27 November 2017

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

The Monthly Meeting of the Planning Committee will be held in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Monday 4 December 2017 at 2.00 pm, for the transaction of business on the undernoted Agenda.

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

You are requested to attend.

DR THERESA DONALDSON
Chief Executive
Agenda

1. Apologies

2. Declarations of Interest

3. Minutes:
   
   Minutes of the Planning Committee Meeting held on 8 November 2017

4. Report from the Lead Head of Planning

4.1. Schedule of Applications to be Determined

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

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

(3) **LA05/2015/0345/F** – Local (Called in) (Previously deferred for a site visit) – 3 no new detached dwellings with associated siteworks and landscaping at 16 Dromore Road, Hillsborough.

(4) **LA05/2016/1111/O** – Local (Previously Deferred) – Bungalow and garage on a site adjacent to 20 Bridge Road Moira.

(5) **LA05/2017/0552/F** – Local (Called in) – Application under Section 54 of the 2011 Planning Act to vary condition No 8 (ridge height) of planning approval LA05/2016/0692/O adjacent to 128 Ballynahinch Road, Carryduff, Belfast.

(6) **LA05/2017/0633/O** – Local (Called in) – Proposed 2 no. infill dwellings and garages adjacent to 11 Magheraconluce Lane, Hillsborough.

(7) **LA05/2017/0666/O** – Local (Called in) – Proposed site for 2 detached dwellings on lands located between nos 1,2 and 7 Upper Mealough Road, Carryduff.

(8) **LA05/2017/0710/O** – Local (Called in) – Proposed dwelling and garage as per PPS 21 CTY 8 on lands adjacent to and immediately north of 6 Edentrillick Hill, Hillsborough.
4.2 Department for Infrastructure – Roadway Adoption Certificates

4.3 Planning Appeal Decisions as at 23 November 2017

4.4 Correspondence from the Department for Infrastructure

   4.1 Direction with regard to consulting with the Department in relation to applications for major development

   4.2 Decision Notice regarding Planning Permission for S/2011/0659/F at site 5 Pond Park East, Lisburn, BT28 3RQ

4.5 Budget Report – Planning Unit

5 Confidential Report

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

5.1 Planning Application LA05/2017/0858/F – Proposed Pavilion Building for use as Conference and Exhibition Space on lands at Balmoral Park, Halftown Road, Maze Long Kesh, Lisburn.

   Confidential due to being information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

5.2 Enforcement - Cases with Court Proceedings for December 2017

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

5.2 Rolling Year Absence Figures for the Planning Unit.

   Confidential as it is information relating to an individual.

6. Any Other Business
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 Wednesday 8 November 2017 at 2.08 pm

PRESENT: Councillor L Poots (Chairman)

Councillor N Trimble (Vice-Chairman)

Aldermen J Dillon MBE JP,
Councillors N Anderson, J Craig, O Gawith,
B Hanvey, U Mackin.

OTHER MEMBERS: Alderman J Tinsley

Councillor T Mitchell

IN ATTENDANCE: Lead Head of Planning
Principal Planning Officer (RH)
Senior Planning Officers (AS and MCON)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)
A&L Goodbody
Orla O'Hare (Legal Advisor)

Commencement of Meeting

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

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

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Alderman D Drysdale, Councillor A Girvin and Councillor M Tolerton

2. Declarations of Interest

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

- The Chairman, Councillor L Poots declared an interest in application no S/2015/0208/F – 5 no dwellings on lands adjacent to and south of 7 Woodfall Manor, Annahilt, Ballycrune, Hillsborough on the basis that he had called the application in at the agent’s request but had not pre-determined the outcome.
- The Chairman, Councillor L Poots, declared an interest in application no LA05/2015/0345/F – 3 no. new detached dwellings with associated site works and landscaping at 16 Dromore Road, Hillsborough on the basis that he had called the application in at the agent’s request but had not pre-determined the outcome.
- Councillor B Hanvey declared an interest in application no LA05/2016/1054/RM – Proposed Supermarket on the site of the former Down Royal Public House, Ballinderry Road, Lisburn - on the basis that his son was the case officer dealing with the application.

3. Minutes

3.1 Minutes of Planning Committee Meeting held on 2 October 2017

It was proposed by Alderman J Dillon, seconded by Councillor J Craig, and agreed that the minutes of the Planning Committee meeting held on 2 October 2017 be approved and signed.

3.2 Recording of Votes

Arising from the minutes of the previous meeting, it was proposed by Councillor O Gawith and seconded by Councillor B Hanvey that a recorded vote be taken in every instance where voting was not unanimous.

After discussion and with the agreement of the proposer and seconder, it was agreed that consideration of the proposal be deferred to the next meeting of the Committee and that legal advice be provided on the issue together with information on voting procedures adopted by other Councils.

Councillor O Gawith indicated that, as the meeting progressed, he would propose a recorded vote where he considered appropriate.

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 Schedule of Applications:

The Chairman reminded Members that they needed to be present for the entire item. If absent for any part of the discussion they would render themselves unable to vote on the application.
The Legal Adviser highlighted paragraphs 46 - 48 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, she advised, needed to be borne in mind when determinations were being made. The Chairman advised that there were a number of speakers in attendance making representation on some of the applications and therefore the Schedule of Applications would be taken out of order to enable these applications to be taken first.

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

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

Councillor N Anderson arrived at 2.33 pm

The Committee, having considered the information provided within the report of the Principal Planning Officer, agreed by a majority of 6:0 with 1 abstention to approve the application as outlined in the officer’s report and subject to the conditions stated therein.

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

Having declared an interest in this item, Councillor B Hanvey left the meeting at 2.34 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 left the meeting at 2.34 pm and Ms Orla O’Hare took her place.

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

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

- This was a straightforward application with the principle for development having already been established and the reserved matters complying with planning requirements.
- Applicant has worked with the Planning Office and with statutory consultees
- The development represents a £4m investment for the Lisburn area and provides 60 new retail jobs

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 6:0 with 0 abstentions to approve the application as outlined in the officer’s report and subject to the conditions stated therein.
The Council’s Legal Adviser, Ms Orla O’Hare left the meeting at 2.48 pm and was replaced by Ms Kate McCusker.

Councillor B Hanvey returned to the meeting at 2.48 pm.

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

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

The Committee received Mr Rodney McMullan who wished to speak in opposition to the application highlighting the following:

- Mr McMullan was speaking on behalf of residents of Woodfall Manor
- The proposed development would overlook the existing bungalows impacting on privacy and residential amenity
- Kitchens and living rooms are located on the first floor of new dwellings and will cause significant loss of privacy for the existing home owners
- The proposal is detrimental to the overall lay out and character of the area
- Proposal is much higher density than the existing dwellings
- Limited on-site car parking facilities could force residents to park on the road with the potential to impede bin collection vehicles.

There then followed a question and answer session.

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

- The site is located within the Woodfall Manor development which had no major or distinguishing features and the site could only be seen from within Woodfall Manor.
- The draft BMAP had included the site within the settlement limits for Anahilt and PAC had also recommended that it be included within settlement limits
- The proposed development reflects the characteristics of existing dwellings
- The application was submitted in 2015
- Applicant has addressed concerns raised by planners regarding design, scale and massing, landscaping and planting, etc.
- The development provides a natural rounding off of this part of Anahilt
- Responses from statutory consultees were positive
- Proposed development will not be a prominent feature in the landscape as the houses are set into the hillside rather than being built on top of the hillside.
- The development will not erode the rural character of the area as the settlement appears unfinished and this proposal would be a rounding off of the settlement.
- The proposal would not mar the distinction between countryside and Anahilt.
- Amenity space provided is greater than that specified in planning requirements
- Transport NI are satisfied with the parking provision for each dwelling
There then followed a question and answer session.

The Committee received Councillor T Mitchell who advised that he was speaking on behalf of Mr R Butler MLA who was unable to attend the meeting and he read out a statement from Mr Butler supporting the application and highlighting the following:

- Mr Butler does not lightly support any planning application but had been approached by the applicant and had visited the site
- Woodfall Manor is an adopted road and it looks as if there should be houses on both sides to finish the street off
- Absence of housing on one side of the road creates an odd character and this would be the reason why the settlement limit had been amended by BMAP
- The quashing of BMAP had created an issue for this application but BMAP remained a material consideration
- Approval for 5 additional dwellings each around 2000 sq. ft. would provide significant boost to the area

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 3:2 with 2 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

At the request of Councillor O Gawith, seconded by Councillor B Hanvey, a recorded vote was taken with Members voting as follows:

**Voting in Favour of the Recommendation to Refuse Planning Permission**

Councillor B Hanvey; Councillor O Gawith

**Voting Against the Recommendation to Refuse Planning Permission**

Councillor L Poots; Councillor N Trimble; Councillor N Anderson

**Abstaining from the Vote**

Alderman J Dillon; Councillor J Craig

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

It was proposed by Councillor N Anderson, seconded by Councillor N Trimble, and agreed by a majority of 3:2 with 2 abstentions that the reasons cited for approval of the application would be:
• BMAP was a material consideration and the application had been submitted before BMAP had been overturned;
• BMAP had included the site in the development limit for the settlement
• PAC had recommended that the site should fall within the development limit for the settlement
• Density for the proposed development was in keeping with other dwellings on the same side of the road
• Development would round off the unfinished cul de sac.

The Chairman then 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 N Trimble, and agreed by a majority of 3:2 with 2 abstentions that the application be approved for the planning reasons agreed and that the drafting of conditions be delegated to the Planning Unit.

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

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

Councillor U Mackin arrived at 3.42 pm

The Committee received Mr Gerry Tumelty and Mr Bill Taggart who wished to speak in support of the application highlighting the following:

• Drawings have been amended to remove windows that were overlooking other properties
• Bedrooms would be lit by velux windows set into the sloping sides of the roof
• Plans had also been amended to reduce the overall height of the properties by 0.5 metres
• The existing dwelling had outlived its usefulness and to bring it up to modern day standards would require the provision of an upper storey.

There 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 5:2 with 1 abstention to refuse the application for the reasons as outlined in the officer’s report.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 4.06 pm

Resumption of Meeting
The Chairman, Councillor L Poots declared the meeting resumed at 4.31 pm.

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

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 Principal Planning Officer agreed by a majority of 8:0 with 0 abstentions to approve the application for the reasons as outlined in the officer’s report.

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

The Lead Head of Planning left the meeting at 4.40 pm

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 Principal Planning Officer agreed by a majority of 8:0 with 0 abstentions to approve the application for the reasons as outlined in the officer’s report.

The Lead Head of Planning returned to the meeting at 4.47 pm

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

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

Members were advised that, due to the change in the date of the Planning Committee meeting, the applicant was not able to be in attendance.

It was proposed by Alderman J Dillon, seconded by Councillor Poots and agreed to defer consideration of the application for one month to allow the applicant the opportunity to attend the meeting.

(8) **LA05/2015/0345/F – Local (Called In) – 3 no. new detached dwellings with associated site works and landscaping at 16 Dromore Road, Hillsborough.**

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

Having considered the information provided within the report of the Senior Planning Officer, it was proposed by Councillor L Poots, seconded by Councillor J Craig and agreed that a site visit be arranged.

994
Members were advised that this application had been removed from the schedule due to the late submission of information.

4.2 Capacity Building Study

The Committee was provided with copy of details of a Capacity Building Study Visit to Roscommon County Council which has been received from NILGA.

It was proposed by Alderman J Dillon, seconded by Councillor N Anderson, and agreed to recommend that the Chairman and Lead Head of Planning, or his nominee, attend the study visit to Roscommon County Council.

Items for Noting

4.3 Department for Infrastructure: Roadway Adoption Certificates.

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

(a) Ballantine Gardens, Hillhall Road, Lisburn
(b) Belsize Meadow, Belsize Crescent and Belsize Road, Lisburn.
(c) Linen Wood, Lisburn.
(d) Kings Oak, Kesh Road, Lisburn.

The above information was noted.

4.4 Conservation Areas – Powers to Vary or Cancel.

The Committee was provided with copy and noted correspondence from the Department for Infrastructure (DfI) regarding powers to vary or cancel Conservation Areas.


The Committee noted publication of The Department for Infrastructure (DfI) NI Planning Statistics 2017/18 for the first quarter.

4.6 Budget Report – Planning Unit

Members noted information provided in a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 30 September 2017.

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

It was agreed that the reports and recommendations of the Lead Head of Planning be adopted, subject to any decisions recorded below.
The Chairman advised that the following items would be discussed ‘in Committee’ for the reasons indicated:

‘In Committee’

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

The Legal Advisor left the meeting at 5.28 pm.

5.1 Planning Agreement Screening

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

Having been provided with copy of the document, it was proposed by Councillor N Trimble, seconded by Councillor O Gawith, and agreed to recommend that Council agree the Planning Agreement Screening document.

5.2 Enforcement Cases with Court Proceedings in November 2017

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

Having been provided with information on Enforcement Cases with Court Proceedings in November 2017 it was agreed that the information provided within the Report should be noted. In response to a query by Councillor Hanvey, the Lead Head of Planning clarified the position in respect of one of the enforcement cases.

5.3 Rolling Year Absence Figures for the Planning Unit

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

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

Members congratulated the Head of Planning and his team on the very low level of absenteeism within the Unit.

Resumption of Normal Business

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

6. Any Other Business
6.1 Capacity Building Event

The Chair stated that, as the Mayor’s schedule was busy over the Christmas season, he would ask the Lead Head of Planning to make arrangements for a capacity building/training workshop event.

There being no further business, the meeting concluded at 5.40 pm.

CHAIRMAN / MAYOR
LISBURN & CASTLEREAGH CITY COUNCIL
MEETING OF THE PLANNING COMMITTEE – 4 DECEMBER 2017

REPORT BY THE LEAD HEAD OF PLANNING

PURPOSE AND BACKGROUND

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

The following decisions are required:

1. To consider the Schedule of Applications to be determined
2. To note information received from the Department for Infrastructure regarding Roadway Adoptions
3. To note the Planning Appeals Commission decisions as at 23 November 2017.
4. To note information received from the Department of Infrastructure in relation to:
   4.1 Direction setting out criteria for Councils to consult the Department with regard to major development planning applications
   4.2 Decision Notice in respect of S/2011/0659/F – site at 5 Pond Park, Lisburn
5. To note information regarding the budget report for the Planning Unit

ITEMS FOR DECISION

1. SCHEDULE OF APPLICATIONS TO BE DETERMINED

1.1 LA05/2017/0858/F – Major Application – Proposed pavilion building for use as conference and exhibition space on lands at Balmoral Park, Halftown Road, Maze Long Kesh (MLK), Lisburn. Attached at APPENDIX 1.1 is a copy of the report together with a location map in relation to this application.

Recommendation

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

1.2 LA05/2015/0342/O – Major Application – Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works on lands immediately south east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira. Attached at APPENDIX 1.2 is a copy of the report together with a location map in relation to this application.
Recommendation

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

1.3 **LA05/2015/0345/F – Local (Called in)** (Previously deferred for a site visit) – 3 no. new detached dwellings with associated siteworks and landscaping at 16 Dromore Road, Hillsborough. Attached at **APPENDIX 1.3 (a)** is an addendum report detailing consideration of matters associated with the deferral/site visit. Attached at **APPENDIX 1.3 (b)** 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 Unit and determines whether planning permission should be **Refused** for the reasons outlined in the Officer’s report.

1.4 **LA05/2016/1111/O – Local (Previously Deferred)** – Bungalow and garage on a site adjacent to 20 Bridge Road, Moira. Attached at **APPENDIX 1.4 (a)** is an addendum report detailing consideration of matters associated with the deferral (Nov). Attached at **APPENDIX 1.4 (b)** is a copy of the initial report (Sept) together with a location map in relation to this application.

Recommendation

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

1.5 **LA05/2017/0552/F – Local (Called In)** – Application under Section 54 of the 2011 Planning Act to vary Condition no 8 (ridge height) of planning approval LA05/2016/0692/O adjacent to 128 Ballynahinch Road, Carryduff, Belfast. Attached at **APPENDIX 1.5** is a copy of the report together with a location map in relation to this application.

Recommendation

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

1.6 **LA05/2017/0633/O – Local (Called in)** – Proposed 2 no. infill dwellings and garages adjacent to 11 Magheraconluce Lane, Hillsborough. Attached at **APPENDIX 1.6** is a copy of the report together with a location map in relation to this application.
**Recommendation**

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

1.7 **LA05/2017/0666/O – Local (Called In)** – Proposed site for 2 detached dwellings on lands located between nos 1, 2 & 7 Upper Mealough Road, Carryduff. Attached at **APPENDIX 1.7** is a copy of the report together with a location map in relation to this application.

**Recommendation**

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

1.8 **LA05/2017/0710/O – Local (Called In)** – Proposed dwelling and garage as per PPS 21 CTY 8 on lands adjacent to and immediately north of 6 Edinrillick Hill, Hillsborough. Attached at **APPENDIX 1.8** is a copy of the report together with a location map in relation to this application.

**Recommendation**

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

**ITEMS FOR NOTING**

2. **DEPARTMENT FOR INFRASTRUCTURE: ROADWAY ADOPTION CERTIFICATES**

Attached at **APPENDIX 2(a)** is a copy of a Roadway Adoption Certificate at Governor’s Bridge Road, Lisburn.

Attached at **APPENDIX 2(b)** is a copy of a Roadway Adoption Certificate at Millreagh, stage 1.

Attached at **APPENDIX 2(c)** is a copy of a Roadway Adoption Certificate at Millreagh Court, stage 2.

Attached at **APPENDIX 2(d)** is a copy of a Roadway Adoption Certificate at Millreagh Heights, stage 5.

Attached at **APPENDIX 2(e)** is a copy of a Roadway Adoption Certificate at Millreagh Avenue, stage 6.
Recommendation
It is recommended that the Committee note this information.

3. PLANNING APPEAL DECISIONS AS AT 23 NOVEMBER 2017

Attached at Appendix 3(a) is a Planning Appeals Decision dated 7 November 2017 regarding planning application LA05/2015/0916/F for a dwelling as replacement for part-implemented dwelling approved by S/2010/0299/F located 175m southwest of no. 292 Hillsborough Road, Hillsborough. The appeal was allowed.

Attached at Appendix 3(b) is a Planning Appeals Decision dated 9 November 2017 regarding planning application LA05/2016/0291/F for a new dwelling with landscaping and upgrading of existing access and associated site works at no.4 Beechmount Road, Carryduff. The appeal was dismissed.

Recommendation
It is recommended that the Committee note the appeal decisions.

4. CORRESPONDENCE FROM THE DEPARTMENT FOR INFRASTRUCTURE

4.1 Direction with regard to consulting with the Department in relation to applications for major development

Attached at Appendix 4(a) is a letter and Departmental Direction received from the Planning Policy Division. The Direction sets out the arrangements and criteria for Councils to consult the Department in relation to planning applications for particular major development.

Recommendation
It is recommended that the Committee note this information.

4.2 Decision Notice regarding Planning Permission for S/2011/0659/F at Site 5 Pond Park East, Lisburn, BT28 3RQ

Attached at Appendix 4(b) is a copy of a decision notice received from Strategic Planning Division with the regard to refusal of planning permission at the site at 5 Pond Park East, Lisburn with regard to – engineering works incorporating the extraction of rock over a 5 year period to facilitate the extension of the existing storage area. Also the construction of a replacement workshop, a fabrication shed and the installation and operation of a replacement concrete plant, aggregate storage bays and retention of a settlement lagoon.

Recommendation
It is recommended that the Committee note this information.
5. **BUDGET REPORT - PLANNING UNIT**

Attached at **APPENDIX 5** for the information of Members is a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 October 2017.

**Recommendation**

It is recommended that the Committee note this information.

IAN WILSON  
LEAD HEAD OF PLANNING  
22 November 2017
## Summary of Recommendation

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

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

## Description of Site and Surroundings

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

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</table>
Balmoral Park including showground arena, equine and livestock show rings and access onto Halftown Road.

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

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

### Proposed Development

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

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

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

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

10. The application is supported by a number of documents including a Pre-Application Community Consultation Report, Transport Assessment Form, Design and Access Statement, Drainage Assessment, Contamination Report and a copy of Schedule 6 drainage consent.
11. The relevant planning history includes the following:

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

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

### Planning Policy Context

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

- Regional Development Strategy (RDS) 2035
- Lisburn Area Plan 2001
- Draft Belfast Metropolitan Area Plan (BMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage
- Planning Policy Statement (PPS) 13 – Transportation and Land Use
- Planning Policy Statement (PPS) 15 - Planning and Flood Risk.
- Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside.

### Consultations

13. The following consultations were carried out:

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

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

Consideration and Assessment

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

Development Plan

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

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

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

Strategic Land Reserve of Regional Importance

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

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

Principle of Development

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

22. Paragraph 3.8 of the SPPS indicates that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

Access, Movement and Parking

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

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

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

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

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

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

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

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

Design and Landscaping

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

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

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

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

37. It is also understood from the information provided that the existing vegetation along the southern boundary of the site abutting an existing minor watercourse is to be retained. It is considered that the retention of this planting will assist with filtering views from the south.
Built Heritage

38. Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage sets out the planning policies for the protection and conservation of archaeological remains and features of the built heritage.

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

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

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

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

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

Contamination

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

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

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

**Drainage issues**

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

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

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

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

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

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

**Conclusions**

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

**Recommendations**

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

**Conditions**

55. The following conditions are recommended:

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

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

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

- Should any piling work be required on this site a piling risk assessment shall be submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention” available at http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf. **Reason:** Protection of environmental receptors to ensure the site is suitable for use.

- If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall
be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.  
**Reason:** Protection of environmental receptors to ensure the site is suitable for use.

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

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

- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.  
  **Reason:** To ensure the provision, establishment and maintenance of a high standard of landscape.

- The existing natural screenings along the southern boundary of the site shall be retained except where indicated to be removed or unless necessary to prevent danger to the public.  
  **Reason:** To ensure the maintenance of screening to the site.
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>6 November 2017</td>
</tr>
<tr>
<td>Committee Interest</td>
<td>Major Application</td>
</tr>
<tr>
<td>Application Reference</td>
<td>LA05/2015/0342/O</td>
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<tr>
<td>Date of Application</td>
<td>26 June 2015</td>
</tr>
<tr>
<td>District Electoral Area</td>
<td>Downshire West</td>
</tr>
<tr>
<td>Proposal Description</td>
<td>Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works.</td>
</tr>
<tr>
<td>Location</td>
<td>Lands immediately south east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira.</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Mr Raymond Brown / Matrix Planning Consultancy.</td>
</tr>
<tr>
<td>Representations</td>
<td>12 letters of representation</td>
</tr>
<tr>
<td>Case Officer</td>
<td>Mark Burns</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Refusal.</td>
</tr>
</tbody>
</table>

Summary of Recommendation

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

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

Description of Site and Surroundings

3. This proposal, as defined on the site location plan (Dated 9th May 2017) is comprised of approximately 2.2 hectares of land that lie south of the existing industrial estate and north of the Lurgan Road. Site topography is comprised of ground levels dropping from north to south.

4. The northern portion of the site is comprised of agricultural fields whilst the southern portion, adjacent to Lurgan Road is comprised of lands occupied by a single dwelling, No. 49 Lurgan Road and a derelict site, once the curtilages of two now demolished dwellings, No’s 51 and 53 Lurgan Road.
5. The site is defined along its south west and north west boundaries by mature hedges with some trees planted within. The north east boundary is partly defined by a similar hedge boundary and partly by a laneway that serves No’s. 43 and 45 Lurgan Road. The southern boundary is defined by a public footpath along Lurgan Road.

6. The applicant’s current industrial estate is located approximately 40 metres north of the application site, access to it is gained via the Old Kilmore Road further to its north east.

7. The settlement development limit of Moira is located to the east of the application site and is mix of agricultural lands, as yet undeveloped and residential developments. One of those residential developments, Earlsfort lies adjacent to the north east boundary of this proposal. The settlement development limit also lies adjacent to the Lurgan Road and encompasses that part of the application site through which the proposal is to be accessed. The majority of the application site lies beyond the settlement development limit. The west boundary of the application site demarks the Council boundary with that of the adjoining Armagh, Banbridge and Craigavon Council.

### Proposed Development

8. Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works.

### Relevant Planning History

9. The relevant planning history includes the following

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<th>Application Reference</th>
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</thead>
<tbody>
<tr>
<td>S/2006/0183</td>
<td>47-53 Lurgan Road – 18 houses and 29 apartments, associated road/site works</td>
<td>Approved 11/09/07</td>
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<tr>
<td>LA05/2015/0609/F</td>
<td>51 Lurgan Road - 36 Dwellings</td>
<td>Pending</td>
</tr>
<tr>
<td>LA05/2017/0572/F</td>
<td>49 Lurgan Road – 8 Dwellings</td>
<td>Pending</td>
</tr>
</tbody>
</table>

### Planning Policy Context

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

- Local Development Plan (LDP);
- Strategic Planning Policy Statement for Northern Ireland (SPPS) – Planning for Sustainable Development
- Planning Policy Statement (PPS) 21 – Sustainable Development in the Countryside
Planning Policy Statement (PPS) 4 – Planning and Economic Development
Planning Policy Statement (PPS) 3 – Access, Movement and Parking
Planning Policy Statement (PPS) 6 – Planning, Archaeology and the Built Heritage
Planning Policy Statement (PPS) 15 Planning and Flood Risk

Consultations

11. The following consultations were carried out:

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<tr>
<td>Rivers Agency</td>
<td>No objection (only part of site surveyed)</td>
</tr>
</tbody>
</table>

Representations

12. 13 letters of representation were received in relation to this application (3 in support and 10 objections), the issues raised include:

- Support for the application and the requirement for additional floorspace provision of tenants of the existing Moira Industrial Estate
- Loss of amenity;
- Value of properties;
- Traffic concerns and access;
- Visual amenity;
- Views of countryside;
- Development in the countryside;
- Noise and pollution.

Consideration and Assessment

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

- Principle of Development;
- Local Development Plan;
- Development in the Countryside;
- Planning and Economic Development;
- Access, Movement and Parking;
- Flooding Risk;
- Archaeological and Built Heritage features.
**Principle of Development**

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

15. 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.

16. 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.

17. 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.

**Development Plan Context**

18. 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 that decision, this application is assessed against the provisions contained within the Lisburn Area Plan (LAP) 2001 as it is the up to date statutory plan. However, draft BMAP and its policies remain a material consideration.

19. The main body of the site and a large portion of the proposed access is identified in LAP 2001 as being within the countryside and it remains as such within the emerging Draft BMAP.

20. The application is accompanied by an illustrative plan that identifies the concept of buildings on the northern part of the site. The area indicated for built development is approximately 1.5 hectares in size.

21. The access to serve the site from Lurgan Road is approximately 220 metres long, its first 90 metres from the public road is located on lands within the settlement development limit and the remainder lies outside the limit, within a countryside designation.
22. The LAP 2001 notes that Moira acts as a service centre for a significant rural hinterland and provides a focal point for community activity. It is described as an attractive ridge-top town with a role as a commuter settlement. Designation MA 01 of the LAP defines a settlement development limit around Moira that takes account of its role as a local service centre while protecting its natural setting. The outward expansion of Moira is constrained by a number of environmental factors, including the need to safeguard local landscapes on the edge of the settlement, which make an important contribution to the visual amenity and setting of the town. The settlement development limit also excludes areas of high quality agricultural land.

23. The LAP 2001 has made provision for industrial needs associated with Moira through Zoning MA4 on land approximately 2 miles north of the town on the Glenavy Road. That industrial provision is on lands of approximately 25 hectares in size and whilst half of that zoning has been developed and is in operation there is further provision for 10 industrial units (offering approximately 8000 square metres floorspace provision) which was approved by Planning Committee on the 5th June 2017.

24. The provisions of the emerging draft BMAP is a further material consideration. Within the draft plan the proposed site remains beyond Moira's settlement limit and the employment lands on Glenavy Road are designated as an existing employment site.

25. The findings of the Planning Appeals Commission (PAC) public inquiry into objections to draft BMAP also have materiality to this proposal. In addressing an objection that lands to the west of Moira were not included within the settlement limit (Objection 804), the PAC concluded these lands could provide a yield of 550 houses but that it was too extensive for Moira’s housing needs and would represent urban sprawl. The PAC did consider that these lands would have a limited effect on the landscape settling of the town and that it could be considered for a short term land reserve (for housing) should the need arise. It is contended those views of the PAC are not an endorsement that the lands should be encompassed within Moira’s settlement limit rather they could, if need be. It is of particular note that within the settlement development limit there remains ample provision of land for the needs identified within the LAP and similarly ample lands, identified in the LDP remain for industrial uses should the need arise. Planning Unit place no weight on the comments of the PAC to justify approving the proposed development.

26. Given the materiality of the current LDP designations, the materiality of draft BMAP and as Council is now preparing its own Local Development Plan, it is important to highlight the matter of prematurity arising from this proposal. Paragraph 5.73 of the SPPS considers it justifiable to refuse permission for proposals that would prejudice the outcome of the plan process by predetermining decisions about the scale and location of new development which ought to be taken in the LDP context. Neither the scale of this proposal nor its location are acceptable given the ongoing provision of industrial land.
Development in the Countryside

27. Planning Policy Statement 21, Sustainable Development in the Countryside is relevant to this proposal as it is substantially located beyond the settlement development limit.

28. Policy CTY1 of PPS21 is applicable in so far as indicates there are a range of non-residential proposals that may be acceptable in principle in a rural location. Policy CTY1 directs consideration of this economic development proposal to the policy criteria set out in Planning Policy Statement 4 Planning and Economic Development.

29. Policy CTY15 of PPS21 will refuse planning permission for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The site is screened from public views along Lurgan Road and as such it may not affect the distinction between the existing settlement definition and the countryside, however it will result in urban sprawl. It is therefore considered to be contrary to this policy.

Planning and Economic Development

30. Policy PED2 of Planning Policy Statement 4 deals with economic development proposals that lie within countryside location. The bulk of this site, falling beyond the settlement development limit is considered against the criteria of this policy and includes consideration against the following;

- The expansion of an established economic development use. This proposal is not an expansion of an established economic development use located in the countryside, rather it seeks to expand such a use from within the settlement limit. It thus does not satisfy this part of the PED2 criterion.

- A major industrial development. No information has been submitted to indicate this extension is for a major industrial development, one described in policy as making a significant contribution to the regional economy. It is therefore contrary to this criterion.

- A small rural project, one which seeks to develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement. This proposal does not meet, and is thus contrary to, the policy criteria for such a project as the proposal is neither small, nor is Moira a village or smaller rural settlement.

31. The final paragraph of Policy PED2 is noteworthy by stating; ‘All other proposals for economic development in the countryside will only be permitted in exceptional circumstances’. Planning Unit has taken note of several submissions on behalf the applicant, including the lengthy document of the 25th February 2016 to support this proposal. No evidence contained therein, other than units within the existing industrial estate are fully let (Paragraph 2.2), has
been submitted as justification why the proposal is an exceptional circumstance to set aside the LDP, emerging Plans and Policy PED2 in this case.

32. The SPPS offers further guidance on a proposal such as this. Paragraph 6.87 states that the guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities while protecting or enhancing rural character and the environment. No evidence has been submitted to demonstrate any benefits this proposal will derive in this regard.

33. Paragraph 6.88 of the SPPS states that in the interest of rural amenity and wider sustainability objectives the level of new building for economic development purposes outside settlements must be restricted. Exceptions to this general principle mirror the requirements of PED2, as outlined in Paragraph 31 and against which this proposal fails.

34. Taking into account the above it is considered that the proposal has not demonstrate a specific need for this land, rather the applicant has submitted a speculative outline application seeking the principle for industrial uses when there is already an available and identified sustainable reserve of zoned industrial lands. It is therefore considered to be contrary to the LDP, Planning Policy Statement 4 and the principles set out in the SPPS.

35. Further it is appropriate to consider Paragraph 6.84 of the SSPS which states that within larger settlements and towns planning decisions must, to a large extent, be informed by the provisions made for economic development through the Local Development Plan (LDP). It is contended this proposal offends this paragraph from the SSPS by seeking to double the size of an area of industrial use within the settlement development limit and extending into the countryside; particularly as land zoned for industrial use has not yet been exhausted.

**Access, Movement and Parking**

36. Planning Policy Statement 3 deals with all aspects of access, movement and car parking and sets out the policies for vehicular and pedestrian access. 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.

37. Policy AMP2 and AMP3 of PPS3 are applicable in this instance. AMP2 seeks to create safe accesses to public roads and states that permission will not be granted for a proposal involving direct access where it will prejudice road safety or significantly inconvenience the flow of traffic. Policy AMP3 of PPS3 deals with access to a protected route, which Lurgan Road is.

38. Processing of this proposal has required the submission of an amended Transport Assessment Form (TAF), including TRICCS data which is used for transport planning purposes and specifically to quantify trip generations (vehicles) that the proposal may produce.
39. This proposed scheme has been amended to satisfy the policies of PPS3. The existing industrial estate will continue to be served by the access from Old Kilmore Road, only the proposed scheme will be served by a new vehicular access on the Lurgan Road. A pedestrian linkage will be the only connection between the existing industrial lands and the proposed site. The nature of the proposal is questionable as it effectively creates a new industrial use, not an extension of the existing industrial estate as described on the planning application form.

40. Nevertheless Transport NI has considered the amended information provided and offer no objections subject to conditions and it is contended that the servicing requirements of this proposal are in accordance with the policies of PPS3 to the satisfaction of Transport NI.

Flood Risk

41. Planning Policy Statement 15 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.

42. A drainage assessment was submitted in July 2016, it should be noted that assessment only covered the part of the site at its northern end where the built development is proposed. No information has been submitted for the consideration of drainage from the proposed access between the northern portion of lands and the Lurgan Road. The red line indicates this to be an area of approximately 0.5 hectares, otherwise an additional 30% of ground over and above that on which the drainage assessment was carried out. This excluded area is also on ground levels that fall away from the proposed site to the Lurgan Road. This introduces a further risk of surface water flooding emanating from the lands to accommodate the access and to which account has not been taken within the drainage assessment.

43. Nevertheless in its comments on the drainage assessment submitted, and whilst requiring further detail of the size and location of the storm attenuation system, Rivers Agency is content at this stage that surface water drainage can be acceptably achieved. In a telephone conversation with Rivers Agency its has been confirmed that Schedule 6 consent to discharge has been granted. Subject to further detail, and confirmation of acceptable surface water drainage from all parts of the site Rivers Agency offers no objection at this stage. It is considered, if approval is subsequently granted by Planning Committee, that all details of attenuation of surface water should form part of a future reserved matters application.

44. Policy FLD3 of PPS15 deals with development and the risk of surface water flooding. The drainage assessment submitted has sufficiently demonstrated that adequate measures can be put in place to mitigate the flood risk, however as previously mentioned the exact detail of the mitigation should be a reserved matter for future confirmation by the applicant. As such it is contended that the
proposal complies with the requirements of PPS15, subject to conditions if approval is granted.

**Impact on Archaeological and Built Heritage features**

45. Planning Policy Statement 6 sets out policies for the protection of heritage interests. Policy BH1 seeks the preservation of archaeological remains of regional importance and their settings and operates a presumption in favour of their physical preservation in situ.

46. NIEA Historic Environment Division in its consultation response offers no objections at this outline stage, subject to suitable conditions requiring a developer funded programme of archaeological works to identify and record any archaeological remains found on the site and in advance of new construction. On this basis the proposal is not considered to be contrary to PPS6.

**Material Considerations**

47. The planning application is supported by various submissions on behalf the applicant that introduce material considerations that ought to outweigh the requirements of the current LDP and planning policies.

48. A submission of the 25th February 2016 contains a significant number of detailed points in relation to the LDP and planning policies. A summary of the main points is provided at the end of the submission and include the following;

- That no sites were zoned for economic or employment uses within the existing settlement development limit as defined in BMAP.
- A tension has been created between BMAP and PPS4 as a result of no cohesive approach to housing, employment and infrastructure.
- No alternative sites exist within the settlement development limit of Moira to accommodate the proposal.
- The existing industrial estate has been fully let for 20 years and requires additional floorspace.
- Additional floorspace is required by existing businesses (Mercier Agencies have 28 thousand sqft but need substantially more) to enable their growth and reduce overheads.
- Significant contribution to the local economy in rates (£175k) increasing to approximately £250k.
- The contribution to the regional economy in private sector employment of 102 people, this figure will rise.
- Prospect of attracting new companies to Moira and the likely result in local employment.
- Secondary input in wages locally and the regional supply chain as many of the existing companies export to the UK an Europe.
- Capital investment of £2-3 million to facilitate the proposal and temporary construction jobs.
- Alleviate the existing lack of space in the existing industrial estate and reduce traffic drawn via the Old Kilmore Road.
- Lack of any significant environmental impacts.
- The thrust and direction of all planning policies is to support growth of existing businesses not prevent existing businesses.

49. In response to the above matters raised in support of this proposal Planning Unit would make the following comments;

- The Lisburn Area Plan (the current LDP) and the emerging draft BMAP zoned land to provide for industrial uses on the Glenavy Road. As detailed previously availability remains at that site and has been the subject of a recent approval for suitable units, as detailed in Paragraph 23 above. It is incorrect to suggest no industrial zonings or that a tension therefore exists between the LDP and PPS4.
- The industrial lands at Glenavy Road as defined in the plan is to provide suitable sites for future promotion of employment to Moira.
- Matters of rates generation for the Council, employment and the generation of wages and capital investment are material considerations to be weighed against the recommendation to refuse in light of the LDP, operating in a plan led system and the contents of planning policies as outlined above.
- It is also important to note that the applicant acknowledges that no objections were raised to the proposed settlement development limit or the constraint on the industrial estate (at public inquiry stage of the draft BMAP) as additional floorspace could be accommodated within the existing industrial estate at that time. Without objection to the draft LDP it is now difficult for the applicant to argue that the future needs of Moira, or the existing industrial estate were not given proper consideration.
- It is acknowledged that the confines of the existing industrial estate have been reached. It is also recognised through submission of letters of support that this is placing a constraint on existing businesses. Consideration of the letters of support are considered below, however the following should be borne in mind; this proposal, whilst described as an extension to the existing industrial estate, is separated from it by an agricultural field. The logical solution to accommodate existing tenants would be to seek a small extension into that adjacent field rather than the position sought, this would be a more logical rounding off. The proposal also seeks the provision of 9000 square metres of floorspace, this is virtually the same amount of floorspace currently provided in the existing industrial estate. 3 of the 11 tenants in the industrial estate have expressed support for the extension, their requirements (as detailed in the supporting letters) falls short of that proposed level of floorspace. The proposal is therefore largely speculative and contrary to the LDP that provides for such industrial floorspace need.

### Consideration of Representations

50. 3 letters of support have been received and raise the following points;
All three letters come from existing businesses trading within the Moira Industrial Estate. Two have requirements for additional floorspace, one has an immediate requirement for 10,000 square feet, the other envisages a requirement for 10,000 square feet and also wishes to relocate two other businesses, operating at another location and for which they require a further 10,000 square feet. The third business does not seek additional floorspace, rather it would prefer to consolidate its floorspace, spread across a number of units in the industrial estate, into one larger building. The combined requirement of those businesses seeking additional floorspace equates to 30,000 square feet or 2787 square metres of new space. The application however proposes 9000 square metres of gross floorspace, in other words the letters of support represent less than 30% of the gross area sought through this application. Further only one of those businesses has an immediate requirement for 10% (900 square metres) of what this proposal seeks.

The needs of existing businesses are of course a material consideration to any proposal however, in terms of sustainable planning those needs must be considered in light of the floorspace provision already catered for within the Council’s LDP. In other words this proposal would result in overprovision of industrial floorspace. It is contended that the needs of existing businesses and the material weight to be attached to those needs have been over emphasised in order to secure future expansion for the applicant which runs contrary to the provisions made for industrial land within the current LDP. These letters of support should hold no material weight in the determination of this proposal that is contrary to the direction of Section 6(4) of the Planning Act (NI) 2011.

51. Ten letters of objection were also received. The following issues were raised:

**Views** – An objection has been raised that views will be obstructed if the proposal is approved. It should be noted that the right to a view is not considered to be a material consideration when determining planning applications. Furthermore, protection of residential amenity would be key to any future reserved matters application, particularly with regard to noise attenuation and landscaping.

**Loss of amenity** – An issue was raised in regards to loss of amenity. Environmental Health were consulted in relation to the application in relation to noise nuisance and disturbance and have no issues with the proposal in principle. They have indicated that a noise impact assessment may be required at the Reserved Matters stage. Additionally full landscaping details to demonstrate no impact to amenity would be required at that stage.

**Value of property** – An objection was raised regarding the de-valuation of a property should the proposal be approved. This is not a material planning consideration and cannot be taken into account in the determination of an application unless that devaluation is fully justified and presented.
Traffic concerns congestion and access – Transport NI have been consulted with the application and have recommended that it should be approved subject to conditions and informatives.

Visual amenity – An objection has been raised in relation to the impact of the proposal on the visual amenity of the area. This is an outline application and so detailed plans are not required as they will be addressed at the reserved matters stage of the application should this proposal be approved. However the proposal will be considered against all other relevant planning policies including the land zoning within the local development plan.

Development in the Countryside – Objections have been raised in relation to the location of the development outside the settlement limit as identified in the area the plan. This has been addressed above in the main body of the report and the first refusal reflects this point.

Additional Traffic noise and fumes - Objections have been raised in relation to additional noise and fumes that will be produced as a result of extra traffic visiting the site. Environmental Health were consulted as part of the application and had no objections subject to conditions and informatives.

Conclusions

52. Having considered the nature of the proposal against all the relevant planning policies and material considerations including representations and consultation responses, it is considered that the application does not satisfy all the key policy requirements and is an unacceptable proposal at this location.

Recommendations

53. It is recommended that planning permission is refused.

Refusal Reasons

54. The following refusal reasons are recommended:

   - The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, the Lisburn Area Plan 2001 and Paragraphs 6.84, 6.87 and 6.88 of the Strategic Planning Policy Statement as the site extends beyond the development limit of Moira and there are no overriding reasons why that development is essential and could not be located in an area designated within the current Lisburn Area Plan 2001 for such uses.

   - The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside as it will result in urban sprawl.
- The proposal is contrary to Paragraph 5.73 of the Strategic Planning Policy Statement as it represents prematurity to the emerging Local Development Plan and predetermines decisions about the scale and location of such new industrial uses which ought to be taken in the Local Development Plan context.

- The proposal is contrary to Policy PED1 of Planning Policy Statement 4, Planning and Economic Development as the site is not within an area specifically allocated for industrial use within the Local Development Plan nor is it within an existing industrial or employment area.

- The proposal is contrary to Policy PED2 of Planning Policy Statement 4, Planning and Economic Development as the majority of the site is located within the countryside and it is not considered an exceptional circumstance to permit an extension of the existing industrial estate into this rural area.
Visibility splay 125m to south east and 100m to north east with X distance of 6m.
All street furniture, fences, hedges etc. to be moved out of spay area.
## Summary of Recommendation

1. A recommendation to refuse planning permission was presented to the Planning Committee at its meeting on the 6 November 2017.

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.

## Site Visit Consideration

3. At the site visit, in accordance with the Protocol for the Operation of the Planning Committee, the Senior Planning Officer indicated matters of fact in relation to the proposal and surrounding land in order to assist Members.

4. Factual clarification was provided in relation to the following matters
   - On Site Characteristics
   - Site Levels
Character of the Area as seen from the site
The proposal itself (3 dwellings)

5. Through discussions with Members, the following issues in particular were highlighted:
   - Frontage of the site was 44 metres. The depth of the site on the eastern boundary was 54 metres and the depth on the western boundary was 29 metres.
   - The site was level with the road.
   - Sites to the east, west and north had been zoned for housing.
   - To the east of the site there was a 2 metre drop to the neighbouring site.
   - There was a level fall of no more than 1 metre from the Dromore Road to the back of the application site.
   - Proposed dwellings were 10 metres high
   - Existing and proposed houses on neighbouring sites were set back from the road with landscaping and planting to the front to minimize environmental impact.
   - The dwellings on the site were located close to the boundaries of the site including the road frontage with no planting to minimize their impact.
   - In addition, the differential between the levels of the proposed site and neighbouring sites would increase the impact of the buildings on the site.

6. The application site was observed from the neighbouring development at Ladyhill Court located to the west of the application site. It was explained that the development was approved by the Planning Appeals Commission. It was also explained that whilst the houses were two and three storey, they were set back from the road by a tree-planted strip of land and that the site sloped down from the road, lessening their impact.

7. Dwellings on the opposite site of the road were observed by Members taking into account, their set back position, landscaping and surrounding context.

8. The application site was observed from the east side which also has a housing development approval. Detail of this applications shows the proposed dwellings set back from the road. The site was also noted to be a lower level to the current application site.

Recommendation

9. It is recommended that the clarification provided through the site visit report is used to assist Members with the decision making process.
Summary of Recommendation

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

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

Description of Site and Surroundings

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

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

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

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

**Proposed Development**

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

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

**Relevant Planning History**

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

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

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

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

Consultations

11. The following consultations were carried out.

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

Representations

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

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

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

**Development Plan**

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

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

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

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

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

**Principle of Development**

19. The Strategic Planning Policy Statement (SPPS), published in September 2015, indicates that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply.
20. Paragraph 3.8 of the SPPS indicates that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

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

**Quality Residential Environments**


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

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

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

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

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

30. **Policy QD1(h) – the design and layout will not create conflict with adjacent uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.** The ground levels of this site and the proposed height of the dwellings will be in conflict with the approved properties adjacent to the north east. The dwelling proposed on Site 1 will sit at a ground level that is approximately 2 metres higher than the finished floor level of those approved dwellings (Sites 1 and 2) to its north east. This is compounded by the proposed height of the dwelling which is 10 metres in height, or 9 metres where it is closest to those adjacent approvals. The ground level difference between the two sites when combined with the height of the proposed dwelling on Site 1 will result in a massing of between 11 and 12 metres in height to the rear of the approved dwellings. Similarly the dwelling proposed on Site 3 has a ground level that is also 2 metres higher than the finished floor levels of approved dwellings (Sites 3 and 4) to its north east. The height of the proposed dwelling is also 10 metres, thus if approved it will result in a dwelling that sits 12 metres above the finished ground floor level of the approved dwellings.
31. The proposed dwellings on Sites 1 and 3 are set three (3) and seven (7) metres respectively from the common boundary with those approved dwellings to the north east. It should be noted that the approved dwellings sit 10 metres back from the same boundary. ‘Creating Places’ offers guidance to Developers, their Agents and Council Planning Officers on measures to achieve quality in residential developments. Paragraph 7.15 of that guidance document states; ‘on green-field sites and in low-density developments (which this is), good practice indicates that a separation distance of around 20 metres or greater between opposing rear first floor windows of new houses is generally acceptable’. Whilst the proposal on the approved neighbouring site has achieved half of this separation requirement (10 metres to the common boundary), this proposal has fallen short, particularly with regard to Site 3. It could be argued Site 1 is not applicable as it sits side on to those approved dwellings.

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

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

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

**Access, Movement and Car Parking**

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

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

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

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

Contamination issues

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

Natural Heritage Interests

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

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

Consideration of Representations

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

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

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

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

Density of proposal not in keeping with other developments in area

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

Set a precedent for other development in area

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

Footprints must greater than adjacent houses

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

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

Not in keeping with Hillsborough Conservation Area

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

Advised that no neighbour notification was received

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

Resultant increase in traffic and inadequate number of parking spaces:

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

Proximity to Local Landscape Policy Area

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

Flood risk within the site

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

Impact on Council’s tourist plan for area

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

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

Recommendation

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

Reasons for refusal

57. The following reasons are recommended.

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

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

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

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

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<tr>
<th>Council/Committee</th>
<th>Planning Committee</th>
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<tr>
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<td>8 November 2017</td>
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<tr>
<td>Committee Interest</td>
<td>Local Application (Called in) - Addendum</td>
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<td>LA05/2016/1111/O</td>
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<td>District Electoral Area</td>
<td>Downshire West</td>
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<tr>
<td>Proposal Description</td>
<td>Bungalow and Garage.</td>
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<tr>
<td>Location</td>
<td>Site adjacent to 20 Bridge Road Moira, BT67 OPF</td>
</tr>
<tr>
<td>Applicant/Agent</td>
<td>Mr Bruce Wylie</td>
</tr>
<tr>
<td>Representations</td>
<td>None</td>
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<td>Case Officer</td>
<td>Joanna Magee</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Refusal</td>
</tr>
</tbody>
</table>

**Summary of Recommendation**

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

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

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

**Further Assessment**

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

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

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

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

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

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

Conclusions

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

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

Recommendation

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

11. The following reasons are recommended.

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

- The proposal is contrary to the SPPS and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

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

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

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<td>Representations</td>
<td>None</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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Summary of Recommendation

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

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

Description of Site and Surroundings

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

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

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

Proposed Development

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

Relevant Planning History

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

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

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

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

9. The following consultations were carried out:

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<tr>
<th>Consultee</th>
<th>Response</th>
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<td>Transport NI</td>
<td>No objections subject to conditions</td>
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<tr>
<td>Environmental Health</td>
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<tr>
<td>NIEA – Water Management Unit</td>
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<tr>
<td>NI Water</td>
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Representations

10. There have been no letters of representation in relation to this application.

Consideration and Assessment

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

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

Principle of Development

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

13. The Strategic Planning Policy Statement (SPPS) published in September 2015 states that until the Council adopts the Plan Strategy for its new Local Development Plan there will be a transitional period in operation. During this period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
14. A guiding principle of the SPPS indicates that planning authorities in determining applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

Sustainable Development in the Countryside

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

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

Personal and Domestic Circumstances

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

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

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

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

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

Ribbon Development

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

Integration and Design of Buildings in the Countryside

25. Policy CTY13 of PPS21 will refuse planning permission where a proposal is considered unacceptable if it will result in a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for its integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features. To the north and west of the site the Bridge Road is elevated to accommodate its passing above the M1 motorway. It is considered that the proposal, when viewed from Bridge Road to the north, will appear as a prominent feature in the landscape given the relatively flat nature of the landscape character behind it and a lack of mature site boundaries to aid integration.
26. Reference in this regard is made to the findings of the PAC into its consideration of S/2005/0466/0. Its report states; ‘There are critical views from the motorway bridge to the north-west, travelling south-west. Given the flat nature of the site, lack of backdrop to the south-east and the flat landform beyond, regardless of siting the proposal would appear unduly prominent, and be detrimental to visual amenity’.

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

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

Rural Character

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

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

Conclusions

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

Recommendation

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

Refusal Reasons

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

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

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

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

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

### Description of Site and Surroundings

3. This is a full application to vary a condition of an extant approval. A site visit was conducted to confirm no works had commenced on site due to the nature of the application. The site characteristics as at the time of the original application have been confirmed and have not altered since that time hence the original site description from the outline approval remains valid.
4. This site is located upon the eastern side of the Ballynahinch Road, Carryduff. It consists of a grassed/agricultural field. Its topography is flat and it is seen to be rectangular in shape. The site presents a frontage to the Ballynahinch road of approx. 17m.

5. The boundaries of the site are seen to be defined as follows;

- Western (Roadside) - Tree and wooden fencing (with agricultural access/gate)
- Northern - Hedging/Timber fencing
- Southern - Undefined/Hedging
- Eastern - Hedging/Trees

6. The site is located to the south of Carryduff. It is located within a line of residential properties that front onto the Carryduff Road. To the north of the site a single storey rendered dwelling house and associated 1.5 storey detached garage was noted. To the south of the site a 1.5 storey dwelling a detached single storey garage was noted in situ. Further to the south of this a two storey detached dwelling house and single garage is noted (No. 134). Within the next site to the south a detached recently constructed modern dwelling is in situ (no. 136).

**Proposed Development**

7. Application under Section 54 of the 2011 Planning Act to vary Condition no 08 (ridge height) of planning approval LA05/2016/0692/O.

**Relevant Planning History**

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

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<tr>
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<th>Site Address</th>
<th>Description of Proposal</th>
<th>Decision</th>
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**Planning Policy Context**

9. The relevant planning policy context which relates to the application is as follows:
- Regional Development Strategy 2035
- Lisburn Area Plan 2001 and draft Belfast Metropolitan Area Plan (BMAP) 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development
- Planning Policy Statement 3 (PPS 3): Access Movement and Parking
- Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside
Consultations

10. Due to the nature of the application no consultations were required.

Representations

11. There have been no letters of representation in relation to this application.

Consideration and Assessment

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

- Principle of Development
- Sustainable Development in the Countryside
- Impact on neighbouring properties

Principle of Development

13. 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.

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

15. A guiding principle of the SPPS indicates 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 development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

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

Sustainable Development in the Countryside

18. PPS 21 - Sustainable Development in the Countryside sets out policies for development in the countryside.
19. Policy CTY1 outlines the circumstances when proposals for domestic properties are in principle considered acceptable in such a rural location. The previous application had been submitted on the basis that the proposed dwelling is a gap site. As such Policy CTY1 directed consideration of that application to CTY8.

20. The principle of development has been established on the site as per the granting of planning permission for an infill dwelling. The permission granted included the following condition (8):

*The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.*

**Impact on neighbouring properties**

21. The agent has now requested that the permission be varied to read as:

*The proposed dwelling shall have a ridge height of 7.5m above finished floor level.*

22. In summary this is an increase in height of the proposed dwelling of 1.5m from that previously approved.

23. Condition 8 was considered necessary to ensure that the development was satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

24. As the earlier application was an outline application no details were provided with respect to the proposed height of the development.

25. It is normal practice that an outline approval for a dwelling would have a ridge height condition and or siting condition (as appropriate) in order to negate/minimise any potential impacts on neighbouring properties with regard to the potential loss of light.

26. In this instance of the earlier approval, with respect to potential overlooking considerations, no window location details were provided. However, due to the restricted nature of the plot it was envisaged that in all likelihood windows would be necessary along the gables of the proposed dwelling in order to daylight habitable rooms.

27. The 6m ridge added to the earlier approval was considered necessary in order to address any potential conflict with adjacent dwellings.

28. From the site inspection it is evident that the plot width is restrictive in nature and measures approx. 17m. The rear elevation of No 128 Ballynahinch Road abuts the northern boundary of the proposed site, which is defined by a close boarded fence, and at its pinch point is only 1.5m off the boundary.
29. No 128 has a ridge height of approx. 6.5 metres and has 5 windows along its southern elevation which look directly across the proposed site. The increase in ridge height to 7.5m would increase the potential for 1st floor living space and the introduction of windows in this gable along the northern boundary, would impact on the rear amenity and privacy of 128 Ballynahinch Road.

30. The proposed increase in height would, due to the nature of the site and its relationship with 128 Ballynahinch Road, result in the reduction of light entering the existing property and increase the potential for overshadowing. It is further contended that a ridge increase to 7.5 metres will have a dominant impact on the existing dwelling due to its proposed massing and close proximity to no 128.

31. As previously stated 128 Ballynahinch Road has a ridge height of 6.5m and 132 Ballynahinch Road has a ridge height of 7.2m. It is contended that a dwelling of 7.5m will be visually prominent between these 2 properties as it will have a ridge height higher than both of the existing properties and will therefore be visually prominent when travelling along the Ballynahinch Road. The proposed increase in ridge height would therefore be detrimental to the visual character of the area.

32. The contextual elevation submitted which indicates the ridge heights of numbers 128, 130 and 132 Ballynahinch Road does not reflect the situation on the ground. The drawing states that the dwelling at 132 has a ridge height of 7.5 metres however the height of this dwelling is actually 7.2metres and this has been confirmed by the agent in his note dated 8 May.

33. It is therefore contended that the condition included on the outline permission which restricts the ridge height to 6 metres should not be varied for the reasons outlined above.

Conclusions

34. Having considered the nature of the proposal against prevailing planning policy and the previous condition it is contended that the proposed increase in ridge height will have an unacceptable impact on the amenity of the neighbouring dwelling No 128 Ballynahinch Road by reason of overlooking, overshadowing and have an overbearing impact on the existing dwelling.

35. It is also considered that the increase in ridge height will also be detrimental to the visual character of the area as it will be visually prominent. It is therefore contended this application fails to satisfy the prevailing policy tests.

Recommendation

36. It is recommended that planning permission is refused.
33. The following reason is recommended:

- The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland as the proposed increased ridge height would unacceptably affect the amenity of neighbouring dwelling no. 128 Ballynahinch Road by way of overlooking, overshadowing and overbearing impact.
Site Location Plan - LA05/2017/0552/F
## Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation.

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

## Description of Site and Surroundings

3. The site is located on lands adjacent to 11 Magheraconluce Lane, Hillsborough. The site is currently in use as agricultural land and located on the southern side of Magheraconluce Lane.

4. The boundary along the road frontage (southern and eastern boundary of the site) is a mature 2m hedge with a small grass verge. The western boundary is a ranch style fence running alongside the domestic curtilage of No. 11 Magheraconluce Lane. The northern boundary is currently undefined. The land slopes from SW to NE across the site. The site is located on the inside of a right angle bend of Magheraconluce Lane.
5. The site lies within the open countryside and the wider area is both rural in character and appearance. There are several residential properties located to the east of the site along a private laneway. There is also a private laneway which runs to the west of the site.

### Proposed Development

6. The application as presented is for an outline application for 2no. infill dwellings and garages.

### Relevant Planning History

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

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>LA05/2016/0760/O</td>
<td>Proposed 2 no. infill dwellings and garages</td>
<td>Permission Refused</td>
</tr>
<tr>
<td></td>
<td></td>
<td>02/02/2017</td>
</tr>
</tbody>
</table>

8. An appeal was lodged to the above application and then was subsequently withdrawn on 19/06/2017 (ref: 2017/A0039).

### Planning Policy Context

9. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy 2035
   - Lisburn Area Plan 2001 and draft Belfast Metropolitan Area Plan (BMAP) 2015
   - Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development
   - Planning Policy Statement 2 (PPS 2): Natural Heritage
   - Planning Policy Statement 3 (PPS 3): Access Movement and Parking
   - Planning Policy Statement 21 (PPS 21): 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>Considers the application acceptable.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection in principle.</td>
</tr>
<tr>
<td>NI Water</td>
<td>Standard response.</td>
</tr>
<tr>
<td>DAERA: Drainage and Water</td>
<td>No specific comment to make and refers to standing advice.</td>
</tr>
</tbody>
</table>
11. A number of objections have been received in respect of the application. The following issues have been raised:

- Application is exactly the same proposal as was previously refused under application LA05/2016/0760/O on 02/02/2017;
- Access and increase in traffic;
- Concerns that the proposed new dwellings would have to use septic tanks and harm the water quality;
- Creation of a ribbon of development;
- The proposal site is not a small gap and is contrary to policy CTY 8;
- Proposal is contrary to Policy CTY 13 Integration;
- Proposal is contrary to Policy CTY 14 Rural Character;
- The layout map is not accurate and deliberately misleading, it exaggerates the gap between numbers 11 and 20 and it shows that there is a private lane coming onto Magheraconluce Lane, however this is a track only used by the farmer to move cattle; and
- Impact on wildlife species and habitat.

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

- Principle of Development
- Ribbon Development
- Integration and Design
- Rural Character
- Development Relying on Non-Mains Sewerage
- Access, Movement and Parking
- Natural Heritage
- Representations

Principle of Development

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

14. The adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued 18 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 on this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remain a material consideration.
15. In this case the application site in all relevant plans is within the countryside.

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

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

18. Paragraph 6.65 states that ‘The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS’.

19. Paragraph 6.70 states that ‘All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed’.

20. Paragraph 1.2 of the SPPS states that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded by the retained policy. Policy tests associated with PPS 21 are therefore relevant to the assessment of this application.

21. Policy CTY 1 Development in the Countryside makes provision for a range of different types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

22. In this case the applicant has applied for 2 infill dwellings and therefore the proposal must comply with Policy CTY 8 Ribbon Development.

Ribbon Development

23. Policy CTY 8 - Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development.

24. An exception will be 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 and meets other planning and environmental requirements. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

25. The proposal sits in a very particular and unique arrangement of buildings and road/laneway trajectory. The application site is located on the southern side of
Magheraconluce Lane and has a frontage onto this section of the Magheraconluce Lane. No. 20 Magheraconluce Lane has a dual frontage. It presents a road frontage onto Magheraconluce Lane and also presents a frontage (its rear) onto a private laneway serving several other residential dwellings.

26. Magheraconluce Lane turns at 90 degrees at the SE corner of the site heading north while the private laneway continues straight on in an easterly direction. At the western end of the site there is a residential dwelling No. 11 with several associate outbuildings (garage and shed). No. 11 has its access and section of its curtilage approximately 20m presenting as a road frontage onto Magheraconluce Lane. The remaining section of its curtilage and the gable of the associated garage and shed present a frontage onto a private laneway. At the NE corner of the site Magheraconluce Lane turns and heads south while the private laneway runs in a westerly direction.

27. To recap, a section of No. 11 and the site present as a road frontage onto Magheraconluce Lane. A section of the curtilage of No. 11 its associated garage and shed present a frontage on to a private laneway. The rear of No. 20 presents a frontage onto another private laneway. There is a combination of 3 separate frontages being combined to give one. If one straightened out Magheraconluce Lane there is only one dwelling presenting a road frontage onto it. Policy defines a substantial and built up frontage as including a line of 3 or more buildings along a road frontage.

28. The head-line policy provides no clear definition or explanation regarding the relationship a building must have to the road frontage in order to be considered part of a substantial and continuously built up frontage or what specifically defines a road frontage. At paragraph 5.33, the amplification and guidance states

For the purposes of this policy a road frontage includes a footpath or private lane. A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between then can still represent ribbon development, if they have a common frontage or are visually linked.

29. The interpretation of this policy is reinforced by that of the Planning Appeals Commission and the site visit carried out, the relationship of the buildings with the road frontage (as interpreted) does not conform to the policy tests of what constitutes a substantial and continuously built up frontage. This being the case the proposal does not meet the exception as considered of a small gap site within an otherwise substantial and continuously built up frontage and therefore the proposal is contrary to Policy CTY 8 and thus Policy CTY 1. The principle for development on the site is not considered to be acceptable in this case.

Integration and Design

30. 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. Policy CTY 13 requires that buildings visually integrate into the surrounding landscape.

31. It is contended that the proposed buildings would be prominent features in the landscape when viewed along the existing site frontage. The main critical view would be travelling south along Magheraconlucce Lane approaching the northern boundary of the site. The site is located along the ridge and is highly visible for a considerable distance. Locating a dwelling within this context is considered to be unacceptable. The site is visually extremely exposed due to lack of any intervening vegetation, any form of enclosure and a rising topography. There is currently no boundary in place along the northern edge of the application site.

32. The determination of integration is based on an assessment as to how well a development will blend unobtrusively with its immediate and wider surroundings. The main criteria against which the degree of visual impact is considered is the position of buildings, enclosure, natural boundaries and intervening vegetation between the site and critical views.

33. In this case the site lacks established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. The development would rely primarily on the use of new landscaping for integration failing to blend with the existing landform, slope which provide a backdrop. The proposal is therefore contrary to policy CTY 13.

Rural Character

34. 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.

35. It is contended that the proposal would be unduly prominent in the landscape, result in a sub-urban style of build-up of development and not respect the traditional pattern of development within the area. The proposal will also create a ribbon of development and would damage the rural character of the area. Thus the proposal is contrary to policy CTY 14.

Development Relying on Non-Mains Sewerage

36. 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.

37. As the proposal is for outline permission, no details have been provided to the exact location of where the septic tanks and soak-aways would be proposed. However further to consultation with both Environmental Health and Drainage and Water they have raised no objections to the proposal.

Access, Movement and Parking
38. PPS 3 - Access, Movement and Parking sets out policies to ensure that any development does not create a traffic hazard. As the proposal is for outline permission the agent has not provided details of where the proposed access would be located however DfI Roads have been consulted and have responded with no objections subject to standard conditions and informatives. It is therefore contended that the proposal complies with PPS 3.

**Natural Heritage**

39. The proposal would not involve the removal of any substantial vegetation. The front boundaries of the site may need to be removed in order to accommodate visibility splays however there would not be a significant amount of hedge removal that would cause any concerns with regards to natural heritage.

**Consideration of objectors concerns**

Application is exactly the same proposal as was previously refused under application LA05/2016/0760/O on 02/02/2017

40. The application is the same as the previous application and proposal that was previously refused in February 2017.

**Access and increase in traffic**

41. DfI Roads have no objection to the proposed development and the proposal complies with PPS 3.

**Proposed new dwellings would have to use septic tanks and harm the water quality**

Response: Both Environmental Health and Water Management Unit have been consulted on the application and have raised no concerns or objections.

**Creation of a ribbon of development**

42. The proposal would create a ribbon of development along Magheraconluce Lane and is contrary to planning policy.

**Proposed site is not a small gap sand is contrary to policy CTY 8**

43. Response: The proposal is contrary to Policies CTY 1 and CTY 8 of PPS 21 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 would create a ribbon of development along this section of the Magheraconluce Lane.

**Proposal is contrary to Policy CTY 13 Integration and Policy CTY 14 Rural Character**

44. The proposal is contrary to Policy CTY 13 in that the proposal would be a prominent feature in the landscape, the site lacks long established natural boundaries to provide a suitable degree of enclosure for integration purposes and the proposal would rely primarily on the use of new landscaping for integration. The proposal is also contrary to Policy CTY 14 in that the proposal would be unduly prominent in the landscape, would result in a suburban style of built up of development, it would not respect the traditional patter of development within the area and it would create a ribbon of development and thus have a negative impact on the rural character of the
The layout map is not accurate and deliberately misleading, it exaggerates the gap between numbers 11 and 20 and its shows that there is a private lane coming onto Magheraconluce Lane, however this is a track only used by the farmer to move cattle.

45. The layout drawing to some extent has been manipulated to show a continuous and built up frontage which does not exist on the ground.

Impact on wildlife species and habitat

46. The proposal would not have a negative impact on any natural heritage as the proposal would involve the removal of a significant amount of vegetation or habitat.

Conclusions

47. This application is a repeat application for 2 infill dwellings on the same site that was previously refused by way of delegated authority on 02/02/2017. All material considerations have been assessed, objections have been received raising concerns which have all been taken on board along with the consultation responses. The proposal does not comply with planning policy and refusal is recommended.

Recommendation

48. It is recommended that planning permission is refused.

Refusal Reasons

49. The following refusal reasons are recommended:

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

- The proposal is contrary to the SPPS and Policies CTY8 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 creation of ribbon development along this section of the Magheraconluce Lane.

- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape, lacks long established natural boundaries to provide a suitable degree of enclosure for the building to integrate into the landscape, relies primarily on the use of new landscaping for integration and fails to blend with the landform, slopes and other natural features which provide a backdrop.
and therefore would not visually integrate into the surrounding landscape.

- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted, be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, not respect the traditional pattern of settlement exhibited in that area creating a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.
## Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Scheme of Delegation.

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

## Description of Site and Surroundings

3. The site is located to south eastern side of the Upper Mealough Road and at a bend in the road. It comprises overgrown agricultural land set in between property number 7 (a dwelling house and garage), property number 1 (a hall) and property number 2 (a hall). Property number 2 sits in behind property number 1 and at a higher level with the access coming off the Upper Mealough Road.
4. There is a forested area to the other side of the road. Adjacent to the site and between the site and properties number 1 and 2 there is a small watercourse. The site is bound by mature vegetation boundaries and some fencing. The site is located within the rural area.

**Proposed Development**

5. The application as presented is for an outline application for 2 detached dwellings.

**Relevant Planning History**

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

<table>
<thead>
<tr>
<th>Application Reference</th>
<th>Description of Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Y/1973/0041</td>
<td>Erection of a bungalow</td>
<td>Permission Refused</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appeal P103/1974 Dismissed</td>
</tr>
<tr>
<td>Y/1981/0077</td>
<td>Erection of a bungalow</td>
<td>Permission Refused</td>
</tr>
<tr>
<td>Y/1997/0102</td>
<td>Site for proposed dwelling</td>
<td>Application Withdrawn</td>
</tr>
<tr>
<td>Y/2014/0352/O</td>
<td>Infill for 2no. dwellings</td>
<td>Permission Refused 30/11/2015</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Appeal 2015/A0182 Dismissed</td>
</tr>
<tr>
<td>LA05/2016/0798/O</td>
<td>Proposed site for 2 detached dwellings</td>
<td>Permission Refused 27/03/2017</td>
</tr>
</tbody>
</table>

7. Planning Application Y/2014/0352/O for a similar scheme was previously refused and the subsequent appeal (2015/A0182) was dismissed by the Planning Appeal Commission (PAC). In the appeal report the commissioner stated …it is concluded that of the buildings relied on by the appellant only the dwelling at No. 7 and the hall at No 1 have a road frontage. The hall at No 2 is set back and although it has an access onto the road, an access point in itself does not constitute a frontage to the Road. Accordingly the site is not within a substantial
and continuously built up frontage and as such no infill opportunities arise on the appeal site under CTY 8.

### Planning Policy Context

8. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy 2035
   - Lisburn Area Plan 2001 and draft Belfast Metropolitan Area Plan (BMAP) 2015
   - Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development
   - Planning Policy Statement 2 (PPS 2): Natural Heritage
   - Planning Policy Statement 3 (PPS 3): Access Movement and Parking
   - Planning Policy Statement (PPS 15): Planning and Flood Risk
   - Planning Policy Statement 21 (PPS 21): 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>DfI Roads</td>
<td>No objection to the proposal, conditions and informatives provided.</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objection.</td>
</tr>
<tr>
<td>NI Water</td>
<td>Standard response.</td>
</tr>
<tr>
<td>DAERA: Drainage and Water</td>
<td>No specific comment to make and refers to standing advice.</td>
</tr>
<tr>
<td>DAERA: Natural Heritage and Conservation</td>
<td>Notes that there is a watercourse bounding the application site and recommends a minimum of 5m buffer to small watercourses.</td>
</tr>
<tr>
<td>Rivers Agency</td>
<td>No objection.</td>
</tr>
</tbody>
</table>

### Representations

10. One objection has been received in respect of this application. The following issues were raised:
   - Proposal has already been refused and an appeal rejected;
   - In 1974, in the original application, the proposed opening was not accepted by Roads Service due to the volume of the traffic on the road. Expects that the traffic volume on the road has not reduced over the
lapsed time period.

Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:
   - Principle of Development
   - Ribbon Development
   - Integration and Design
   - Rural Character
   - Development Relying on Non-Mains Sewerage
   - Access, Movement and Parking
   - Natural Heritage
   - Flooding and Drainage
   - Consideration of objectors concerns

Principle of Development

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

13. The adopted Belfast Metropolitan Area Plan 2015 has been declared unlawful following a judgement in the Court of Appeal issued 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 on this case the Lisburn Area Plan 2001 is the up to date LDP. However draft BMAP and its policy considerations remains a material consideration.

14. In this case the application site is all relevant plans is within the countryside.

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

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

17. Paragraph 6.65 states that ‘The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance
between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS’.

18. Paragraph 6.70 states that ‘All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed’.

19. Paragraph 1.2 of the SPPS states that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded by the retained policy. Policy tests associated with PPS 21 are therefore relevant to the assessment of this application.

20. Policy CTY 1 Development in the Countryside makes provision for a range of different types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. In this case the applicant has applied for 2 infill dwellings and therefore the proposal must comply with Policy CTY 8 Ribbon Development.

Ribbon Development

21. Policy CTY 8 Ribbon Development states that Planning permission will be refused for a building which creates or adds to a ribbon of development.

22. An exception will be 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 and meets other planning and environmental requirements. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

23. The application site sits between the properties of 1, 2 and 7 Upper Mealough Road. The property at number 1 Upper Mealough Road (Halll), presents a frontage to the road, however property number 2 which sits back behind property number 1 has an access point only coming from the Upper Mealough Road. It has been established through the previous appeal (2015/A0182) on this site that an access point in itself does not constitute a road frontage. The dwelling at no 7 presents a frontage to the Upper Mealough Road

24. It is therefore contended that the properties at 1, 2 and 7 do not constitute a substantial and continuously built up frontage and there is not a line of 3 or more buildings along the road frontage.

25. The application site does not constitute a gap site within an otherwise substantial and continuously built up frontage and would result in the creation of a ribbon of development along the Upper Mealough Road

26. The proposal for two dwellings on the application site and is therefore contrary to Policy CTY 8.
27. The agent has submitted a plan detailing what he believes are the frontages of the surrounding properties and how the average plot sizes are similar to that of the proposal. However as seen above the proposal does not meet policy CTY 8.

Integration and Design

28. 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.

29. Due to the undulating landscape, the levels and the backdrop that would be provided, it is considered that the proposal would not be unduly prominent in the landscape. It is acknowledged that the site could accommodate a sensitively designed dwellings a ridge height restriction of 6.0m above the finished floor level would be recommended along with a plan showing existing and proposed levels are submitted at reserved matters stage. Split level dwellings may be a suitable option for the site. A restriction of 0.35m on the underbuild would also be recommended. Any dwellings must be designed in accordance with rural design principles and be appropriate to the site and locality.

Rural Character

30. 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.

31. The proposal would not be unduly prominent in the landscape or result in a sub-urban style of build-up of development. However it would create a ribbon of development and therefore have a negative impact on rural character and is contrary to criteria (b) and (d) of policy CTY 14.

Development Relying on Non-Mains Sewerage

32. 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.

33. As the proposal is for outline permission no details are required to be provided as to the location of where the septic tanks and soak-aways would, however the agent has submitted an annotative layout that shows the proposed positioning of these, to the rear of each plot. Further to consultation with both Environmental Health and Drainage and Water they have raised no objections to the proposal.

Access, Movement and Parking

34. PPS 3 sets out policies to ensure that any development does not create a traffic hazard. An indicative layout has been submitted with the application
and details a paired access for the tow proposed sites with visibility splays extending to 45m in both directions. Roads have been consulted on the application and have raised no objections to the proposal and provided conditions and informatives. The proposal complies with PPS 3.

35. The objector has raised concerns that the original application was refused on roads issues and through the lapsed time does not understand how the proposal would be considered acceptable now with regards to road safety. Roads are the authority on roads safety issues and offer no objection to the proposal. It is contended that the proposal complies with PPS 3.

Natural Heritage

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

37. The application site is currently overgrown agricultural land with tall grasses within it. The frontage of the site has some vegetation however the proposal would not involve the removing a significant amount of it to cause concern. It is therefore considered that there will be no impact on natural heritage considerations. The proposal complies with PPS 2.

Flooding and Drainage

38. 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.

39. There is a watercourse in close proximity to the application site. Rivers Agency have been consulted on the application and have advised that there are no watercourses which are designated under the terms of the Drainage (NI) Order 1973 within this site and the site is in close proximity to an undesignated watercourse located approximately 10m to the West. They also advise that the strategic flood map shows a small portion of the site (containing the proposed access), to be within the predicted flood plain.

40. While inspecting the site it was noted that the proposed access location levels appear above the adjacent road, which slopes away from the site to the west, and is therefore at variance with the flood map. River Agency therefore have no objections to the proposal.

Consideration of objectors concerns

Proposal has already been refused and an appeal rejected

41. The application is a repeat application that was previously refused by the DoE, the Planning Appeals Commission and the Council. The proposal does not comply with planning policy.
In 1974, in the original application, the proposed opening was not accepted by Roads Service due to the volume of the traffic on the road. Expects that the traffic volume on the road has not reduced over the lapsed time period

42. The history of the application site has been taken on board and is a material consideration in the determination of the application. Roads have been consulted on the application and have raised no objections to the proposal.

Conclusions

43. All material considerations have been assessed, representation has been lodged raising concerns and all consultation responses have been taken into account.

44. Application for the same proposal had previously been refused by the DoE, the Planning Appeals Commission and the Council. The policy context has not changed from the previous refusals. The proposal is contrary to planning policy and does not comply with the SPPS and Policies CTY1, 8 and 14 of PPS 21.

Recommendation

45. It is recommended that planning permission is refused.

Refusal Reasons

46. The following refusal reasons are recommended:

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

- The proposal is contrary to the SPPS and Policies CTY1 and CTY8 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.
Summary of Recommendation

1. This application is categorised as a local planning application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee.

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

Description of Site and Surroundings

3. The application site is located adjacent and north of No. 6 Endentrillick Hill, Hillsborough and currently serves as a garden area for this dwelling. No. 6 is a modest detached bungalow.

4. The north and west boundaries of the site are defined by a small timber fence. The east boundary is defined by a neat hedgerow which serves to separate the site from the curtilage of neighbouring dwelling no. 8 Edentrillick Hill. The topography of the site falls gently from the north to south.
5. The area surrounding the site is rural in nature and a number of single dwellings are dispersed throughout the area. Development within close proximity of the site includes no. 6 Edentrillick Hill, a modest bungalow located immediately to the south and no. 8 Edentrillick Hill, also a bungalow, located adjacent and east of the site. Other neighbouring development includes no. 4 Edentrillick Hill located approximately 150 metres south-east of the site and no. 3 Edentrillick Hill and a number of associated agricultural buildings which are located a short distance north-west of the site on the opposite side of Edentrillick Hill Road.

**Proposed Development**

6. Outline planning permission is sought for a dwelling and garage on lands adjacent to and immediately north of 6 Edentrillick Hill, Hillsborough in accordance with Policy CTY8 of Planning Policy Statement 21.

**Relevant Planning History**

7. The relevant planning history is set out in the table 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/1999/0578/A41</td>
<td>6 Edentrillick Hill,</td>
<td>Proposed Conservatory</td>
<td>Permitted Development</td>
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<td>Edentrillick, Hillsborough</td>
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</tr>
</tbody>
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**Planning Policy Context**

8. The relevant planning policy context which relates to the application is as follows:
   - Regional Development Strategy 2035
   - Lisburn Area Plan 2001
   - Draft Belfast Metropolitan Area Plan (BMAP) 2015
   - Strategic Planning Policy Statement for Northern Ireland (SPPS)
   - Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside
   - Planning Policy Statement (PPS) 3: Access, Movement and Parking

**Consultations**

9. The following consultations were carried out:

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
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<tr>
<td>Transport NI</td>
<td>No objections subject to conditions</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>No objections</td>
</tr>
<tr>
<td>NI Water</td>
<td>Informatives</td>
</tr>
</tbody>
</table>
Representations

10. No letters of objection were received in respect of this application.

Consideration and Assessment

11. The main issues to consider in the determination of this planning application are:
   ▪ Principle of development
   ▪ Sustainable Development in the Countryside
   ▪ Ribbon Development
   ▪ Integration and design
   ▪ Rural character
   ▪ Access movement and car parking

Principle of Development

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 Lisburn Area Plan 2001 (LAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.

14. The application site is identified in Lisburn Area Plan 2001 as being within the green belt, outside of any defined settlement limit. It is also located within the Countryside in accordance with the Draft Belfast Metropolitan Area Plan 2015.

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 with 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. 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.

17. The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.
18. The application proposes a dwelling and garage in the countryside and as such, the proposal must comply with the policy tests associated with Planning Policy Statement 21: Sustainable Development in the Countryside.

Sustainable Development in the Countryside

19. This application site is within a rural location as set out in the LDP, the Lisburn Area Plan 2001 and the draft Belfast Metropolitan Area Plan 2015.

20. Planning Policy Statement 21 - Sustainable Development in the Countryside contains the applicable suite of policies for proposed development in such a countryside location. It lists the range of development which in principle are considered acceptable and which will contribute to the aims of sustainable development.

21. Policy CTY1 of PPS21 – Development in the Countryside, references circumstances where planning permission will be granted for dwelling houses in the countryside. Policy CTY1 is applicable to this proposal in so far as it directs consideration of this proposal for an infill dwelling to Policy CTY8 of PPS21.

Ribbon Development

22. Policy CTY8 - Ribbon Development, states that planning permission will be refused for a building which creates or adds to a ribbon of development.

23. Policy CTY8 also states that an exception will be 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 and meets other planning and environmental requirements.

24. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

25. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road. In this instance there are 4 buildings with a road frontage. These include no. 8 Edentrillick Hill to the east of the site and no. 6 Edentrillick Hill to the south of the site. No. 4 Edentrillick Hill and its detached garage/stables to the south-east of no.6 also have a road frontage. It is therefore concluded that an otherwise substantial and continuously built up frontage exists.

26. Although the application site is currently the garden area for no. 6 Edentrillick Hill it is considered that it does not constitute a small gap site within this frontage of sufficient size to accommodate one dwelling.
27. Policy CTY8 also states that any proposal should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

28. As this is an outline application details of the proposed house type and position have not been submitted however the size of the proposed plot is clear from the drawings. It is also clear from the drawings that the existing dwellings at nos 4, 6 and 8 Edentrillick Hill are currently set in generous plots.

29. No. 6 Edentrillick Hill has an approximate plot size of 2877 m\(^2\), no. 8 has an approximate plot size of 3325 m\(^2\). No. 4 Edentrillick Hill has a plot size of approximately 6934 m\(^2\).

30. If approved the proposed dwelling would have a plot size of approximately 1276 m\(^2\) which in turn would reduce the plot size of no. 6 to 1654m\(^2\). It is considered that these reduced plots fail to respect the average plot sizes along the concerned frontage which are all larger in scale.

31. The agent has submitted a map in conjunction with this application outlining ‘similar’ surrounding plot sizes however the drawing does not appear accurate and does it depict a true reflection of the actual plot size. The plot size of no.9 and 11 are much bigger and extend much further than indicated on the map.

32. It is therefore concluded the proposal fails to respect the existing development pattern along the frontage in terms of plot size.

33. The agent has also submitted a copy of a recent appeal decision which he believes is reflective of the current application (Planning Appeals Commission reference 2015/A0091 Council Reference S/2014/0818/O). It is contended that this appeal site is not directly comparable to this current application as the sites and surrounding areas are different contextually. The specific site circumstances of this appeal site are not replicated in this current application site.

34. It is therefore contended that the proposal is contrary to Policy CTY8 as it fails to respect the existing development pattern and plot size along the Edentrillick Hill road frontage.

Integration and Design

35. 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.

36. It is considered that a dwelling on the application site would not be a prominent feature in the landscape provided it is of an appropriate modest scale. Additional
supplementary planting will ensure that a dwelling on the application site integrates into the surrounding landscape.

**Rural Character**

37. Policy CTY14 of PPS21 will grant permission for a building in the countryside, provided it complies with other applicable policies of PPS21, if it does not further erode the rural character of the area.

38. Within the policy context of Policy CTY14 it is contended that this proposal does not respect the traditional pattern of settlement exhibited in the area in relation to the plot sizes and is therefore considered contrary to this Policy.

**Development Relying on Non-Mains Sewerage**

30. 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.

31. A septic tank is proposed. Environmental Health have been consulted and responded with no objections providing all relevant statutory permission for the development would be obtained.

32. It is therefore contended that the erection of a dwelling at this location served by a septic tank will not create or add to a pollution problem in the area.

**Access, Movement and Parking**

33. 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.

34. Transport NI have been consulted and offer no objection in principle to this development subject to standard conditions and informatives. Additional information regarding site splays and in curtilage car parking will be required at the Reserved Matters stage.

35. It is therefore contended that the proposal as presented will not create a traffic hazard and that safe access and egress onto the public road can be provided.

**Conclusions**

36. Based on careful consideration of all relevant material considerations, it is contended that the proposed development fails to satisfy the relevant policy tests.
Recommendation

37. It is recommended that planning permission is refused.

Refusal Reasons

38. The following refusal reasons are recommended:

- The proposal is contrary to the Strategic Planning Policy Statement 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal fails to respect the existing development pattern along the road frontage in terms of plot size.

- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted, would not respect the traditional pattern of settlement exhibited in the area would therefore further erode the rural character of the countryside.
Site Location Plan - LA05/2017/0710/O
DEPARTMENT FOR INFRASTRUCTURE (NI)  
TRANSPORTNI - EASTERN DIVISION

(Lisburn & Castlereagh) Council Area

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

DECLARATION

Governors Bridge Road - 200 Linear metres of traditional carriageway with associated footways and turning head.

15 Linear metres of connecting footpath.

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

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

See drawing reference (27779)

Preliminary Certificate Issued  
NA

Final Certificate Issued  
2nd November 2017

Signed  
Michael Harvey  
Engineer

Authorized Officer
**DECLARATION**

<table>
<thead>
<tr>
<th>Millreagh Avenue</th>
<th>185 m Traditional Carriageway (including adjoining footways)</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>60 m Remote footpath</td>
</tr>
<tr>
<td></td>
<td>305 m² Grass visibility splay</td>
</tr>
</tbody>
</table>

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

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

---

Refer to attached map for adoption layout

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**Preliminary Certificate issued**  
23/09/2011

**Final Certificate issued**  
5th November 2017

Signed

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Engineer

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

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

DECLARATION

Millreagh Court : 155 m of shared surface carriageway, associated service strips & island

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

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

Refer to attached map for adoption layout

Preliminary Certificate issued 23/09/2011
Signed

Final Certificate issued 10th November 2017
Signed

Engineer

Authorised Officer

Report
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI - EASTERN DIVISION

LISBURN & CASTLEREAGH

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

DECLARATION

Millreagh Avenue: 95 m Traditional carriageway (including adjoining footways)

60 m Remote Footway, 200 m2 Grassed verge / service strips

Millreagh Heights: 20 m Traditional carriageway (including adjoining footways)

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

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

Refer to attached map for adoption layout

Preliminary Certificate Issued ____________________________  Signed ____________________________

Final Certificate Issued 10th November 2019  Signed ____________________________

Engineer

Authorized Officer

Report
DEPARTMENT FOR INFRASTRUCTURE (NI)
TRANSPORTNI - EASTERN DIVISION

LISBURN & CASTLEREAGH

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

DECLARATION

Millreagh Avenue : 185 m Traditional carriageway (including adjoining footways)

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

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

Refer to attached map for adoption layout

Preliminary Certificate Issued  
Signed

Final Certificate Issued  
10TH NOVEMBER 2019  
Signed

Report
Conclusion

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

Reasons

2. The main issues in this appeal relate to the principle of a dwelling in this countryside location, and a comparison of the impacts of an approved dwelling and the proposed dwelling in terms of their compliance with policy and their impact on the setting of a listed building.

3. Following the Court of Appeal judgement that the Belfast Metropolitan Area Plan 2015 (BMAP) was unlawfully adopted, the Lisburn Area Plan 2001 (LAP) operates as the statutory local development plan for the proposal. The LAP identifies the appeal site as being within a Green Belt, but it has no policies or guidance relevant to that designation. Also, the policy provisions of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) took precedence over green belt designations in statutory development plans on its publication in June 2010. The draft BMAP identifies the site as being in countryside, but again contains no policies or designations material to the appeal development. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in respect of the appeal development, thus the provisions of PPS21 provide the policy basis on which to consider the appeal.
4. Policy CTY 1 of PPS1 specifies a range of types of development considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. One of these, Policy CTY3 – Replacement Dwellings, on the basis of the Council’s first reason for refusal, advises that permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. However, as there is no building to replace (the dwelling approved by S/2010/0299/F is only at foundation level) there is no support for the appeal proposal under Policy CTY3.

5. The Council’s third reason for refusal is based on PPS21 Policy CTY10 – Dwellings on Farms. This states that planning permission will be granted for a dwelling house on a farm where three specified criteria can be met. Criterion (c) requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. However, as noted by the appellant the proposed dwelling does not cluster or visually link with other buildings on the farm. Given this and with no evidence that the proposed siting is a response to demonstrable health and safety reasons, or verifiable plans to expand the farm business at the existing building group the proposal has no support under Policy CTY10.

6. The crux of the appellant’s case however relates to an existing approval for a dwelling. The evidence is that the foundations of the dwelling approved under application S/2010/0299/F are in situ and that that approval, deemed acceptable under policy CTY10, has been implemented just prior to the expiry of the approval. There is no suggestion that the appellant would not complete this approved dwelling should this appeal fail. Thus the approved dwelling would be a valid fallback position for the appellant to complete and I continue my reasoning on this basis.

7. The appellant contended that the appeal proposal was no more harmful than the fall back position in terms of the clustering and visual linkage required under Policy CTY10. Paragraph 5.41 of the Justification and Amplification to Policy CTY10 indicates that to help minimise impact on the character and appearance of the landscape (farm) dwellings should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. The paragraph goes on to implicitly acknowledge that the existing farm group or the application site may be well landscaped and allows for the presence of vegetation to be discounted in assessing visual linkage.

8. The contradictory wording of the submitted Departmental case officer’s report relevant to the approved dwelling makes it of little use in assessing why the dwelling was located exactly where it was. However, the approved dwelling, being some 95 metres away from the appellant’s farm buildings at No. 290 Hillsborough Road, would not be an integral part of that farm building group. The approved dwelling would lie about 45 metres from No. 292 Hillsborough Road (Wellington Lodge) a listed building whose location contributes to the separation of the site from the appellant’s farm buildings. Also, from the vantage points I was referred to
on Harry’s Road topography and vegetation mean that the approved dwelling would not be perceived as being part of any cluster of buildings. From that perspective the proposed dwelling would not have a significantly greater visual impact in the landscape than the approved dwelling. Indeed it is only in limited areas such as the site itself and the private driveway to Wellington Lodge where there would be an awareness of the approved dwelling loosely clustering with a group of other buildings comprising the appellant’s farm buildings, Wellington Lodge and retail units on Harry’s Road.

9. Nevertheless I bear in mind that the overall thrust of PPS21 is to group new development with existing built commitments in the landscape and in this case the appeal proposal would sit both farther removed from both the farm buildings and the wider existing group of buildings mentioned above.

10. The appellant also contended that the appeal dwelling’s location would preserve the setting of the listed building at No. 292. Under Section 91 of the Planning (NI) Act 2011 special regard is to be had to the desirability of preserving the setting of a listed building. Policy BH11 of Planning Policy Statement 6 – Planning Archaeology and the Built Heritage, also sets out a presumption against development adversely affecting the setting of a listed building.

11. Wellington Lodge, despite the presence of commercial units in the vicinity, has retained a quality rural setting. The approved dwelling, despite the Lodge’s boundary and in-curtilage vegetation, would be a significant presence as seen from the Lodge’s grounds. This would be particularly the case towards the end of the sweeping driveway where the Lodge and the approved dwelling would read together. This competing visual presence would to my mind unacceptably erode the setting of the Lodge in its landscaped setting. While I am aware of appeal decision 2014/A0240 I see nothing within it to alter my conclusion on this matter. I find that the desirability of preserving the setting of this particular listed building carries greater weight than the policy thrust towards grouping development with existing built commitments – especially as in this context the proposed dwelling’s siting would have having no significantly greater impact on the wider landscape setting than the approved dwelling.

12. The objection submitted during the Council’s consideration of the proposal was concerned about the details of the proposed dwelling including for example its scale, form, design, massing and materials. However, the two storey dwelling reflects a largely traditional Victorian form and detailing. This is as opposed to the simpler Georgian form of Wellington Lodge. Nevertheless, given the distance from the listed building itself I would not see the general alignment, orientation, form and detailing of proposed dwelling to be an unacceptable presence in the setting. Additional landscaping would assist in helping to screen the proposal from the driveway of Wellington Lodge. The use of traditional building finishes such as painted render walls, natural slates, timber sash and case windows are also appropriate to the general design and to this setting. I do not sustain the objector’s arguments in this regard.

13. The Council’s third reason for refusal was based on Policy CTY 14 – Rural Character. The Council considered that the proposed dwelling does not respect the traditional pattern of development within the local area by virtue of its large curtilage. However, its curtilage of 1.14 hectares is not out of keeping with the
larger plots of 1.42 and 1.55 hectares at Nos. 290 and 292 Hillsborough Road respectively.

14. All-in-all I conclude that the proposed dwelling and its siting is preferable to the alternative of the approved dwelling. Accordingly the Council’s reasons for refusal, and their arguments against the appeal proposal are not sustained.

15. I acknowledge the condition placed on Appeal Decision 2012/A0215 seeking only one dwelling to be built within that site. However, in this case the existing planning approval has been implemented. As such the current appeal should succeed subject to a condition preventing the commencement of development until the foundations pertaining to planning approval S/2010/0299/F are removed and the land restored to its previous condition. The removal of the foundations would have the effect of spending that planning approval and it could not be implemented again – thus preventing two dwellings being built on the site. As the situation can be addressed by condition a revocation of the approval, or a planning agreement seeking to prevent its being completed, are unnecessary. The objector was concerned that such a condition could be varied at a later date with limited scrutiny – however, a proposal to vary such a condition would have to go through the appropriate planning process.

16. As well as a standard condition on the time scale for the commencement of development, conditions related to the landscaping of the site - which should include planting to assist in screening the site from the driveway of Wellington Lodge - are necessary. Planting should be carried out during the first season following the dwelling’s occupation. Following on from the Roads Service consultation response I agree that conditions seeking the provision of the appropriate visibility splays prior to the commencement of any building works and their subsequent maintenance are necessary. Given the considerable size of the site and the detailed layout a condition to maintain 3 parking spaces is superfluous.

Conditions

(1) No development shall commence until the foundations for the dwelling approved under application S/2010/0299/F have been removed and the land restored to its physical condition prior to the laying of those foundations. Evidence of this shall also be provided to the planning authority prior to the development commencing.

(2) The development shall be begun before the expiry of five years from the date of this decision.

(3) Before any building operations commence the vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the Donnan Ward Proposed Site Plan - Drawing Number 12-39-03 dated 24-11-2015.

(4) The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the adjoining carriageway before any building operations start and such splays shall be retained and kept clear thereafter.
(5) The gradient of the access shall not exceed 8% (1 in 12.5) over the first 5 metres outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

(6) No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing:

   a. The planting of native trees and shrubs to assist in screening the site from the driveway of Wellington Lodge
   b. The retention of existing boundary trees and hedgerows, except where required to allow access, and their strengthening with native trees and shrubs where required.
   c. The planting of native trees and shrubs of mixed woodland species along the inside of all the new proposed timber and wire boundary fences.
   d. The numbers, species and sizes of the trees and shrubs to be planted in the above locations and within the site generally.

The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. All hard and soft landscaping works shall be carried out in accordance with the appropriate British Standard. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.

This decision relates to the following plans stamped refused by the planning authority on 8 March 2017.

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<th>Title</th>
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COMMISSIONER ALISTAIR BEGGS
List of Documents

Planning Authority:-
- ‘A’ Statement of Case.
- ‘B’ Comments.

Appellant:-
- ‘C’ Statement of Case.
- ‘D’ Rebuttal Statement
Apartment Reference: 2017/A0035
Appeal by: Miss Cherry Hill
Appeal against: The refusal of full planning permission
Proposed Development: New dwelling with landscaping and upgrading of existing access and associated site works
Location: No 4 Beechmount Road, Carryduff, Castlereagh, Belfast
Planning Authority: Lisburn & Castlereagh City Council
Application Reference: LA05/2016/0291/F
Procedure: Informal Hearing on 5 October 2017
Decision by: Commissioner Pamela O'Donnell, dated 9 November 2017

### Decision

1. The appeal is dismissed.

### Preliminary Point

2. The Appellant submitted an amended plan at appeal stage showing a reduced application site. The parties were in agreement that the amended plan was admissible. Taking into account the relevant case law and the applicable legal tests, I concur. The amended plan therefore forms part of the appeal proposal.

### Reasoning

3. The main issue in the appeal is whether the proposal is acceptable in principle in the countryside.

4. The Planning Act (Northern Ireland) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. The Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful in May 2017. Therefore, the Carryduff Local Plan 1988 – 1993 (CAP) currently operates as the statutory LDP for the area where the appeal site is located. The draft BMAP is also a material consideration in the appeal. Both place the appeal site outside any settlement limit and within the countryside. The CAP shows the site within a Green Belt. However, given the changes in regional policy, that designation is no longer relevant. There are no Plan policies for the type of development proposed.

5. Paragraph 1.5 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) states that its provisions must be taken into account in the preparation of LDPs and are material to all decisions on individual planning applications and appeals. Paragraph 1.10 states that a transitional period will operate until such
times as a Plan Strategy for the council area has been adopted. During this transitional period, i.e. presently, planning authorities will apply existing policy contained in specified Planning Policy Statements (PPS) and other documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. Where the SPPS introduces a change of policy direction and/or provides a policy clarification that would be in conflict with the retained policy, the SPPS should be accorded greater weight. However, it goes on to say that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies, this should not be judged to lessen the weight afforded to the retained policy.

6. The SPPS has a subject policy entitled ‘Development in the Countryside’ which allows for new dwellings in existing clusters subject to certain criteria. One is that provision should be made for a dwelling at an existing cluster of development associated with a focal point. There is no clarification as to what a focal point could be in the SPPS. Retained policy, in respect of development in the countryside, is provided within PPS21. Policy CTY1 thereof indicates that there are types of development acceptable in principle in the countryside. One is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a. This latter policy states that planning permission will be granted for a dwelling at an existing cluster of development provided all six of its criteria are met. The third criterion requires that the cluster is associated with a focal point “such as a social/community building/facility, or is located at a cross-roads”. The SPPS introduces no discernible change of policy relevant to this appeal and is less prescriptive than the provisions of the retained PSS21 with regard to new dwellings in existing clusters. Thus retained policy applies and is relevant to the assessment of the proposal in accordance with the transitional arrangements. The ‘Building on Tradition’ document provides supplementary design guidance to PPS21. It indicates that social/community facilities are a significant ingredient in identified focal points.

7. The appeal site is within the private rear garden of a large detached dwelling at No 4 Beechmount Road. A recently constructed stable block is located to the south of the site. A tall band of conifer trees define the western site boundary while the northern site boundary is also defined by vegetation. Access to the proposed dwelling would be taken from the existing access onto Beechmount Road. Carryduff Boarding Kennels and Cattery is located along the road frontage around the junction where Beechmount Road meets Manse Road. It is comprised of a number of agricultural type buildings which are set around a large concrete apron.

8. Policy CTY2a does not define what a cluster of development is but the first three criteria give an indication of its intended meaning. Both parties were satisfied that the proposal complied with the first two criteria and the Appellant conceded that the alleged cluster was not at a cross-roads. Thus the critical issue to determine is whether “the cluster” is associated with a focal point such as a social/community building/facility. On this matter, the Appellant argued that ‘Carryduff Boarding Kennels and Cattery’ represented a focal point for the purpose of the policy.

9. I was told that the above private business has been established some 17 years; that it is busy and that it provides jobs for the local community, including young people undertaking work experience. I was also informed that it would be well
known in the area, perhaps partly as a result of the controversy surrounding its application for planning permission. However, this private business serves a specific market as it is used exclusively by dog and/or cat owners. While the third criterion of the policy is not specific or exhaustive in its definition of a focal point, the example given in the policy infers, in my judgment, that a focal point is an identifiable entity used by the community for gatherings or activities with social interactions. To this end, I would concur with the Council that a focal point could be a church, community hall or school building i.e. an entity that serves as a focus for much wider community involvement and social interaction than a specialised business carried out in a number of agricultural type buildings would.

10. Regarding what could constitute possible focal points, the Appellant made reference to shops and sports facilities and argued that the commercial nature of a facility need not be an impediment to satisfying this aspect of the policy. However, in both examples, it would principally depend on the overall nature of the facility and the evidence presented to determine if either could be regarded a focal point. In any event, these particular examples are different to the appeal business and do not assist the Appellant's case.

11. In support of his position, the Appellant also provided national statistics of the percentage of households that own dogs and cats – some 24%. Conversely, this information illustrates that the majority of households do not keep such pets. This reinforces the above findings regarding the niche market of the subject business. It does not demonstrate that it is a focal point. Each case falls to be determined on its own merits and one cannot directly compare the subject business with random sports facilities or shops. The Appellant made reference to paragraph 4.7 of the SPPS, but that paragraph must be read in the context in which it was written. That particular section of the SPPS refers to networks of green spaces, not dwellings in existing clusters. It says that green spaces can provide opportunities for social interaction by serving as a focal point for recreation and community activities. The subject business is not a green space and this part of the SPPS does not therefore assist. The contents of the Ministerial Statement of July 2013 in regard to this issue are noted. However, the evidence forwarded by the Appellant does not persuade me that the facility serves as a focal point for the reasons stated.

12. As outlined above, I find that the proposal does not comply with the third criterion of Policy CTY2a. While it is accepted that policy need not be ‘slavishly’ adhered to, given that this criterion is one of three critical to determining what a cluster of development is and that the policy requires all stated criteria to be met, the proposal fails to comply with the policy. In appeal 2010/A0202 the Commissioner set aside the policy requirement as there were compelling site specific circumstances not repeated here including that the site was considered a small gap site within an otherwise substantial and continuously built up frontage. It therefore satisfied another policy of PPS21. For this reason, appeal decision 2011/A0007 does not assist. The more recent appeal decision 2016/A0095 was taken in its own evidential context and the stance of the Planning Authority in that appeal has not been replicated in this case. The two other decisions referenced by the Appellant namely LA07/2015/0135/O and LA08/2015/0056/F are from Armagh City, Banbridge and Craigavon Borough Council and Newry, Mourne and Down District Council respectively. They are not decisions from this particular Council. The appeal decisions are distinguishable for the reasons stated and a total of two
decisions from separate council areas do not persuade me that inconsistency in decision making has been demonstrated.

13. As the proposal is not at an existing cluster of development, it does not represent one of the types of housing development considered acceptable in principle in the countryside. Policy CTY1 goes on to say that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in a nearby settlement. No overriding reasons were advanced to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal is therefore also at odds with Policy CTY1 of PPS21.

14. Compliance with planning policy is a matter of acknowledged importance and in not complying with policy; this particular proposal would result in demonstrable harm for the reasons stated.

15. The reasons for refusal are sustained. Accordingly, the appeal must fail

This decision is based on the Proposed Site Location Plan (Drawing No 100-01) @ 1:1250 submitted at appeal and Proposed Site Plan (Drawing No SK-04) 1:500 @ A3, Proposed Floor Plans (Drawing No 100-03) 1:100 @ A3, Proposed Elevations 1 (Drawing No 100-04) 1:100 @ A3, Proposed Elevations 2 (Drawing No100-05) 1:100 @ A3, Landscape Proposals (Drawing No 15-024 L101), Proposed Access Layout (Drawing No DC – GA C 03 Revision A) @ 1:200 and Existing Access Layout (Drawing No DC – GA C 01 Revision A) stamped refused by the Council on 31 January 2017.

COMMISSIONER PAMELA O’DONNELL
List of Appearances

Planning Authority: - Ms M Manley (Lisburn & Castlereagh City Council)
Appellant(s):- Mr S Turbitt (BL instructed by Pragma Planning)
Mr D Worthington (Agent - Pragma Planning)
Ms Hill (Appellant)
Mr Hill (Appellant’s father)
Mr C Dempsey (Architect)

List of Documents

Planning Authority: - “A” Statement of Case
Appellant(s):- “B” Statement of Case
Planning Policy Division

Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: 0300 200 7830

13 November 2017

Dear Sir/Madam

Please find attached the following Departmental Direction, which comes into operation on 1st December 2017.

"The Planning (Notification of Applications) Direction 2017"

This Direction made under Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 replaces and generally replicates the previous Departmental Direction dated 23rd March 2015 - The Planning (Notification of Applications) Direction 2015.

The Direction sets out the arrangements and criteria for councils to consult the Department in relation to planning applications for particular major development.

This new Direction provides clarification on what information the council will be required to send to the Department. The information requirements are set out in paragraph 3 of the Direction with sub-paragraph (1)(e) making it clear that a copy of a statement setting out the council's reasons for proposing to grant planning permission is required.

**Purpose**

The purpose of the direction is to give the Department an opportunity to consider whether to exercise its call-in powers under section 29 of the 2011 Act.

The Direction does not affect the power of the Department under section 29 of the 2011 Act, to direct that any particular planning application should be called in for the Department to determine, irrespective of whether it falls within the terms of the Direction, having regard to the policy on call-in.
Copies of the Direction are available from the Departmental website at: www.planningni.gov.uk

I hope you find this helpful.

Yours faithfully

ANGUS KERR
Director
DIRECTION TO ALL DISTRICT COUNCILS

THE PLANNING (NOTIFICATION OF APPLICATIONS) DIRECTION 2017

The Department for Infrastructure makes the following Direction, in exercise of powers conferred on it by Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Commencement

1. This direction comes into operation on 1st December 2017.

Interpretation

2. In this Direction—

"the 2011 Act" means the Planning Act (Northern Ireland) 2011;

"assessments" means any Flood Risk assessments, Environmental Impact assessments, Retail Impact assessments, Transport assessments or any other assessments that may be submitted with the application;

"council" means district council;

"the Department" means the Department for Infrastructure;

"Development Management Regulations" mean the Planning (Development Management) Regulations (Northern Ireland) 2015;

"the GDPO" means the Planning (General Development Procedure) Order (Northern Ireland) 2015;

"local development plan" shall be construed in accordance with section 6(1) of the 2011 Act;

"major development application" means development which belongs to the category of major development as prescribed in regulation 2(1) of the Development Management Regulations;

"pre-application material" means any material submitted with the planning application as prescribed by section 27 of the 2011 Act and regulations 4 and 5 of the Development Management Regulations;

"requisite notice" means notice in the appropriate form set out in Schedule 1 to the GDPO or in a form substantially to the same effect;

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1 S.R. 2015 No.72
2 2011 c.25 (N.I.)
3 S.R. 2015 No.71
“road” is that which is defined by Article 2 of the Roads (Northern Ireland) Order 1993;

“significant objection” means an extensive or important challenge or disagreement;

“statutory consultee” means an authority or person with whom the council or Department must consult in accordance with Article 13 of the GDPO 2015;

Information to be given to the Department

3. — (1) Where the council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction, it must send the Department the following information:

(a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);

(b) a copy of the requisite notice;

(c) a copy of any representations made to the council in respect of the application;

(d) a copy of any report on the application prepared by the council; and

(e) a copy of a statement, setting out the council’s reasons for proposing to grant planning permission, in cases where—

i. the application would significantly prejudice the implementation of the local development plan’s objectives and policies;

ii. the application would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; and/or

iii. a significant objection has been received by a statutory consultee or Government Department.

(2) Where the council holds the information set out in sub-paragraphs (1)(a)–(e) on its website, it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council’s website.

1 S.I. 1993/3160 (N.I. 15)
Restriction on grant of planning permission

4. The council must not grant planning permission for development falling within any of the descriptions of the development listed in the Schedule to this Direction before the expiry of a period of 28 days, beginning with the date notified to them by the Department as the date of receipt by the Department of the information specified in paragraph 3.

5. If, before the expiry of the 28 day period referred to in paragraph 4, the Department has notified the council that it does not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application, the council may proceed to determine the application.

6. The Planning (Notification of Applications) Direction 2015 dated 23 March 2015 shall cease to have effect from 1st December 2017.

Sealed with the Official Seal of the Department for Infrastructure on 10th November 2017.

(L/S) ANGUS KERR

A senior officer of the Department for Infrastructure
SCHEDULE

DESCRIPTION OF MAJOR DEVELOPMENT FOR WHICH APPLICATIONS MUST BE NOTIFIED TO THE DEPARTMENT FOR INFRASTRUCTURE

1. A major development application which would significantly prejudice the implementation of the local development plan’s objectives and policies.

2. A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013.

3. Significant objection by a Government Department or Statutory Consultee to a major development application;

   (i) Development Affecting a Road
   Development which has been the subject of consultation with the Department under Article 13 of the GDPO where it has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

   (ii) Development in vicinity of major hazards
   Development which has been the subject of consultation with the Health and Safety Executive for Northern Ireland under Article 13 of the GDPO where the Health and Safety Executive has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

   (iii) Nature Conservation, Archaeology and Built Heritage
   Development which has the potential to:
   (a) affect a marine conservation zone designated under the Marine Act (Northern Ireland) 2013;
   (b) have an adverse effect on a Northern Ireland priority habitat or priority species;
   (c) have an effect on a Natura 2000 site as designated under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995;
   (d) have an effect on an Area of Special Scientific Interest designated under Article 28 of the Environment (Northern Ireland) Order 2002;
   (e) have an effect on a World Heritage site appearing on the World Heritage List kept under the 1972 UNESCO Convention for the Protection of World Cultural and Natural Heritage.

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1 2013 c.10 (N.I.)
2 Section 3(1) of the Wildlife and Natural Environment Act (NI) 2011
4 S.I. 2002 No. 3153 (N.I.7)
5 See Command Paper 9424
(f) affect a site or setting of any historic monument as defined under Article 2 of the Historic Monuments and Archaeological Objects (Northern Ireland) Order 1995\(^1\) or an area which contains archaeological remains or historic park, garden or demense; or

(g) affect a listed building as defined under section 80 of the 2011 Act,

where the relevant Department or Statutory Consultee on being consulted by the council under Article 13 of the GDPO has indicated that the development may adversely affect such a site and has raised a significant objection against the granting of planning permission, or has recommended conditions which the council does not propose to attach to the planning permission.

(iv) **Flooding**
Development which has been the subject of consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA) under Article 13 of the GDPO where DAERA has raised a significant objection against the granting of planning permission or has recommended conditions which the council does not propose to attach to the planning permission.

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\(^1\) S.I. 1995 No. 1625 (N.I.9)
REFUSAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: S/2011/0659/F

Date of Application: 15th August 2011

Site of Proposed Development:

5 Pond Park Road East, Lisburn, Co Antrim, BT28 3RQ

Description of Proposal:

Engineering works incorporating the extraction of rock over a 5 year period to facilitate the extension of the existing storage area. Also the construction of a replacement workshop, a fabrication shed and the installation and operation of a replacement concrete plant, aggregate storage bays and retention of a settlement lagoon.

Applicant: Lagan Construction Group
Address: Rosemount House
21-23 Sydenham Road
Belfast
BT3 9HA

Agent: Six-West Ltd
Address: 18c Weavers Court
Linfield Road
Belfast
BT12 5GH

Drawing Ref: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11

The Department in pursuance of its powers under the above-mentioned Act hereby

REFUSES PLANNING PERMISSION

for the above-mentioned development for the reasons stated:

1. The proposal would be contrary to Policy PED 9 of the Department’s Planning Policy Statement 4 and Policy MIN 6 of the Department’s Planning Strategy for Rural Northern Ireland and Policy CTY 1 of the Department’s Planning Policy Statement 21 in that it would have an unacceptable impact on residential amenity by reason of noise.

Dated: 22nd November 2017

Authorised Officer
### APPENDIX 5

Planning Services - April 2017 to March 2018  
Month:- Oct-17

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<th>Department</th>
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<td>993,777</td>
<td>996,045</td>
<td>2,268</td>
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| Income:          |               |                |                          |                |
| Planning         | (2,079,000)   | (1,241,491)    | (1,091,966)              | 149,525        |
| Total Income:    | (2,079,000)   | (1,241,491)    | (1,091,966)              | 149,525        |

| Overall Net Position: |           |                |                           |                 |
| Planning             | (471,489)   | (247,714)      | (95,921)                 | 151,793         |
| Total Net Overall Position | (471,489) | (247,714)      | (95,921)                 | 151,793         |