/0516/O</td>
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<td>Date of Application</td>
<td>19 May 2017</td>
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<tr>
<td>District Electoral Area</td>
<td>Killultagh</td>
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<tr>
<td>Proposal Description</td>
<td>Replacement of existing with dwelling</td>
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<tr>
<td>Location</td>
<td>123A Pond Park Road, Lisburn</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>George Willis/McCreedy Architects</td>
</tr>
<tr>
<td>Representations</td>
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<tr>
<td>Case Officer</td>
<td>Catherine Gray</td>
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<tr>
<td>Recommendation</td>
<td>REFUSAL</td>
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</table>

Summary of Recommendation

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

2. The application is presented to the Planning Committee with a recommendation to refuse as it has not been demonstrated that the proposal to replace a redundant non-residential building with a single dwelling would bring significant environmental benefits or that it would make an important contribution to the heritage, appearance or character of the locality.

Description of Site and Surroundings

3. The application site is located to the western side of the Pond Park Road and is accessed via a short tarmacked/hard standing laneway. A garage/outbuilding occupies the site. The structure is completely intact with a low level ridge and a gable end window to its first floor.
4. The building has a tiled roof like a dwelling house and a garage style door to its front elevation and a few window openings. There are no openings associated with the rear elevation. The only access to the building is through the front garage door.

5. Observations of the internal space would indicate that the building is used for storage purposes.

6. The external walls are of a dashed render finish. The building is raised on the site and is set at a higher level than the access. The areas surrounding the building are overgrown with vegetation and does not appear to be maintained on a regular basis.

7. In the immediate surrounding area, there are single storey dwellings some of which have roof dormers.

### Proposed Development

8. The application seeks outline planning permission for the replacement of existing with a dwelling.

### Relevant Planning History

9. The planning history associated with the site is outlined below:

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Site address</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2009/1196/F</td>
<td>123a Pond Park Road, Lisburn, Co Antrim, BT28 3RE</td>
<td>Conversion and reuse of existing non-residential building to singe dwelling under PPS21 – Policy CTY 4.</td>
<td>Refused 16 Feb 2011</td>
</tr>
<tr>
<td>S/1999/1014/O</td>
<td>Rear of 125 Pond Park Road, Lisburn</td>
<td>Change of Use (with alterations) from store to provide dwelling.</td>
<td>Refused 22 Jan 2000</td>
</tr>
<tr>
<td>S/1989/0722</td>
<td>125a Pond Park Road, Lisburn</td>
<td>Change of Use from store to dwelling with alterations and extension.</td>
<td>Refused 2 October 1989</td>
</tr>
</tbody>
</table>
Planning Policy Context

10. The relevant planning policy context which relates to the application is as follows:
   - Local Development Plan
   - Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development
   - Planning Policy Statement 2 - Natural Heritage
   - Planning Policy Statement 3 - Access, Movement and Parking
   - Planning Policy Statement 15 – Planning and Flood Risk
   - Planning Policy Statement 21 - Sustainable Development in the Countryside

Consultations

11. The following consultations were carried out

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northern Ireland Water</td>
<td>No objections</td>
</tr>
<tr>
<td>DfI Roads</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections in principle</td>
</tr>
<tr>
<td>Water Management Unit</td>
<td>No specific comment – refer to standing advice</td>
</tr>
<tr>
<td>Land, Soil and Air</td>
<td>Application site is in close proximity to a site which is regulated under The Pollution Prevention and Control (Industrial Emissions) Regulations (NI) 2013. Based on information provided, the Radiochemical Inspectorate is content.</td>
</tr>
<tr>
<td>Regulation Unit – Land and Ground Water Team</td>
<td>Former activities in the surrounding area may have caused the land to be affected by contamination. Based on the limited information provided, the Unit is unable to advise on whether the development would have significant adverse impact on the water environment.</td>
</tr>
</tbody>
</table>

Representations

12. No representations were received in respect of this proposal.
Consideration and Assessment

13. The main issues to consider in the determination of this planning application are:
   - Local Development Plan
   - Principle of Development
   - Sustainable Development in the Countryside
     - Replacement Dwellings
     - Integration and Design
     - Rural Character
     - Development Relying on Non Mains Sewerage
   - Natural Heritage Considerations
   - Access, Movement and Parking
   - Flood Risk
   - Contamination Issues
   - Validity Considerations

Local 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 made 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 Lisburn Area Plan 2001 is now the statutory development plan for the area with draft Belfast Metropolitan Area Plan 2015 remaining a material consideration. In accordance with both the Lisburn Area Plan 2001 and Draft Belfast Metropolitan Plan 2015 the site is located within the countryside.

16. In this case, the application site is located within the countryside.

Principle of Development

17. 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.

18. Under the SPPS, 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.

19. The Strategic Planning Policy Statement for Northern Ireland (SPPS) makes specific reference to replacement dwellings in the countryside. It states that provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact.

20. It advises that replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

21. The Agent has sought planning permission for the replacement of existing with dwelling. It is considered that the policy tests associated Policy CTY 3 – Replacement Dwellings of PPS 21 – Sustainable Development in the Countryside is relevant to the determination of this application.

**Sustainable Development in the Countryside**

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

23. Policy CTY1 – Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for an individual dwelling house in the countryside as a replacement dwelling in accordance with policy CTY 3 – Replacement Dwelling.

**Replacement Dwelling**

24. Policy CTY3 – Replacement Dwellings states planning permission will be approved for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. For the purposes of this policy, all reference to ‘dwellings’ will include buildings previously used as a dwelling.

25. It is considered that the building associated with the application whilst substantially intact, it does no exhibit the essential characteristics of a dwelling house. Observations onsite indicate that the building has been used as a general store and no evidence has been provided to demonstrate that the building was previously used as a dwelling. As such, it is contended that this policy test has not been satisfied.
26. Policy CTY 3 states that buildings designed and used for agricultural purposes, such as sheds or stores and buildings of a temporary construction will not however be eligible for replacement under this policy. It is contended that the building is not designed and used for agricultural purposes nor is it of a temporary construction. As such, this policy test is not considered to be applicable in this instance.

27. The policy then states that Favourable consideration will however be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the area.

28. Whilst it is accepted that the building to be replaced is largely a non-residential building, it is argued that the building is separated from other surrounding dwellings by existing boundaries. No supporting documentation was submitted with the application at the outset and despite the Agent being asked in June 2017 to demonstrate how the proposal satisfied the policy tests associated with CTY3 no information has been provided. On this basis, the Agent has failed to demonstrate how the redevelopment of a non-residential building at this location would bring significant environmental benefits or how it makes an important contribution to the heritage, appearance or character of the locality.

29. Policy CTY3 requires that all proposals for replacements must comply with a number of other criteria.

30. Given that the proposed building fails to exhibit the essential characteristics of a dwelling and that no evidence has been provided to demonstrate that the proposed building was previously used as a dwelling, consideration of the other criteria are not considered necessary.

Integration and Design Considerations

31. 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.

32. If the principle of development was considered to be acceptable, it is contended that the site could accommodate a low level dwelling house of rural design. A dwelling similar in size/scale to the existing building would not be considered to be a prominent feature in the landscape. Existing and proposed site levels and finished floor levels would be required and some additional planting to the boundaries would further aid integration.
Rural Character

33. 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.

34. If the principle of development was considered to be acceptable, the proposed development would not be unduly prominent in the landscape or result in a suburban style of build-up of development. A modest scheme could be designed to respect the traditional pattern of development in this rural area. It would not create or add to a ribbon of development. The impact of any ancillary works should not damage the rural character.

Development Relying on Non-Mains Sewerage

35. Policy CTY 16 – Development Relying on Non-Mains Sewerage states that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

36. As the application is for outline planning permission, no details have been provided with regard to septic tank and soak away arrangements. It is however considered that the site is large enough to accommodate such infrastructure. Both Environmental Health and Water Management Unit have offered no objection to the proposal.

Access, Movement and Parking

37. PPS 3 – Access, Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

38. The proposal involves the alteration of the existing access point visibility slays of 2.0m x 60m in both directions are proposed. There is ample room within the site to accommodate the parking of 3 vehicles and room for vehicle manoeuvring. DfI Roads have raised no objection from a road safety perspective.

Natural Heritage Considerations

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

40. The building is intact and water tight and the existing boundaries can be retained. There are no conditions evident on site that raise concerns with regard to natural heritage matters.
Flood Risk

41. PPS 15 – Planning and Flood risk sets out planning policies to minimise and manage flood risk to people, property and the environment.

42. The application site is not located within a flood plain nor is it near a watercourse. As such, there are no concerns with regard to potential flooding potential.

Contamination Considerations

43. The application site lies with a buffer zone surrounding Castle robin Quarry and White Mountain Quarries. Land, Soil and Air and the Land and Ground water team advised that former activities in the surrounding area may have caused the land to be affected by contamination. The regulation unit have advised that based on the limited environmental information provided, they are unable to advise on whether this development would have significant adverse impacts on the water environment.

44. In June 2017, the Agent was asked for a risk assessment and additional information in response to the concerns raised by the regulation unit. No information was provided in this regard.

Validity Issues

45. The site address associated with the application raised concerns at the outset. The site address is noted on the P1 form as 123A Pond Park Road however, the site does not appear to have a postal address and should therefore be addressed as 25m west of 125 Pond Park Road.

46. The Agent was asked to provide clarification on the matter in June 2017 and to date, no clarification was provided.

47. It is noted from the Planning History that the application site was accepted in 2009 as 123a Pond Park Road. Earlier applications were accepted with addresses to the rear of 125 Pond Park Road and 125a Pond Park Road by previous planning authorities.

Conclusions

48. By way of conclusion, it is considered that the application as presented is contrary to policy in that the building does not represent a replacement dwelling it has not been demonstrated that the proposal to replace a redundant non-residential building with a single dwelling would bring significant environmental benefits or that it would make an important contribution to the heritage, appearance or character of the locality.
49. It is recommended that planning permission is refused.

Refusal Reasons

50. The following refusal reasons are recommended

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the SPPS and Policy CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal to replace a redundant non-residential building with a single dwelling would bring significant environmental benefits.
- Insufficient information has been provided regarding the above proposal as required in accordance with Section 3(6) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, to enable the Council to make an informed decision.
## Summary of Recommendation

1. This application is categorised as a local planning application in accordance with the Development Management Regulations 2015. The application has been referred to the Committee for determination in accordance with the Scheme of Delegation.

2. The application is presented to the Planning Committee with a recommendation to Approve as the use of the proposed shed as an internal picnic and play area in association with the established open farm business will not result in a detrimental impact on the amenity of nearby residential dwellings.

## Description of Site and Surroundings

3. The proposed site is approximately 0.37 hectares in size and located adjacent and east of existing agricultural buildings associated with Streamvale Open Farm. The farm operates as a visitor attraction with the buildings laid out to provide various agricultural experiences including sensory and viewing of animal exhibitions including feeding and milking, tractor and pony rides and various play and eating areas.

4. Those buildings to the west of the proposed site are comprised of barrel roofed agricultural barns finished in a dark grey colour. Adjacent and north west is a single storey agricultural outbuilding, constructed of rendered stone or block work with a hipped roof. A number of aviary and small animal enclosures are
located adjacent and north of the proposal. The site is relatively flat in nature and formed with a thin layer of fine stone fill. At the time of inspection, in January 2018 construction of the proposed building was underway with several courses of block laid down to all sides. An inspection carried out in March 2018 confirms that the building is constructed in full.

5. Over the wider area of Streamvale Open Farm the buildings around the farmyard are laid out to provide the various agricultural experiences outlined in Paragraph 3 above. Further to north-west lands have been laid out for the parking of cars and coaches. The site is located on lands elevated above Dundonald, in general these lands rise in a southerly direction from Ballyhanwood Road, lands continue to rise gradually and are undulating beyond the site to the south, east and west.

6. Streamvale Open Farm is within open countryside and set such that it is detached from residential dwellings in the area. Further to the west is another farm complex, No. 54 Ballyhanwood Road and to the rear of which the land is used for horticultural allotments.

### Proposed Development

7. Full planning permission is sought for the retention of a shed to form part of the overall Streamvale Open Farm and to be used as an internal picnic and play area as part of its operation.

### Relevant Planning History

8. 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>Y/2005/0506/F</td>
<td>Alteration to existing building to provide ice cream production area and schools lunch room.</td>
<td>2 March 2006</td>
</tr>
<tr>
<td>Y/2011/0399/F</td>
<td>Agricultural shed for the purposes of providing therapy to teenagers and adults via working with horses.</td>
<td>9 October 2012</td>
</tr>
<tr>
<td>Y/2013/0029/LDE</td>
<td>Retrospective partial change of use of existing farm to publically accessible buildings for the purposes of existing open farm business.</td>
<td>5 March 2013</td>
</tr>
</tbody>
</table>

### Planning Policy Context

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

- Belfast Urban Area Plan 2001
- Draft Belfast Metropolitan Area Plan (dBmap) 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside

Consultations

10. 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.</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection, information on connection requirements to existing water infrastructure.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections.</td>
</tr>
</tbody>
</table>

Representations

11. There have been no representations received in respect of this proposal.

Consideration and Assessment

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

- Local Development Plan
- Principle of Development
- Farm Diversification
- Access, movement and car parking

Local Development Plan Context

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

14. 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 Belfast Urban Area Plan 2001 is now the statutory development plan for the area, however the draft Belfast Metropolitan Area Plan 2015 remains a material consideration.

15. Within the BUAP 2001 the site is located within the countryside and an area of high scenic value. Policy L4 of the LDP seeks to protect areas of high scenic value through planning policies that keep hill slopes and skylines free from urban development. This proposal for an agricultural building is neither urban development nor will it affect slopes or skylines given that it is located with an existing group of farm buildings.

16. Within draft BMAP the same plan policies for this application site remain in force.
Principle of Development

17. The Strategic Planning Policy Statement (SPPS) was published in September 2015. It 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.

18. The SPPS states 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.

19. The application, when considered against the policies of the BUAP 2001 and draft BMAP is considered acceptable given its context with the existing farm operation and it is therefore contended that this proposal satisfies the principle of development.

Farm Diversification

20. Planning Policy Statement 21 – Sustainable Development in the Countryside sets out planning polices for development proposals located beyond settlement limits.

21. Policy CTY1 considers there are a range of development proposals which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. Proposals must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including access and road safety. Farm diversification proposals are considered against the policies set out in Policy CTY11.

22. Policy CTY11 will grant proposals for farm diversification where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm and as such the farm business must be currently active and established, the character and scale of the proposal must be appropriate to its location, it will not have an adverse impact on natural or built heritage and; it will not result in detrimental impact on the amenity of nearby residential dwellings.

23. This application seeks an additional building for use as part of a previously established and active open farm project. In terms of Policy CTY11 the principle of the active and established farm business was previously confirmed by DAERA through planning application Y/2011/0399/F.

24. The proposed building is to be sited within the context of existing agricultural buildings and its character and scale are less than, or reflect that of adjacent agricultural buildings. As such it is considered the proposal is appropriate to its location.
25. The building is sited in an area of the active farm that has no influence on the natural or built heritage and due to separation distances of dwellings outside of this farm holding it will not have a detrimental impact on nearby residential units.

26. Policy CTY11 does require diversification projects to re-use or adapt existing farm buildings and, exceptionally new buildings may be permitted where there is no existing building available. The site visit has confirmed that the existing buildings are all in use for either the agricultural holding itself or the operation of the established open farm and as such the need for the new building is apparent. The policy, when allowing such a new building requires it to be satisfactorily integrated with an existing group of buildings which, in this case the proposal is in compliance.

27. As the proposal seeks an additional building for use with an established open farm on this active farm and no existing buildings are available it is considered this proposal is in compliance with the requirements of Policy CTY11 and will not have a detrimental impact as a result.

Access, Movement and Parking

28. 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.

29. The accompanying P1 application form (Question 25) details that the proposal will not give rise to additional visitors to the site. DfI Roads have offered no objection and it is contended that existing access arrangements remain compliant with the requirements of PPS3.

Summary

30. Having considered all submitted information and consultation responses it is considered that the applicant has satisfactorily demonstrated an acceptable proposal that complies with Planning Policy.

Recommendation

31. It is recommended that planning permission is granted.

Conditions

32. The following conditions are recommended:
   - This decision is issued under Section 55 of The Planning Act (Northern Ireland) 2011.
   Reason: This is a retrospective application.
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>Monday 9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local Application (Exception Applies)</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2017/0952/F</td>
</tr>
<tr>
<td>Date of Application</td>
<td>4 September 2017</td>
</tr>
<tr>
<td>District Electoral Area</td>
<td>Lisburn North</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding</td>
</tr>
<tr>
<td>Location</td>
<td>Adjoining 97 &amp; 101 Moss Road, Lambeg, Lisburn, BT27 4NX</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Mr D J Wilson/C.R. Design</td>
</tr>
<tr>
<td>Representations</td>
<td>Two</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Richard McMullan</td>
</tr>
<tr>
<td>Recommendation</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

Summary of Recommendation

1. This is a local application. The application is presented 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 as the two storey extension to an existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding is considered to be acceptable.

Description of Site and Surroundings

3. This site is located upon the eastern side of the Moss Road at its junction with Woodland Park, Lisburn.
4. Within the site, there is a large two storey building. At street level within the building a Mace shop and a butchers (S. Berry) are noted fronting onto the Moss road. A hairdressers (Hairworld) fronts onto Woodland Park.

5. The building has a hipped roof, windows with a horizontal emphasis and aluminium shop fronts at street level. To the front and side of the building associated car parking was noted. The site is rectangular in shape and its topography generally flat.

6. The boundaries of the site are defined as follows;
   - Eastern (Moss road) - Wooden fencing (2m high approximately)
   - Northern - Wooden fencing (2m high approximately)
   - Southern - Existing building
   - Western - Wooden fencing (2m high approximately.)

7. The site is located within a mature residential neighbourhood which consists of long established dwellings. As well as the complex within this site a number of other non-residential uses were noted within the area including a Post Office, a dentist, hot food bars and a vets practice.

### Proposed Development

8. The application is for a two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding.

### Relevant Planning History

9. The following history is relevant to the application.

<table>
<thead>
<tr>
<th>Reference</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/1981/0985</td>
<td>Erection of shop unit with living accommodation on first floor</td>
<td>Granted</td>
</tr>
<tr>
<td>S/1992/0478</td>
<td>Extension to butchers shop</td>
<td>Granted</td>
</tr>
<tr>
<td>S/1997/0203</td>
<td>Single Storey Extension to rear of 2 no Shop Units</td>
<td>Granted</td>
</tr>
<tr>
<td>S/2001/1130/F</td>
<td>Addition of toilet facility to shop.</td>
<td>Granted</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 2015 (dBMAP 2015)
   - Strategic Planning Policy for Northern Ireland (SPPS): Planning for Sustainable Development
   - PPS 3 – Access, Movement and Parking
   - PPS 7: Quality Residential Environments

11. The application site lies within the settlement limit of Lisburn.

Consultations

12. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>DfI - Roads</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection subject to conditions</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection</td>
</tr>
</tbody>
</table>

Representations

13. Two letters of representation were received in respect of the proposal. The following issues were raised:
   - Car parking and safety;
   - Air pollution;
   - Damage to fence, vermin issues;
   - Potential light loss and blocking of a view;
   - Noise levels;
   - Access/right of way issue;

Consideration and Assessment

14. The main issues to consider in the determination of this planning application are:
   - Principle of Development
   - Retailing
   - Quality Residential Environment
     - Design
     - Pattern of Development
     - Density
     - Amenity
     - Built/Natural Heritage
- Character
- Amenity Space
- Size of residential unit

**Principle of Development**

15. 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 made in accordance with the plan unless material considerations indicate otherwise.

16. 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 Lisburn Area Plan 2001 is now the statutory development plan for the area with draft BMAP remaining a material consideration.

17. 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.

18. Under the SPPS, 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.

19. With the Lisburn Area Plan and the draft BMAP, the application site falls within the settlement limit and outside Lisburn town centre boundary. The principle of development is considered to be acceptable subject to all other material considerations being addressed.

**Retailing**

20. The proposal is for a two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding.

21. It is noted that this site is outside of Lisburn Town/City centre. Given the scale of the proposed retail use and the distance from the existing Town Centre it is considered that the proposal shall not cause any significant harm to the existing city centre.

22. It is also noted that an existing retail centre exists within the site and it is considered that the proposal shall complement this established use.
23. This proposed development shall retain and consolidate the existing retail units (Mace and Butchers) found within the existing site. The proposal shall add to local everyday shopping provision within the local area.

**Quality Residential Environment**

24. PPS 7 – Quality Residential Environments sets out the planning policies for achieving quality in new residential developments.

25. Policy QD1 – Quality in New Residential Developments 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. It 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.

26. The addendum to PPS 7 – Safeguarding the Character of Established Residential Areas provides additional planning policies on the protection of local character, environmental quality and residential amenity within established residential areas, villages and smaller settlements.

27. Policy LC1 – Protecting Local Character, Environmental Quality and Residential Amenity 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.

28. The following are the applicable criteria of Policies QD1 and LC1

   **Design/Layout**

29. The design of the building (extension and store) can be seen to be in keeping with the existing building in terms of form, materials and detailing. It is noted that the roof profile shall be altered from hipped to pitched. It is considered that this alteration would be visually acceptable.

30. It is considered that the layout/pattern of development proposed will be in keeping with the character and quality of the established area. The works shall provide an extension to an established residential/commercial unit which is contended will be visually acceptable within the local streetscape.

   **Density/Size**

31. It is considered that the works proposed would be in keeping with the policy requirement in relation to density and that it will respect the density characteristic of the established context.

32. The apartment proposed can be seen to be a 1 bedroom apartment which has a footprint of 63.18m.sq. This can be seen to be acceptable in respect of its size taking into account policy requirements.
Residential Amenity
33. Given the site location/orientation in relation to the sun path etc. it is contended that no issues of light loss shall arise. It is recommended that an upper floor side window can be conditioned to be fitted with obscure glazing to prevent any undue overlooking to the south east (landing window).

34. Rear facing windows shall not result in any undue overlooking issues taking into account the existing context/building.

Built/Natural Heritage
35. No features of archaeological or built heritage shall be impacted upon.

Impact on Character
36. The development shall be in keeping with the surrounding context and shall be appropriate to the site and surrounding area. It is considered that the proposed built form is acceptable in terms of layout, scale (no higher than existing building), proportions, massing, design, detailing and finishes all of which will match the host building.

Private Amenity Space
37. It is noted that this development provides for an extension to the in situ building and that no amenity space is provided for the apartment element of this proposal. Given the in situ context in respect of neighbouring apartments within this site this would be acceptable. Public open space is available within the local area.

Car Parking/Access
38. Within this application it is indicated that the existing car parking arrangements shall be upgraded (re-marked) to provide for 25 spaces which should encourage better use of the area.

Access, Movement and Parking
39. PPS3 – Access Movement and Parking sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

40. It is acknowledged that current parking provision within the site is poorly utilised. Within this application it is indicated that the existing car parking arrangements shall be upgraded (re-marked) to provide for 25 spaces which should encourage better use of the area.

41. On street car parking with parking on the road edge and footways is noted as being off concern. DfI Roads indicate that while lawful it is unlawful if obstruction is caused and that this is enforceable by the PSNI.

42. It is considered that if approved the application will encourage better use of the existing car parking area as it will be marked out to a better standard. DfI Roads have provided a condition in respect of this which is considered to be reasonable. No objection is offered.
43. The site is seen to be adjacent to the existing road and pavement network. Therefore access to public and private transport shall be available as an alternative to the car.

Consideration of Representations

32. Two letters of representation were received. The issues raised are considered below:

Car parking and safety
33. Concern expressed that existing entrance points would be blocked preventing access when required. Reference made to people currently paring on corners and footpaths which makes walking difficult.

34. With regard to road safety concerns, DfI – Roads have been consulted and offer no objections. The development shall result in the current car park being marked out correctly (to provide 25 spaces) which aid with better use of parking space. Parking on footpaths and corners would be a matter for the PSNI if obstructions are being caused.

Air pollution
35. Concern expressed that lorry engines left running will cause Air Pollution. There is an existing and established use operating from the site and Environmental Health have expressed no objection in relation to the proposed extension.

Damage to fence and Vermin
36. Any damage caused to existing fences would be a civil matter and pest problems would be outside of the remit of planning. With regard to concerns in relation to vermin, this is a matter that would be investigated by Environmental Health should issues arise.

Potential light loss and blocking of a view
37. It is considered that any potential light loss would be minimal given the orientation of the development in relation to adjacent properties and the suns path. The blocking of a view is not a matter that would warrant the refusal of a planning application.

Noise levels
38. Environmental Health have not expressed any concern in relation to operational matters. A condition in respect of deliveries to the development has been recommended to protect neighbouring amenity which is considered to be reasonable.

Access/right of way issue
39. The agent has forwarded correspondence in respect of this outlining that no right of way exists through the site. Any issues that arise that cause access to be blocked/restricted would be a civil matter.
Conclusions

40. The proposal is for a two storey extension of existing commercial premises to provide a delicatessen, kitchen and toilet on the ground floor with a one bedroom apartment on the first floor and a detached store to service all adjoining flats and commercial units within the holding. The scheme as presented is considered to be acceptable.

Recommendation

41. It is recommended that planning permission is approved.

Conditions

42. The following conditions are recommended:

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. 
  **Reason:** As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing no 02 bearing Planning date stamp 07 Feb 2018 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles. 
  **Reason:** To ensure that adequate provision has been made for parking.

- During the operational phase of the proposal no activity which is likely to generate excessive noise e.g. delivery, should be undertaken outside the hours of 08:00 to 21:00. 
  **Reason:** To protect the amenity of neighbouring dwellings with respect to noise.
### 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>9 April 2018</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Local Application (Exceptions Apply)</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2017/1204/F</td>
</tr>
<tr>
<td>Date of Application</td>
<td>27 November 2017</td>
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<tr>
<td>District Electoral Area</td>
<td>Lisburn South</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Proposed single storey rear extension to kitchen/dining area.</td>
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<tr>
<td>Location</td>
<td>2 Richmond Crescent, Lisburn, BT28 2BE</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Mr W Mitchell/C.R. Design</td>
</tr>
<tr>
<td>Representations</td>
<td>0</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Richard McMullan</td>
</tr>
<tr>
<td>Recommendation</td>
<td>APPROVAL</td>
</tr>
</tbody>
</table>

#### 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 approval as the detail submitted with the application in terms of scale, massing, design and external finishes are considered to be acceptable. Furthermore, it is contended that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

#### Description of Site and Surroundings

3. This site is located upon the northern side of Richmond Crescent. There is a detached dwelling located on the site. This dwelling is 1.5 storey in height with a pitched roof and windows with a horizontal emphasis. There is a small sun room on the rear elevation of the dwelling. The dwelling can be seen to be gable facing onto the road. An attached flat roofed garage is also noted.
3. The dwelling is finished with a white smooth render, brown profiled roof tiles and brown windows and a brick skirt.

4. The site is rectangular in shape and its topography is flat. To the front a small grassed garden area with two bushes were noted. The front boundaries of the site are undefined/open. There is a small garden area to the rear. It is enclosed by existing landscaping.

5. The site is located within the urban fabric of Lisburn. It is set within a development of both similar and also different styled dwellings. The development consists of similar styled dwellings apart from two dwellings opposite the site which are both full two storey dwellings of a different style and finish.

Proposed Development

6. Proposed single storey rear extension to kitchen/dining area.

Relevant Planning History

7. The planning history associated with the site is outlined below:

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>S/2013/0008/F</td>
<td>En-suite on first floor with dormer window at side</td>
<td>Permission Granted-23.04.2013</td>
</tr>
<tr>
<td>S/2012/0092/F</td>
<td>Single storey extension to ground floor lounge</td>
<td>Permission Granted-23.05.2012</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
   - Strategic Planning Policy for Northern Ireland (SPPS): Planning for Sustainable Development
   - PPS 7 (Addendum): Residential Extensions and Alterations
Consultations

9. Due to the nature of the proposed application, no formal consultations were required.

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
   - Principle of Development
   - Residential Extensions and Alterations
     - Design
     - Privacy/Residential Amenity
     - Impact on Character
     - Private Amenity Space
     - Car Parking

Local Development Plan

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 must be made in accordance with the plan unless material considerations indicate otherwise.

13. 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 Lisburn Area Plan 2001 is now the statutory development plan for the area with the draft Belfast Metropolitan Area Plan 2015 remaining a material consideration.

14. The application site is located within an established residential area.

Principle of Development

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. Under the SPPS, 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.

17. The policy tests associated with the Addendum to PPS 7 - Residential Extensions and Alterations is relevant to the determination of this application.

Residential Extensions and Alterations

18. The addendum to PPS 7 - Residential Extensions and Alterations provides additional planning policy for the extension and/or alteration of a dwelling house.

19. Policy EXT 1 – Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met.

(a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

20. It is considered that the scale, massing, design and external materials of the development as proposed will be in keeping with the host dwelling. The works will not therefore detract from the appearance or character of the surrounding development. Given that the works are proposed to the rear elevation, there will not be highly visible from public viewpoints. Existing planting will also screen the development.

(b) The proposal does not unduly affect the privacy or amenity of neighbouring residents.

21. Neighbouring privacy and amenity levels shall not be compromised by the works as proposed. No issues in relation to overshadowing, light loss, dominance or overhanging shall arise.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to the local environment quality;

22. It is considered that the works as proposed shall not detract from the appearance or character of the surrounding development. No landscape features of note shall be lost as a result of the works.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring.

23. It is considered that adequate amenity space shall remain with the curtilage of the site for domestic and recreational purposes. Access to the rear of the
property shall be gained via existing garage and as such, no issues shall arise in respect of the storage of bins etc…

24. With regard to parking and manoeuvring, existing parking provision shall not be altered as a result of the proposed works.

Conclusion

25. The application is for a single storey rear extension to kitchen/dining area within an established residential area. The detail submitted with the proposal in terms of scale, massing, design and external finishes are considered to be acceptable. Furthermore, it is contended that the proposal will not unduly affect the privacy or amenity of neighbouring residents.

Recommendation

26. It is recommended that planning permission is approved.

Conditions

27. The following conditions are recommended.

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. **Reason:** As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The materials to be used in the construction of the external surfaces of the development hereby permitted, shall match those of the existing dwelling. **Reason:** In the interest of visual amenity and to ensure the proposal is in keeping with the existing dwelling.
Summary of Recommendation

1. This application is categorised as a local planning application in accordance with the Development Management Regulations 2015. The application has been referred to the Committee for determination in accordance with the Protocol for the operation of the Planning Committee.

2. The application is presented to the Planning Committee with a recommendation to Approve and subject to the applicant entering into a Section 76 agreement that no further works to the earlier approval will be carried out.

Description of Site and Surroundings

3. The application site is defined by the existing dwelling at 50 Monlough Road and its associated outbuildings. Access is via an established laneway which extends east to the position of the site approximately 230 metres east of Monlough Road.
4. The property to be replaced is a two-storey detached dwelling. It has fully intact external walls with a rough cast finish and a fully intact slate roof with two chimneys expressed along the ridgeline. The dwelling is finished with white PVC windows and door openings throughout and there is a simple storm porch at the main front entrance. A small single storey projection exists to the north gable, this has a lean to roof and has the same external finishes as the main section of the dwelling.

5. A number of small outhouses are located on site. Two agricultural sheds are located to the rear of the dwelling.

**Proposed Development**

6. Full planning permission is sought a replacement dwelling and garage with demolition of the existing dwelling and outbuildings.

**Relevant Planning History**

7. 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>Y/1999/0054</td>
<td>Site for replacement dwelling.</td>
<td>18 June 1999</td>
</tr>
<tr>
<td>Y/2006/0445/RM</td>
<td>Erection of replacement dwelling and garage</td>
<td>27 November 2006</td>
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</table>

**Planning Policy Context**

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

- Carryduff Local Plan
- Draft Belfast Metropolitan Area Plan (dBmap) 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 (PPS21) – Sustainable Development in the Countryside

**Consultations**

9. 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.</td>
</tr>
<tr>
<td>NI Water</td>
<td>No objection, information on connection requirements to existing water infrastructure.</td>
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<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------------------</td>
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<tr>
<td>Environmental Health</td>
<td>No objections.</td>
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### Representations

10. There have been no representations received in respect of this proposal.

### Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:
   - Local Development Plan Context
   - Principle of Development
   - Replacement Opportunity
   - Access, Movement and Car Parking

#### Local Development Plan Context

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

13. 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 Belfast Urban Area Plan 2001 is now the statutory development plan for the area, however the draft Belfast Metropolitan Area Plan 2015 remains a material consideration.

14. Within the up to date LDP and draft BMAP 2015 the site is located within a rural area beyond any settlement development limit. Consideration of the proposal must therefore fall to the rural policies contained within Planning Policy Statement 21, Sustainable Development in the Countryside.

#### Principle of Development

15. The Strategic Planning Policy Statement (SPPS) was published in September 2015. It 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 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. The application, when considered against the policies of the LDP and draft BMAP is considered acceptable, subject to the provisions of the prevailing planning policies for such a countryside location.

Replacement Opportunity

18. Planning Policy Statement 21 – Sustainable Development in the Countryside sets out planning polices for development proposals located beyond settlement limits. Policy CTY1 considers there are a range of development proposals which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 directs consideration of replacement proposals to Policy CTY3 of PPS21.

19. Policy CTY3 will grant planning permission for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The subject building meets this policy requirement as the external walls are substantially intact and it exhibits the essential characteristics of a dwelling, as has been described above.

20. Policy CTY3 states that proposals for a replacement dwelling must comply with the following criteria:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; In this case the replacement dwelling will be sited within the established curtilage of the existing dwelling.

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building; In this case the overall size of the proposed dwelling is considered acceptable. Critical views of the dwelling will be extremely limited given the site’s substantial set back from the road. Although the replacement dwelling is larger in scale than the existing dwelling to be replaced it will not have a greater visual impact given the context of the site.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; In this case the design of the proposed replacement dwelling is considered acceptable for this rural setting.

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; In this case the necessary services are considered to exist and be available to serve the proposed replacement dwelling.

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. In this case the proposed replacement
dwelling will be via the established laneway which currently serves the existing dwelling. Transport NI are content this access will not prejudice road safety or significantly inconvenience the flow of traffic.

21. It is contended that the proposal complies with all of the requirements of Policy CTY3.

22. It should be noted that Policy CTY3 does not apply to buildings where planning permission has previously been granted for a replacement dwelling and in this case such permission has already been granted for the replacement of this dwelling under previous permissions Y/2007/0603/F and Y/2006/0445/RM.

23. Through the consideration of this proposal there is evidence that the previous permission was implemented as LCCC Building Control carried out a commencement/foundation inspection survey on the 5th and 6th January 2011. Such an inspection is considered sufficient to demonstrate commencement of the previous planning approval and whilst the applicant’s agent has not been able to locate the previous works at the position the replacement was approved, there is evidence of some ground works. This would correlate with the Building Control records.

24. As such it is recommended that approval is granted, subject to the applicant entering into a Section 76 agreement that no further works to the earlier approval will be carried out.

**Access, Movement and Parking**

25. 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.

26. The accompanying P1 application form indicates that access will be taken via the existing unaltered access to this property. As mentioned above, DfI Roads were consulted on the matter and raise no objections. It is contended that existing access arrangements remain compliant with the requirements of PPS3.

<table>
<thead>
<tr>
<th>Summary</th>
</tr>
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<tbody>
<tr>
<td>27. Having considered all submitted information and consultation responses it is considered that the applicant has satisfactorily demonstrated an acceptable proposal that complies with Planning Policy.</td>
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</table>

<table>
<thead>
<tr>
<th>Recommendation</th>
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<tbody>
<tr>
<td>28. It is recommended that planning permission is approved subject to the applicant entering into a Section 76 agreement that no further works to the earlier approval will be carried out.</td>
</tr>
</tbody>
</table>
Conditions

29. In addition to a legal agreement, the following conditions are recommended:

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. **Reason:** As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The dwelling hereby permitted shall not be occupied until parking/hard standing has been provided and permanently retained in accordance with the approved plan No. 02 date stamped 24 May 2017. **Reason:** To ensure that adequate provision has been made for parking.
Site Location Plan – LA05/2017/0532
Appeal Decision

Appeal Reference: 2017/A0154
Appeal by: Mr Brian Fairley
Appeal against: The refusal of full planning permission
Proposed Development: One chalet bungalow
Location: Adjacent to No 11 Seymour Park, Lisburn
Planning Authority: Lisburn & Castlereagh City Council
Application Reference: LA05/2017/0334/F
Procedure: Hearing on 16 February 2018
Decision by: Commissioner Pamela O'Donnell, dated 16 March 2018

Decision

1. The appeal is dismissed.

Reasoning

2. The main issue in the appeal is whether the proposal would result in unacceptable damage to the local character, environmental quality or residential amenity of the established residential area.

3. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations indicate otherwise. In this case, the relevant statutory plan is the Lisburn Area Plan 2001 (LAP) as the more recent Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful in May 2017. As a result of this, the draft version of BMAP (dBMAP) remains a material consideration in the appeal. The appeal site is located within the development limit for Lisburn and is unzoned land in both the LAP and dBMAP. There are no relevant designations or policies within either pertinent to the appeal site or proposal. There are, however, other material considerations in the appeal and these are discussed below.

4. The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming, its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements. Accordingly, the relevant regional policy context is provided by Planning Policy Statement 7 ‘Quality Residential Environments’ (PPS7). Supplementary guidance contained in ‘Creating Places - Achieving Quality in Residential Developments’ (CP) is also material to the consideration of the appeal.
5. Policy QD1 of PPS7 provides operational policy on new residential development. It 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. It adds that all proposals for residential development will be expected to conform to nine criteria. In this case the Council argue that the proposal fails to comply with criteria (a) and (c) of Policy QD1.

6. Criterion (a) requires proposals for residential development to respect the surrounding context. It states that development proposals should be “appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and the appearance of buildings, structures and landscaped and hard surfaced areas”. Criterion (c) seeks to ensure that adequate provision is made for public and private open space and landscaped areas as an integral part of the development.

7. The appeal site comprises a significant portion of what once would have been the rear garden of No 11 Seymour Park. This area is now fenced off from No 11 and is overgrown and unkempt. The site is bounded to the north west by a commercial unit and to the south west by vegetation which also delineates part of the rear garden boundary of No 9 Seymour Park. The eastern boundary is undefined and abuts an existing footpath. The surrounding area is characterised by Edwardian era properties and by other more modern dwelling types. There is a mix of detached and semi detached dwellings with the majority being of single storey in height. There are a few dwellings with roof space conversions. There is an established building line and the majority of the dwellings have rear amenity provision in the form of back garden areas.

8. The appeal proposal seeks full permission for a chalet bungalow of one and a half storeys in height. The site plan provided shows that the dwelling would be located within the north western part of the site and forward of the building line along this part of Seymour Park. Access would be provided to the side of the proposed dwelling and parking provision for two cars is shown. A linear strip of private amenity space would be provided to the rear of the proposed dwelling with a much larger rectangular parcel of amenity space shown to the side. This side garden area would lie between the proposed parking area and the rear garden boundary of the neighbouring No 11 Seymour Park. A proposed 2m high close boarded fence with landscaping is proposed along three of the site boundaries.

9. The Council accept that the plot ratio of the proposal would reflect others in the surrounding area. However, they argue that the layout is unacceptable as it is not in keeping with the existing pattern of development. They also assert that the dwelling would unacceptably break the building line and that the amenity provision proposed is inadequate and thus unacceptable. It was clarified at the Hearing that their concern as regards ‘overdevelopment’ was related to both objections and that the alleged limited rear amenity provision was, in their opinion, indicative of overdevelopment. As the Appellant had the opportunity to comment on the issue, as it related to both objections at the Hearing, no prejudice arises.

10. The pattern of development in the area is mainly comprised of dwellings set back from the footpath with intervening amenity provision to the front in the form of garden areas with private amenity provision to the rear and in-curtilage parking space to the side. The appeal proposal would not reflect this pattern of
development given the layout presented. The proposed dwelling would be located very close to the footpath and it would extend beyond the established building line. There would be no meaningful amenity provision to the front as this would only comprise a small strip of landscaping. As regards side garden provision, there are a few plots that possess this. However, these mainly consist of corner sites (at the junction of two roads) and they do not primarily rely on amenity space to the side, unlike the appeal proposal. In addition, the majority of these properties also have rear amenity provision that would be usable. This would be in contrast with that of the appeal proposal given its restricted size and extremely enclosed nature. Even though Nos 6 and 8 Seymour Park no longer have rear garden areas because outbuildings have been erected therein, they still have that space to utilise and those properties would originally have had back gardens, reflective of others found in the area. In any event, limited rear garden space, akin to that proposed, is not prevalent in the area.

11. As outlined above, the appeal site once comprised the rear garden of No 11 and the fragmentation of the original plot means that the site itself appears as somewhat manufactured in the street scene. This sub-division reads as an anomaly which would be compounded, if developed as proposed, as such an arrangement of dwellings would be out of keeping with the surrounding area. In addition, and as referred to above, the quantum of side garden provision proposed would be uncharacteristic when compared to other site layouts, as would the overall design given the lack of dormer windows within the area. In my judgement, the proposed development would appear cramped in appearance and symptomatic of overdevelopment. The first reason for refusal is sustained insofar as stated.

12. Policy QD1 seeks to ensure that adequate provision is made for private open space in residential developments. When read with the Justification and Amplification to the policy, at paragraph 4.31, it is clear that this space should be useable. It is also evident that the provision of private open space is regarded as particularly important for new family dwellings, described in general terms as those of three or more bedrooms. Paragraph 5.19 of CP supplements policy on this issue. It states that on green-field sites and in lower density development all houses should have an area of private open space behind the building line. It explicitly mentions ‘back garden provision’ and indicates that this should be calculated as an average space standard for the development as a whole and should be around 70 sq m per house or greater. It goes on to say that garden sizes larger than the average will generally suit dwellings designed for use by families, with smaller areas more appropriate for houses with one or two bedrooms or adjacent to public or communal open space. For any individual house however, an area less than around 40 sq m will generally be unacceptable. It is acknowledged that CP is not policy but guidance. As such, the stipulations within are not rigid standards, but guidelines to be weighed with other relevant factors when assessing the level of private amenity provision appropriate on a particular site.

13. Given that the proposal would be for a family dwelling (as space for three bedrooms is shown), the larger figure of 70 sq m as espoused in the guidance above should, at the very least, apply. In this case, the sub-division of the plot has led to layout constraints meaning that only limited private rear amenity provision is provided. This renders the site layout not only uncharacteristic of the area, but at
around 25 sq m, the proposed rear amenity provision falls well short of the figures recommended. It would also be practically unusable space given its constrained nature and it would not create a quality environment. There is ample side garden provision shown. However, the side garden would not be contiguous with the dwelling as it would be separated from it by the parking and turning area. It would therefore have a poor and physically divorced relationship with the dwelling and its frontage to the road would necessitate significant boundary treatment over and above that proposed to ensure privacy. Accordingly, the side garden provision cannot compensate for the shortfall in rear amenity provision in this case as it would not provide acceptable ‘private’ and thus defensible space and the quantum provided would also be out of character and appearance with the surrounding area. While the provision of landscaping within the site would be acceptable and the open space provision, in total, would be in excess of 70 sq m, the overall site layout is unacceptable for the reasons given and again indicative of overdevelopment. It is acknowledged that the site is not within a Conservation Area or an Area of Townscape Character. However, this does not mean that the quality of the residential environment is unimportant. The second reason for refusal is sustained.

14. Objectors raised concerns regarding the possibility of overlooking. Having carefully assessed the proposal within its context, I am satisfied that no unacceptable overlooking would result. This is due to the proposed boundary treatment, the position and orientation of windows and overall separation distances. Concern was also expressed in respect of loss of light and overshadowing. However, given the location of the appeal proposal relative to surrounding properties and the path of the sun, I am satisfied that no unacceptable overshadowing would occur. Apart from No 11, dwellings in the immediate area have incurtilage parking which can be used to free up road space for visitor parking. Furthermore, the car parking provision proposed would be on site and accord with guidance in CP. Accordingly, the likelihood of future residents parking on street would be low and, as regards visitors, that would only be over a temporary period. As such, I am not persuaded that the proposal would lead to parking problems in the area. The additional traffic likely to be generated by the appeal proposal would not, in my opinion, compromise road safety or impede vehicular manoeuvring in the area. Transport NI had no objections to the proposal from a road safety or indeed parking perspective and their position reinforces my conclusion on these matters. I am not persuaded that the proposal would result in an unacceptable impact in respect of noise and general activity arising from construction. Even if I were to find in the alternative, conditions could be imposed to restrict hours of building operations which would only last for a temporary period in any event. In addition, no persuasive evidence was provided to substantiate the claim that the proposal would devalue existing properties. None of the additional matters put forward by the Objectors would warrant the dismissal of the appeal. However, as the reasons for refusal are sustained, as stated, the appeal must fail.

This decision relates to Drawing No L-01 Rev B Site Location and Layout Map @ 1:1250 and 1:250 and Drawing No PL-01 Proposed Plans & Elevations @ 1:50/1:100 stamped refused by the Council on 19 September 2017.

COMMISSIONER PAMELA O'DONNELL
List of Appearances

Planning Authority:-  
Ms C Gray (Lisburn & Castereagh City Council)  
Ms S McCluskey (As above)

Appellant(s):-  
Mr K Gillespie (NI Planning Permission)

Third Parties: -  
Mr & Mrs Burrell (No 13 Seymour Park)  
Mr G Mooney (of behalf of Mr & Mrs Burrell)  
Mr J Dyer (No 11 Seymour Park)

List of Documents

Planning Authority:-  
“A” Statement of Case

Appellant(s):-  
“B” Statement of Case

Third Parties:-  
“C” Statement of Case (Mr & Mrs Burrell)  
“D” Statement of Case (Mr Dickson (No 15))  
“E” Statement of Case (Mr & Mrs Dyer)
Appeal Reference: 2017/A0159
Appeal by: Mr P Newell
Appeal against: The refusal of outline planning permission
Proposed Development: Site for replacement dwelling and garage
Location: 11 Lisnode Road, Lisburn
Planning Authority: Lisburn and Castlereagh City Council
Application Reference: LA05/2017/0135/O
Procedure: Written representations and Commissioner’s site visit on 12 March 2018
Decision by: Commissioner D McShane, dated 26 March 2018.

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development represents a replacement dwelling that would be acceptable in principle in the countryside.

3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful in May 2017. Therefore the Lisburn Area Plan 2001 (LAP) operates as the statutory LDP for the area in which the appeal site is located; however it provides no determining policies for dwellings in the countryside. The draft Belfast Metropolitan Area Plan (dBMAP), which is a material consideration, also does not contain any determining policies. The relevant planning policy context is provided by the Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development (SPPS) and Planning Policy Statement 21 - Sustainable Development in the Countryside (PPS 21), which the SPPS identifies as a retained policy document.

4. Policy CTY 1 of PPS 21 lists 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. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal represents a replacement opportunity in accordance with Policy CTY 3. The policy indicates that planning permission will be given for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural...
walls are substantially intact. All replacement cases must meet five additional criteria

5. The dwelling to be replaced (No.11) exhibits the essential characteristics of a dwelling as required by policy. However, No.11 has already been replaced under planning approval S/1992/0490/F. Condition 2 attached to the planning approval stated that “the existing building, marked green on the enclosed plan, shall be demolished within 6 weeks of the date of occupation of the new dwelling”. The rationale for the condition was “to preserve the amenity of the area and to prevent an accumulation of dwellings on the site”. The requirements of the condition have not been met and the dwelling remains in situ. Indeed, a second application was submitted to replace No.11 in January 2003. Planning permission was refused on the basis that the dwelling was located in the Green Belt and had already been the subject of an approval and as such could not be replaced again (S/2002/1346/O). The Appellant's interpretation of Policy CTY 3 is that there has been a major change in policy direction since the previous refusal in 2003, hence a third application to replace No.11 has been submitted.

6. The Appellant's interpretation of Policy CTY 3 is that the sixth paragraph of the policy head-note applies only to non-listed vernacular dwellings and that as such there is nothing within policy to preclude a non vernacular building, which has already been replaced, from being replaced again. The sixth paragraph of Policy CTY 3, which is presented under the heading Non-Listed Vernacular Dwellings states that “in cases where the original building is retained, it will not be eligible for replacement again. Equally, this policy will not apply to buildings where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original building, or where the building is immune from enforcement action as a result of non-compliance with a condition to demolish”.

7. In support of his policy interpretation, the Appellant refers to Appeal decision 2009/A0278. However, this relates to a proposal for the retention, conversion and alterations to an existing vernacular building (my emphasis) to provide a traditional single storey dwelling. Permission had been given in 2002 to replace the building. Contrary to condition, the vernacular building was not demolished prior to the construction of the replacement dwelling. The Commissioner found that the building cannot benefit from the provisions of CTY 3 in these circumstances and the appeal was dismissed.

8. Contrary to the view of the Appellant, there is nothing in the appeal decision that amounts to a policy statement that the clause does not apply to non vernacular dwellings. The fact that the paragraph applies to non listed vernacular dwellings does not preclude it from equally applying to non vernacular dwellings. Furthermore, any potential ambiguity arising from the layout of the policy wording of CTY 3, there are four paragraphs under the main heading followed by text under a further three sub headings, is set aside by Paragraph 6.273 of the SPPS. It states unequivocally that “in cases where the original building is retained, it will not be eligible for replacement again”. As the building to be replaced has already been replaced, the appeal proposal does not meet the criteria for a replacement dwelling in accordance with Policy CTY 3.
9. The Appellant sought to rely on a Power Point presentation given by the current Deputy Chief Commissioner to a professional gathering. The presentation included bullet points summarising conclusions reached in selected appeal decisions. It did not purport to be an authoritative statement of the Commission’s corporative views on policy interpretation. I therefore attach no weight to this presentation. In any event, it does not assist the Appellant’s case.

10. Policy CTY 1 goes on to state that other types of development will only be permitted where there are overriding reasons why the development is essential. No persuasive evidence was submitted in this respect. I conclude that the proposal is unacceptable in principle. The Planning Authority has sustained its reason for refusal based upon Policies CTY 1 and CTY 3 of PPS 21.

This decision is based on the following drawings, date stamped refused 31/10/2017:-

- Drwg No.01: Site Location Map (Scale1:2500)
- Drwg No.02: Proposed Site Layout (Scale1:500)

COMMISSIONER DMCSHANE
List of Documents

Planning Authority:-
“LPA 1” Statement of Case and Appendices
“LPA 2” Rebuttal Statement

Appellant:-
“A 1” Statement of Case and Appendices
## APPENDIX 2

### Planning Services - April 2017 to March 2018

**Month:** Feb-18

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<thead>
<tr>
<th>Department</th>
<th>Annual Budget</th>
<th>Budget to date</th>
<th>Total Actual &amp; Committed</th>
<th>Total Variance</th>
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