



May 28th, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

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

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 3rd June 2024** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form.pdf*

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3.0 Minutes of the Planning Committee Meeting held on 13 May, 2024

For Approval

📄 *PC 13.05.2024 - Draft Minutes for DT.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📄 *Item 1 - Schedule of Applications.pdf*

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- (i) LA05/2020/0519/F - Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage and landscaping on lands at 225 Hillsborough Road, Sprucefield, Lisburn

📄 *Appendix 1.1 - DM Officer Report - LA0520200519F - Sprucefield PFS - FINAL.pdf*

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- (ii) LA05/2021/1007/F - Residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks with associated site work including sewerage treatment plant and 2 new accesses onto Comber Road on Land to rear of 7-23 Ferndene Park, Dundonald

📄 *Appendix 1.2(a) - DM Officers Report - LA0520211007F - Ferndene - Housing - Addendum - FINAL.pdf*

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📄 *Appendix 1.2(b) - Note of Site Visit on 14 May 2024 - 20211007F - FINAL.pdf*

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📄 *Appendix 1.2(c) - DM Officers Report - LA0520211007F - Ferndene - Housing - FINAL.pdf*

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- (iii) LA05/2022/0612/F - Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) on lands 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald
 - 📄 *Appendix 1.3 - DM Officer's Report - LA0520220612F - Millmount Village - FINAL.pdf* Page 108

- (iv) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff
 - 📄 *Appendix 1.4 - DM Officer Report - LA0520230598F - Killynure - FINAL.pdf* Page 140

- (v) LA05/2021/1219/F – Replacement of two terraced dwellings with two duplex apartments and four one-bed apartments in a 1.5 block in the rear gardens of 15-17 Wilson Street, Lisburn
 - 📄 *Appendix 1.5 - DM Officer Report - LA0520211219 F - Wilsons - FINAL.pdf* Page 168

- (vi) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on lands approximately 255 metres north west of 57 Magheradartin Rd & 270 metres east south east of 39 Magheradartin Road
 - 📄 *Appendix 1.6 - DM Officer Report - LA0520230174O - Farm Dwelling - FINAL.pdf* Page 192

- (vii) LA05/2022/0236/O - Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works on Lands 120 metres south west of 80 Redhill Road, Dromore
 - 📄 *Appendix 1.7 - DM Officer Report - LA0520220236O - Adjacent to 80 Redhill Road - FINAL.pdf* Page 209

4.2 Statutory Performance Indicators - April 2024

For Noting

- 📄 *Item 2 - Statutory Performance Indicators - April 2024.pdf* Page 229

- 📄 *Appendix 2 Lisburn_Castlereagh_April_Monthly_MI.pdf* Page 231

4.3 Update Report in relation to Older Applications

For Noting

- 📄 *Item 3 - Update report in relation to Older Applications.pdf* Page 232

4.4 Pre-Application Notice (PAN) - Amendment to Y/2009/0160/F incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate [providing bus only access to and from Baronscourt Road], public

open space and landscaping with vehicular access via Barongrange Road

For Decision

- ▮ *Item 4 - LA052024 0330PAN.pdf* *Page 235*

- ▮ *Appendix 4(a) - Report in relation to LA0520240330PAN - drafted.pdf* *Page 237*

- ▮ *Appendix 4(b) - LA05-2024-0330-PAN Application Form - Amended 13-05-2024 (2).pdf* *Page 240*

- ▮ *Appendix 4(c) - LA05 2024 0330PAN amended Site location (1).pdf* *Page 246*

4.5 Standard Advice from NIFRS for Planning Applications which include Battery Energy Storage Systems (BESS)

For Noting

- ▮ *Item 5 - NIFRS Standard advice.pdf* *Page 247*

- ▮ *Appendix 5 - NIFRS Standard Advice for Planning Applications which include a BESS (2).pdf* *Page 249*

4.6 Letter to Chief Executive in relation to increased Planning Fees

For Noting

- ▮ *Item 6 - Letter to Chief Executives - Planning Fees.pdf* *Page 256*

- ▮ *Appendix 6(a) - Letter to Council Chief Executives re Planning Fees 2024 - 13.05.24.pdf* *Page 258*

- ▮ *Appendix 6b Planning fees (amendment) Regulations (Northern Ireland) 2024.pdf* *Page 260*

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

For Noting

- ▮ *Item 7 - Notifications from an Operator in respect of intention -.pdf* *Page 267*

- ▮ *Appendix 7 - List of Notifications - June 2024.pdf* *Page 269*

4.8 Local Development Plan 2032 Revised Timetable

For Noting

- ▮ *Item 8 - DfI Agreement to revised LDP Timetable.pdf* *Page 270*

- ▮ *Appendix 8a Timetable Rev 3 - April 2024.pdf* *Page 272*

- ▮ *Appendix 8b Letter from DfI re Revised Plan Timetable - April 2024 - 07.05.24.pdf* *Page 281*

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council. This information will be recorded in a Statutory Register. On such matters you must not speak or vote. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, you must withdraw from the meeting whilst that matter is being discussed

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code). Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and you must withdraw from any Council (including committee or sub committee meeting) when this matter is being discussed.

In respect of each of these, please can you complete the form below as necessary.

1. Pecuniary Interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

Meeting (Council or Committee - please specify and name):

Date of Meeting: _____

Item(s) in which you must declare an interest (please specify item number from report):

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:
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If you have any queries please contact David Burns, Chief Executive, Lisburn & Castlereagh City Council

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 13 May, 2024 at 10.00 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officer (MB)
 Senior Planning Officer (PMcF)
 Member Services Officers (CR and EW)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

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

1. **Apologies**

There were no apologies but it was noted that Councillor P Catney would be arriving late to the meeting.

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

2. **Declarations of Interest**

The following declarations of interest were made:

- in respect of planning application LA05/2022/1170/F, Councillor D Bassett stated that this was within his constituency but he had not been contacted about it. The Chair, Alderman M Gregg, thanked Councillor Bassett for his diligence but advised that it was not necessary for Members to declare an interest in applications within their electoral area;
- in respect of planning application LA05/2022/0631/F, Councillor D Bassett stated that he had received a telephone call about it, but had advised the caller that he was a Member of the Planning Committee and was unable to provide any information; and

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2. Declarations of Interest (Contd)

- in respect of planning application LA05/2023/1000/F, Councillor S Burns stated that she had received an email but had made no comment or response.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2024/0098/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

3. Minutes of Meeting of Planning Committee held on 15 April, 2024

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that the minutes of the meeting of Committee held on 15 April, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 2 major and 3 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

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

- (i) LA05/2023/1000/F – Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald

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

Mr G McGill was registered to speak on behalf of the applicant but had clarified in advance of the meeting that he was there to answer any Members' questions. There were no questions put to Mr McGill.

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

Debate

During debate, the Chair, Alderman M Gregg, welcomed this application which would see a large site being repurposed and providing much-needed employment opportunities for the local area. The addition of solar panelling was also greatly welcomed.

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- (i) LA05/2023/1000/F – Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald (Contd)

Alderman Gregg made a comment on Officers having accepted that this application site fell within employment zoning MCH 06, when this had not been accepted for another recent application.

Vote

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

- (ii) LA05/2022/1170/F – Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children's play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on lands north of Ballymaconaghy Road, including nos 14 & 22-24 Ballymaconaghy Road, Belfast

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

The Committee received Mr T Stokes, accompanied by Mr P O'Rourke, to speak in support of the application and a number of Members' queries were responded to.

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

During discussion, the Head of Planning & Capital Development confirmed that, should the application be granted planning permission, the condition relating to the completion of improvements to the Four Wind Roundabout would be removed as this would be included within the Section 76 Agreement. Members were content with his recommendation.

Debate

During debate:

- Alderman O Gawith welcomed this application and stated that it should be used by other developers as a benchmark; and
- the Chair, Alderman M Gregg, concurred with Alderman Gawith. He welcomed the EPC A rating on buildings, the mixed tenure, the 20% affordable housing, the fact that the proposal carried forward renewable energy contributions and the inclusion of EV charging points. Alderman Gregg's concerns regarding density had been suitably addressed by the Planning Officers. He did still have concerns regarding storm water runoff into the watercourse but this had been accepted by Rivers Agency and he had submitted questions separately to that body. Alderman Gregg stated that he welcomed this application and was in support of the recommendation of Planning Officers to approve.

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- (ii) LA05/2022/1170/F – Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children’s play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on lands north of Ballymaconaghy Road, including nos 14 & 22-24 Ballymaconaghy Road, Belfast (Contd)

Vote

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

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.00 am).

Resumption of Meeting

The meeting was resumed at 11.07 am.

- (iii) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee

Councillor P Catney arrived to the meeting during consideration of this item of business (12.13 pm).

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

There was no-one registered to speak in respect of this application.

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

During discussion:

- the Director of Regeneration and Growth agreed to provide the Chair, Alderman M Gregg, with the latest reports in respect of active systems in small scale buildings; and
- the Head of Planning & Capital Development agreed to liaise with colleagues in the Parks & Amenities Unit to ascertain why previous planning permission on this site had not been acted upon and advise the Chair, Alderman M Gregg, accordingly.

Debate

There were no comments made at the debate stage.

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- (iii) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee (Contd)

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. Not having been present for the full consideration of this item of business, Councillor P Catney did not participate in the vote.

- (iv) LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn

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

The Committee received:

- Dr L Sands, on behalf of many residents, to speak in opposition to the application;
- Mr S Carson, on behalf of Mr P Givan MLA, to speak in opposition to the application; and
- Mr A McCready to speak in support of the application.

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

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

Debate

During debate:

- Councillor N Trimble stated that he was in support of the recommendation of the Planning Officer to refuse planning permission, given height differences, proximity to curtilage and scale and massing. He stated that he remained to be convinced that this was purely an ancillary building and it seemed to him that it could be a separate accommodation;
- Councillor D J Craig agreed with Councillor Trimble. He too deemed this to be a separate accommodation rather than an ancillary building and was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith agreed with comments already made. He referred to policy stating that 'a separate self-contained building within the curtilage of an existing dwelling will not be acceptable unless a separate dwelling would be granted permission in its own right'. In this case, a separate dwelling would not have been granted permission in its own right. Alderman Gawith was in support of the recommendation of the Planning Officer to refuse planning permission; and
- the Chair, Alderman M Gregg, concurred with the comments already made.

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- (iv) LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn (Contd)

Vote

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

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.26 pm).

Resumption of Meeting

The meeting was resumed at 12.34 pm.

At this point, the Chair, Alderman M Gregg, advised that a late request to address the Committee had been received from Councillor B Higginson. It was acknowledged that the request related to a third party and that no speaking note had been provided in advance of the meeting. In order to afford time to prepare, the Committee adjourned for lunch.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned for lunch at this point (12.34 pm).

Resumption of Meeting

The meeting was resumed at 1.30 pm.

Councillor D J Craig did not return to the meeting following lunch.

- (iv) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff

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

The Committee received:

- Mr T Clarke to speak in opposition to the application; and
- Ms KA Watson to speak in support of the application.

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

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- (iv) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff (Contd)

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

Debate

During debate:

- Councillor P Catney stated that this structure would have been allowed under Permitted Development Regulations, had it remained within the limit of 3 metres. He raised concern that the extension had been built beyond that, at 3.3 metres, and retrospective approval was being sought. However, given that a form of disability had been indicated as a requirement for the extension, he stated that, on this occasion, he was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor N Trimble stated that he was in support of the recommendation of the Planning Officer to approve planning permission. He did not consider that the applicant could reasonably have done anything other than what had happened and it was unfortunate that the extension had been built to beyond what could be allowed under Permitted Development Regulations;
- Alderman J Tinsley stated that, on balance, it would be very unfair to go against the recommendation of the Planning Officer to approve planning permission;
- Alderman O Gawith stated that the Planning Officer's conclusion had been that the requirements of HOU7 were met in full by this application. Having heard both sides of the argument, the nett benefit was such that the was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, referred to comments made that it was unfortunate the extension had been built to beyond the limits of Permitted Development Regulations. He did not agree with that and was of the opinion that applicants and builders should be fully aware of what was allowed under Permitted Development Regulations and what required planning permission. He was also concerned that the extension did have an impact on sunlight on the neighbour's property. However, supplementary guidance did provide a mitigation for allowing this. Alderman Gregg stated that, whilst he was disheartened to see retrospective applications coming before the Committee, he understood the circumstances and hoped the builder concerned would take note that this should not happen in the future. In relation to the cladding on part of the extension being similar to the rendering in colour etc, he did not accept that. Had the extension been 30cm shorter, the gable end could have been rendered and maintained. This was not a neighbour dispute, rather it was a planning issue. On balance, Alderman Gregg stated that he was in support of the recommendation of the Planning Officer to approve retrospective planning permission.

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- (iv) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff (Contd)

Vote

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

4.2 Statutory Performance Indicators – March 2024

It was proposed by Councillor U Mackin, seconded by Councillor D Bassett and agreed that information relating to Statutory Performance Indicators for March 2024 be noted, as well as a verbal update provided by the Head of Planning & Capital Development.

At the request of the Chair, Alderman M Gregg, the Head of Planning & Capital Development agreed to provide an update report to the next meeting of the Committee in respect of older applications.

4.3 Appeal Decision – LA05/2021/1364/O

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

4.4 Appeal Decision – EN/LA05/2021/0269/O

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

Councillor D Bassett left the meeting at this point (2.54 pm).

4.5 Pre-Application Notice (PAN) – Proposed residential development of approximately 50 dwellings including open space, landscaping, site access and all other associated works on land at Carnreagh Road, opposite nos. 8 to 14A (evens) Carnreagh Road, to the north of Downshire Primary School and south east of nos. 1 to 3 Kilwarlin Mews and no. 23 Kilwarlin Avenue, Hillsborough

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

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- 4.6 Pre-Application Notice (PAN) – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss Road

Councillor G Thompson left the meeting during consideration of this item of business (3.02 pm).

The Head of Planning & Capital Development took note of concerns raised by Members around situations where more than one PAN existed and that, in those cases, correspondence from all previous PANs should be included for consideration as part of any subsequent PAN.

- 4.6 Pre-Application Notice (PAN) – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss Road
(Contd)

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

- 4.7 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights

It was proposed by Councillor P Catney, seconded by Alderman J Tinsley and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

5. Any Other Business

There was no other business.

6. Confidential Business

The Chair, Alderman M Gregg, stated that the meeting would now go 'into committee' in order that confidential business could be considered.

"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to go 'into committee' to consider a confidential item. Those members of the public in attendance left the meeting.

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6.1 Update of Court Case

The Committee noted a verbal update by the Head of Planning & Capital Development and the Legal Advisor in relation to a recent court case.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to come out of committee and normal business was resumed.

The Chair, Alderman M Gregg, advised that the next meeting of the Committee was scheduled to take place on Monday, 3 June, 2024.

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 3.21 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The following applications have been made to the Council as the Local Planning Authority for determination. 2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There is one Major and six local applications. Four of which are presented by way of exception and two have been Called In. <ol style="list-style-type: none"> a) LA05/2020/0519/F - Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage and landscaping on lands at 225 Hillsborough Road, Sprucefield, Lisburn. Recommendation – Approval b) LA05/2021/1007/F - Residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks with associated site work including sewerage treatment plant and 2 new accesses onto Comber Road on Land to rear of 7-23 Ferndene Park, Dundonald. Recommendation – Approval c) LA05/2022/0612/F - Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) on lands 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald Recommendation - Approval

- d) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff
Recommendation – Approval
- e) LA05/2021/1219/F – Replacement of two terraced dwellings with two duplex apartments and four one-bed apartments in a 1.5 block in the rear gardens of 15-17 Wilson Street, Lisburn.
Recommendation – Approval
- f) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on lands approximately 255 metres north west of 57 Magheradartin Rd & 270 metres east south east of 39 Magheradartin Road.
Recommendation – Refusal
- g) LA05/2022/0236/O - Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works on Lands 120 metres south west of 80 Redhill Road, Dromore
Recommendation – Refusal

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

2.0 **Recommendation**

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

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

Appendices:	<p>Appendix 1.1 - LA05/2020/0519/F - Appendix 1.2a - LA05/2021/1007/F - First Addendum Appendix 1.2b - LA05/2021/1007/F – Site visit Appendix 1.2c – LA05/2021/1007/F - Main Report Appendix 1.3 - LA05/2022/0612/F Appendix 1.4 – LA05/2023/0598/F Appendix 1.5 – LA05/2021/1219/F Appendix 1.6 – LA05/2023/0174/O Appendix 1.7 – LA05/2022/0236/O</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Major Application
Application Reference	LA05/2020/0519/F
Date of Application	26 June 2020
District Electoral Area	Lisburn South
Proposal Description	Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage and landscaping.
Location	225 Hillsborough Road, Sprucefield Lisburn
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The proposal is presented with a recommendation to approve as the proposed development is considered to comply with TC6 in that a safe and appropriate access can be achieved at the site, it has been demonstrated there is a clear need for the facility at this location and that the ancillary retail and sui generis uses will complement the Petrol Filling Station services on the strategic road network.
3. In addition, the proposal satisfies the requirements tests of policies TRA1, TRA2 and TRA3 of the Plan Strategy in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement

along pathways within the development. Ease of access to car parking reserved for disabled users close to the buildings at the PFS and Drive through. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.

4. Detail submitted with the application demonstrates that the proposal complies with Policy TRA7 and TRA8 of the Plan Strategy in that adequate provision is made for car parking and servicing arrangements along with provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks.
5. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
6. Furthermore, the application is considered to satisfy the policy tests in policies FLD1 and FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
7. A Waste Water Treatment Plant is proposed to service the development. The detail demonstrates that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.
8. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPPS in that it will not, subject to mitigation have an adverse impact on the amenity of residents in respect of Noise and Air Quality.

Description of Site and Surroundings

Site

9. This 1.25 hectare site is located at 225 Hillsborough Road adjacent to the main Sprucefield Centre and opposite Sprucefield Retail Park.
10. The site was a former car showroom, garage and petrol filling station which front onto the Hillsborough Road and the land within is generally flat in nature throughout.
11. The site bounds the Augnatrisk transmitter which is located directly to the north. Agricultural land surrounds the site on the eastern and southern boundaries.

Surroundings

12. The surrounding area, which is located approximately 1.5 miles south west of Lisburn City Centre, is characterised by a mix of different land uses including retail, and associated restaurant/hot food uses, industrial, and other non-residential uses. The lands to the south and west of Sprucefield are primarily in agricultural use.
13. The site is on the strategic road network at the junction of the A1, A1/M1 link road and M1 motorway.

Proposed Development

14. The proposal involves the construction of a petrol filling station (10 pump) with associated kiosk, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage and landscaping.
15. The application was also supported by the following:
 - Design and Access Statement
 - Design and Access Statement - Addendum
 - Public Consultation Document
 - Air Quality Assessment
 - Noise Assessment
 - Transport Assessment Form
 - Transport Assessment
 - Travel Plan
 - Service Management Plan
 - Drainage Assessment
 - Biodiversity Check List
 - Bat Survey report
 - Remediation Report

Relevant Planning History

16. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
S/2003/1746/F	Construction of 4 No retail warehouse units & associated site works. (amended access details)	225 Hillsborough Road, Sprucefield, Lisburn	Refused 22 Nov 2006.
S/2008/1077/F	Erection of 1 no 6000m2 Retail Warehouse and associated access, parking, servicing, and landscaping.	225 Hillsborough Road, Sprucefield, Lisburn	Granted. 30 June 2010
S/2011/0273/F	Erection of retail warehouse and associated access, parking, servicing, and landscaping	225 Hillsborough Road, Sprucefield, Lisburn	Granted. 10 Feb 2012
LA05/2018/0304/F	Temporary change of use of a former car showroom building to a building for the sale of coal and retention of a change of use of part of a former car sales site to a site for the sale of children's climbing frame equipment including the retention of an associated staff admin building. (Retrospective application for temporary planning permission for 3 years	225 Hillsborough Road, Sprucefield, Lisburn	Appeal allowed. 6 Feb 2023
LA05/2018/0303/F	Erection of admin/staff office building for continued use of site for car sales. (Retrospective application for temporary planning permission for 3 years)	225 Hillsborough Road, Sprucefield, Lisburn	Appeal allowed. 6 Feb 2023

LA05/2018/0302/F	Temporary change of use of former petrol filling station building and site to use as a car wash and valet business and which includes the siting of an associated storage container on site. (Retrospective application for temporary planning permission for 3 years)	225 Hillsborough Road, Sprucefield, Lisburn	Appeal allowed. 6 Feb 2023
LA05/2021/1221/F	Retention of the existing coffee pod for continued use of site for a takeaway coffee shop (retrospective application)	225 Hillsborough Road, Sprucefield, Lisburn	Granted 13 January 2022

Consultations

17. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
NIEA Water Management Unit	No objection
NIEA Regulation Unit	No objection
NIEA Natural Heritage	No objection
Environmental Health	No objection
NI Water	No objection
Rivers Agency	No objection

Representations

18. Five letters of representation are received in opposition to the proposal on behalf of two objectors. The following issues are raised:
 - Impact on Vitality and viability of Lisburn City Centre
 - Traffic generation.
19. These issues are considered in more detail as part of the assessment below.

Environmental Impact Assessment (EIA)

20. As the site area exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015 the need for environmental impact assessment is considered.
21. An EIA screening was carried out on 30 July 2020 and it was determined that the nature and scale of the proposed development was unlikely to result in any significant adverse environmental impact. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

22. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
23. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application.
24. A public event was held to provide an opportunity for the local community to view plans for the proposal and provide feedback. The event was held in the Oak Room at Lagan Valley Island between 12pm-2pm and 5pm-7pm on Thursday 6th February 2020.
25. One Hundred and twenty addresses received notification about the event and in total eleven people attended.
26. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning Group. It advises that no issues were raised by members of the public at this event.

Local Development Plan

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

28. In accordance with the transitional arrangements, the Lisburn Area Plan 2001 (LAP) is the statutory development plan however the draft Belfast Metropolitan Plan 2015 (draft BMAP) and BMAP remain material considerations.
29. In the LAP the application site is located outside the development settlement limit of Lisburn and in the Countryside.
30. Whilst the application site is within the Countryside is close to the Sprucefield Regional Shopping Centre and the LAP notes that:

The development of additional car based shopping centres, most notably at Sprucefield where permission has now been granted for two major extensions to the regional shopping centre, has added to the range of shopping facilities available within the Borough.

31. This site sits between Sprucefield Centre and Sprucefield Retail Park and is previously developed land and the site of a former petrol filling station. It is located on a dual carriageway and the protected routes network.
32. Within draft BMAP 2004 the application site was brought within the settlement development limit of Lisburn City and designated within the Sprucefield Regional Centre (LC16).
33. The Public Inquiry into draft BMAP commented at paragraph 6.4.6 that:

the role and function of different centres within the retail hierarchy or of different centres within the same level in the hierarchy is a matter for regional policy.
34. The inquiry report also stated at paragraph 6.4.6 that:

the bulky goods restriction related to a fundamental characteristic of the centre to which there is no reference in either PPS5 or draft PPS5.
35. The view was expressed that such a restriction on the type of retailing to be permitted in one of three Regional Shopping Centres is clearly a regional matter and should have been made explicit in regional policy.
36. The report makes comment that:

in the absence of any such reference in regional policy, the restrictions now imposed through BMAP would have the effect of fundamentally changing the nature of the designation and are not appropriate for introduction through the development plan process.
37. The PAC report acknowledged at paragraph 6.4.7 and 8.4.8 that:

there was no doubt that Sprucefield was not trading at regional centre level.

the plan should be focussed on the position of the centre in the retail hierarchy and that the introduction of the floorspace restriction proposed in the light of no discernible demand would not enhance the centre nor allow it to fulfil its potential.
38. The PAC considered that the Department should decide at a regional level what the future status and role of Sprucefield should be and devise clear unambiguous policy to enable it to fulfil that role.
39. The PAC report also recommended that Policy R4 and element four of the Retail Strategy (expansion of Sprucefield Regional Shopping Centre for bulky comparison goods only) should be deleted from the plan.
40. There is nothing in the Inquiry report to indicate that the settlement development limit should be changed or that Sprucefield be excluded from the settlement limit of Lisburn City.

41. Despite this recommendation, the revised draft of BMAP in 2014 provided for the expansion of Sprucefield Regional Shopping Centre for bulky comparison goods only.
42. The Belfast Metropolitan Area Plan remains in draft form having been declared unlawful following a judgement in the Court of Appeal on 18 May 2017 whereby the purportedly adopted Belfast Metropolitan Area Plan 2015 had in its entirety, not been lawfully adopted.
43. BMAP was quashed because the then Minister for the Environment had no power to adopt it, given the controversial nature of the Sprucefield proposals in relation to bulky goods.
44. Whilst the Executive agreed during the course of the High Court proceedings that they would amend BMAP to exclude the bulky goods restriction on Sprucefield but the Court of Appeal clarified that this would have no effect since BMAP's adoption was being quashed in its entirety.
45. Sprucefield is within the settlement development limit of Lisburn in both revisions of draft BMAP and significant weight is attached to Sprucefield being inside the settlement of Lisburn City.
46. However, the related designation of LC16 has little weight as the criteria for restricting the scope and nature of uses were challenged and Sprucefield as a regional shopping centre does not have the status in the retail and town centre hierarchy and no provision is made in regional policy for out-of-town shopping.
47. This proposal is for the construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays.
48. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

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

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets
49. Retail and sui-generis uses that involve retail activity are proposed as part of this application and therefore must be considered as part of the assessment.
50. Strategic Policy 14 Town Centres, Retailing and Other Uses states that

The Plan will support development proposals that: a) promote town centres, retailing and other uses within the City and town centres to enhance their vitality and viability in accordance with their role and function in the retail hierarchy b) support the role of District and Local Centres

51. Strategic Policy 05 - Good Design and Positive Place-Making states that

the plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

52. The site is currently occupied by a large building which will be demolished as part of the proposal and which must be considered as part of the assessment.

53. Strategic Policy 06 Protecting and Enhancing the Environment states that:

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

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

The Plan will support development proposals that:

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

55. Strategic Policy 20 Transportation Infrastructure states that:

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*

- c) *encourage a modal shift from private car dependency through integration of transport and land use*
 - d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks*
56. Strategic Policy 24 Flooding states that: The Plan will support development proposals that:
- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*
 - b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding*
 - c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*
57. The following operational policies in Part 2 of the Plan Strategy also apply.

Retailing - Petrol Filling Stations and Roadside Service facilities

58. The proposal is for a Petrol Filling station and ancillary retail activities including a car wash and vacuuming bays. Policy TC6 Petrol Filling Stations and Roadside Service Facilities states that:

Petrol filling stations should be located within a defined settlement limit, subject to the following:

- a) *safe and appropriate access can be achieved at the site*
- b) *it is demonstrated there is a clear need for the facility that cannot be catered for by an existing petrol station on the same transport route*
- c) *proposals for retail unit(s) associated with the Petrol Filling Station above a threshold of 1,000 square metres gross external area which are not within a defined settlement limit will be required to undertake a Retail Impact Assessment and/or an assessment of need.*

Natural Heritage

59. A Preliminary Ecological Assessment, with species specific surveys are submitted with the application.
60. Policy NH2 – Species Protected by Law states that:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

62. An existing access is to be upgraded as part of this proposed access arrangements to the public road for vehicular use. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

64. The A1 is a dual carriageway and part of the trunk road network. Policy TRA3 Access to Protected Routes states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways

All locations Planning permission will not be granted for development proposals involving direct access.

An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances:

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

65. A Transport Assessment is submitted in support of this application. Policy TRA6 – Transport Assessments states:

In order to evaluation the transport implications of a development proposal the Council will where appropriate require developers to submit a transport assessment.

66. Policy TRA7 – Car Parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

a) where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes

b) where the development is in a highly accessible location well served by public transport

c) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking

d) where shared car parking is a viable option

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

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

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

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

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

67. A Travel Plan and Service Management Plan have been submitted in support of the application. Policy TRA8 - Active Travel Networks and Infrastructure Provision states:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal.

A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) the needs of mobility impaired persons; and respect existing public rights of way*
- c) safe, convenient and secure cycle parking.³⁵ In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.*

Flooding

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

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

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

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

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

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

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

Treatment of Waste Water

70. Detail submitted with an updated P1 Form indicates that foul sewage will be disposed with via an onsite Waste Water Treatment Plant.

Policy WM2 Treatment of Waste Water Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1. Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Regional Policy and Guidance

Regional Policy

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

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

72. The SPPS states that:

until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

73. *During this transitional 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.*

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

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable

Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

75. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

76. Paragraph 3.7 of the SPPS states that

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

77. Paragraph 3.8 of the SPPS states:

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

78. 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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
79. Despite the outworkings of the Public Enquiry report into BMAP and the recommendations that the Department should decide at a regional level what the future status and role of Sprucefield should be, the SPPS published in September 2015 did not provide clear unambiguous policy to enable it to fulfil that role.
80. The proposal includes retail use and sui-generis uses which are retail activities. The SPPS at paragraph 6.271 confirms that:

The regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses;

81. The footnote confirms that a town centre use includes cultural and community facilities, retail, leisure, entertainment and businesses.

82. Para 6.280 of the SPPS states that:

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to date LDP.

83. Paragraph 6.281 states that:

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good public transport modes.*

84. Paragraph 6.282 states that:

In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites. All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need.

85. Paragraph 4.11 of the SPPS states that:

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

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

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

88. Paragraph 4.12 of the SPPS states:

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

89. It also advises that adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. The above mentioned considerations are not exhaustive and the planning authority is considered to be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

90. Paragraph 6.103 of the SPPS states that:

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

91. Paragraph 6.132 of the SPPS also states that:

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

92. Paragraph 6.174 of the SPPS states that:

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

93. Paragraph 6.182 of the SPPS further states that:

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

94. Paragraph 6.198 of the SPPS states that:

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

95. Paragraph 6.294 of the SPPS states that:

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

96. Paragraph 6.296 of the SPPS states that:

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

97. Paragraph 6.297 of the SPPS states that:

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

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

- *promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.*

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

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

99. It is further stated at paragraph 6.302 that:

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

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

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

Retained Regional Guidance

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

103. It is recognised that a town centre first approach must be adopted for retail and main town centre uses. Within planning appeal decision 2014/A0192 the Commissioner stated

I do not consider a drive through restaurant to be a town centre use...

104. Whilst the Commissioner provides no justification for the statement, it is accepted that the footnote at the bottom of page 101 of the SPPS is expansive in terms of the range of uses that are considered to be main town centre uses.
105. It is also accepted that the nature and form of drive through restaurants do not necessarily lend themselves to town centre locations as additional space is typically required for such amenities to operate successfully and without causing congestion. It is also normal to see food and beverage outlets linked to the operation of petrol filling stations on the strategic road network. The two Applegreen service areas on the M1 are an example of this.
106. The SPPS directs at paragraph 6.280 that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP.
107. In accordance with draft BMAP, Sprucefield is not an existing town centre. It is identified as a regional shopping centre in the RDS and the geographical extent of this centre is defined as being inside the settlement development limit of Lisburn in draft BMAP.
108. The advice offered by the applicant in their supporting statement explains that the proposed development is to support the primary function of Sprucefield Retail Park as a retail park and part of the regional shopping centre.
109. It is agreed the sui generis drive through proposed will complement the main use of Sprucefield Retail Park as part of the regional shopping centre and as a service area on the strategic road network. The requirements of paragraph 6.280 of the SPPS do not apply for the reasons outlined above the proposed sui-generis retail activities are treated as an exception to the town centre first approach for main town centre uses.

TC6 - Petrol Filling stations and Roadside Service Facilities

110. Detail submitted with the application demonstrates that a safe and appropriate access can be achieved the site. This is considered later in the report within the context of Access and Transport considerations. Criteria (a) is met.
111. The proposed petrol filling station is located within the development limit of Lisburn and Castlereagh and the planning history demonstrates that this site was previously operated as a Petrol Filling Station [PFS].
112. Since the PFS was vacated from the site, the need for a similar facility remained unfilled and the kiosk was not demolished. The surrounding area has developed in recent years and it is noteworthy that there are additional lands to be developed within the Sprucefield Regional Centre which will further create traffic movements and footfall, increasing the need for the facility in the future.
113. Within the vicinity there is another petrol station located at Sainsburys approximately 0.5 miles away. This service station is however located on the opposite side of the A1 and is not conveniently located for those travelling southbound along the A1 towards Hillsborough and who require petrol filling services.
114. The proposed PFS will therefore be complementary to the existing PFS at Sainsburys in that it will cater for those travelling in a south bound in an opposite direction.
115. It is considered that the proposal complies with criteria (b) of the policy in that it has been demonstrated that there is a need for the PFS that cannot be catered for by an existing petrol station.
116. With regards to criteria (c) of TC6 the nature and scale of ancillary retailing is as follows:
 - 279m2 GFA associated PFS retail store;
117. The total amount of gross external floor space proposed (279m2) is well below the threshold whereby a retail impact assessment would be required.
118. In circumstances where an associated retail unit is proposed, which is under 1,000 square metres (gross area) and is provided at an edge of Town Centre or out of Town Centre location policy states that a quantitative and qualitative assessment of need may be required. Such a report is required to demonstrate that it has taken account of the proposal's impact on defined centres and existing facilities serving a similar function.
119. It is considered that the proposal for a PFS, associated retail unit will complement the range of retail activities at the existing regional shopping and on the strategic road network and will not impact on the vitality or viability of any nearby centres or existing facilities.

120. For the reasons outlined above, it is considered that the petrol filling station, car wash and vacuuming bays are in accordance with policy TC6.

Design

121. The proposed petrol station will provide 10 number pumps and will be covered by a canopy which is approximately 6.5 metres in height. The materials to be used in the construction of the canopy is red single sheet metal cladding.
122. The retail unit associated with the PFS has a flat roof structure and has a maximum height of approximately 8.2 metres. The materials to be used in its construction include grey cladding panels matt grey powder coated aluminium window frames.
123. The drive through restaurant comprises of approximately 279 metres squared external gross ground floor area. This building is a flat roof structure and has a maximum ridge height of approximately 8.5 metres. The materials to be used in the construction of the building are similar to the retail shop and include grey cladding panels and matt grey powder coated aluminium window frames.
124. The proposed drive through coffee pod has comprises of approximately 92 metres squared external gross ground floor area. This building is also a flat roof structure and has a maximum height of approximately 3.9 metres to the ridge of 5.8 metres if the branding signage on the roof is taken into account. The materials to be used in the construction of this building include plum aluminium powder coated folded profile sheets, oak coloured cladding panels and black aluminium framed windows.
125. The agent has outlined in their supporting statement that the proposed buildings use a variety of materials, all of which combine to provide a certain design rhythm and a contemporary appearance in keeping with modern commercial operators and their design requirements.
126. The view is also expressed that the location of the proposed development beside a dual carriageway and part of the regional shopping centre Sprucefield, the proposed design is considered an appropriate design response to its settlement location and context.
127. It is considered that the design of and the materials proposed for the construction of the buildings and structures are acceptable at this location.

Access and Transport

TRA1 – Creating an Accessible Environment

128. The site layout and general arrangement drawing submitted with the application demonstrates that that the layout has been designed to ensure direct and safe movement of pedestrians within the site and that proposals have taken account

of mobility impaired people through the inclusion of car parking spaces located beside both the retail unit associated with the petrol filling station and the fast food unit.

129. The site currently benefits from existing pedestrian footways along the A1 Hillsborough Road which will link to the existing footway network at Sprucefield Centre and further to Lisburn City Centre. The proposed access will include dropped kerbs and tactile paving. The internal pedestrian footways will connect to the existing footways along the Hillsborough Road.
130. The Transport Assessment indicates that the proposal will include the provision of nine Sheffield cycle stands to accommodate those at the proposed site. This secure cycle parking will be provided within the proposed development to encourage cycling by staff.
131. For the reasons outlined above, the tests associated with TRA1 are considered to be met.

TRA2 Access to Public Road

132. The P1 Form indicates that the proposal involves the alteration of an existing access to the public road for both vehicular and pedestrian use.
133. A Transport Assessment (TA) form prepared by Kevin McShane Consulting was submitted with the application.
134. The TA indicates that the proposal will include
 - 10 fuel pump petrol filling station;
 - A standalone automated dual washing bay car wash facility;
 - 279m2 GFA associated retail store;
 - 279m2 GFA drive-thru restaurant;
 - 92m2 GFA Drive-Thru Coffee Pod
 - On-site car parking; and
 - Associated site works and internal road layout.
135. In line with the current parking standards the agent has indicated that the proposal requires the following spaces.
 - 20 car parking spaces and 1 HGV space associated with the petrol filling station.
 - 52 car parking spaces associated with the Drive Thru Restaurant
 - 7 car parking spaces and 1 HGV space associated with the Drive Thru Coffee Pod.
136. The agent has also indicated that as part of the proposal the following additional space will be provided on top of that indicated above.

- 5 waiting spaces associated with the car wash (included within the car wash queue)
 - 15 queueing spaces associated with the drive through restaurant.
 - 15 queueing spaces associated with the drive through coffee Pod.
 - 40 fuel pump spaces associated with the Petro Filling station.
137. The proposed development will therefore provide 128 parking spaces (88 marked spaces with 40 fuel pump spaces) which is in accordance with the parking requirements.
138. With regards to trip generations the Transport Assessment indicates that the proposed development will
- Generate a total of 151 two way vehicle trips during the AM peak, 80 arrivals and 70 departures
 - Generate a total of 128 two way vehicle trips during the PM peak, 66 arrivals and 62 departures.
 - Generate a total of 1884 two way vehicle trips per day, 949 arrivals and 935 departures
 - The proposed development will generate fewer trips in the PM peak when compared with the AM peak.
139. As detailed above in the history section the site benefits from a historic planning approval (S/2003/1746/F) granted in Sept 2009 for the construction of 4 retail units (total GFA 4000m²) and associated site works.
140. The development site also benefits from a certificate of lawful development (CLUD) approved by the Council in July 2015 which confirmed the previous approval had been commenced.
141. The TA has also used the TRICS database to establish the two way traffic flow associated with the extant approval as a comparison tool.
142. The data should that approved warehouse would potentially generate 1164 arrivals and 1154 departures.
143. The comparison between the extant approval and the proposed development highlights that there would be a nett daily decrease in vehicular trips to the site by 19%.
144. The proposed vehicle generations are therefore anticipated to be less intense than the approved site when compared with extant vehicle generations.
145. A junctional operational assessment has also been provided within the TA. The assessment is undertaken to determine the operational effectiveness of a specific junction. In this instance the junction which is under assessment is the Site Access/A1 Hillsborough Road junction.

146. It states that the junction has been assessed using the JUNCTIONS 8 software PICADY module and looked at a number of scenarios.
147. The assessment concluded that the proposed site access junction is anticipated to operate within capacity during all future design year assessments scenarios and any queuing at the junction will be accommodated within the site.
148. This section of the report concludes by stating that the assessment has demonstrated that the proposal will not have a detrimental impact on the local area in terms of traffic.
149. Having reviewed the detail of the application and having regard to the advice obtained from DfI Roads, it is considered that the development proposals comply with policy TRA 2 and that the development will not prejudice road safety or significantly inconvenience the flow of vehicles.

Policy TRA3 – Access onto a protected route.

150. The A1 operates as a high-standard dual carriageway (two lanes in each direction with a central median with no breaks) and whilst policy directs that planning permission will not be granted for development proposals involving direct access, policy does provide for an exception in the case of motorway service areas.
151. The proposed development is located within the settlement development limit for Lisburn and Castlereagh and there is an existing extant approval for a more intensive use on the site and which includes alterations to the existing access.
152. The TA has demonstrated that proposal as presented will not have a detrimental impact on the local area in terms of traffic. Having regard to the detail presented with the application, and the advice obtained from DfI Roads, it is considered that the proposal complies with TRA 3 being an appropriate land use at this location.

Policy TRA6 - Transport Assessment

153. A Transport Assessment (TA) has been prepared in support of the application. Two addendums were later submitted (in May 2023 and October 2023) to address queries from DfI Roads. The TA addendum dated October 2023 states that the conclusions of the Transport Assessment and Transport Assessment Addendum – May 2023 remain unchanged.
154. The Transport Assessment demonstrates that the development proposals will not impact upon or increase road safety concerns along the road network or within the internal development site. The development proposals will not have a detrimental impact on the local road network in traffic terms and that the

proposed site access will continue to operate within capacity for a future assessment year of 2039.

155. DfI Roads have reviewed the Transport Assessment and offer no objection. Having regard to the detail of the assessment and advice from DfI Roads, it is accepted that the transport implications of the development have been adequately evaluated and that the tests associated with policy TRA6 are met.

TRA7 Car Parking and Servicing Arrangements

156. The site layout is required to provide 79 non-operational parking spaces and 2 operational parking spaces as part of the development proposals to fully comply with parking standards. Detail submitted with the application indicates that the proposed development will provide 128 parking spaces (88 marked spaces with 40 fuel pump spaces) which is in accordance with parking requirements.
157. The proposed redevelopment will generate a minimal demand for servicing. Appropriate management procedures will be employed to facilitate efficient movement and handling of delivery and refuse collection vehicles and appropriate management measures will be utilised for service and delivery vehicles.
158. A service Management plan has been submitted with the application that demonstrates in detail the delivery and serving arrangement of the site. Vehicle turning areas are also annotated on the general arrangement drawing.
159. For the reasons outlined earlier in the report, the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic. The tests associated with Policy TRA7 are capable of being met.

TRA 8 - Active Travel Networks and Infrastructure Provision

160. A Travel Plan and Service Management Plan have been submitted in support of the application.
161. The information contained within these documents and as demonstrated in the previous paragraphs indicates that there is a safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks.
162. It is further demonstrated that the needs and provisions of mobility impaired people are provided for in line with current requirements and that convenient and secure cycle parking is provided for within the site.
163. The policy tests associated with TRA 8 are met.

Natural Heritage

164. A Biodiversity Checklist was submitted in January 2022 which identified that buildings on site were to be demolished as part of the proposal.
165. Part 2 of the checklist was completed by a qualified ecologist, and it concluded that a bat survey report was required and had been completed.
166. A bat survey report completed by Blackstaff Ecology was submitted in January 2022 and the executive summary states that a bat roost potential (BRP) survey was conducted in October 2020.
167. The BRP survey identified 4 buildings on site deemed to possess moderate BRP and 1 to possess low BRP. One detailed bat survey was recommended for the building with low BRP and two detailed bat surveys for each building of moderate BRP.
168. Blackstaff ecology then conducted the necessary bat surveys during the 2021 bat survey season, and they confirmed that the survey methodology followed guidance presented in the 2016 Bat Conservation Trust (BCT) Guidelines
169. The report states that to survey all potential roost features (PRF) the appropriate number of times the site was visited on five separate occasions. This was due to the presence of three separate structures which required survey effort and the size shape and PRF locations of buildings possessing moderate BRP.
170. One dusk visit also incorporated additional survey effort as a precautionary measure to give further confidence in bat survey results for the PRF's located on the rear of a particular building.
171. The surveys sought to assess the level of bat activity and determine if bats were using the structures for roosting purposes. The number of surveyors on site varied on each visit depending on the survey effort required.
172. The assessment outlines that there were no significant constraints noted during any of the surveys and that weather conditions were favourable for bat activity.
173. The survey results stated that no bats were observed emerging or re-entering the building while under observation and it was concluded that bats are not using the buildings in question for roosting purposes and therefore no specific mitigation measures are required.
174. The overall survey results of the whole site confirmed that three bat species were recorded commuting/foraging around the site. Overall very little bat activity was recorded with the exception of one dusk survey which recorded a spike in bat activity in the adjacent field to the rear of the site. The report states that this was likely due to particularly good foraging conditions on that particular evening leading to increase bat activity.

175. The report outlines that the majority of surveys recorded between 0-7 bat passers, therefore the site does not provide particularly important foraging or commuting habitats for bats.
176. In summary the report concludes that the proposed works are expected to have a negligible impact on the local bat population and no further action is required.
177. Advice from Natural Environment Division on 20 April 2022 confirmed that it had considered the impacts of the proposed development and that they are content that significant impacts on bats are not considered likely as a result of the proposal.
178. For the reasons outlined above, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value and as such policies NH2 and NH5 of the Plan Strategy are capable of being met.

Flooding

179. An updated Flood Risk and Drainage Assessment and drainage layout dated November 2022 and prepared by RPS was submitted in support of the application.
180. The assessment details that the Ravarnet River is located to the to the east of the site and that Flood Map (NI) shows that there is no risk of flooding to the site from this watercourse. Flood Map (NI) also shows that there are very limited areas of surface water flooding within the site.
181. The assessment also confirms that there are no mains surface water drainage systems on or in the immediate vicinity of the site and that all the existing drainage on the site is self-contained.
182. The report explains that there are a series of gullies and manholes on the site that convey the surface water from the hard standing area in a south easterly direction to the open ground in the south east of the site. Water then discharges to the soakaway drains adjacent to the southern edge of the site, Roof drainage from the buildings in the east of the site drains directly into the ground.
183. With regards to the proposed development of the site the drainage assessment confirms that the existing surface drainage water system will be decommissioned, and a new system installed.
184. Runoff from all roofs (drive-thru, coffee, retail unit PFS canopy and car wash canopy) will be attenuated in geocells, which have been sized to accommodate a 1 in 100-year event. The runoff will then percolate from the geocells into the underlying sands.
185. The drainage assessment states that porous paving/asphalt will be provided within all of the parking bays to collect the runoff from the carriageways. The runoff will then percolate through the porous paving into the underlying sands.

The stone below the porous paving/asphalt has the capacity to store the 1 in 100-year event.

186. Runoff from the car washes will be collected and attenuated in a self-contained recycling system. The DA confirms that the storm drainage will be privately maintained by the site owner.
187. Advice received from DfI Rivers acknowledged the submission of a Drainage Assessment by Sheehy Consulting, stamp dated 15th March 2022 and comments as follows:-

Surface water is to be discharged to soakaways. The applicant is proposing to use soil infiltration as a means to drain the storm water runoff from the site. However, the granting of permission to discharge to underground strata (and the effectiveness of such), as proposed in the DA, is outside the remit and area of expertise of DfI Rivers. Consequently DfI Rivers cannot comment on the viability, or otherwise, of this method of storm water discharge. FLD policies only considers discharge to a watercourse or to NI Water infrastructure.

188. DfI Rivers concluded that PAMU cannot sustain an objection under this sub-policy FLD 3.
189. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policy FLD 3 of the Plan Strategy.

Policy WM2 - Waste Water Treatment

190. Detail submitted with an updated P1 Form indicates that foul sewage will be disposed with via an onsite Waste Water Treatment Plant. The location of the plant is shown on the general arrangement drawing. The drawing bears an annotation which indicates the size of the treatment plant is subject to sewage volumes.
191. Detail contained within the drainage assessment confirms that the plant will accommodate foul runoff from the restaurant units, drive through and retail units and that the treated foul from the treatment plant will connect to the Geocells and percolate into the underlying sands.
192. NI Water in a response received on 17 November 2022 confirmed that there is a public water main within 20 metres of the proposed development boundary which can adequately service these proposals and that an application to NI Water would be required to obtain approval to connect.
193. Water Management Unit provided advice on 07 December 2022 confirming that they were content subject to all relevant statutory provisions being obtained.

194. The detail demonstrates that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Noise Nuisance Disturbance

195. A Noise Impact Assessment dated October 2022 was submitted in support of the application. The objective of the report is to assess the potential noise impact of the proposed construction of a Petrol Filling Station with associated retail shop, Drive Thru Coffee Pod, Drive Thru Restaurant, Automatic Drive Thru Car Wash, Access and Car Parking.
196. The existing site is used as a car wash and for the sale of sheds and timber garden items. Vehicle use is therefore established at the site. The site was previously used as a car sales garage.
197. The report outlines how existing ambient noise environment is characterised by a significant level of traffic activity noise from the M1 Motorway, the A1, the adjoining retail development, environmental noise and general activity noise and that this traffic noise is audible at the site during the daytime and at night.
198. The report states that the closest noise sensitive receptors are all to the south and south west, namely 231 Hillsborough Road and 71 and 73 Eglantine Road.
199. A 3D computer noise model has been used to predict the noise levels produced by the proposed development.
200. A typical daytime working scenario has been considered with all activities operating for specified periods over a 1 hour period. Occasional goods and fuel deliveries will occur at the site (daytime only). These have been considered as a separate scenario with cumulative levels predicted.
201. A night noise scenario has also been considered with plant and vehicle activities occurring.
202. A number of mitigation measures are presented to provide additional instruction to contractors. In relation to construction noise.
203. These measures are considered appropriate and of good working practice for all construction contracts. These measures include:
- Positioning of static plant as far as possible from residential properties, and utilising available screening by temporary structures, earth bunds, etc.
 - Use of well maintained plant, and where possible new plant manufactured under more strict EC guidelines for manufacturers
 - Substitution of unsuitable plant.

- Maintenance of silencers and moving components.
204. In summary the noise report concluded that ambient and background noise levels in the area are relatively high due to the high levels of traffic flow on the surrounding roads and general activity noise from the surrounding commercial premises.
205. The noise levels from the proposed fuel pump, fuel delivery, goods delivery, vacuum, car wash and air and water points, plant, car use and food/restaurant/retail have been predicted. The predicted noise levels do not exceed the established background levels at the nearby residential receptors.
206. The predicted noise levels do not exceed the internal BS8233 noise limits at the nearby residential receptors. The predicted noise levels do not exceed the WHO 'Guidelines for Community Noise' (and BS8233) limits for external amenity spaces. No exceedance of the existing background levels is predicted.
207. The report recommends that the fences/barriers proposed should be constructed from timber, masonry, glass or a composite material and have a self-weight of 25kg/m² or more with no gaps across the surface area or at ground level as detailed in the drawings.
208. Typical short-term construction noise can be controlled to within the relevant guidelines for both daytime and night-time exposure.
209. Environmental Health provided advice in December 2021 with no objection offered subject to the provision of acoustic barriers as referenced in the Noise Assessment.
210. Based on a review of the detail submitted in relation to Noise and the advice received from Environmental Health, it is accepted that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are met.

Air Quality

211. An Air Quality Assessment dated October 2022 was submitted in support of the application by EONA Environmental. The objective of the report was to assess the impact on air quality and the long-term use of the proposed development.
212. In terms of 'proximity of receptors' the nearest existing residential properties to the proposed development site are located as follows;
- No. 231 Hillsborough Road is located >75m to the south from the nearest proposed odour emission point at the proposed Fast Food Retail.

- No. 219 Hillsborough Road is located >225m to the south-east from the nearest proposed odour emission point at the proposed Fast Food Retail.
 - No. 73 Eglantine Road is located >230m to the west from the nearest proposed odour emission point at the proposed Fast Food Retail.
 - There are no residential properties or odour sensitive properties located in proximity to the north, north-west or north-east of the proposed development site, which would be downwind of the prevailing wind direction
213. The odour impact and risk assessment has been carried using a worst case odour risk assessment approach. The report concludes that the qualitative risk-based odour assessment undertaken indicates that a high level of odour control is required to be installed.
214. The odour control required includes odour abatement systems, kitchen canopies and discharge stack. The proposed discharge stacks are to be at 1m above the roof eaves and will discharge at a velocity of 15m/s. This exit velocity at the stack emission point will be sufficient to ensure adequate dispersion of kitchen odours and prevent building downwash effects.
215. The odour impact assessment concludes that the proposed development will not result in an adverse odour impact, subject to the installation and maintenance of the proposed odour mitigation measures within the kitchen extract systems and suitable discharge stack design and installation.
216. Based on a review of the detail submitted in relation to Air Quality and the advice received from Environmental Health, it is accepted that the proposal will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are met.

Contaminated Land Contaminated Land/Human Health

217. A remediation strategy report prepared by AECOM was submitted in November 2022 in support of the application.
218. The purpose of this report is to prepare a remediation strategy to manage contamination issues, associated with the current proposal.
219. The report outlines that previous investigations at the Sprucefield site have shown the presence of ground and groundwater contamination attributed to the past operations at the former petrol filling station (PFS) in the north western corner of the site.
220. Risk assessments and remediation works have been undertaken to minimise the potential risks to human health groundwater and surface water and to render the site suitable for re-use either as a car sales outlet or a light commercial retail centre.

221. The report confirms that there is no evidence of contamination in other areas of the application area and that following a meeting with the NIEA, Lisburn City Council and representatives of BP, a programme of ground and groundwater investigation and groundwater quality monitoring was carried out in 2015 to confirm the ground and groundwater conditions.
222. Revised human health and controlled waters (surface water and groundwater) risk assessments were carried out. Based on the findings of the revised risk assessments, the need for remediation of the ground and groundwater to render the site suitable for the proposed development has been reviewed.
223. The report details how there has been ongoing monitoring of the site going back to 2014. And that based on an interpretation of previous investigations at the site and the results of groundwater monitoring, there remains evidence of groundwater contamination in the north western and northern parts of the site in the vicinity of the former PFS, however there is no evidence of ground or groundwater contamination across the rest of the site. Accordingly, for the majority of the proposed development, there are no unacceptable risks to human health or to controlled waters.
224. In terms of mitigation the remediation report states that whilst the results of the risk assessments demonstrated that there were no significant risks to human health from the current ground conditions through the consideration should be given to including an enhanced vapour barrier membrane within the floor slab for the proposed PFS shop, the coffee pod and ancillary offices.
225. Advice received from DAERA Regulation Unit and Groundwater Team on 07 December 2022 confirmed that they had no objection to the proposal subject to conditions.
226. DAERA stated in their response that:

The remedial strategy report provided by AECOM is informed by long-term soil and groundwater monitoring and several rounds of site investigation over an extended period of time.

The risks to environmental receptors are shown to be low from residual ground and groundwater contamination following removal of fuel tanks, soil and substantial quantities of Light Non-Aqueous Phase Liquid (LNAPL) from groundwaters at the site.

AECOM provide a review of previous studies that include Detailed Quantitative Risk Assessments and contend that the site poses no unacceptable risk to controlled water receptors.

Groundwater and LNAPL monitoring completed in 2019 confirms that significant quantities of NAPL and dissolved phase contaminants remain present within the former Petrol Filling Station (PFS) area and at some down

gradient locations. AECOM however note that NAPL dissolution has not extended beyond the residual source area.

AECOM further note that there is evidence that the thickness of the LNAPL product has reduced and is consistent with the presence of a residual source of contamination of limited volume. AECOM also note that the effect of ongoing natural attenuation processes on contaminants will result in continuous depletion of the NAPL source. Regulation Unit

AECOM note that there is no evidence for ground or groundwater contamination across the Sprucefield site apart from the area of the vicinity of the former PFS. AECOM consequently contend that, for the majority of the proposed development, there are no unacceptable risks to human health or to controlled waters. RU have considered the AECOM report and support this AECOM contention.

AECOM present a remediation strategy aimed at addressing potential issues associated with the residual LNAPL and possible localised ground contamination during the construction phase of the development. The Remediation Strategy includes a Discovery Strategy designed to manage any unexpected contamination encountered in the area of the site away from the former PFS. RU note the confirmed presence of significantly elevated levels of LNAPL and dissolved phase contaminants in groundwater at the former PFS location and down gradient of the source.

227. Regulation concluded that they are content that contamination is unlikely to present an unacceptable risk to controlled waters provided the remediation strategy is effectively implemented and that they have considered the remediation strategy details and would have no objection to the development.
228. The Council's Environmental Health Unit also provided advice on potential impact on amenity and human health.

Consideration of Representations

229. The issues raised by way of third-party representation are considered below.
- Impact on Vitality and viability of Lisburn City Centre
230. A number of letters of objection were received in relation to the original proposal when 7 retail units were proposed. The proposal is now for a PFS, associated retail unit and I number drive through restaurant and coffee POD. It is considered that these uses will complement the main use of Sprucefield Retail Park as part of the regional shopping centre and will not Impact on Vitality and viability of Lisburn City Centre.

- Traffic generation protected route

231. A number of objections have been raised in relation to the additional traffic onto the existing road infrastructure. As has been dealt with in detail in the report there are a number of historical uses on the site which are more intense and would generate more traffic than the proposed development. That said DfI roads have considered the proposal in detail and have no objections subject to conditions.

Conclusions

232. For the reasons outlined in the report, the proposal is considered to comply with the relevant policy tests set out in the Plan Strategy and regional policy in the SPPS.

Recommendation

233. It is recommended that planning permission is approved.

Conditions

234. The following conditions are recommended:

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

Reason: Time limit.

2. The development hereby permitted shall not become operational until all the road works indicated on the general highway layout Drawing 17-026-P103 bearing the Council date stamp 26th June 2020 have been fully completed in accordance with the approved plans. All works shall comply with the requirements of the Design Manual for Roads and Bridges and all other relevant standards and technical guidance and be constructed in accordance with the Specification for Highway Works to the satisfaction of Department for Infrastructure.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access are carried out prior to the commencement of retail, leisure and other permitted uses.

3. No part of the development hereby permitted or associated road works

shall become operational until traffic signs both internal and external to the site have been provided by the developer to the satisfaction of the Department for Infrastructure in accordance with a scheme to be submitted to and approved by the Department.

Reason: In the interests of road safety and traffic progression.

4. The development hereby permitted shall not become operational until a 'Traffic Signs Agreement' setting out the requirements with which operators must comply has been submitted and completed to the satisfaction of the Department in accordance with DFI Policy and Procedure Guidance.

Reason: To clarify responsibility for provision and maintenance of signs in the interests of road safety and traffic progression

5. The development hereby permitted shall not /become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No .17-026-P-101 bearing the date 23rd April 2019 to provide for parking and servicing 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.

6. The restaurant/cafe units, petrol filling station and drive-through units hereby permitted shall not operate until details of the fat and grease trap, including the design and discharge have been submitted to and been approved in writing by the Council. The fat and grease trap shall be permanently retained and adequately cleaned and maintained as per manufacturer's instructions.

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

7. The restaurant units, petrol filling station and drive-through units hereby permitted shall not operate until a scheme containing full details of arrangements for odour control, and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues, has been submitted to and approved in writing by the Council. The ventilation and extraction system shall have a high level of odour control and shall be installed and operated in line with the EMAQ document entitled 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. The works detailed in the approved scheme for each unit shall be installed in their entirety before the operation of the use

hereby permitted. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions for the lifetime of the development and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Council.

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

8. The approved ventilation and extraction system for each unit shall discharge 1m above ridge height, have a discharge velocity of at least 15m/s, discharge vertically upwards and be unimpeded by flue terminals.

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

9. The carwash hereby permitted shall only operate between the hours of 0800 and 2200.

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

10. Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

11. The development hereby permitted shall not be occupied until the remediation measures to deal with the unacceptable risks posed by contamination of the land as detailed in the Remediation Strategy received by the Council 26 June 2020 have been fully implemented, completed and verified to the satisfaction of the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. The petrol filling station hereby approved shall not be occupied until the enhanced vapour barrier membrane is installed in the floor slab as detailed in the Remediation Strategy received by the Council 26 June 2020. In addition the underground services, and in particular the water

supply pipes, of the petrol filling station shall be suitably protected against adverse ground conditions.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

13. A discovery strategy should be developed to manage unexpected contamination during the construction phase. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the site shall cease. The Council should be advised and a full written risk assessment in line with current government guidance (DAERA, Environmental Advice for Planning, Practice Guide, Redeveloping Land Affected by Contamination and the Environment Agencies LCRM) that details the nature of the risks and any necessary mitigation measures shall be submitted for approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

14. After completing the remediation works under conditions 11, 12 and 13; and prior to occupancy of the development, the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met. Substantiating information shall be submitted to the Council in the form of a written validation report for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

15. The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

16. All fuel storage tanks (and associated infra-structure) identified must be fully decommissioned and removed in accordance with the Northern Ireland's Environment Agency Document titled "Installation, Decommissioning and Removal of Underground Storage Tanks: PPG27 & PPG2" and the quality of the surrounding soils verified. Should contamination be identified during this process, Conditions 12 and 13 will apply.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

17. During the construction of the development the construction noise mitigation measures set out in the Noise Assessment received by the Council 26 June 2020 shall be implemented.

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

18. During the construction phase of the development, the requirements and recommendations of the Remediation Strategy as detailed in the AECOM Remediation Strategy dated 24th January 2020 (Project No: 60602541), and updated October 2022, shall be fully implemented. Implementation of the Remediation Strategy, including the associated Discovery Strategy, shall be supervised by a suitably qualified person on an ongoing basis. Any unexpected contamination identified shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, works in that area should cease and a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

19. The development hereby permitted shall not commence until any remaining fuel storage tanks and associated infra-structure are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27). The quality of surrounding soils and groundwater should be suitably verified as detailed in the AECOM Discovery Strategy. Should any additional contamination be identified during this process, Condition 4 will apply.

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

20. Groundwater samples should be collected from suitable boreholes prior to commencement, during and following completion of construction. Samples should be analysed for a suitable suite of contaminants of concern and groundwater levels should also be assessed. Any contamination identified shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, works in that area should cease and a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

21. After completing any remediation works required under Conditions 18, 19 and 20, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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.

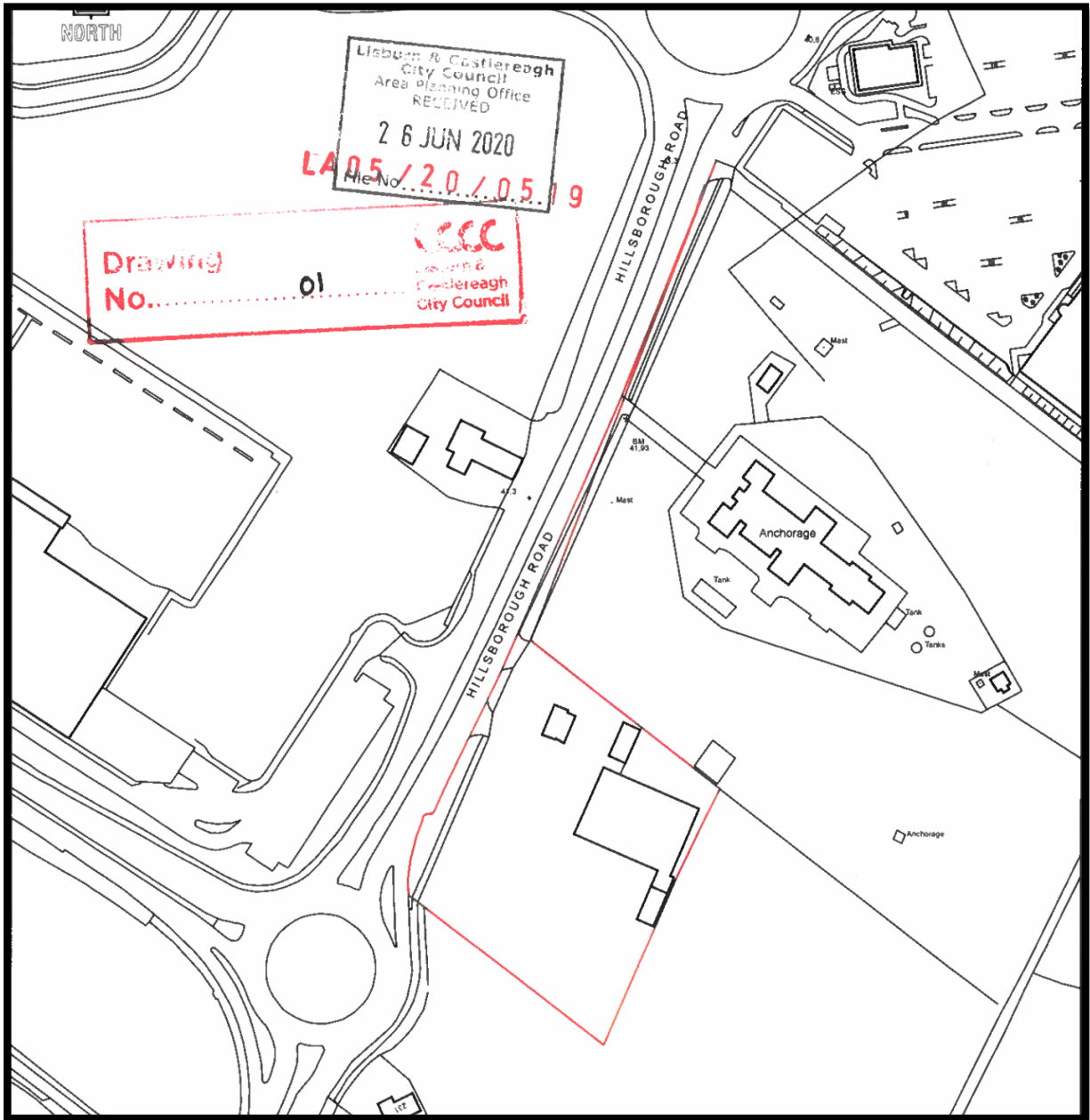
Reason: Protection of environmental receptors to ensure the site is suitable for use.

22. In the event that piling is required, no piling work should commence on this site until a piling risk assessment, undertaken in full 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", has been submitted in writing and agreed with the Planning Authority.

The methodology is available at:

<https://webarchive.nationalarchives.gov.uk/ukgwa/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

Site Location Plan – LA05/2020/0519/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/1007/F - Addendum
District Electoral Area	Castlereagh East
Proposal Description	Residential development comprised of three detached dwellings, two semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road.
Location	Land to rear of 7-23 Ferndene Park, Dundonald
Representations	Forty-seven
Case Officer	Rosaleen Heaney
Recommendation	Approval

Background

1. This application was presented to Committee for determination in April 2024 with a recommendation that planning permission should be granted as the layout and design of the proposed buildings create a quality residential environment.
2. Following a presentation by officers and having listened to representations from the applicant (via their planning consultant) and a third party objector, Members agreed to defer consideration of the application to provide Members with an opportunity to visit the site to better understand the potential for overlooking from the proposed apartment blocks into the gardens of a pair of semi-detached dwellings located on the opposite side of the Comber Road.

Further Consideration

Observations from Site Visit

3. Members were provided with an opportunity to observe the existing topography of the site, the relationship between the existing and proposed buildings on the boundaries of the site, the proposed access arrangements from the Comber

Road, the location of a new sewage treatment works and the extent of the new footpath to be developed along the front of the site.

4. Members also observed the location of the proposed apartment blocks in relation to the garden of the dwellings at 272 Comber Road. The height of the proposed buildings, finished ground and floor levels and the position of the fenestration on each floor was described to allow the Members to understand the relationship to the buildings on the opposite side of road.

Further submission by applicant team following deferral

5. In a submission from the applicant team received on 09 May 2024 the following statements are made:

Dominance

6. None of the properties in Ferndene Park or Ferndene Mews will be overlooked by the proposal.
7. The separation distances from the proposed apartments at sites 8 to 11 to the dwelling at 272 Comber Road is approximately 19 metres. The separation distance to the side garden of the same property is approximately 25 metres.
8. The rooms within apartment block 8 to 11 are arranged with only one habitable room with windows on the front elevation on the first floor facing the road. It is further stated that the proposed development will not have a detrimental impact on the dwelling at 272 Comber Road for the following reasons:
 - The ground floor will be screened by hedging and planting;
 - Only one room is at issue i.e. first floor living/kitchen of proposed apartment however there is a separation distance of over 19 metres to the dwelling at 272 Comber Road.
 - Separation distance to side garden of this dwelling is over 25 metres. There are no frontage gardens to 272 -278 Comber Road;
 - Significant planting is proposed to the frontage of the proposed buildings at sites 8-11;
 - Finished floor level is 23.5 metres for the apartments at sites 8-11, with the footpath level immediately to the front of 272 measured at 21.03 metres, a difference of 2.47 metres over 19 metres distance will not create overbearing. This is not therefore overdominance;
 - Busy Comber Road separates the two buildings – the busyness of the road is a material factor;
 - The relationship is offset, it is not direct;
 - No corner windows in the proposal, only two upper floor windows from one habitable room over 19 metres away;
 - It is a typical urban arrangement;
 - Frontage trees could be retained by condition;
 - Nothing in planning policy or guidance bars such an arrangement. “Creating Places” is guidance, it is not planning policy. In any event it allows for differing circumstances and arrangements such as this.

Character

9. The applicant team disputes the claim made by third parties that the site is semi-rural as the site is wholly within the designated settlement limit and benefits from two previous planning approvals for housing. It is confirmed that the proposed density falls within density band (d) as set out in Policy HOU4 of the Plan Strategy.
10. A table showing average density information for adjacent developed lands is provided. The applicant team note whilst a higher density is proposed, it does match the density of sites adjacent to the site and at 29 dwellings per hectare, falls within the density band range (d) of HOU4 which provides for 25 – 35 dwellings per hectare.

Parking, Access and Protected Route

11. The submission confirms that parking requirements have been calculated in accordance with parking standards with an extra two spaces provided. Access gradients as shown on drawings have been agreed with DfI Roads and the detail submitted with the application demonstrates that there are no other accesses available to serve the development and two access have been previously approved.

Dimensions

12. In relation to the concerns expressed at the April meeting of the planning committee in relation to the dimensions of the proposed development, it is explained that each of the blocks has 4 apartments and that they have been designed to look like the detached and semi-detached properties elsewhere in the scheme.
13. Detail of the retaining wall to the front of the apartment blocks is provided. The note advises as follows:
 - Footpath is 2 metres wide
 - Boundary wall is 1 metre high
 - Distance from boundary wall to front of apartments at sites 4 -7 is 2.914 metres and at sites 8-11 is 2.394 metres
 - There will be planting to the rear of the boundary wall
 - Set back from the edge of the footpath to the front of the proposed apartments is between 4.632 metres at 8-11 and 4.914 metres at sites nos. 4-7. Given the almost 5 metres set back from the kerb line, the intervening wall and vegetation, the blocks will not appear over dominant on the roadside.
14. Visuals are provided showing examples of other buildings that have been permitted close to the roadside.

Planning History

15. The response note from the applicant team confirms that there is no significant change in circumstances since earlier permissions were granted.

Drainage

16. A waste-water impact assessment has been submitted to NI Water to identify how the development proposal could be connected to the main sewer. The note advises that NI Water provided a solution engineering report to the applicant team on 19 December 2023 which offered a technical solution within the drainage catchment and confirmed specific criteria to be met. This solution was not technically viable due to shallow levels of sewer proposed to connect. A number of other options have been identified and discussions are ongoing with NI Water in relation to an alternative solution.
17. Clarification is provided that in the event that a solution cannot be agreed, a site specific waste water treatment plant to serve the overall development will be provided. Consent to treated effluent discharge from such a plant will not be provided until confirmation is received from NI Water that mains connection cannot be agreed.

Further Assessment

18. The relationship between the proposed apartments and the pair of semi-detached dwellings on the opposite side of Comber Road is not considered in the main officer's report.
19. It is stated at paragraphs 7.11 and 7.12 of the Creating Places document that:
 - 7.11 Dwellings should be designed to present an attractive outlook onto existing and proposed roads, with windows designed to permit informal surveillance, whilst at the same time allowing residents to preserve their privacy from overlooking.*
 - 7.12 Layouts that include dwellings and apartments facing onto the rear garden spaces of other dwellings (or that back onto the fronts of other dwellings) should be avoided. Such layouts generally provide an unsatisfactory relationship between dwellings, even where dual aspect designs are employed, and can adversely affect privacy, reduce safety and be detrimental to the quality, character and appearance of the development as a whole.*
20. The two apartment blocks are designed to present an attractive outlook onto the Comber Road with windows fronting that provide passive surveillance consistent with the advice at paragraph 7.11 of the Creating Places document.
21. The apartment block at sites 8 to 11 has a front to side relationship to the garden of 272 Comber Road which is distinguishable from the advice at paragraph 7.12 which states that apartments facing onto rear gardens spaces of other dwellings should be avoided.
22. The side garden to 272 Comber Road is open to public view from the footpath and road and not screened with a fence or hedgerow. The construction of a building on the opposite side of the public road approximately 13.5 metres away

will impact on amenity of the garden but not to the extent that it would justify a refusal of permission for the following reasons.

23. It is stated at paragraphs 7.16 and 7.17 of the Creating Places document in relation to privacy that:

7.16 Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. An enhanced separation distance may also be necessary for development on sloping sites.

7.17 Great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity to adjoining dwellings, particularly where they are close to the boundaries of existing properties. Where such development is proposed on green-field sites or in lower density areas, good practice indicates that a separation distance of around 30m should be observed or, alternatively, consideration given to a modified design. Where such development abuts the private garden areas of existing properties, a minimum distance of around 15m should be provided between the rear of the apartments and the common boundary.

24. There is no guidance written that deals with the front to side relationship described above. The separation distance from the new building is however more than 10 metres from the common boundary in accordance with the guidance at paragraph 7.16 and close to 15 metres in the context of the guidance at paragraph 7.17.
25. Given that the garden to 272 Comber Road is completely open to public view it is accepted on balance that the separation is adequate from the apartment block at sites 8-11 the amenity and privacy of the residents of the dwelling at this address will not be impacted to the degree that a significant loss of amenity would occur.

Recommendation

26. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 13 April 2024. Our advice and recommendation remains unchanged. The recommendation to approve planning permission remains subject to a section 76 Agreement.
27. Additional conditions are recommended in relation to the proposed drainage solution.

Conditions

28. The following conditions are recommended:

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. The gradient of the access road determined for adoption shall not exceed 2% (1 in 50) over the first 7.5m outside the Comber Road boundary. The gradient of the private access road shall not exceed 2% (1 in 50) over the first 10m outside the Comber Road boundary.

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

6. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp 03 JAN 2024.

The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

7. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority be removed, relocated, or adjusted at the applicant's expense.

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

8. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, no buildings, walls, or fences shall be erected, nor hedges, nor formal rows of trees grown in verges/service strips determined for adoption.

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

9. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges/service strips determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

10. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No 22-175-DR-102 rev E bearing the Area Planning Office date stamp...06 DEC 2023...to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

12. If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

13. A final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

14. Prior to the commencement of any of the approved development, the applicant must demonstrate to the Council how any out of sewer flooding, emanating from the surface water drainage network in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. The development shall be carried out in accordance with the drainage design.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

15. Prior to works commencing on site, all existing trees and hedgerows shown on Drawing Number 03F, date stamped 15 Feb 2023, by the Planning Office, as being retained shall be protected by appropriate fencing. No retained tree shall be cut down, uprooted, or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect Northern Ireland Priority Habitat hedgerow and to retain the biodiversity value afforded by existing trees.

16. No construction works, including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil, shall take place within 10m of the watercourse on site.

Reason: To minimise the potential impact of the proposal on the watercourse.

17. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing

by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a. Construction methodology and timings of works; including details for construction of the proposed culvert;
- b. Pollution Control and Contingency Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil / fuel, concrete mixing and washing areas and the watercourse on site;
- c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d. Water Quality Monitoring Plan;
- e. Environmental Emergency Plan;

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

18. All hard and soft landscape works shall be carried out in accordance with Drawing No. 15E bearing the Council date stamped 26th June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

19. 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.

20. None of the dwellings hereby approved shall be occupied until works for the disposal of sewerage have been provided on the site, to serve the development permitted in accordance with details to be submitted to and approved by the Council.

Reason: To ensure that adequate drainage infrastructure is available.

21. No development hereby approved shall be commenced until details of a sewerage connection to serve the development hereby permitted have been submitted to and approved in writing by the Council in consultation with NI Water. The information to be submitted to the Council should include details of the siting, drawings and specifications of the sewerage

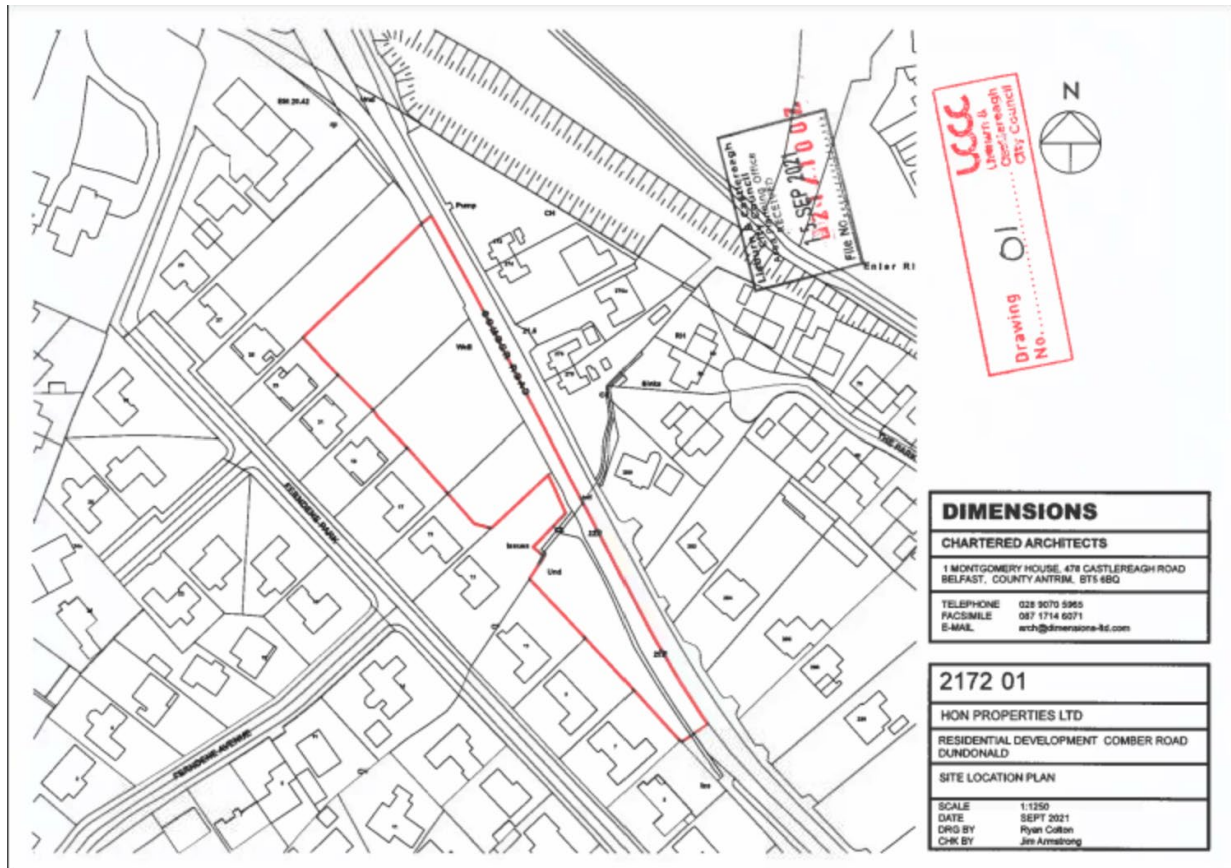
connection and arrangements for its management and maintenance. Where a packaged sewage treatment plant is proposed, details of how the development hereby approved is eventually to be connected to the public system is also to be provided.

Reason: In the interest of public health.

22. Prior to the occupation of the development hereby approved the sewerage connection as approved have been installed as approved and be operational. The sewerage connection shall be managed and maintained thereafter in accordance with the approved arrangements.

Reason: In the interest of public health.

Site Location Plan – LA05/2021/1007/F



LISBURN & CASTLEREAGH CITY COUNCIL

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Note of a site visit by the Planning Committee held at 2:30pm on Tuesday 14th May to lands to the rear of 7-23 Ferendene Park, Dundonald, BT16 2ES

PRESENT: Chairperson (Alderman M Gregg)

Alderman O Gawith

Councillors S Burns, DJ Craig, U Mackin,
A Martin and N Trimble.

IN ATTENDANCE: Head of Planning and Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (BF)

Apologies were recorded on behalf of Alderman J Tinsley and Councillors P Catney and G Thompson.

The site visit was held to consider the following application:

- LA05/2021/1007/F – Residential development consisting of three detached dwellings, a pair of semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road on land to the rear of 7-23 Ferendene Park, Ballymaglaff, Dundonald, BT16 2ES.

The Committee had agreed to defer consideration of the application to provide Members with an opportunity to visit the site to better understand the potential for overlooking from the proposed apartment blocks into the gardens of existing dwellings located on the opposite side of the Comber Road.

Members and officers met on the footpath opposite the site. With the aid of the site location plan, the principal planning officer outlined to Members the extent of the application site. Members also observed the break between the two parts of the site where the curtilage of 13 Ferendene Park extended to the Comber Road.

Members viewed the site and the location of the proposed apartment blocks from several locations along the Comber Road opposite the site.

With the aid of the application drawings, Members observed where the apartment blocks are proposed in relation to the garden of the dwelling at 272 Comber Road. The height of the blocks in relation to the existing and proposed ground levels and the position of the fenestration were described in relation to the garden.

With the assistance of road layout, landscaping and elevation/floorplan drawings, the Head of Planning and Capital Development and the Principal Planning Officer clarified several queries raised in respect of the general layout and arrangement of the buildings in respect of overlooking.

Members were also provided with an opportunity to observe the existing topography of the site, the relationship between the existing and proposed buildings on the boundaries of the site, the proposed access arrangements to the Comber Road, the location of a new sewage treatment works and the extent of the new footpath to be developed along the front of the site.

The site visit ended at 3:20pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	15 April 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/1007/F
District Electoral Area	Castlereagh East
Proposal Description	Residential development comprised of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks plus associated site work including sewerage treatment plant and 2 new accesses onto Comber Road.
Location	Land to rear of 7-23 Ferndene Park, Dundonald
Representations	Forty-seven
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing at this location.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 of Lisburn and Castlereagh City Council Plan Strategy. The layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for

affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
6. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment submitted in support of the application demonstrates that the proposed development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
9. The proposed development complies with policies FLD 2 3 and 4 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to serve the proposal.

Description of Site and Surroundings

Site Context

10. The application site is located to the northeast of Ferndene Park and southwest of the Comber Road, Dundonald. It consists of two parcels of land separated by an existing stream and embankment.
11. One parcel of land sits to the rear of 7, 9 and 11 Ferndene Park and the other sits to the rear of 15, 17, 19, 21 and 23 Ferndene Park. Both parcels of land front onto the Comber Road.
12. The land is currently undeveloped and comprises of scrub land and semi-improved grassland with some boundary vegetation. Access to the site is from the Comber Road.
13. The land is at a lower level than the surrounding development and lands to the rear.

Surrounding Context

14. The land surrounding is mainly comprised of medium to high density housing.

Proposed Development

15. This is a full application for residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks plus associated site work including sewerage treatment plant and 2 new accesses onto Comber Road.

16. The following documents are submitted in support of the application:

- Construction Environmental Management Plan
- Biodiversity Checklist and Preliminary Ecological Appraisal
- Updated Preliminary Ecological Appraisal
- Transport Assessment
- Drainage Assessment
- Statements from Kevin McShane Ltd in response to DfI Roads comments

Relevant Planning History

17. The planning history associated with the application site is set out in the table below:

Reference Number	Site Address	Proposal	Decision
Y/2007/0636/F	Land to rear of 9-23 Ferndene Park, Ballymaglaff, Dundonald, BT16 2ES	Erection of 7 dwellings, 3 detached and 2 pairs of semi-detached dwellings with 2 new vehicular accesses onto Comber Road.	Permission Granted 31/08/2012

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection.
DfI Rivers Agency	No objection.
Housing Executive	No objection
LCCC Environmental Health	No Objection

Consultee	Response
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection.

Representations

19. Forty-seven representations have been received in objection to the application. The following issues are raised (summarised):

- Access, traffic and congestion and road safety
- Safety of pedestrians
- Construction phase of development
- Natural Heritage/Biodiversity/Wildlife
- Overdevelopment/density
- Drainage and Sewerage
- Character of the area/inappropriate accommodation
- Design
- Overlooking
- Neighbour notification
- Process and lack of clarity
- Value of existing dwellings/view from existing buildings
- Water/sewerage provision
- Protection of the stream
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Environments
- Creating Places
- Residential Amenity/Privacy and Noise

Environmental Impact Assessment (EIA)

20. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.

21. The site area is 0.44 hectares and does not exceed the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017 for screening. An EIA determination is not required for this proposal.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

24. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
25. The BUAP identifies the application site as being on land within the settlement development limit of Castlereagh. In draft BMAP the site is also located within the settlement development limit of Castlereagh.
26. In draft BMAP the site is also within designation MCH 42 Local Landscape Policy Area Moat/Enler.
27. Designation MCH 42 Local Landscape Policy Area Moat/Enler states

A Local Landscape Policy Area is designated at Moat/Enler as identified on Map No. 2a – Metropolitan Castlereagh and on clarification Map No. 2b – Metropolitan Castlereagh Local Landscape Policy Areas showing the full extent of LLPAS affecting Metropolitan Castlereagh.

Those features or combination of features that contributes to the environment quality, integrity or character of these areas are listed below:-

- *Archaeological sites and monuments and their surroundings – A number of unnamed sites; an early Mesolithic occupation site in Ballymaglaff; a 17th century watermill site in Ballyoran; and the Dundonald site, which comprises a modern church (St Elizabeth's) on the site of a medieval church and graveyard, with coffin lid and possible souterrain, comprising a Motte (schedule), to the north of Moat Park, from which there are extensive views;*

- *Area of local amenity importance – The grounds of St Elizabeth's Church of Ireland, a locally important building; a graveyard to the east of the church; the landscaped Moat Park, to the northeast of a bowling green; a pond area and playground located to the west of the East Link Road; and Dundonald Primary School with the associated playing fields, pitches and tennis courts; and*

- *Area of local nature conservation interest – The Enler River and associated riverbanks.*

28. The application site is a very small portion of the lands associated with this LLPA designation.
29. It is noted that in the last revision of BMAP (that was subsequently found unlawful and quashed), the portion of land in which the application sits was removed from the Local Landscape Policy Area (Designation MCH 38 – Moat/Enler Local Landscape Policy Area in the full BMAP).
30. The portion of land is also not within a buffer zone surrounding any archaeological monuments and any development on the site would not affect the features or combination of features referenced in the LLPA designation on the neighbouring lands.
31. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

32. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

33. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

34. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

35. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

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

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

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

36. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in*

Table 3

- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

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

Housing in Settlements

38. As this application is for residential development policy HOU1 - New Residential Development states that:

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

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

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

39. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

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

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

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

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

40. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

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

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

41. The Justification and Amplification states that :

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

42. It also states that:

Accessible Accommodation

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

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

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

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

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

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

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

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

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

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

44. The Justification and Amplification states that:

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

45. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing is:

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

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

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

Natural Heritage

46. Given this is a large site the potential impact on the natural environment is considered.

Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

48. The proposal proposes two new accesses onto the Comber Road which is a protected route. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

50. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

51. Policy TRA3 Access to Protected Routes states:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations
Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway

service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal in the following circumstances:

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

52. Policy TRA7 – Car Parking and Servicing Arrangements states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

53. There are two culverts that meet adjacent to the site. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states that:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

54. The proposal is for more than 10 dwellings and more than 1000 square metres will be hardstanding. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

55. A short section of a n open watercourse needs culverted to facilitate access to the site. Policy FLD4 Artificial Modification of Watercourses states:

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

a) a short length of culverting necessary to provide access to a development site, or part thereof

b) where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

Regional Policy and Guidance

Regional Policy

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

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

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

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue

social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society

58. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

59. Paragraph 3.8 of the SPPS states:

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

60. 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.

61. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

62. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

63. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
64. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

65. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

66. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

67. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

68. This application is for 13 residential units within the Settlement Development Limit of Dundonald. The land on which the development is proposed is not zoned for any particular use. As the requirement of criteria (c) is met this is a suitable location for new residential development and the requirement of policy HOU1 is met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

69. The application site is undeveloped piece of land rectangular in shape consisting of two sections. It is enclosed to the south southwest and to the rear by residential development at Ferndene Park, Ferndene Avenue and New Line.

70. The application site fronts onto the Comber Road and on the opposite side of the Comber Road there are residential properties which include a mix of house types located on medium sized plots.
71. The dwellings and apartments vary in size and design but are typical of a suburban residential setting.
72. The form and general arrangement of the buildings are considered to be characteristic of those found in the local context.
73. The plot sizes and general layout is consistent with and comparable with other built development in the general vicinity of the site.
74. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and that the established residential character of the area would not be harmed by either the form or scale of development proposed.
75. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties within the development or to properties adjacent to the development.
76. The existing development to the rear of the site of Ferndene Park is set at a higher level than the proposed development and there would be a certain degree of overlooking from the existing residential development to the proposed development, however in the urban context a degree of overlooking is considered to be acceptable. This is dealt with in more detail later in the report.
77. The separation distances between the existing and proposed development is considered to be acceptable and would minimise any overlooking from the existing properties.
78. The buildings are not dominant or overbearing and no loss of light would be caused.
79. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
80. With regard to criteria (b), the proposal is not within a buffer zone surrounding any archaeological monuments or near to any Listed Buildings. It is considered that the proposal would not have a negative impact on any archaeology or the historic environment.
81. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

82. Sites 1 and 12 consists of House type A(H), detached dwellings, rectangular in shape, have 4 bedrooms and a ridge height of 6.4 metres above the finished floor level. They are one and a half storey with wall dormers to the upper floor to the front and Velux windows to the rear.
83. Sites 2 and 3 are a pair of semi-detached dwellings, house type B and C, and are one and a half storeys in height. It has a maximum ridge height of 6.85 metres above the finished floor level and each has 3 bedrooms. The windows on the first floor are wall dormers to the front and Velux to the rear.
84. Sites 4-7 and 8-11 are two blocks of apartments. Both blocks have the same design with one handed to the other. Sites 4-7 are house type D and sites 8-11 are house type D(H). Each block is two-storey, rectangular in shape with a maximum ridge height of 9 metres above the finished floor level.
85. Site 13 consists of a detached dwelling house type A. It is rectangular in shape with two floors of accommodation with the appearance of a one and half storey dwelling to the front with wall dormers on the first floor and velux windows to the rear. It is a 4-bedroom house with a proposed ridge height of 6.4 metres above the finished floor level.
86. The external material finishes for all the buildings are dark grey reconstituted slate or flat profile roof tiles; proposed off white painted/self-coloured render/stone cladding/dark grey clay facing brick to external walls; proposed black uPVC clad or black painted timber barge boards, fascia and soffits throughout; proposed double glazed self-coloured aluminium or painted timber or uPVC windows; proposed obscured glazing to windows to all bathrooms and en-suites; and proposed painted and sheeted solid core timber external doors. These are considered to be acceptable for the site and its location in the urban context.
87. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
88. The development on the site does not conflict with surrounding land uses. It is well separated from adjoining residential development to the rear and is situated at a lower ground level. The buildings are not dominant or overbearing and no loss of light would be caused.
89. The site layout demonstrates the positioning of the proposed units in relation to Ferndene Park to the rear. The level of the proposed site is considerably lower than the existing residential development of Ferndene Park. The site sections also detail how the proposal sits in relation to the existing adjacent residential development.
90. The proposed dwelling to site 1 is located 15.4 metres away from the property at 21 Ferndene Park at the nearest point (building to building). The proposed unit

to site 2 is located 17 metres away from the property at 23 Ferndene Park at the nearest point (building to building).

91. Creating Places guidance stipulates that a minimum of 20 metres separation distance be provided between the two-storey element of the dwelling units which back onto each other with the proposed development. Given the difference in levels, the proposed site being lower than the existing development, and the design of the proposed dwellings (not having upper floor windows to the rear), it is considered that the position of the dwellings and the difference in height between the existing and proposed buildings that the smaller separation distances of 15 and 17 metres at these site are acceptable. The separation distance elsewhere are in accordance with the guidance in Creating Places.
92. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. And in curtilage parking spaces are provided for each unit.
93. Each unit has their own private amenity space, a small area to the front and a substantial area to the side/rear of the unit. The lawn areas in front of the proposed buildings are designed to ensure the frontages are not dominated by hardstanding and car parking.
94. The house t are designed to current building control requirements to be provide accommodation that is wheelchair accessible for persons with impaired mobility.
95. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
96. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
97. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) is met.
98. The private outdoor amenity space across the development varies, with 114 square metres for site 1, 104 square metres for site 2, 90 square metres for site 3, 60 square metres of amenity space for each apartment block with the addition of the open green space to the side of site, site 12 has 58 square metres and site 13 has 109 square metres.
99. The large area of open space to the side of the site provides a visual amenity and off-sets any amenity provision which is to the lower end of the scale in terms of the guidance stipulated in Creating Places.
100. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls and pillars proposed. These are considered to be acceptable for this type of development in the urban context.

101. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping treatments to the boundaries and within the overall site. The proposal uses appropriate species of planting and it softens the visual impact of the proposal. For the reasons outlined above, criteria (b) is considered to be met.
102. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development.
103. With regard to criteria (d) the proposed density, the proposal is for 13 units on a site measuring 0.44 hectares which is not considered to be overdevelopment. This equates to a density is 29 units per hectare and is in line with policy HOU4.
104. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
105. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
106. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
107. Provision is made for a designated bin storage area for the apartment blocks and Provision can be made for householder waste storage within the driveways for each other unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 3 units.
103. The agent details on the site layout plan that units 4, 5 and 6 are designated as affordable housing units.
104. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

105. A Biodiversity Checklist and Preliminary Ecological Appraisal carried out by Ecolas Ecology received 15 Sept 2021 and an updated Ecological Appraisal also completed by Ecolas Ecology received 16 December 2022 is submitted in

support of the application. Also a Construction Environmental Management Plan has been submitted in support of the application.

106. The Ecological Appraisal details and concludes that:

'The site comprises of two small field parcels dominated by dense scrub, semi-improved grassland, tall ruderal, scattered trees, hedgerows and running water. Tree clearance works had been undertaken in the past with majority of felled trees stored within the area of dense scrub to the south. A small stream is located along the north and north east boundaries of the field parcel to the south. Access will be required over the stream from the Comber Road. Works on site will see the removal of areas of dense scrub, tall ruderal and semi-improved grassland. The development within these habitats will not have a negative impact on local biodiversity. Remaining trees along the boundary of the site are to be retained and recommendations have been provided for their protection during construction works. Recommendations have also been provided for the protection of the quality of the water within the stream.

There is no/limited roosting provision on site for bats and habitat connectivity will remain unaffected as most of the boundary habitats will remain on site. Therefore, there will be no adverse impact on commuting and foraging bats.

No evidence of otter was noted within the site or along the stream corridor. The watercourse on site was assessed as sub-optimal for this species. However, recommendations have been provided to ensure that there are no adverse impacts to the local otter population downstream of the site through the protection of the water quality during site works.

No evidence of badger was noted on site, however, general recommendations have been provided for this species.

Areas of trees, hedgerows and scrub are deemed suitable for breeding birds and recommendations have been provided for timing of vegetation removal.'

107. The above documents were sent to NIEA Natural Environment Division (NED) for consultation. They responded and advised that NED has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has objection to the proposed development

108. For the reasons outlined, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such the policies NH2 and NH5 of the Plan Strategy are considered to be met. The conditions recommended by NED are appropriate and this is borne out in the assessment submitted in support of the application. It is further recommended that these conditions be attached to any approved scheme.

Access and Transport

109. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use. Two new accesses onto the Comber Road. The Comber Road is a Protected Route.
110. A Transport Assessment Form has been submitted in support of the application.
111. The application site is within the Settlement Development Limit and Policy TRA3 makes provision for a development involving direct access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road or in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assists in the creation of a quality environment without compromising standards of road safety.
112. The application site is only accessed from the Comber Road and backs onto existing residential development with no other access points available.
113. Through the processing of the application the layout has been amended to ensure that the proposal complies with road safety standards and policy TRA2.
114. The layout plan details a 2 metre wide footpath to run along the front of the site. Both proposed accesses have proposed visibility splays of 2.4 metres by 90 metres in both directions.
115. DfI Roads have been consulted on the application and have no objection on the grounds of road safety or traffic impact.
116. The parking provision is also in accordance with the requirements of Creating Places and acceptable.
117. Based on a review of the plans and other supporting documents and having regard to the advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that an accessible environment will be created through the provision of a road and footway that can be built to the appropriate standard.
118. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that plans and documents supplied with the application demonstrate that the creation of two new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
119. The proposal is also considered to comply with policy TRA3 of the Plan Strategy in that the detail demonstrates that access onto the Comber Road is accepted in principle and also complies with policy TRA2.
120. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice

road safety or inconvenience the flow of traffic.

Flooding

121. The information submitted indicates that water connection would be through the public mains, that the storm would be served by the adjacent watercourse and that foul would be served by the proposed sewerage treatment plant.
122. Facing the application site from the Comber Road there is a section of stream that is proposed to be culverted that runs parallel with the north eastern boundary of the southern parcel of land, that runs from the stream that is located between the two parcels of land.
123. A Drainage Assessment has been submitted in the support of the application. DfI Rivers Agency have been consulted on the application and have no objections.
124. A culverted watercourse known as the Ferndene Stream flows generally north east between 11 and 13 Ferndene Park. This portion is outside the red line of the application site. A further designated watercourse known as New Line Stream is found adjacent to the Comber Road and flows generally north west and its confluence with the Ferndene Stream. The watercourse from this confluence is undesignated and continues to flow north east and under the Comber Road.
125. In accordance with policy FLD2, a working maintenance strip is detailed on the site layout plan. No construction works in the form of erection of buildings is proposed within the working strip.
126. IA Flood Risk and Drainage Assessment has been submitted for consideration. Rivers Agency have confirmed that the report demonstrates that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100-year event could be contained through an online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.
127. Further assessment of the drainage network will be made by NI Water prior to adoption. Rivers Agency request that the potential risk from exceedance of the network, in the 1 in 100 year event, is managed. The advice of DfI Rivers is accepted and there is no reason to disagree with content of the submitted drainage assessment. A condition is necessary in respect of exceedance and included as part of the recommendation to approve.
128. The application proposes the culverting of a section of stream. The proposed culverting is for a short length of culverting necessary to accommodate access to the development. This is in accordance with the requirements of criteria (a) of FLD 4 and the section of culvert is agreed.
129. Water Management Unit have also been consulted on the application and advise that they have considered the impacts of the proposal on the surface water environment and on the basis of the information provided has no objection.

130. A final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction.
131. NI Water were consulted in relation to the proposal and have raised no objections or concerns regarding the proposal.
132. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD2, 3 and 4 of the Plan Strategy.

Consideration of Representations

133. Objections have been received in relation to the proposal. Consideration of the issues raised (summarised) are set out in the below:

Access, traffic and congestion and road safety

134. Concern is raised that the proposal would introduce two more accesses onto an already busy road creating additional pressure and increased volume of traffic and close to the busy junction where the Comber Road / Grahamsbridge Road meet. Concern is raised about any resultant traffic movements and road safety. Concern is also raised about the lack of adequate parking spaces. Concern is also raised about the content of the transport assessment information.
135. It is acknowledged that the Comber Road is a Protected Route. Policy makes provision for circumstances where new accesses are acceptable onto a Protected Route within the Settlement Development Limit. The proposal has been assessed against policies TRA 2 and 3 of the Plan Strategy and meets the relevant policy tests. Also parking provision is in line with the Parking Standards. DfI Roads have been consulted on the proposal and have no objections subject to standard conditions and informatives.

Safety of pedestrians

136. Concern is raised that the number of exits on that stretch of Comber Road are already contributing to a very dangerous situation using the bus stops on both sides of the road at New Line and that any additional exists would only compound this problem. The view is expressed that there is no safe means of crossing either the Comber Road or the Old Dundonald road to access public transport. Concerns is raised about a lack of footpath for pedestrians from the New Line towards the Old Dundonald Road.
137. The proposal is not of sufficient scale to require a road crossing on the Comber Road. The proposal does however involve the creation of a 2 metre wide footpath along the frontage of the site for pedestrian use.

Construction phase of development

138. Concern is expressed that there would be significant heavy plant machinery involves in the construction of this particular development leading to ongoing traffic disruption in a busy area. And that assessments should be carried out to ensure that there will be no damage to adjacent properties during construction.
139. Construction traffic and the impact of the construction of any development is of a temporary nature. The onus is on the developer/land owner to ensure that any construction works do not have a negative impact on any adjacent properties for the duration of the contract.

Natural Heritage/ Biodiversity/Wildlife

140. Concern is raised about the impact of the proposal on local wildlife and on bat activity, badgers etc. The view is also expressed that the ecological survey was carried out after the land was cleared and the integrity of the ecology survey is questioned. Concern is raised that vegetation and trees have been removed. The view is also expressed that the proposal would result in a loss of a green lung that complements the greenway.
141. Planning permission is not required to clear a site and the onus is on the developer/land owner to ensure they meet all statutory requirements with regards to biodiversity and wildlife. A biodiversity checklist and preliminary ecological appraisal and an updated ecological appraisal completed by Ecolas Ecology has been submitted in support of the application. NIEA Natural Environment Division have been consulted on the proposal and have no concerns and provided some standard conditions for inclusion on any decision notice. The proposal has been assessed against the NH policies in the Plan Strategy and it is considered that the proposal would not cause any harm to any natural heritage.

Overdevelopment/density

142. Concern is expressed that the number of dwellings is excessive and that there is an increased density on the site.
143. Through the processing of the application the number of units has been reduced from 17 units to 13 units to address concerns in relation to overdevelopment. The proposed density equates to 29 dwellings per hectare and is in line with policy HOU4 of the Plan Strategy. The proposal is not considered to be overdevelopment.

Drainage and Sewerage

144. Concern is raised about new sewers being built close to dwellings. Concern is raised about the protection of the stream to take the storm water run-off. Concern is raised about the additional loading on the sewerage systems.
145. DfI Rivers Agency, Water Management Unit and NI Water have all been consulted on the proposal and have raised no objections.

Character of the area/ inappropriate accommodation

146. The view is expressed that the inclusion of apartment buildings is outwith the character of the area. Concern is raised that the apartments and three storey buildings are not in keeping with the area.
147. Through the processing of the application, the three storey elements of the design has been removed. Policy does not preclude apartments in an urban area and in an area of established residential use. Policy promotes the use of mixed housing, a diverse range of house types for inclusion and there are already other apartment blocks within the wider area of Dundonald. The design is also such that it has the appearance of two storey dwellings.

Design

148. Concern is raised about the closeness of the building adjacent to the existing kerb line. Concerns are also raised about the rooflines with respect to the gardens and properties in Ferndene Park and Ferndene Mews.
149. The submitted site sections and site layout details how the proposal sits in relation to the existing adjacent development and the Comber Road. The proposal is set at a lower level than the existing development to its rear and is considered to be acceptable in the urban context in which it sits.

Overlooking

150. Concern is expressed about overlooking into private amenity space and also that existing properties would overlook the proposed development.
151. The proposal has been amended throughout the processing of the application. The design of the proposed units ensures that no overlooking would be caused into any neighbours private amenity space. It is accepted that there would be a certain degree of overlooking into the proposed development from existing properties however the separation distances along with boundary treatments ensure that this is kept to a minimum and some degree of overlooking in an urban context is expected.

Neighbour notification

152. Concern is raised about the extent of neighbour notification to properties in Ferndene Mews.
153. Statutory obligations with regards to neighbour notification have been met.

Process and lack of clarity

154. The view is expressed that due process has not been followed as there was a delay in public comments being made available to view online and that plans were not visible online. The view is also expressed that there is a lack of clarity of information.

155. Due process has been followed and all representations and plans are available to view online. Through the processing of the application additional plans have been sought to provide as much information as possible to allow a full and proper assessment of the proposed development.

Value of existing dwellings/ view from existing buildings

156. Concern is raised that the proposed development would adversely affect the value of the existing dwellings. Concern is also raised about the impact of the loss of a view.
157. The value of surrounding dwellings and a loss of view are not material considerations that can be given determining weight in the assessment of the application as no evidence of actual impact is quantified.

Water/Sewerage provision

158. Concern is raised about the sewerage treatment plant, if it would be smelly, noisy or disruptive. Concern is raised that the proposal would require further connections to a system that is understood to be at capacity in terms of both network and treatment capacity.
159. The proposed treatment plant is located 15 metres away from the nearest proposed residential unit and 24 metres away from an existing residential unit. Environmental Health, Water Management Unit and NI Water have been consulted as part of the proposal and raised no objections to the proposed development and the use of a treatment plant.

Protection of the stream

160. The view is expressed that the protection of the stream north east of the site is very important.
161. The impact of the proposed development on the existing stream has been considered as part of the application process and the advice offered by DfI Rivers Agency been accepted. No adverse impact is identified that would sustain this objection.

PPS 3 – Access, Movement and Parking

162. The view is expressed that the proposal does not comply with PPS 3 Access, Movement and Parking.
163. PPS 3 has been superseded by operational policies within the Plan Strategy. No road safety or adverse impact on traffic progression is identified.

164. PPS 7 – Quality Residential Environments

165. The view is expressed that the proposal does not comply with PPS 7 Quality Residential Environments.

166. PPS 7 has been superseded by operational policies within the Plan Strategy. The proposal is considered to comply with the HOU policies within the Plan Strategy. A quality residential environment is created for the reasons outlined earlier in this report.

Creating Places

167. The view is expressed that the proposal is not in keeping with the separation distances stipulated in Creating Places.
168. Creating Places is a guidance document which has been considered as part of the assessment of the application. It is considered that the proposal along with the proposed separation distances is acceptable for the reasons outlined above. The guidance is not met in two locations and the reasons why this departure from guidance is acceptable is explained above.

Residential Amenity/Privacy and Noise

169. The view is expressed that the proposal would result in the residential amenity of nearby homes being adversely impacted by increased noise from site use, traffic, people, dogs, music and from children and teenagers. The view is also expressed that privacy would be impacted by further development.
170. This is an urban location and an existing residential neighbourhood. This is a compatible use. The development of land in settlement for housing is a sustainable use of the land and the potential for noise, nuisance and loss of amenity are mitigated by good design and the development of a layout that is in accordance with guidance and creates a quality residential environment. The reasons for this are described in detail in the report.

Recommendation

171. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to the delivery of three affordable housing units in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

172. The following conditions are recommended:

- The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024.

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

- The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp of 03 JAN 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

- The gradient of the access road determined for adoption shall not exceed 2% (1 in 50) over the first 7.5m outside the Comber Road boundary. The gradient of the private access road shall not exceed 2% (1 in 50) over the first 10m outside the Comber Road boundary.

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

- No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 22-175-DR-102 rev E bearing the Area Planning Office date stamp 06 DEC 2023 and the Department for Infrastructure Determination date stamp 03 JAN 2024. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority be removed, relocated, or adjusted at the applicant's expense.

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

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

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

- Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in verges/service strips determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No 22-175-DR-102 rev E bearing the Area Planning Office date stamp...06 DEC 2023...to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

- The development hereby permitted shall not be commenced until any highway structure/retaining wall requiring Technical Approval has been approved by the Council.

Reason: To ensure that the highway structures are designed to an appropriate standard

- If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

- A final Construction Environmental Management Plan (CEMP) should be submitted to the Council, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

- Prior to the commencement of any of the approved development, the applicant must demonstrate to the Council how any out of sewer flooding, emanating from the surface water drainage network in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. The development shall be carried out in accordance with the drainage design.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

- Prior to works commencing on site, all existing trees and hedgerows shown on Drawing Number 03F, date stamped 15 Feb 2023, by the Planning Office, as being retained shall be protected by appropriate fencing. No retained tree shall be cut down, uprooted, or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect Northern Ireland Priority Habitat hedgerow and to retain the biodiversity value afforded by existing trees.

- No construction works, including refuelling, storage of oil / fuel, concrete mixing and washing areas, storage of machinery / material / spoil, shall take place within 10m of the watercourse on site.

Reason: To minimise the potential impact of the proposal on the watercourse.

- No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details, and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a. Construction methodology and timings of works; including details for construction of the proposed culvert;

b. Pollution Control and Contingency Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil / fuel, concrete mixing and washing areas and the watercourse on site;

c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

d. Water Quality Monitoring Plan;

e. Environmental Emergency Plan;

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

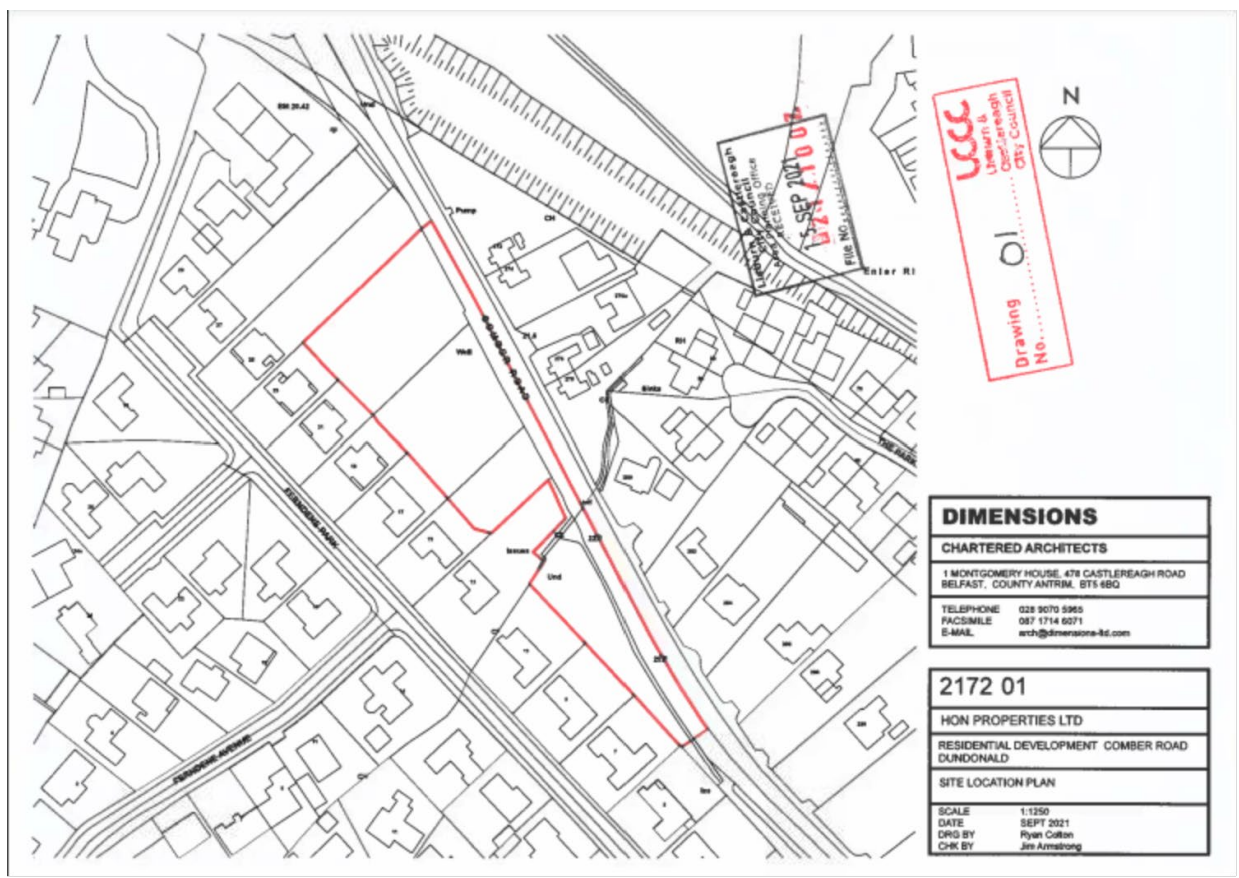
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 15E bearing the Council date stamped 26th June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2021/1007/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local Application [Exceptions Apply]
Application Reference	LA05/2022/0612/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and associated site works.
Location	Lands 129 metres North of 32 Millmount Village Crescent and 146 metres NNW of 9 Millmount Village Drive, Dundonald
Representations	None
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing at this location.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU 4 and HOU5 of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
4. The proposal complies with policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the

provision of footpaths and pedestrian crossing points within the site connecting to the wider neighbourhood.

5. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the proposal will use an existing road and access. The proposed changes to the previously approved layout do not give rise to changes to the layout of the roads and will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing surrounding development, the location and number of existing accesses and the standard of the existing road network.
6. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
7. The proposal also complies with policies NH1, NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment submitted in support of the application demonstrates that the proposed development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
8. The proposal is considered to comply with policy HE4 of the Plan Strategy as the appropriate mitigation is recommended to ensure that the proposal will have no adverse impact on any archaeological interests within the site.
9. The proposal also complies with policy HE9 of the Plan Strategy as the proposed development will have no adverse impact on the setting of the adjacent listed building at Millmount House.
10. The proposed development complies with policy FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

11. The application site is located 129 metres North of 32 Millmount Village Crescent and 146 metres NNW of 9 Millmount Village Drive, Dundonald.
12. The application site is approximately 1.13 hectares in size and the topography is relatively flat throughout. The land has been cleared for construction and is enclosed with timber fencing/screening. There is a band of trees just beyond the western boundary.

Surrounding Context

13. The lands to the surrounding to north, south and east are residential in character and comprised of recently constructed dwellings that are part of the Millmount village development. To the west of the site is land that has been cleared for further development.

Proposed Development

14. The proposed development comprises of the erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and all other associated site works.
15. The following documents are submitted in support of the application:
- Outline Construction Environmental Management Plan
 - Biodiversity Checklist, Preliminary Ecological Appraisal and Bat Survey
 - Drainage Assessment
 - Landscape Management Plan
 - Tree Survey Report

Relevant Planning History

16. The planning history associated with the application site is set out in the table below:

Reference	Description	Decision
Y/1996/0407	Residential development.	Granted September 2002
Y/2009/0303/RM	Reserved matters for a residential development of 483 dwellings comprising detached and semi-detached, townhouses and apartments including distributor road, cycle/footpaths, access, landscaping and associated site works (reduction in residential unit numbers).	Granted July 2017
LA05/2018/0512/F	Erection of 49 apartments and 244 dwellings, realignment of Spine Road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping and associated site works (293 residential units in total)	Granted March 2020

Consultations

17. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
DfI Rivers Agency	No objection
Housing Executive	No objection
LCCC Environmental Health	No Objection
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
Historic Environment Division Historic Buildings	No objection
Historic Environment Division Historic Monuments	No objection

Representations

18. No representations have been received in respect of the application.

Environmental Impact Assessment (EIA)

19. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
20. An EIA determination was carried out and it was concluded that given the scale and nature of the proposal there is not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

23. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
24. The BUAP identifies the application site as being located outside the settlement limit of Metropolitan Castlereagh.
25. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for housing under designation MCH 03/12 – 91.60 hectares for housing at Millmount.
26. Significant material weight is attached to the housing zoning in draft BMAP with development having already been completed on a large part of the zoning.
27. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural

environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

28. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

29. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

30. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

31. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

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

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

- a) *improvements to the transport network, including walking and cycling*

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

32. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

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

Housing in Settlements

34. As this application is for residential development policy HOU1 - New Residential Development states that:

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

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

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

35. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

Planning permission will be granted for new residential development where it will create a quality and sustainable residential environment which respects the existing

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

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

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

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

36. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*
- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings*

- should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwelling should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
 - g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
 - h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
 - i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
 - j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
 - k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
 - l) *the development is designed to deter crime and promote personal safety.*
 - m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

37. The Justification and Amplification states that:

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

38. It also states that:

Accessible Accommodation

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

39. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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

more, must provide public open space as an integral part of the development, subject to the following:

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

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

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

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

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

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

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

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

40. The following paragraph in the Justification and Amplification states that:

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

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

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

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

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

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

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

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

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

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

42. The Justification and Amplification states that:

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

43. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing is:

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

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

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

Historic Environment and Archaeology

45. The site is within an area of high archaeological potential therefore the impact on archaeological remains is considered. Policy HE4 Archaeological Mitigation states:

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

46. The Justification and Amplification states that:

The preservation in situ of important archaeological remains is always to be preferred to excavation. There will however be occasions when the Council through consultation with DfC Historic Environment Division may decide that the significance of the remains is not sufficient when weighed against all other material considerations, including the importance of the development, to justify their physical preservation in situ and that the development should proceed with excavation. In such cases developers will be required to prepare and carry out a programme of archaeological works using professional archaeologists and working to a brief agreed by the Council through consultation with DfC Historic Environment Division. An offer to facilitate excavation by developers will not justify a grant of planning permission for development which would damage or destroy archaeological remains whose physical preservation in situ is both desirable (because of their level of importance) and feasible.

Areas of Archaeological Potential

There are areas within settlement limits, where, on the basis of current knowledge, it is likely that archaeological remains will be encountered in the course of continuing development and change. These will be referred to as areas of archaeological potential within the Local Policies Plan.

47. The site is adjacent to a listed building at Millmount House (Grade B1) which is of special architectural and historic interest therefore the impact of the development affecting the setting of a listed building is considered.

48. Policy HE9 Development Affecting the Setting of a Listed Building states:

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

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

49. The Justification and Amplification states that:

The Council will consult DfC on proposals for development which by its character or location may have an adverse effect on the setting of listed buildings. Such proposals will require very careful consideration even if the development would only replace a building which is neither itself listed nor immediately adjacent to a listed building. Development proposals some distance from the site of a listed building can sometimes have an adverse effect on its setting e.g. where it would affect views of an historic skyline. Certain proposals, because of the nature of their use, can adversely affect the character of the setting of a listed building or group of buildings through noise, nuisance, and general disturbance.

The setting of a listed building is often an essential part of a building's significant character. Therefore, the design of the new buildings to stand alongside heritage assets is particularly critical. The extent to which proposals will be required to comply with the criteria will be influenced by a variety of factors: the character and quality of the listed building; the proximity of the proposal to it; the character and quality of the setting and the extent to which the proposed development and the listed building will be experienced in juxtaposition; and how the setting of the heritage asset is understood, seen experienced and enjoyed and the impact of the proposal on it.

The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing, alignment and use appropriate materials. Where it is considered that a development proposal may affect the setting of a listed building the Council through consultation with DfC will normally require the submission of detailed and contextual drawings which illustrate the relationship between the proposal and the listed building.

Natural Heritage

50. Given the nature of the development and as this is a large site the potential impact

on the natural environment is considered. Policy NH1 European and Ramsar Sites – International states:

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a) *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance)*
- b) *a listed or proposed Ramsar Site.*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Council, through consultation with the Department of Agriculture, Environment and Rural Affairs (DAERA), is required by law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Council agree to the development and impose appropriate mitigation measures in the form of planning conditions.

In exceptional circumstances, a development proposal which could adversely affect the integrity of a European or Ramsar Site may only be permitted where:

- a) *there are no alternative solutions; and*
- b) *the proposed development is required for imperative reasons of overriding public interest; and*
- c) *compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:

- a) *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- b) *agreed in advance with the European Commission.*

49. Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

51. The proposal will use an existing access off Millmount Road which is not a protected route. Policy TRA1 - Creating an Accessible Environment states that:

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

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*

- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

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

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

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

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

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

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

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

53. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

54. Policy TRA7 – Car Parking and Servicing Arrangements states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

- a) *where, through a Transport Assessment or accompanying Travel Plan, it forms part of a package of measures to promote alternative transport modes*

b) where the development is in a highly accessible location well served by public transport

c) where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking

d) where shared car parking is a viable option

e) where the exercise of flexibility would assist in the conservation of the historic or natural environment, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.

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

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

Car parking proposals should include an appropriate number of reserved electric charging point spaces and their associated equipment. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Flooding

55. DfI River's Flood Map (NI) indicates that the development does not lie within the Present Day or Climate Change 1 in 100 year fluvial floodplain. Due to the number of dwellings the drainage must be designed to take account of the impact on flooding elsewhere.
56. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

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

59. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

60. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the

proposed development will cause demonstrable harm to interests of acknowledged importance.

61. 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.
62. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

63. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

64. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
65. The guide is structured around the process of design and addresses the following matters:
 - the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

66. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

67. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

68. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment**Housing in Settlements**Policy HOU 1 – New Residential Development

69. This application is for 26 residential units within the settlement development limit of Metropolitan Castlereagh. The land on which the development is proposed is zoned for housing in draft BMAP under designation MCH 03/12 and there is previous history of approval for residential development. The requirement of policy HOU1 is met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

70. The lands to the north, east and south of the site have been recently developed for residential use as part of the wider Millmount village. The surrounding development comprises of a mix of detached, semi-detached and terrace housing along with a number of apartment blocks. The dwellings are set in medium sized plots with in-curtilage and communal off-street parking. Areas of public open space and two playparks are also provided as part of the overall scheme.
71. The proposal comprises of two detached dwellings, sixteen semi-detached dwellings and eight apartments. The dwellings and apartments vary in size and design but are typical of a suburban residential setting.
72. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount village.
73. The plot sizes and general layout are consistent with and comparable with other built development in the general vicinity of the site.
74. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by either the form or scale of the development proposed.
75. The layout of the rooms in each of the units, the position of the windows and separation distances also ensures that there is no unacceptable overlooking into the private amenity space of neighbouring properties.

76. The separation distances between the existing and proposed developments are acceptable and would minimise any overlooking from the existing properties.
77. The buildings are not dominant or overbearing and no loss of light would be caused.
78. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Places document and criteria (a) of policy HOU3 is met.
79. With regard to criteria (b), the site is within an area of high archaeological potential. It is considered that provided archaeological mitigation is conditioned in any planning permission that the proposal would not have a negative impact on any archaeological interests.
80. The site is adjacent to a listed building at Millmount House. Following consultation with Historic Environment Division Historic Buildings, it is considered that the proposal will have no adverse impact on the setting of the listed building.
81. No landscape characteristics/features have been identified that require integration into the overall design and layout of the development. There is a band of trees along the western boundary but the trees are outside the redline boundary of this site and will not be impacted by the proposed development. Criteria (b) of the policy is met.

Policy HOU4 - Design in New Residential Development

82. The apartments are within two blocks (site nos. 453-460). Both blocks have the same design with one handed to the other. Each block is two storeys with a ridge height of 9.6 metres. Each apartment will have two bedrooms and the floorspace ranges from 66.3 square metres to 71.2 square metres.
83. There are two house types of detached dwellings. House type MV4.1 on site 448a will be two storey with accommodation in the roof. The ridge height will be 9 metres with the floorspace of the dwelling measuring 144.5 square metres.
84. House type MV1.2 will be two storey with a ridge height of 8.5 metre. The floorspace will measure 123.1 metres.
85. There are three house types of semi-detached dwellings. House type SD2.1 will be two storey and will have a split design to respect the contours of the site. The ridge height will be 8.7 metres from ground level and the floorspace will measure 98.7 metres.
86. House type MV3 will be two storey with a ridge height of 8.7 metres and the floorspace will measure from 92.8 to 94.3 square metres. House type SR15.2a will also be two storey with a ridge height of 9 metres and floorspace 98.2 square metres.
87. The external material finishes for all the buildings are a mix of select facing brick and smooth render off white colour with grey concrete roof tiles, double glazed

- uPVC windows and doors, painted solid timber doors and frames and uPVC pipes and guttering. These finishes are considered to be acceptable for the site, are in keeping with the surrounding context and respect the character of the area.
88. The development on the site does not conflict with surrounding land uses. It is well separated from adjacent residential development to the north and east of the site by the existing road layout within Millmount village. To the west and south of the site there is a band of trees and land that is excluded from the housing zoning.
 89. As the buildings are two storey, they are not dominant or overbearing. This in combination with the separation distances between existing properties will ensure that no loss of light to any adjacent property will arise.
 90. The layout of the rooms in each of the units, the position of the windows and the separation distances between the existing and proposed buildings also ensures that there is no unacceptable overlooking into the private amenity space of neighbouring properties.
 91. There is a band of trees to the west of the site that are protected by a Tree Preservation Order and this area was excluded from the housing zoning. Future plans indicate that development will be located over 60 metres from the proposed dwellings which exceeds the 20 metres back to back separation distances recommended in Creating Places.
 92. Millmount House is located to the south of the site and again this was excluded from the housing zoning. The proposed dwellings which back onto Millmount House have over 30 metres separation distance to ensure there is no adverse impact on residential amenity by reason of overlooking or overshadowing/ loss of light.
 93. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed dwellings all face towards the road network, in curtilage parking spaces are provided for each dwelling and the apartments will have adequate shared parking spaces.
 94. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity space varies by plot ranging from a minimum of approximately 60 square metres up to 95 square metres which is consistent with the guidance set out in Creating Places that the average amenity space standard for the development as a whole should be around 70 square metres per dwelling and not less than around 40 square metres for any individual dwelling.
 95. The apartments will be provided with 132 square metres of communal amenity space at the rear of the apartment blocks which is greater than the 10 square metres amenity space provision advised within Creating Places.
 96. The variety of house types are designed to current building control requirements to provide accommodation that is wheelchair accessible for persons with impaired mobility. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.

97. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are considered to be met.
98. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger housing development at Coopers Mill and the site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) of policy HOU 4 is considered to be met.
99. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing, boundary walls and walls with railings proposed. These are considered to be acceptable for this type of development in the urban context.
100. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping treatments to the boundaries and within the overall site. The proposed landscaping uses appropriate species of planting and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 is considered to be met.
101. With regard to criteria (d) proposed density, the proposal is for 26 units on a site measuring 1.13 hectares which is not considered to be overdevelopment. This equates to a density of 23 units per hectare and is in line with policy HOU4.
102. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size as outlined earlier in the report exceeds space standards set out in supplementary planning guidance.
103. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) of policy HOU 4 are considered to be met.
104. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
105. Provision is made for a designated bin storage area for the apartment blocks and provision is available for householder waste storage within the driveways of each dwelling and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

106. Detail submitted with the application indicates that the site exceeds one hectare and more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
107. Small areas of public open space are shown to be provided either side of the apartment blocks.
108. The application provides for a change of house type for 26 dwellings that were previously approved as part of a wider housing development under Y/2009/0303/RM. Detail submitted with this application demonstrates that areas of open space were provided throughout the site.
109. The site is also easily accessible to the Comber Greenway.
110. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to six units.
103. The agent confirmed that six apartments are to be developed as affordable housing units. The six affordable housing units shall be provided before the occupation of the sixteenth unit.
104. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation

111. The application site is in an area of high archaeological potential therefore Historic Environment Division (HED) Historic Monuments was consulted.
112. HED Historic Monuments commented that 'there are a number of known archaeological monuments in the vicinity and archaeological excavations have been conducted under conditions 21 and 22 of planning approval Y/1996/0407/O.
113. As the archaeological fieldwork has been completed on the site (under LA05/2017/0818/DC – archaeological licence AE/20/083), an archaeological report is not required.

114. It is considered that Policy HE4 is met as the earlier mitigation in the form of an archaeological assessment means the proposed development would not have a negative impact on any archaeological interests.

Policy HE9 Development affecting the Setting of a Listed Building

115. The site is adjacent to Millmount House (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011 therefore Historic Environment Division (HED), Historic Buildings was consulted.
116. HED Historic Buildings commented that it has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal without conditions.
117. It is considered that policy HE9 is met, and the proposal will have no adverse impact on the setting of the listed building.

Natural Heritage

118. A Biodiversity Checklist and Preliminary Ecological Appraisal carried out by RPS Group Limited received 23 June 2022 and an Ecology Survey for Bats carried out by RPS Group Limited received 7 July 2022 were submitted in support of the application. An outline Construction Environmental Management Plan has also been submitted in support of the application.

119. The Preliminary Ecological Appraisal states that:

The site of the proposal is not hydrologically directly connected to or located within 100m of any statutory designated sites of local or international or national importance. The nearest designated site is Dundonald Old Railway SLNCI, located approximately 76m northwest of the proposed development boundary. The Enler River is located approximately 54m west of the site boundary. Millmount stream, a tributary of the Enler River is located approximately 22m north of the site boundary. The Enler River is Hydrologically connected to Strangford Lough SAC, SPA, ASSI and Ramser Site, approximately 6.6km downstream. Pollution prevention measures as detailed in the Outline Construction Environmental Management Plan will be incorporated during the construction phase to prevent sediments and other pollutants entering watercourses. With the implementation of water pollution mitigation measures, there will be no effects to watercourses or downstream designated sites.

120. With regard to habitats, it states that

The site is predominately an operating construction site, with most of the land comprising of bare earth or gravel with occasional building material stockpiles. Two lines of trees are present on the banks of a dry ditch in the southwest of the site. In the northeast, a double line of mature broadleaved trees has been retained on the construction site.

An aluminium workshop type shed is present in the southwest. It is constructed mainly of aluminium, however there is a small concrete block section approximately 1.5m high on the southern aspect. This building will be dismantled and removed to facilitate the development.

121. In relation to protected species, the Ecology information states that

Bats

The proposed development site adjoins Millmount Village to the east and southeast. To the north and east by the Comber Greenway open space. These nearby areas may provide a linkage for commuting or foraging bats; however, the site itself has been highly altered, with limited natural habitats available. The treelines, namely the large mature broadleaved treelines in the northeast which are largely being retained likely support a number of foraging bats.

Given the presence of trees on site, the site characteristics (active construction site), its connection to residential gardens and its partial connection to the wider countryside, it is considered that the site is of low foraging and commuting suitability (Collins 2016). The site may be used occasionally by a low number of bats, however, due to the nature of the site and its limited natural habitats, and availability of more optimum habitats to the north and south, it is considered that the site is of low foraging and commuting suitability (Collins 2016).

The site may be used occasionally by a low number of bats, however, due to the nature of the site and its limited natural habitats, and availability of more optimum habitats to the north and south, it is considered unlikely to be of significance or importance to bats.

The workshop style aluminium shed building does not possess suitable features which could support roosting bats.

Badger and Otter

No evidence of badger or otter was recorded within 30m of the site boundary.

122. Details of mitigation include the removal of vegetation including hedgerows and shrubs outside the bird breeding season which extends between 151 March and 31 August inclusive to ensure breeding birds are protected from harm.
123. It is also recommended that a Lighting Strategy for the proposed development will be designed in accordance with the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (ILP 2011) and Bats and Artificial Lighting in the UK (ILP 2018) and that artificial lighting will only be installed where and when necessary.

Additional landscape planting, consisting of native broadleaved species is also recommended to help offset the loss of vegetation on site.

124. In line with NIEA Standing Advice and where badger activity is identified, all works will cease immediately, and further advice sought from the NIEA Wildlife

Team. A pre-construction survey will be carried out to ensure that badgers have not excavated a sett onsite, and otters are not resting onsite.

125. Advice from NIEA Natural Environment Division (NED) noted that the site contains bare ground, grassland, and is adjacent to buildings and mature trees and that they has assessed the above documents and considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns.
126. For the reasons outlined, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such the policies NH1, NH2 and NH5 of the Plan Strategy are considered to be met.

Access and Transport

127. Access to the site will be via Millmount Village Way which was approved under LA05/2018/0512/F and has been constructed. Millmount Village Way accesses onto Millmount Road.
128. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces and the apartments will have 12 shared parking spaces.
129. Dfl Roads have not expressed any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been returned.
130. Based on a review of the detail submitted with the application and having regard to the advice from Dfl Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that an accessible environment will be created through the provision of a road and footway that can be built to the appropriate standard.
131. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted with the application demonstrates that the creation of a new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
132. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Flooding

133. Due to the number of dwellings on site a Drainage Assessment has been submitted in support of the application. Dfl Rivers Agency have been consulted and have no objections.

134. In accordance with policy FLD 3 a Drainage Assessment was submitted. Dfl Rivers commented that:

Schedule 6 Consent to discharge 400.8 l/s surface as the overall surface water discharge for the site dated 24/8/2021 is confirmed. The proposals would satisfy this sub-policy FLD 3 and be acceptable. The proposal is to attenuate up to 1495 cubic meters of surface water and limit/restrict the discharge rate to mimic the Greenfield run-off rate (using a vortex to 76 l/s) and discharge to the NI Water installed network prior to watercourse.

Evidence has been provided that the drainage will be installed to meet the standards of the NI Water Sewers for Adaption 1st Edition for a 30 year storm events including an allowance for climate change. For storm events up to a 100 year storm event the water is retained within the network.

Dfl Rivers, while not being responsible for the preparation of the Drainage Assessment report accepts its logic and has no reason to disagree with its conclusions.

135. Additional information submitted with the application indicates that water connection, surface water and foul sewerage will be through the public mains. NI Water was consulted and confirmed that there is available capacity at the Waste-Water Treatment Works and there is a public foul sewer within 20 metres of the proposed development boundary which can adequately service the proposal.

136. Water Management Unit have also been consulted on the application and advise that it has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. However, if NI Water advise that they are content that both the receiving Waste-Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or the sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. As discussed above NI Water has confirmed there is capacity at the WWTW, and foul sewer connection and it recommends approval therefore it is considered that the proposal will not adversely affect the water environment.

137. Based on a review of the information and advice received from Dfl Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD 1, 2 and 3 of the Plan Strategy.

Consideration of Representations

138. No objections have been received in relation to the proposal.

Recommendation

139. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to secure the delivery of six affordable housing units in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

140. The following conditions are recommended:

1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: P185/R500c bearing the Area Planning Office date stamp 13 June 2023 and the Departure for Infrastructure Determination date stamp of 04 July 2023.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No P185/R500c bearing the Area Planning Office date stamp 13 June 2023 and the Department for Infrastructure Determination date stamp of 04 July 2023, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. If the finished ground level of any property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

6. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No P185/R500c bearing the Area Planning Office date stamp 13 June 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

7. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority be removed, relocated, or adjusted at the applicant's expense.

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

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

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

9. All hard and soft landscape works shall be carried out in accordance with Drawing No. 27A bearing the Council date stamp 6 December 2022 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

10. 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.

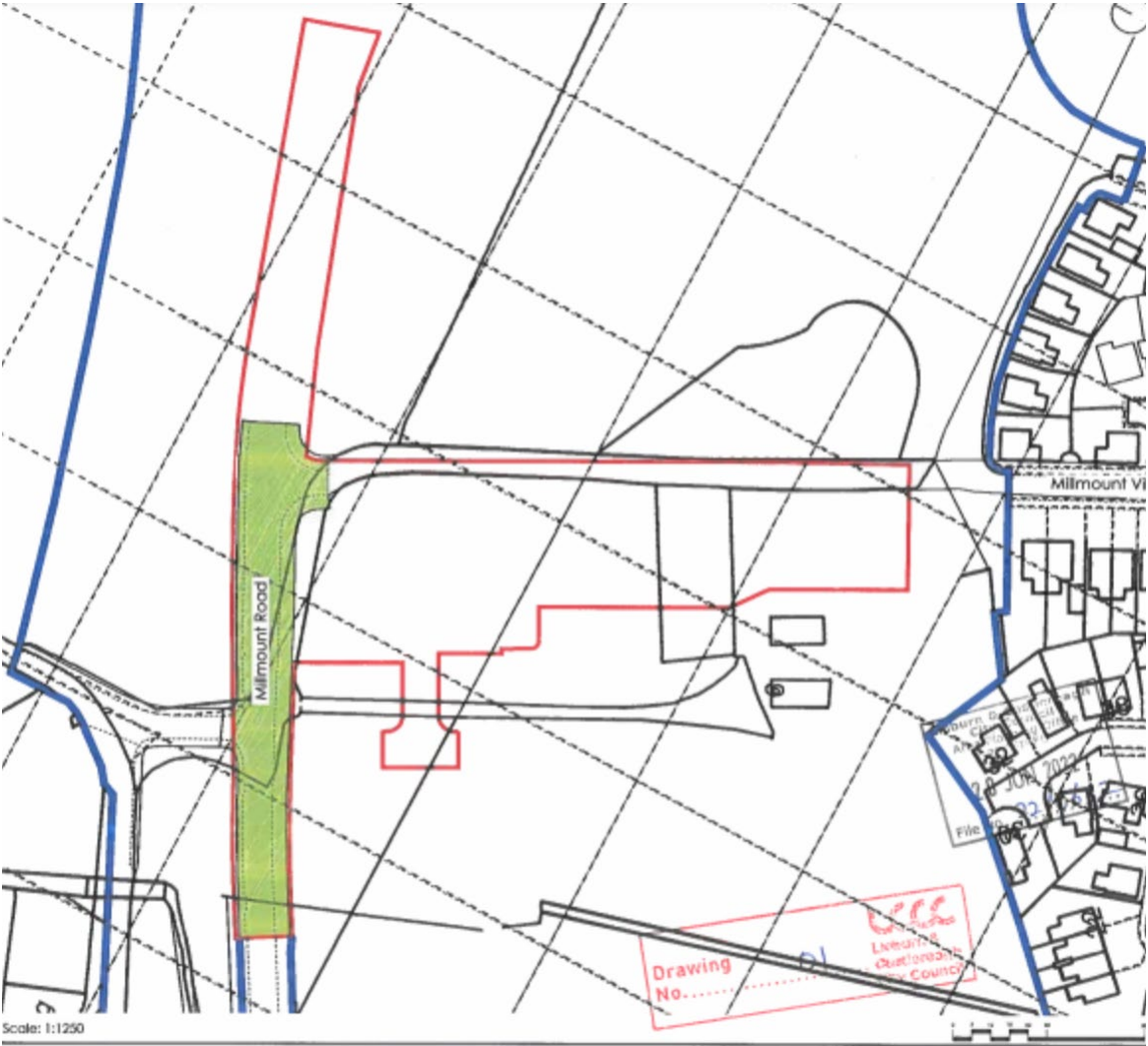
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the previously agreed programme of archaeological work. These measures shall be implemented and a final

archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

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

Site Location Plan – LA05/2022/0612/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0598/F
Proposal Description	Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F)
Location	Plots 56,57,62,63,70-73, 78,79,102,103,106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of Lisburn and Castlereagh City Council Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.

4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for four affordable housing within the overall development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policies NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policy FLD 3 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

9. The application site is located to the eastern side of the Ballynahinch Road, off Meadowvale Road and is west of the Killynure Road. It is an undeveloped portion of land between two existing housing developments.
10. The site is currently semi-improved grassland and some work has started to remove top soil in preparation for development. The proposed access is from Meadowvale Road through an existing housing development
11. The site boundaries are mainly undefined as the proposal is for change of house types within an already approved development that is currently agricultural land.
12. The site is bound to the west by existing hedgerow and abuts properties 11 and 14 Meadowvale Road (existing semi-detached dwellings) and partially to the north east by a hedgerow which abuts a laneway that back onto existing housing at Alveston Drive, off the Killynure Road.

Surrounding Context

13. The site is an undeveloped piece of land surrounded by existing residential development. The surrounding area is comprised of medium to high density housing.

Proposed Development

14. This is a full application for the proposed erection of 14 dwellings, including landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F).

Relevant Planning History

15. The planning history associated with the application site is set out in the table below:

Reference	Site Address	Proposal	Decision
LA05/2023/0061/F	Land to the south east of Meadowvale Road, Carryduff	Amendment to Approved permission LA05/2019/0705/F: change of house types on plots 98 to 105 inclusive, including the removal of the apartments at plots 104 and 105 and their replacement with houses (total of 8 No. units replacing 8 No. approved units). Retention of road design as approved with minor amendment to change the location of accesses and amendments to landscaping.	Application Withdrawn 04/08/2023
LA05/2019/0705/F	Land to the south east of Meadowvale Road and south of Alveston Drive and Killynure Green incorporating BMAP zoning CF-04/04	Residential development proposal incorporating 110 dwellings in a mix of 10 detached, 98 semi-detached and 2 apartments with access from Meadowvale Road, cycle and pedestrian access from Alveston Drive, play park, public open space, associated landscaping and ancillary works to include temporary package sewage treatment plant.	Permission Granted 19/08/2021

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection.
DfI Rivers Agency	No Objection
LCCC Environmental Health	No Objection
NI Water	Objection
NIEA Water Management Unit	No objection

Representations

17. No representations have been received on this proposal.

Environmental Impact Assessment (EIA)

18. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
19. The site area is 0.87 hectares and exceeds the threshold set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
20. An EIA determination was carried out for this proposal and it was concluded that given the scale and nature of the proposal that there was not likely to be any unacceptable environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

23. In accordance with the transitional arrangements the existing Carryduff Local Plan and draft BMAP remain material considerations.
24. The application site is zoned for residential development in both the Carryduff Local Plan and draft BMAP.
25. Significant material weight is afforded to the designation in the post 2014 revision to BMAP CF04/04 as this was carried through a Public Inquiry process. The site has previous history of planning permissions linked to this designation.
26. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

27. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

28. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

29. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

30. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

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

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

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

31. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

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

Housing in Settlements

33. As this application is for residential development policy HOU1 - New Residential Development states that:

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

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

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

34. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

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

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

overall design and layout of the development.

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

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

35. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

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

in terms of overlooking, loss of light, overshadowing, noise or other disturbance

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

36. The Justification and Amplification states that:

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

37. It also states that:

Accessible Accommodation

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

38. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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

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

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

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

HOU11) where a commensurate level of private communal open space is being provided.

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

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

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

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

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

39. The following paragraph in the Justification and Amplification is modified as follows:

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

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

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

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

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

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

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

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

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

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

41. The Justification and Amplification states that:

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

42. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing – affordable housing is:

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

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

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

Natural Heritage

43. Given this is a large site the potential impact on the natural environment is considered. Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

45. The proposal is to create a new access to the public road through Meadowvale.

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

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

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

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

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

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

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

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

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

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

48. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

49. Policy TRA7 – Car Parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

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

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

Flooding

50. This proposal is for a residential development comprised of more than 10 dwellings. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

53. It states that:

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

54. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

55. Paragraph 3.8 of the SPPS states:

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

56. 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.
57. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

58. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

59. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments’ (May 2000) to also be considered.
60. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

61. Paragraph 7.16 provides guidance on separation distances stating:

Where the development abuts the private garden areas of existing properties, a separation distance greater than 20 metres will generally be appropriate to minimise overlooking, with a minimum of around 10 metres between the rear of new houses and the common boundary.

62. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

63. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

64. This application is for change of house types for 14 residential units within the settlement limit of Carryduff. The land on which this development is proposed has been zoned for housing in BMAP. There is also a history of an extant planning permission for housing. As such, this is a suitable location for new residential development and the policy tests associated with Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

65. The scheme comprises two pairs of semi-detached dwellings and ten detached dwellings. They are all two storey dwellings of similar design to that which was previously approved and typical of a suburban setting. They follow the general layout and arrangement of the previously approved scheme.
66. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments adjacent.

67. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
68. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed changes and it is considered that the established residential character of the area would not be harmed.
69. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties also ensure that there is no overlooking into the private amenity space of neighbouring properties. The buildings are no dominant or overbearing and no loss of light would be caused.
70. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 is met.
71. With regards to criteria (b), there are no archaeological features or historic environment within the application site that need to be identified and integrated into the proposal.
72. No other landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

73. The layout as shown on the proposed drawing 02 demonstrates that there are a number of different house types proposed. A description of these house types is outlined below. They propose different house types with similar design themes running throughout.
74. Plots 56 and 62 consists of house type Q4, changed from the previous approved house type N2a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
75. Plot 57 and 63 consists of house type Q4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
76. Plot 79 consists of house type N4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
77. Plot 78 consists of house type N4, changed from the previously approved house type N2a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
78. Plot 70 consists of house type B1, changed from the previously approved house type K1a. It consists of a four bed two-storey dwelling house and has a ridge

- height of 8.2 metres above the finished floor level.
79. Plot 71 consists of house type E4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a maximum ridge height of 8.9 metres above the finished floor level.
 80. Plot 72 consists of house type Q4c handed, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling house with a ridge height of 8.7 metres above the finished floor level.
 81. Plot 73 consists of house type B1, changed from the previously approved house type K1a. The house type is detailed above.
 82. Plot 106 consists of house type N4c, changed from the previously approved house type N1a. The house type is detailed above.
 83. Plot 107 consists of house type N4, changed from the previously approved house type N2a. The house type is detailed above.
 84. Plot 102 consists of house type Q4c handed, changed from the previously approved N1a. The house type is detailed above.
 85. Plot 103 consists of house type Q4, changed from the previously approved N2a. The house type is detailed above.
 86. The external material finishes are grey concrete tiles to the roof, walls to be clay facing brick and windows to be uPVC. These are acceptable for the site and its location in the urban context.
 87. The layout of the rooms in each of the units, the position of the windows and the separation distance between the proposed and existing properties also ensures that there is no overlooking into the private amenity space of neighbouring properties.
 88. The development on the site does not conflict with surrounding land uses. The buildings are not dominant or overbearing and no loss of light would be caused.
 89. The separation distances between each unit are acceptable and in keeping with Creating Places.
 90. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. And in curtilage parking spaces are provided for each unit.
 91. Each unit has their amenity space, a small area to the front and a substantial area to the rear/side of the unit. The lawn area as demonstrated on the site layout plan ensures building frontages are not dominated by hardstanding/car parking.
 92. The house types provided are accessible and designed to ensure that they are capable of providing accommodation that is wheelchair accessible for persons with impaired mobility.

93. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
94. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
95. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Carryduff. Criteria (c) is met.
96. The private outdoor amenity space across the development varies, with the smallest being 63 square metres to plot 106 and the largest being 163 square metres to plot 73. The provision of private amenity is in keeping with the guidance stipulated in Creating Places.
97. Boundary treatments around and within the whole site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing number 13. There is a mixture of fencing and boundary walls proposed. These are acceptable for this type of development in the urban context.
98. There is a landscaped open space area within the overall development that this proposal is a part of. There is also some landscaping within the overall scheme and to some of the boundaries. The proposal uses planting to soften the visual impact of the proposal. For the reasons outlined above, criteria (b) is met.
99. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development.
100. With regard to criteria (d) the proposed density, the proposal is for 14 change of house types on a site with an overall density of 22.6 dwellings per hectare which is not considered to be overdevelopment. The density is in keeping with the key site requirements and would provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. Also each unit size exceeds the space standards set out in supplementary planning guidance.
101. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are met.
102. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (l) is met.
103. Provision can be made for householder waste storage within the driveways for each other unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

104. Detail submitted with the application indicates that the site does not exceed one hectare and the proposal is not for more than 25 residential units. As such public open space does not have to be provided as an integral part of this development.
105. However, within the overall wider development there is provision for a landscaped open space area to include a children's play area. This application will not prejudice the delivery of the open space or play area granted at other locations within the wider scheme.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, four units are identified by the applicant to meet this policy requirement. This is in excess of the 20% minimum requirement. No more than eight dwellings are to be occupied until the four affordable dwellings are constructed and available for occupation.
103. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

104. As previously stated, this is an application for change of house types only from those approved under file reference LA05/2019/0705/F. The site is currently being developed.
105. Given the current condition of the site and ongoing works it was not considered necessary to consult with NIEA NHD.
106. That said the developer will have to have cognisance to the Wildlife Order when carrying out any works should the application be approved.
107. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such Policy NH2 and Policy NH5 of the Plan Strategy is capable of being met.

Access and Transport

108. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use. The road layout as proposed is the same as that approved under the previous application LA05/2019/0705/F and a pedestrian crossing on the Ballynahinch Road is also proposed, as previously approved.

109. As indicated above, a key site requirement associated with the related housing designation requires the access to be taken from Meadowvale Road.
110. Meadowvale links directly with the Ballynahinch Road. It was established through the previous application through the Transport Assessment that junction improvements are not required. However, a new pedestrian crossing was proposed and approved. The previous approval also made reference to Travel Cards for each dwelling for ideally the first few years of occupation of each new dwelling.
111. DfI Roads have been consulted on the proposal and have raised no objection. A condition is recommended for the proposal to operate in general accordance with the Framework Residential Travel Plan within the Transport Assessment of the previous application and also that prior to the occupation of any dwelling. DfI Roads requires the applicant to provide an updated Residential Travel Pack to the new residents of each phase and as part of the pack the applicant will provide a Translink Travel card for the first two years of each dwelling when first purchased and occupied. The Council has no reason to disagree with this recommendation as it is consistent with the planning history of the site.
112. In-curtilage parking is provided at two-spaces for each unit. The parking provision is in keeping with the Parking Standards set out in the Creating Places document and is considered to be acceptable.
113. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
114. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Flooding

115. With regard to policy FLD3, Rivers Agency advise that due to the nature of this particular application, a change of house type, it does not exceed the thresholds outlined in policy FLD3 and subsequently a Drainage Assessment is not required. They advise that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site in accordance with the approved drainage assessment relating to the previously approved application.
116. Based on a review of the information and advice received from DfI Rivers, is accepted that the proposal complies with policies FLD 3 of the Plan Strategy.

Other Material Considerations

117. NI Water have been consulted on the proposal and recommend refusal and advise that subject to the applicant engaging with NI Water they may reconsider its recommendation.
118. NI Water advise that there is a public foul sewer within 20m of the proposed development boundary and that an assessment has indicated network capacity issues.
119. In the previous application, due to capacity issues with the foul sewer network a temporary waste water treatment plant was proposed to serve the development until NI Water has completed its upgrade of its infrastructure after which, the development will switch to main sewage.
120. The previous application on the site was approved with negative conditions that none of the dwellings shall be occupied until works for the disposal of sewerage have been approved on the site, to serve the development, and that all details must be submitted and approved by the planning authority prior to commencement of development.
121. As the planning history remains a material consideration and the risk to the wider drainage network is managed the advice of NI Water is not agreed. A reason for refusal could not be sustained and it is recommended that the same negative condition in relation to provision of sewage infrastructure is also placed on this proposal.

Recommendation

122. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

123. The following conditions are recommended:
 1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
 2. No dwelling shall be occupied until the completion of the pedestrian crossing and any associated improvements to the Ballynahinch Road have been constructed generally in accordance with drawing number 14 published to the Planning Register on 25th July 2023.
Reason: In the interests of road safety and the improvement of the road

network for the convenience of road users.

3. No dwellings hereby permitted shall be occupied until the associated hard surfaced areas have been constructed in accordance with the approved layout drawing 02 published to the Planning Register on 25th July 2023, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

4. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

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

5. Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

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

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

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

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

8. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interests of road safety and the convenience of road users.

9. The development hereby permitted shall operate generally in accordance with the Framework Residential Travel Plan within the Transport assessment published by Lisburn City and Castlereagh Council Planning Office on 30 August 2019.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

10. Prior to occupation of any dwelling the Council requires the applicant to provide, for the department's approval, an updated 'Residential Travel Pack' to be provided to the new residents of each phase. As part of the Residential Travel Pack the Applicant will provide a Translink Travelcard for the first two (2) years for each dwelling when first purchased and occupied, or equivalent measures agreed with Lisburn City and Castlereagh Council.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

11. None of the dwellings hereby approved shall be occupied until works for the disposal of sewerage have been provided on the site, to serve the development permitted in accordance with details to be submitted to and approved by the Council.

Reason: To ensure that adequate drainage infrastructure is available.

12. No development hereby approved shall be commenced until details of a sewerage connection to serve the development hereby permitted have been submitted to and approved in writing by the Council in consultation with NI Water. The information to be submitted to the Council should include details of the siting, drawings and specifications of the sewerage connection and arrangements for its management and maintenance. Where a packaged sewage treatment plant is proposed, details of how the development hereby approved is eventually to be connected to the public system is also to be provided.

Reason: In the interest of public health.

13. Prior to the occupation of the development hereby approved the sewerage connection referred to in condition 12 must be installed as approved and be operational. The sewerage connection shall be managed and maintained thereafter in accordance with the approved arrangements.

Reason: In the interest of public health.

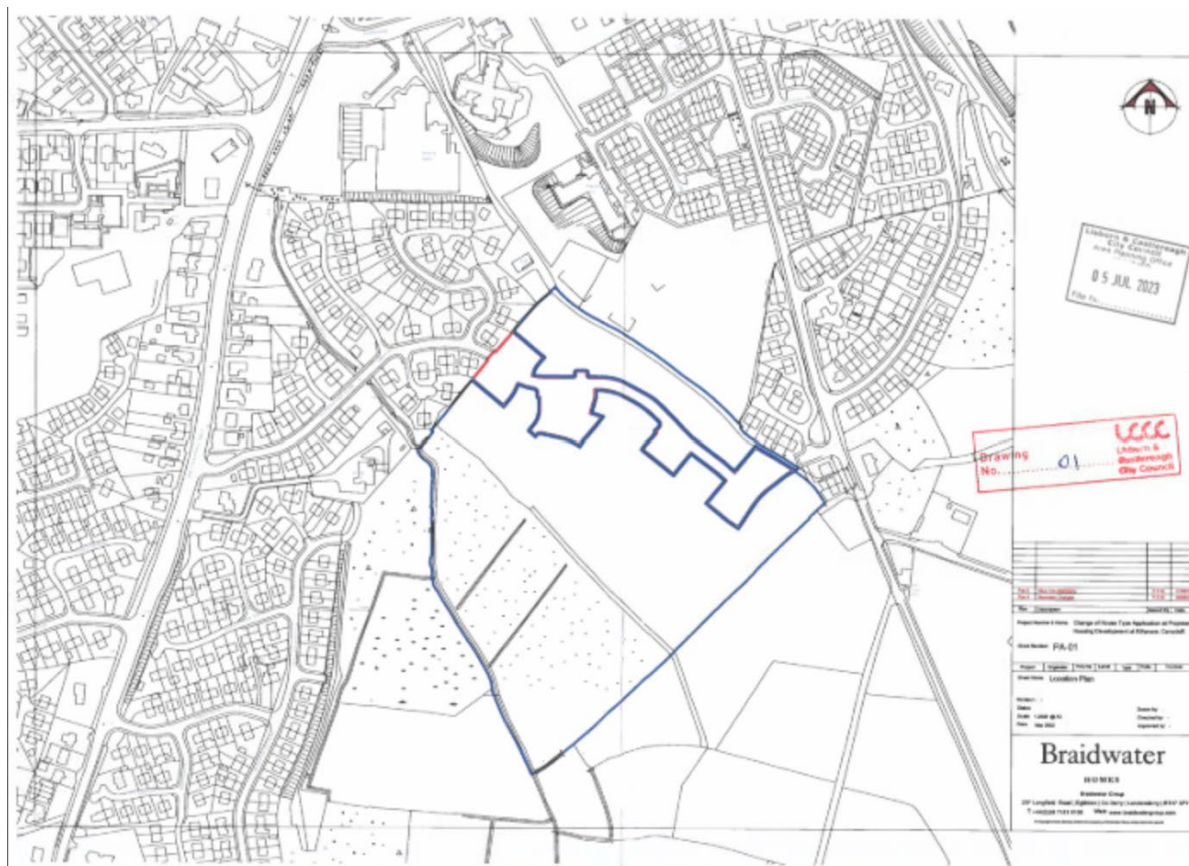
14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2023/0598/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	03 June 2023
Committee Interest	Local Application [Exceptions Apply]
Application Reference	LA05/2021/1219/F
District Electoral Area	Lisburn North
Proposal Description	Replacement of two terraced dwellings with two duplex apartments and a further four 1-bed apartments in a 1.5 block in the rear gardens
Location	15-17 Wilson Street, Lisburn
Representations	None
Case Officer	Peter McFadden
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU6 of Part 2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.

5. The proposal complies with policy NH 5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that accessible environment will be created.
7. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic.
8. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.

Description of Site and Surroundings

Site Context

9. The application site is approximately 0.63 hectares in size and is located at 15-17 Wilson Street Lisburn. It comprises the buildings and associated lands to the rear of these two properties.
10. The property at 17 Wilson Street is the end terrace property. Both properties are in a state of dis-repair.
11. The properties face directly onto Wilson Street and there is a pedestrian footway to the front of the dwellings. Both properties are constructed in red brick with a tiled roof. There are window and door openings. As previously stated, the properties are in a state of disrepair some roof tiles are missing and the window and door openings have been secured by blocking them up using wood or concrete blocks.
12. Also, vegetation can be seen growing out of the building at several locations. The land to the rear of the properties is very overgrown and unkept.

Surrounding Context

13. The site is located in an urban context with dwellings being predominantly two storey in nature. A notable exception being the bungalows located at 19-21 Wilson Street.
14. The older terraced properties of Wilson Street, Wesley Street and Low Road all open directly onto the street. The majority of these properties have large rear

gardens. The terraced properties of Roseville Park and Parkview have front amenity space and smaller rear gardens. Some properties have in curtilage parking, but most of the parking is to the front of these properties in unassigned parking bays.

- 15. There are several small areas of open space in the development and one larger grassed central open space area.

Proposed Development

- 16. The proposed development comprises the replacement of two terraced dwellings with two duplex apartments and a further four new build apartments to the rear of 15-17 Wilson Street.
- 17. The following documents are submitted in support of the application:
 - Biodiversity checklist
 - Design Concept Statement
 - Parking Survey

Relevant Planning History

- 18. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
S/1986/0073	Extension to Dwelling	15 Wilson Street	No details

Consultations

- 19. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
NIEA Natural Environment Division	No Objection
NIEA Water Management Unit	No Objection
Historic Environment Division	No Objection
Northern Ireland Housing Executive	Supportive

Representations

20. No representations in opposition to the proposal have been received.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

23. In accordance with the transitional arrangements the existing LAP and draft BMAP remain material considerations.
24. The LAP identifies the application site as being within the settlement limits of Lisburn.
25. In both revisions of draft BMAP the site is located within the settlement limit of Lisburn.
26. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting

balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

27. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that contribute to the creation of an environment which is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity and supports shared use of public realm. Good quality housing that supports more balanced communities must offer a variety of house types, sizes and tenures to meet different needs.

Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.

28. The strategic policy for Good Design and Positive Place Making is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Good Design and Positive Place Making states that:

The Plan will support development proposals that incorporate good design and positive place-making to further sustainable development, encourage healthier living, promote accessibility and inclusivity and contribute to safety. Good design should respect the character of the area, respect environmental and heritage assets and promote local distinctiveness. Positive place-making should acknowledge the need for quality, place-specific contextual design which promotes accessibility and inclusivity, creating safe, vibrant and adaptable places.

29. The strategic policy for Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

30. The strategic policy for Section 76 Agreements is set out in Part 1 of the Plan Strategy. Strategic Policy 07 – Section 76 Agreements states that:

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

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

- a) *improvements to the transport network, including walking and cycling routes, public transport or, where necessary appropriate parking provision*
- b) *affordable housing*
- c) *educational facilities and/or their upgrades*
- d) *outdoor recreation*
- e) *protection, enhancement and management of the natural and historic environment*
- f) *community facilities and/or their upgrades*
- g) *improvements to the public realm*
- h) *service and utilities infrastructure*
- i) *recycling and waste facilities.*

31. The strategic policy for Housing in Settlement Limits is set out in Part 1 of the Plan Strategy. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

- a) *are in accordance with the Strategic Housing Allocation provided in Table 3*
- b) *facilitate new residential development which respects the surrounding context and promotes high quality design within settlements*
- c) *promote balanced local communities with a mixture of house types of different size and tenure including affordable and specialised housing*
- d) *encourage compact urban forms and appropriate densities while protecting the quality of the urban environment.*

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

Housing in Settlements

33. The application is for residential development and policy HOU1 - New Residential Development states that:

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

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

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

34. Policy HOU3 - Site Context and Characteristics of New Residential Development states:

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

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

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

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

35. Policy HOU4 - Design in New Residential Development states:

Proposals for residential development will be expected to conform to all the following design criteria:

- a) *the design of the development must draw upon the best local architectural form, materials and detailing*
- b) *landscaped areas using appropriate locally characteristic or indigenous species and private open space must form an integral part of a proposal's open space and where appropriate will be required along site boundaries to soften the visual impact of the development and assist in its integration with the surrounding area*
- c) *where identified as a Key Site Requirement adequate provision is made for necessary local community facilities, to be provided by the developer*
- d) *residential development should be brought forward in line with the following density bands:*
 - *City Centre Boundary 120-160 dwellings per hectare*
 - *Settlement Development Limits of City, Towns and Greater Urban Areas: 25-35 dwellings per hectare*
 - *Settlement Development Limits of Villages and small settlements 20-25 dwellings per hectare.*
 - *Within the above designated areas, increased housing density above the indicated bands will be considered in town centres and those locations that benefit from high accessibility to public transport facilities*

- e) *a range of dwellings should be proposed that are accessible in their design to provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded*
- f) *dwellings should be designed to be energy and resource efficient and, where practical should include integrated renewable energy technologies to minimise their impact on the environment*
- g) *a proposed site layout must indicate safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks; meet the needs of mobility impaired persons; and respect existing public rights of way*
- h) *adequate and appropriate provision is made for car and bicycle parking including where possible electric vehicle charging points*
- i) *the design and layout must not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance*
- j) *the design and layout should where possible include use of permeable paving and sustainable drainage*
- k) *the design and layout design must demonstrate appropriate provision is made for householder waste storage and its collection can be facilitated without impairment to the access and maneuverability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*
- m) *Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.*

36. The Justification and Amplification states that:

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

37. It also states that:

Accessible Accommodation

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

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

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units or more, proposals will only be permitted where provision is made for a minimum 20%

of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

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

In exceptional circumstances where it is demonstrated that the affordable housing requirement cannot be met, alternative provision must be made by the applicant, or an appropriate financial contribution in lieu must be agreed through a Section 76 Planning Agreement. Such agreements must contribute to the objective of creating mixed and balanced communities.

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

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

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

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

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

39. The Justification and Amplification states that:

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

40. The Glossary associated with Part 2 of the Plan Strategy states that:

Affordable Housing – affordable housing is:

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

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

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

Archaeologically and Built Heritage

41. The site is within proximity to listed buildings at Victoria Crescent and from the constraints map a possible rath and ecclesiastical site is highlighted.
42. Policy HE1 – The preservation of Archaeological remains of Regional Importance and their Settings states that:

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

43. Policy HE4 – Archaeological Mitigation states that:

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

44. Policy HE9 – Development affecting the Setting of a Listed Building states that:

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

- a) *The detailed design respects the listed building in terms of scale, height, massing and alignment.*
- b) *The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building*
- c) *The nature of the proposed respects the character of the setting of the building.*

Natural Heritage

45. Given demolition is proposed and rear gardens are substantially overgrown the development has the potential to impact on the natural environment. Policy NH5 -

Habitats, Species or Features of Natural Heritage Importance states that:

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

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

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

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

Access and Transport

46. The application involves the construction of a new access to the public road for both vehicular and pedestrian use. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

48. The justification and amplification states that:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

49. Policy TRA7 – Car Parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards³³ or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.

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

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

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

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

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

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

Flooding

50. As more than 1000 square metres of hard surfacing is proposed Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

53. It states that:

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

54. Paragraph 3.6 of the SPPS states:

planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.

55. Paragraph 3.8 of the SPPS states:

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

56. 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.

57. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This approach

to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

58. Whilst not policy, the following guidance documents remain a material considerations:

Creating Places

59. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
60. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.
61. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision as follows:

Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Development Control Advice Note 8 - Housing in Existing Urban Areas

62. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

63. This application is for six residential units within the settlement limit of Lisburn. The land on which this development is proposed has previously been in residential use. The criteria of Policy HOU1 is considered to be satisfied.

Policy HOU3 - Site Context and Characteristics of New Residential Development

64. The surrounding area is characterised by residential properties predominantly terraced in nature. Most of the properties open directly on to the street. Some have small garden plots to the front and parking in largely unassigned.
65. There is also a mix of house types within the immediate area comprising bungalows and semi-detached properties.
66. The form of the buildings associated with the proposed development is characteristic of the built form in the area and the terraced appearance to the front of Wilson Street is retained.
67. Based on a review of the information provided, the character of the area will not be significantly changed by the proposed development nor will the established residential character of the area would not be harmed.
68. The layout of the rooms in each of the units, the position of the windows and the separation distances between the proposed and existing buildings will ensure that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
69. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Places document it is followed and that criteria (a) of policy HOU3 met.
70. With regard to criteria (b), advice from Historic Environment Division (Historic Buildings) confirms that the site is in close vicinity to the listed buildings in Victoria Crescent and the possible archaeological sites HED where consulted.
71. Advice confirms that HED has considered the effects of the proposal on the listed buildings HB19/16/017/A-S (Victoria Crescent) and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that it's setting will remain unaffected.
72. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal development will not adversely impact archaeological sites.
73. No other landscape characteristics/features have been identified that required integration into the overall design and layout of the development. Having regard to the advice of HED and for the reasons outlined above criteria (b) of the policy is met.

Policy HOU4 - Design in New Residential Development

74. The layout as shown on the proposed drawing [scheme design 21049-03G) published to the Planning Portal on 06 March 2023 illustrates the proposed development and building types. A full description of these is outlined below.
75. The existing two terraced properties are replaced with a building which facilitates two apartments over three floors.
76. Apartment one is accessed from Wilson Street and retains the terrace effect with its window and door openings. It has two bedrooms both ensuite on the first floor with an open plan living/dining /kitchen area on the ground floor. There is also a separate WC on the ground floor.
77. Apartment two is accessed from the rear and the living accommodation is at first and second floor level. Open plan living is on the first floor with bedrooms on the second floor.
78. There is an open archway at ground floor level which permits vehicular and pedestrian access to the rear. The building is finished in white smooth render reflective of the surrounding terrace dwellings. Flat profile cement roof tiles and black rainwater guttering is proposed.
79. The development to the rear provides for four self-contained units. The finishes are as previously noted for the terraced element of the scheme and are in keeping with the wider locality.
80. The building is two storey with a ridge height of 7 metres which is lower than the ridge height of the terraced properties on Wilson Street which are approximately 8 metres in height. Each apartment has its own entrance.
81. Two apartments are on the ground floor with two on the first. These have similar layouts with open plan living/kitchen areas with a single bedroom and bathroom. Both of the gable elevations are blank with no window or door openings.
82. There are no windows to the gable elevations and as such, the potential for overlooking into the properties to the side of the proposal particularly those properties in Roseville Park located to the south is limited.
83. The separation distance from the terraced element of the proposal to the rear element is 14 metres. This is considered sufficient to ensure privacy to those properties.
84. Additional planting has been annotated on the drawing to the rear of the bungalow at 19 Wilson Street. The separation distance of the block to the rear of the existing properties in Parkview is between 16-18 metres.
85. These are set approximately 7 metres from the rear boundary of the site. The windows to the rear are bedroom and bathroom windows. This arrangement is not uncommon in the urban context.

86. The layout of the rooms in each of the units, the position of the windows along with the separation distances described above also ensures that there is no overlooking into the private amenity space of neighbouring properties. A new two-metre-high close boarded fence is also to be constructed to all site boundaries.
87. The development on the site does not conflict with surrounding land uses. It is well separated from adjoining residential development on the east and is situated at a lower ground level. The buildings are not dominant or overbearing and no loss of light would be caused.
88. The proposed apartments face towards the internal parking area. Unassigned in curtilage parking spaces are provided.
89. There is a small garden and bin storage area for the two terraced apartments with communal open space provided to the rear of the site. The space measures approximately 130-140 square metres. This is in line with the Creating Places document and the overall context of the site and its location in this dense urban setting.
90. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
91. For the reasons outlined above, criteria (a), (b), (e), (f) and (i) are met.
92. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to the wider area and the facilities and services provided. Criteria (c) is met.
93. With regard to criteria (d) the proposed density equates to 95 dwellings per hectare.
94. In the wider local we have a tight urban grain of terraced properties with a density well in excess of 130 dwellings per hectare this is reflective of the time when these terraced properties were constructed.
95. The development of Roseville and Parkview are more modern in construction and the density is around 50 to 60 dwellings per hectare. This proposal sits somewhere in the middle.
96. City centre living indicates a proposed density of 120-160 while within the settlement limits this is 25-35 dwellings per hectare. Given the existing context the proposed density is not considered to be excessive and is reflective of the wider area. It also brings back into use a derelict site in close proximity to Lisburn City Centre and promotes the re-use of brownfield land for regeneration.
97. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are met.

98. The delineation of plots and all overlooking the internal space and the existing road frontage will serve to deter crime and promote personal safety. Criteria (l) is met.
99. Provision can be made for householder waste storage this was confirmed by LCCC Environmental Health Unit. Criteria (k) is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 2 dwellings. The agent and applicant has confirmed that it is their intention to prepare and submit the details as required for the Section 76 to issue if approval is granted.
103. Advice from the Housing Executive is supportive of the delivery of such affordable accommodation in the area.
104. A total of two affordable housing units are required as part of the development. As this is a small scheme and all the buildings are likely to be constructed at the same time there is no requirement for a restriction on the number of units that can be built before the affordable housing is delivered.
105. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

106. A Bio-diversity checklist was requested and submitted. It is dated December 2021 and carried out by Ayre Environmental Consulting limited.
107. The checklist does answer yes to several questions in part 1 and 2 of the form and for that reason part 3 of the form and an ecological statement has been provided. The following comments are made:

Priority Habitats

108. None of the extant habitats are classified as priority habitat.
109. After consideration of the vegetation and buildings on site it was concluded that as such both dwellings are assessed as holding negligible suitability for roosting bats. The corrugated outbuilding is also assessed as holding negligible suitability. This is also the case with the existing vegetation.

Badgers

110. No field evidence was identified on the application site or boundaries and due to the density of the surrounding residential properties it is unlikely to be any presence in a 25 metre refuge buffer area of the site.

Invasive Species

111. There is evidence of a small stand of Japanese Knotweed adjacent to the southern boundary with 19 and the southwest corner of 17. This is a schedule 9 invasive species remedial action will be required prior to site works commencing if approval is granted.
112. NIEA Natural Environment Division has offered no objection.
113. For the reasons outlined, the proposed development will not give rise to significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such Policy NH5 of the Plan Strategy is capable of being met.

Access Movement and Parking

114. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
115. During the processing of the application, DfI roads requested additional information in relation to site splays and parking arrangements. This has been provided by the applicant as well as a parking survey.
116. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian access.
117. Drawings submitted demonstrate that the appropriate visibility splays can be achieved these are noted as 2 metres by 30 metres in each direction. There is also the installation of drop kerbs to match existing.
118. DfI Roads has reviewed the detail and has offered no objection. It is considered that the development complies with policy TRA2 of the Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic.
119. Six parking spaces are provided within the application site. These spaces are however unassigned. The parking standard for a one bedroom apartment is 1.25 spaces. The standard for a two bedroom apartment is 1.5 spaces.
120. For the proposed development this would equate to 4 x 1.25 spaces and 2 x 1.5. A total of 8 spaces. As stated, 6 additional spaces are provided and the parking survey submitted in support of the application demonstrates that there is ample on street parking for the development.
121. Mindful that the existing terraced dwellings had no in parking and having regard to the parking survey which demonstrates that there is adequate on street

parking the proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Planning and Flood Risk

122. The P1 Forms indicates that both surface water and foul sewage will be disposed of via mains connection and the site is not with in an area of known risk of flooding.
123. Advice received from NI Water confirms that there is a public water supply within 20 metres of the proposed site. In relation to public foul sewer, the response advised that there is a public foul sewer within 20m of the proposed development boundary that can adequately service these proposals. There is available capacity at the WWTW. As such they have no objection to the proposal.
124. NIEA WMU also have no comment on the proposal subject to standard informative.
125. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from Water Management Unit and NI Water, it is accepted that the proposal complies with policy FLD3 of the Plan Strategy.

Historic Environment and Archaeology

126. Advice was sought from Historic Environment Division given proximity of site to listed buildings in Victoria Crescent and the possible archaeological sites.
127. Advice received confirms that Historic Buildings has considered the effects of the proposal on the listed buildings HB19/16/017/A-S (Victoria Crescent) and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that it's setting will remain unaffected.
128. They also comment on the possible archaeological sites. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and HE1 and HE4 archaeological policy requirements.
129. It is therefore contended that the proposed development complies with policies HE1, HE4 and HE9 of the Plan Strategy.

Recommendation

130. The application is presented with a recommendation to approve as it is considered to comply with relevant operational policies in the Plan Strategy. This recommendation is however subject to conditions and a Section 76 planning

agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

131. The following conditions are recommended:

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

Reason: Time limit

2. The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with the Site Layout, bearing the date stamp 26 March 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Site Layout, bearing date stamp 26 March 2024 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

5. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

6. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no.21049-03G uploaded to the planning portal on 6/3/24 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

7. No development shall be commenced until the developer has entered into an agreement with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006.

Reason: To ensure a practical solution to sewage disposal from this site is possible

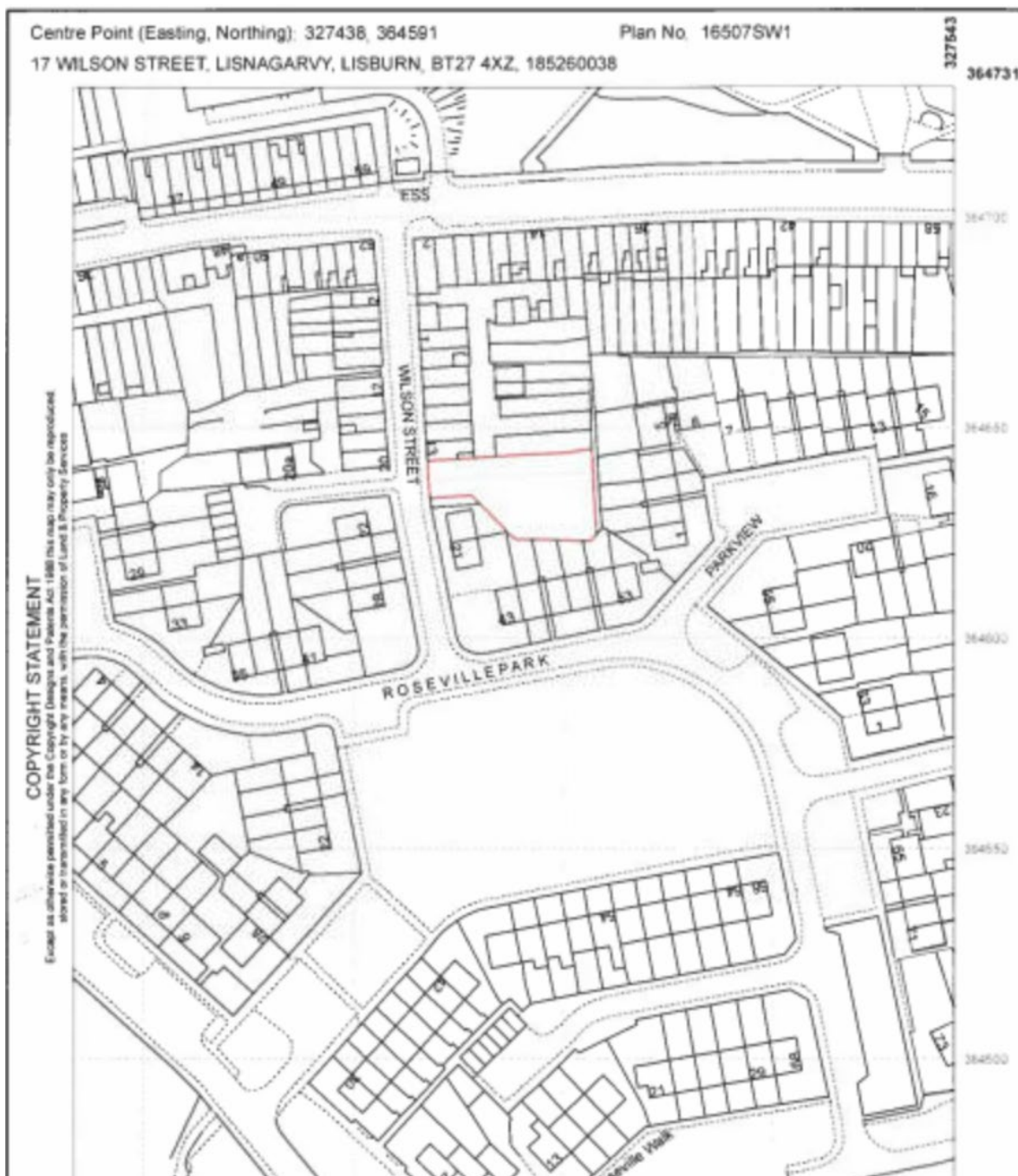
8. All hard and soft landscape works shall be carried out in accordance with Drawing No. 21049-03G uploaded to the planning portal on 6/3/24 17/2. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2021/1219/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2023/0174/O
Date of Application	23 February 23
Proposal Description	Proposed new dwelling with garage/storage on a farm.
Location	Approximately 255 metres Northwest of 57 Magheradartin Road & 270 metres East Southeast of 39 Magheradartin Road
Representations	None
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented with a recommendation to refuse as it is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is also contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to criteria (b), (d) and (e) of Policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, the site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for

the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration.

5. The proposal is contrary to criteria (b), (c) and (e) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, which is not in keeping with the traditional pattern of development and it will result in an adverse impact on the rural character of the area.
6. The proposal is contrary to Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological Importance.

Description of Site and Surroundings

7. The application site is comprised of a portion of a larger agricultural field that is accessed off the Magheradartin Road via an existing field gate. The field slopes up towards the crest of a hill and then slopes away again towards the northwestern section of the field.
8. Boundaries are undefined and minimal vegetation surrounds the site. There is existing hedging along the agricultural laneway and hedging either side of the access field gate.

Surroundings

9. The character of the surrounding area is rural in nature comprising of farm holdings, single dwellings and agricultural lands.

Proposed Development

10. Outline planning permission is sought for the erection of a proposed new dwelling with garage/storage on a farm.

Relevant Planning History

11. The planning history associated for an adjacent site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2016/0011/O	Erection of storey and a half farm dwelling and garage including paired access and laneway	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough	Permission granted 25/01/17
LA05/2017/0869/RM	Erection of farm dwelling and garage including new paired access from main road, laneway and associated siteworks	Site approx. 140 metres south of 23 Corcreeny Road Hillsborough	Permission granted 10/10/17
LA05/2018/0678/F	Change of access arrangement from that previously approved under planning application reference LA05/2017/0869/RM	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, B	Permission granted 11/01/19

Consultations

12. The following consultations were carried out:

Consultee	Response
DAERA	No Objection
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
NIEA	No Objection
HED Historic Monuments	Objection

Representations

13. No representations in opposition to the proposal have been received.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

16. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
17. In both the Lisburn Area Plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
18. This application is for a new house in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst*

- protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

19. The following operational policies in Part 2 of the Plan Strategy also apply.
20. The proposal is for a farm dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

21. As explained, this is an application for a farm dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU15, COU16 and WM2 of the Plan Strategy.

Dwellings on Farms

22. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

a) the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years

b) no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Integration and Design of Buildings in the Countryside

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

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

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

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*

- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Habitats, Species or Features of Natural Heritage Importance

25. The potential impact of the proposal on natural heritage interests is considered. It is stated at policy NH5 - Habitats, Species or Features of Natural Heritage Importance that:

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

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

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

Waste Management

26. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

27. The proposal involves the construction of a new access to a public road. This will provide access for pedestrians and vehicles. Policy TRA2 – Access to Public Roads states:

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

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

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

28. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Historic Environment and Archaeology

29. The application site is located in close proximity to a possible archaeological enclosure identified through review of aerial photographs. Policy HE2 states that:

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

30. Policy HE3 – Archaeological Assessment and Evaluation states that:

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

31. *The justification and amplification states:*

The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council at an early stage. An archaeological assessment normally entails a desk based study, by a qualified/ suitably accredited archaeologist, of

existing information including records of previous discoveries, historic maps or geophysical surveys.

An archaeological field evaluation involves ground surveys and limited and targeted licensed excavation which is quite distinct from full archaeological excavation. Evaluations of this kind help to define the importance, character and extent of the archaeological remains that may exist in the area of a proposed development, and thus indicate the weight which should be attached to their preservation. They may also provide information useful for identifying potential options for minimising or avoiding damage. Such information will permit informed and reasonable planning decisions to be taken by the Council through consultation with DfC.

Regional Policy and Guidance

Regional Policy

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

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

33. Paragraph 3.8 of the SPPS states:

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

34. This proposal is for a farm dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years.

35. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

36. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

37. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns are spread across our countryside. These patterns including farm type and size are reflective of different agricultural activities as well as the influence of the linen industry which supported the development of small holdings.

38. Paragraph 2.7.1 of Building on Tradition states that:

The form of the farmstead is dictated by the scale and the type of farming practiced, local climate and topography, as well as building materials available locally. The most common form in the last century reflected improvements in farming with buildings serving different functions becoming more segregated and arranged around a farmyard.

39. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *void full frontal locations where bad weather can damage buildings*
- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
- *Look for sites with at least two boundaries in situ and preferably three*
- *Look for sites that face south (easy to achieve good passive solar gains).*

40. It also includes design principles that have been considered as part of the assessment:

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs,*

tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.

- *Retain existing hedgerows, boundaries and mature vegetation.*
- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*

41. With regards to waste-water treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

The principle of development for a farm dwelling

42. This application is an outline planning application for a site for a dwelling on a farm.
43. The name and address of both the applicant and owner of the farm business has been provided. The applicant does not own the farm business however DAERA has confirmed that the business has been in existence for more than 6 years and the applicant has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. The farm business has been established since 09 January 1992.
44. The evidence submitted in support of the application demonstrates that the farm business is both active and established and DAERA has confirmed this in their response. Criteria (a) of Policy COU10 is met.

45. A search of the planning portal against the applicants submitted Farm Map confirms that there are no records of any development opportunities having been sold off from the holding in the intervening period. Criteria (b) of Policy COU10 is met.
46. The main dwelling associated with the farm business is located at 57 Magheradartin Road. This is approximately 227 metres away from where the proposed dwelling is shown to be sited. There are a large number of farm buildings and dwellings immediately to the east and west of the main farm dwelling. These include property at 53, 55, 57A and 59. The buildings at 57 and 57A are associated with the farm.
47. The proposed siting for the new dwelling is substantially removed from all of these buildings. There are no farm buildings sited next to where the proposed dwelling is proposed and therefore not sited to cluster with an established group of buildings on the farm.
48. It is also considered that there is no visual linkage between the site and the established farm buildings. When observing both the site and group of buildings from the roadside there is a lack of intervisibility between the two. Furthermore, the significant separation distance between the group of farm buildings and the site and this re-enforces the visual separation.
49. Access to the site is via a new access to the public road at an existing field gate. DfI Roads are content with the details provided and are content with the access in principle.
50. Whilst Policy COU10 provides for an alternative site elsewhere on the farm to be considered by exception no detail has been submitted to demonstrate there are demonstrable health and safety reasons which merits the discounting of sites closer to the farm buildings nor are verifiable plans to expand the farm business presented. Criteria (c) of Policy COU10 is not met.

Integration and Design of Buildings in the Countryside

51. Having regard to the site context, it is considered that a single storey dwelling on the proposed site would not give rise to issues of prominence. Criteria (a) is met.
52. In respect of criteria (b) and for the reasons outlined above within the context of Policy COU10(c), the proposed dwelling is not sited to cluster with an established group of buildings and is therefore unable to integrate with its surroundings.
53. In terms of criteria (c) it is noted that the landform is such that the site begins to slope down towards the northwest therefore a dwelling on this part of the field will respect the existing topography and will be sited below the crest of the drumlin, with the slopes to the south and east which provide a backdrop.

54. There is an existing hedgerow that bounds the site to the west along the length of the agricultural laneway. The remainder of the site is however open with no defined boundaries. The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. For this reason, it will also rely primarily on the use of new landscaping for integration. Criteria (d) and (e) are not met.
55. This is an outline application and as such no design details have been provided. That said, a building could be sited and designed to be appropriate to the site and its locality.
56. The main impact resulting from the ancillary works is the construction of the access. A new access however will follow an existing agricultural laneway and the entrance point is at an existing field gate limiting any impact on the ability for ancillary works to integrate the development into the countryside.
57. For the reasons outlined in the preceding paragraphs it is considered the proposal is contrary to criteria (b), (d) and (e) of COU15.

COU16 - Rural Character

58. For the reasons outlined above, a new dwelling will not be unduly prominent in the landscape. Criteria (a) is met.
59. For the reasons outlined above within the context of Policy COU10(c), the proposed dwelling is not sited to cluster with an established group of buildings and is therefore unable to integrate sympathetically with its surroundings. Criteria(b) is not met.
60. A new dwelling would not respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling not clustered with existing buildings where the pattern is dispersed farmsteads comprised of dwellings and farm buildings. Criteria (c) is not met.
61. The site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside and it does not result in urban sprawl when viewed with the existing buildings. Criteria (d) is met.
62. This proposal will have an adverse impact on the rural character of the area by virtue of the introduction of a new single dwelling in the countryside, which is unacceptable in principle and is not capable of clustered with existing buildings on the farm for the reasons outlined above. Criteria (e) is not met.
63. In respect of criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on residential amenity in respect of any neighbouring properties.
64. In relation to criteria (g) and (h) the proposed services can be provided underground or from existing overheads lines along the road frontage or

adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services. The ancillary works will not harm the character of the area.

65. In respect of criteria (i) for the reasons set out at paragraphs 78-80 access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
66. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to meet criteria (b) (c) and (e) of COU16.

Policy WM2 - Waste Management

67. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soak away and foul sewage via a septic tank.
68. LCCC Environmental Health and NI Water were consulted and offer no objection.
69. Consent to discharge is required as a separate consent outside of the planning process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
70. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

Access and Transport

71. The access currently in use as an agricultural laneway. This is required to be upgraded.
72. DFI Roads have considered the detail and offer no objection in principle to the proposed development.
73. Based on a review of the information and the advice from statutory consultee, it is accepted that an access to the public road can be accommodated in principle without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of Policy TRA2 of the Plan Strategy are met in full.

Natural Heritage

74. As explained above, the site lacks established boundaries. A dwelling on the site therefore will not result in any undue harm to any interests of natural heritage importance. It is recommended that the existing boundary vegetation

along the laneway albeit limited shall be retained by way of condition in order to prevent unnecessary adverse impact on features of natural heritage.

75. It is anticipated that there will be no significant removal of mature vegetation required for the purposes of providing the necessary visibility splays.
76. The tests associated with Policy NH5 are met.

Historic Environment and Archaeology

77. Historic Environment Division (Historic Monuments) have advised that the application site is located in close proximity to a possible archaeological enclosure identified through review of aerial photographs (see below).
78. Historic Environment Division (Historic Monuments) requested additional information to enable them to provide informed and reasonable planning advice. An archaeological evaluation is therefore requested and if not provided, the proposal would be contrary to policy.
79. No Archaeological Evaluation has been made and as such, the applicant has failed to demonstrate that the proposal complies with Policy HE3 of the Plan Strategy and that no unacceptable adverse impact on a potential buried archaeology will arise.

Conclusions and Recommendation

80. It is recommended that planning permission is refused.

Refusal reasons

81. The following refusal reasons are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
 - The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
 - The proposal is contrary to criteria (b), (d) and (e) of Policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, it lacks long established natural boundaries and is therefore unable to provide a suitable degree of

enclosure for the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration.

- The proposal is contrary to criteria (b), (c) and (e) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, which is not in keeping with the traditional pattern of development and will result in an adverse impact on the rural character of the area.
- The proposal is contrary to Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological importance.

Site Location Plan – LA05/2023/0174/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/0236/O
Date of Application	03 March 2022
District Electoral Area	Downshire West
Proposal Description	Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works
Location	Lands 120m southwest of 80 Redhill Road Dromore
Representations	None
Case Officer	Joseph Billham
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. The proposal is also contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that there is no building within the site that exhibits the essential characteristics of a dwelling.
4. Furthermore, the proposal is contrary to criteria (b) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would have a visual impact significantly greater than the existing building.

5. The proposal is contrary to criteria (a) and (c) of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would result in a prominent feature in the landscape and would fail to blend with the landform.
6. The proposal is contrary to criteria (a) and (e) of policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape and have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

7. This site is located on the south side of Redhill Road. The site comprises part of a larger agricultural field and measures approximately 0.13 hectares in size. The topography of the site is relatively flat.
8. There is a single storey building on the site. It is positioned and orientated to face the Redhill Road. The building has several openings to the front and rear elevations and it has a pitched roof.
9. The building finishes include stone walls, red brick, block walls and corrugated iron sheeting roof. Some of the windows openings have wooden surrounds.
10. The site is bounded by two laneways to the east and west. One is an agricultural laneway and the other provides access to a single dwelling.
11. The northern boundary fronting the road consists of mature trees, hedging and post wire fencing. The west boundary comprises an agricultural field gate, post wire fencing and mature hedging. The east boundary comprises of maintained mature hedging shared with the adjacent residential laneway.

Surroundings

12. The site is located within a rural area. To the north of the site on the opposite side of Redhill Road there are buildings associated with Brookfield Farm and a single storey detached dwelling.

Proposed Development

13. The proposal seeks permission to demolish an existing building and erect a replacement dwelling with associated works.

Relevant Planning History

14. The planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
S/2011/0348/F	Proposed demolition of existing derelict vacant dwelling and erection of replacement dwelling and garage associated.	120m south west of 80 Redhill Road Donaghcloney	Appeal Dismissed
S/2004/0578/O	Dwelling & Garage	120m SW of 80 Redhill Road Donaghcloney	Appeal Dismissed
S/2003/0840/O	Site for dwelling and garage	120m south west of 80 Redhill Road Donaghcloney	Permission Refused

Consultations

15. The following consultations were carried out:

Consultee	Response
DFI Roads	No objections
Environmental Health	No objections
NI Water	No objections
NIEA	No objections
NIE - Belfast	No objections

Representations

16. No representations have been received in relation to this application.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

19. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
20. The site was located in the countryside in the Lisburn Area Plan (LAP). In both draft BMAP (2004) and subsequent revision to the draft (2014) this site was also located the open countryside.
21. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

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

23. The proposal is for a replacement dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

24. In accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16 of the Plan Strategy.

Replacement Dwellings

25. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

COU8 Infill/Ribbon Development

Planning permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built up frontage must be visually linked.

Integration and Design of Buildings in the Countryside

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

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

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

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

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

safety or significantly inconveniencing the flow of traffic.

Habitats, Species or Features of Natural Heritage Importance

28. As the existing building is being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.
29. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

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

Waste Management

30. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

31. The proposal involves the alteration of an existing access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

32. The justification and amplification states:

For development proposals involving a replacement dwelling in the countryside, where an existing access is available but does not meet the current standards, the Council would encourage the incorporation of improvements to the access in the interests of road safety.

Regional Policy and Guidance

Regional Policy

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

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

34. Paragraph 3.8 of the SPSS states:

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

35. This proposal is for replacement dwelling. Bullet point two of paragraph 6.73 of the SPSS states that:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where

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

36. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

37. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

38. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

39. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

40. It also notes with regards to visual integration that the following points be considered:
- *Work with the contours (not against them)*
 - *Look for sheltered locations beside woodland*
 - *Make use of natural hollows*
 - *void full frontal locations where bad weather can damage buildings*
 - *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
 - *Look for sites with at least two boundaries in situ and preferably three*
 - *Look for sites that face south (easy to achieve good passive solar gains).*
41. It also includes design principles that have been considered as part of the assessment:
- *Get the size and scale right relative to what is existing.*
 - *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
 - *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
 - *Retain existing hedgerows, boundaries and mature vegetation.*
 - *Acknowledge building lines and informal setbacks.*
 - *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*
42. With regards to waste water treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Replacement Dwellings

43. The first step of the policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
44. The agent has submitted a Griffith valuation ledger and site photographs of the front elevation in support of the application. This information reports that the door and window openings, internal marks and soot stains from a chimney are characteristics of a dwelling.
45. The Griffiths valuation ledger and map submitted in support of the application details the history of the occupation of the building. The record details that the proposal site incorporates site 1B with William McClean and John Monro as occupiers and the building described as a house.
46. An email received from the agent 18 August 2023 provided more occupiers of the site:
 - *1864 Griffith Valuation- reference 1b Ballymacbrennan, Magheralin – occupier William McClean*
 - *PRONI VAL/12/B/21/7A – Richard McAvoy takes over occupancy from William McClean in 1868*
 - *PRONI VAL/12/B/21/7B (1879-1893)- occupier Richard McAvoy*
 - *PRONI VAL/12/B/21/7C (1894-1908) – occupied by various members of the Dummigan family and the site is merged with 1C*
 - *1901 census- Dumigan house listed as 12 Ballymacbrennan; description shows the house has walls of stone with three windows at the front. These features can clearly been seen on the street view image of the property*
 - *PRONI VAL/12/B/21/7D (1909-1920) – now listed as 1bc -occupation moves from the Dummigan family to Richard Purdy. House vacant in 1917*
 - *PRONI VAL/12/B/21/7E (1920-1929) – House is reoccupied in 1922 and passes through three tenants before it becomes vacant again in 1929*
47. Within the justification and amplification of Policy COU3 of the Plan Strategy it states:

The essential characteristics of a dwelling includes original features such as doors/ window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.
48. The building identified to be replaced does not have any of these features such as chimney to roof or internal evidence of a chimney or fireplace.

49. There is no evidence of any internal floor layout nor is there any evidence of individual rooms within the building. Instead, the building comprises one long room with no internal walls.
50. The internal floor of the building comprises hardstanding. There are a number of openings in the walls of the building. The windows to the front appear to have been altered with new stone work evident. The window openings to the rear have been blocked up with cement blocks.
51. On the side elevation facing the laneway to the west there is a large opening . This has been blocked up. The remaining openings are small and not typical of a residential dwelling.
52. The building whilst substantially intact with all four walls and roof remaining, the building is considered to be an agricultural outbuilding.
53. A previous appeal decision for the same building 2013/A0135 noted the following at paragraph 8 and 9:

I am not convinced that the markings and stone work on the interior of the south east gable wall constitute the remains of a chimney and in any event the presence of a chimney would not in itself provide proof of a residential use when considered in combination with the other features of the building. There is nothing to indicate that the building has ever been internally divided and there are no remnants of a fireplace or any other characteristics to indicate that the building was used as a dwelling in the past.

The Appellant's allegation that the appeal building was previously used as a farm labourer's cottage is speculative. Notwithstanding requests from the Department, no evidence, such as rating or census information, historical photographs, written confirmation or bills, was submitted to substantiate his claim in this respect. On the basis of the physical evidence before me in combination with the absence of any documentary verification, I conclude that the appeal building does not exhibit the essential characteristics of a dwelling and nor has it been demonstrated that it was ever used as such. Rather, the form and structure of the appeal building indicates to me that it is likely that it was designed and used for agricultural purposes.

54. Whilst the agent has provided more information by way of Griffiths valuation and historical maps to demonstrate that the building had been used as a house, the building as observed onsite does not exhibit the essential characteristics of a dwelling and this is supported by the view of the Commission in an earlier appeal decision. The circumstances are not changed.
55. For the reasons outlined above, the tests associated with COU3 are not met.

Consideration is given as to whether the building identified to be replaced is a non-listed vernacular dwelling and regard is had to A Sense of Loss – The

Survival of Rural Traditional Buildings in Northern Ireland in making this assessment.

56. In relation to defining what constitutes the vernacular and in particular rural vernacular dwellings the document notes:

Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local folk tradition.

57. No evidence has been provided as to when the existing dwelling has been constructed.
58. The Council's orthophotography and historical mapping tool shows a building on site has been present between OSNI Irish Grid Edition (1965 – 1996), OSNI Irish Grid Edition (1952 – 1979), OSNI County Series Edition 4 (1905 – 1957), OSNI County Series Edition 2 (1846 – 1862) and OSNI County Series Edition 1 (1832 – 1846).
59. It is noted that there were two other buildings present adjacent to the building to which this application relates on map OSNI County Series Edition 1 (1832 – 1846).
60. In terms of the primary characteristics of a vernacular dwelling, the building on site does not appear to have a formal plan and specification to the building. The building does have a rectangular linear plan. The depth of the building is 6 metres. The walls are of mass load bearing walls. There is no cooking hearth or chimneys along the ridge line. A number of the openings have been altered or blocked up over time. There is a large blocked up opening on the side gable facing the laneway.
61. The secondary characteristic is the building has symmetry and regularity in the openings. The roof type is a pitched roof. The walls appear to be load bearing.
62. The building on site would appear to have many of the primary characteristics in this regard and the agent has advised the building is now beyond economic repair. It is considered overtime that the condition of the building has deteriorated and whilst policy encourages sympathetic refurbishment with adaptation if necessary, it is considered that works beyond refurbishment and/or adaption would be required to make this building habitable.
63. Turning to the balance of the policy tests that are applied to all replacement cases, it is demonstrated on the site location plan and site layout plan that the proposed dwelling overlaps the footprint of the existing building and that it is sited within the established curtilage.
64. The application is seeking outline permission with the detailed design reserved. That said, within the site layout as submitted reference is made to a storey and a half dwelling.

65. Without prejudice to the view already expressed that the building on site is does not exhibit the essential characteristics of a dwelling it is considered that a new one and half storey dwelling would have a visual impact significantly greater than the existing building when travelling west to east along Redhill Road as the existing building is single storey, small in scale and mass.
66. For the reasons outlined above, the proposal is contrary to Policy COU3 in that the building does not exhibit the essential characteristics of a dwelling and its replacement would if approved have a visual impact significantly greater than the existing dwelling.

Integration and Design of Buildings in the Countryside

67. Turning then to policy COU 15 and having regard to the fact that the topography rises to a flat position, it is considered that the proposal would be a prominent feature in the landscape when travelling west to east along the Redhill Road. Criteria (a) is not met.
68. In terms of criteria (b) the proposal is for a replacement dwelling that overlaps the existing building on site. The site is considered to cluster with the building it is seeking to replace and with the adjacent single dwelling on the opposite side of the Redhill Road.
69. In regards to criteria (c) there are no existing trees, buildings, slopes or other natural features which provide a backdrop to assist the development to blend with the landform. The south western boundary is shared with the residential laneway and consists of native hedging.
70. The north western boundary fronting the laneway comprises of post wire fencing and scattered hedging. When travelling west to east direction along the Redhill Road taking into consideration the topography of the road the proposal would be seen prominent and would not have a backdrop that would allow a dwelling to blend in with the landform here. Criteria (c) is not met.
71. The north boundary of the site fronting the road has mature treeline. When travelling east to west the topography remains flat land. The site does not lack long established natural boundaries as the north boundary comprises of mature trees. This will provide a suitable degree of enclosure for the new building to integrate into the landscape when viewed from the east. Criteria (d) is capable of being met.
72. In terms of criteria (e), the proposal would not rely primarily on the use of new landscaping for integration.
73. In terms of criteria (f), and without prejudice to the view expressed in relation to the principle of replacement, a small single storey dwelling could be designed and sited to be appropriate to the site and its locality.

74. In terms of criteria (g), any ancillary works such as the access and boundary treatments to the curtilage of the development is capable of being designed to integrate into the surroundings.
75. A concept plan has been submitted showing the use of the existing access and agricultural field gate lane as an access point and DfI Roads offer no objection.

Rural Character and other Criteria

76. In terms of policy COU16, and for the reasons outlined above, a two and half storey dwelling would be unduly prominent in the landscape.
77. With regard to criteria (b) and for the reasons outlined above, a dwelling is capable of clustering with an established group of buildings.
78. In terms of criteria (c), a suitably designed proposal would be capable of respecting the traditional pattern of settlement exhibited within the area as the building can be replaced in-situ and the size of the curtilage restricted. .
79. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside. The site is sufficiently removed from any surrounding settlement limit.
80. For the reasons outlined earlier in the report a replacement would be prominent in the landscape when travelling in a west to east direction and would if approved have an adverse impact on the rural character of the area. Criteria (e) is not met.
81. Whilst no design details have been provided the closest dwelling is on the opposite side of the Redhill Road and is considered to be sufficiently distant to minimise any potential adverse impact on residential amenity.
82. The P1 form states that the proposed method of sewerage disposal is by treatment plant and soakaway.
83. Water Management Unit and EHO have both been consulted on the proposal and have raised no objections to the proposal. Further details of this shall be provided at reserved matters stage.
84. In terms of criteria (h), it is considered that the impact of any ancillary works would not damage rural character.
85. The existing access is to be utilised here. DFI Roads have been consulted and offered no objections. Criteria (i) is met.

Natural Heritage

86. The application site is not within or adjacent to any designated areas and there are no watercourses or streams within or adjacent to the site.
87. The existing building is proposed to be demolished. The agent submitted a Biodiversity Checklist and Ecological Constraints Report and a Bat Survey. The Bat survey concluded within section 5.0.3:

There was passing Lesser N. Leisleri bat, Soprano pipistrelle P. pygmaeus and Common pipistrelle .pipistrellus activity through and around the site but no bat roost was found in derelict dwelling or tress.

88. Section 5.0.5 states:

Development sites have a requirement to increase biodiversity and supplying one each of the specified bird nest and bat boxes (or if unavailable equivalent boxes) may contribute to potentially increasing local bio diversity and are recommended.

89. NIEA Natural Environment Division have been consulted and replied stating:

NED acknowledges receipt of Biodiversity Checklist & a Bat Survey Report and refers the Planning Authority to the new DAERA Standing Advice – NED – Single Dwellings, should any specific concerns be raised NED is content to be re-consulted with detailed description of issues.

90. It is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage and protected species importance and as such, the policy requirements of policy NH2 and NH 5 of Plan Strategy are met.

Access, Movement and Parking

91. The detail provided within the application (Q. 12 of P1 application form) and drawings illustrates that the scheme proposes to use an existing access and laneway to public road.
92. It is noted that the Redhill Road is not a Protected Route. As such Policy TRA 2 is engaged. DFI Roads have been consulted and offer no objections to this development, subject to standard conditions. It is therefore contended that no issues of concern shall arise with respect to road safety or the flow of traffic.

Policy WM2 - Waste Management

93. Detail submitted with the application form indicates that source of water supply will be from mains and surface water disposed of via a soak away and foul via treatment plant.

94. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
95. Consideration of flood risk is included as a criteria for assessment in policy WM 2. The site is not located with an area of flood risk on the rivers agency mapping system. The river agency maps indicate flood area is not within the red line of the site.
96. Based on a review of the information and advice received from consultees, the requirements of Policy WM2 of the Plan Strategy are complied with.

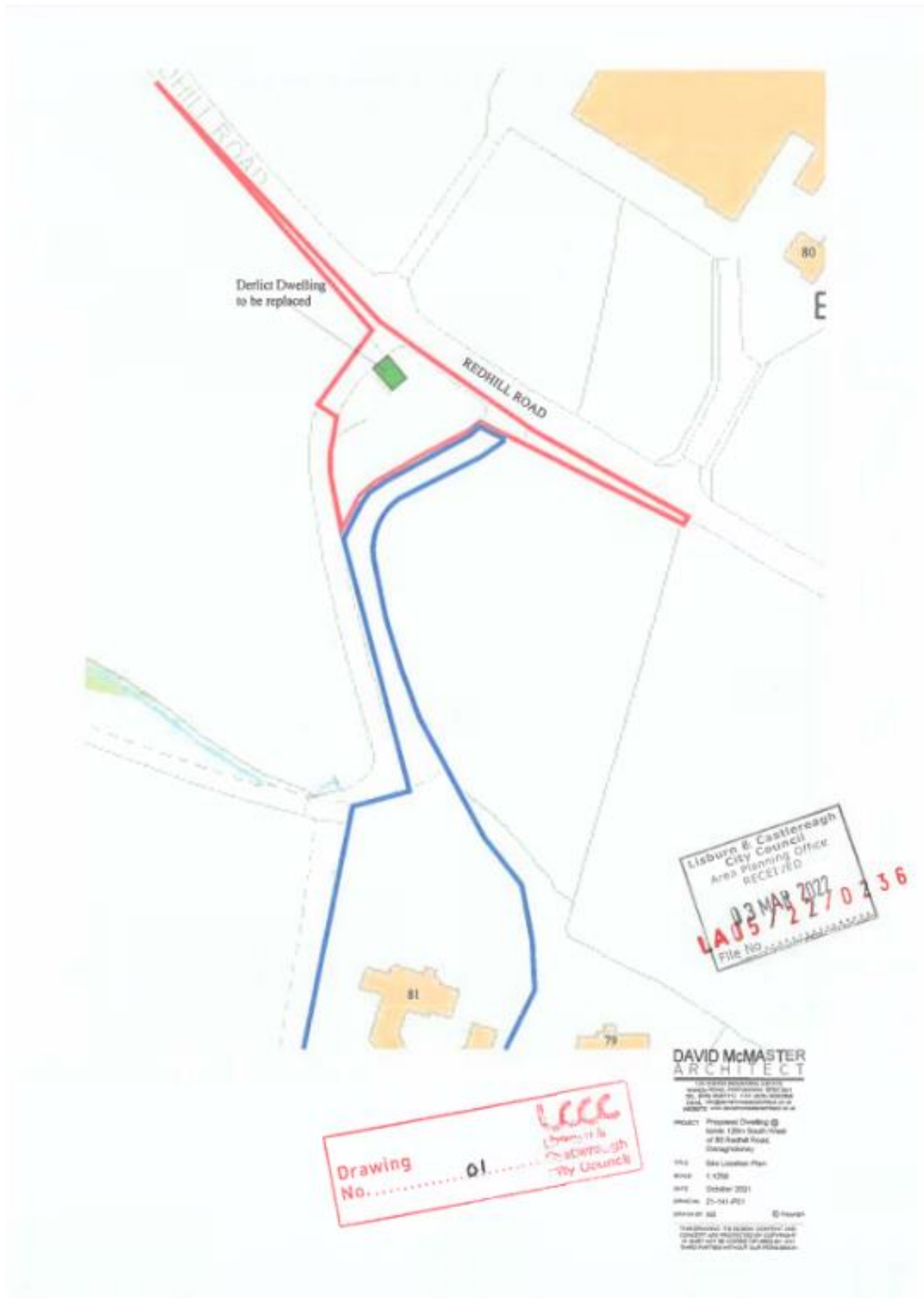
Recommendation

97. For the reasons outlined above, this is not a replacement opportunity and the application is presented to the Planning Committee with a recommendation to refuse.

Refusal Reasons

98. The following refusal reasons are recommended:
 1. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
 2. The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that there is no building within the site that exhibits the essential characteristics of a dwelling.
 3. The proposal is contrary to criteria (b) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would have a visual impact significantly greater than the existing building.
 4. The proposal is contrary to criteria (a) and (c) of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would result in a prominent feature in the landscape and would fail to blend with the landform.
 5. The proposal is contrary to criteria (a) and (e) of policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape and have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/0236/O





Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – April 2024

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function. 2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (see Appendix) summarising the monthly position for each indicator for the month of April 2024. 2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such. 3. Members will note that the performance against the statutory target for local applications for April 2024 was 32.6 weeks. This is based on 49 applications having been decided. This is an improvement of 12.5 weeks compared to the 45.1 weeks recorded last month [March 2024] based on 42 decisions having issued. 4. Officers had been focused on reducing the number of older applications. A separate report is provided showing the progress made in this regard. The team is now focused on improving performance whilst continuing to reduce the number of older applications. The implementation of a structural review and an improvement plan should see an overall improvement against this target in this business year. Key performance indicators are in draft to assist in measuring this performance. 5. It is important to note that legal challenges and ongoing resourcing pressures continue to impact on our ability to improve performance in relation to local applications. It is expected that the team will be at full complement by July 2024
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	<p>and a programme of improvement is planned to assist in improving the timeliness of decision making.</p> <p>6. Performance in relation to major applications for April 2024 was 49.4 weeks with one decision having issued. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p> <p>7. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review and a protocol is in draft to speed up the processing of planning agreements.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the unvalidated information in relation to the March 2024 Statutory Performance Indicators.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p> <p>.</p>	

Statutory targets monthly update - April 2024 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	49.4	0.0%	51	49	32.6	12.2%	20	19	46.6	63.2%
May	-	-	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	0	1	49.4	0.0%	51	49	32.6	12.2%	20	19	46.6	63.2%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Update Report in relation to Older Applications

1.0 **Background**

1. A report in relation to older applications [up to 2021] was presented to Members at meeting in July 2023. The report provided a breakdown of the live applications by duration still under consideration by the Unit.
2. Members were advised that a higher than average proportion of older applications in the planning system has had a direct impact on the ability of the Unit to achieve good performance against the statutory targets of 15 weeks for local applications and 30 weeks for major applications.
3. Members were also advised that applications can remain in the planning system for longer than expected for a variety of reasons such as:
 - Quality of application submitted
 - Inadequate surveys/technical reports or requests for additional reports
 - Change in personnel
 - Deferrals to allow for further information to be submitted
 - Further information requests from statutory consultees
 - Requests by applicants/agents to hold applications
 - Legal implications [Judicial Reviews/Section 76 Agreements]
 - Introduction of new IT Systems
4. At the meeting of the Committee in April 2024, Members requested an update on progress made with older applications mindful that officers from 01 April 2024 were now focused on improving performance whilst balancing the need to conclude the assessment of older applications.

Key Issues

1. In the period June 2023 to March 2024, 38 recommendations in relation to older applications were presented to the weekly delegated list for consideration by Members. Of these, 16 were Called In to the Committee for determination.
2. In the same period, 33 older applications were presented to Committee for determination. Of these, 9 were deferred to allow for additional information to be provided and for site visits to take place.
3. The number of decisions issued in relation to older applications in this period is set out in the table below:

Month	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Total
	13	1	10	6	8	17	6	8	3	5	77

4. The number of live applications broken down by year is set out in the table below with comparative for the position at the end of May 2023 included for convenience and ease of reference.

Year	2017	2018	2019	2020	2021	Total
End May 2023	1	0	10	37	137	185
End March 2024	0	0	4 [- 2]	22 [- 3]	69 [- 4]	95 [-9]

5. Applications decided during the period June 2023 – March 2024 are or were still pending Section 76 Agreements. These are highlighted in brackets. Of these 6 can issue pending receipt of Section 76 agreements. Three others having issued in April.
6. At least another 15 older applications are identified to be concluded by the end of Quarter 1 [June 2024].
7. Live cases lists are kept under review and officers within the Development Management team continue to actively progress older applications in tandem with more recent submissions.
8. The balance of the older applications are factored into officer workstreams to be concluded in so far as possible before the end of the business year [March 2025].
9. Additional resources expected by July 2024 will allow for caseloads to be better balanced which will assist further with progressing older applications [which will include 2022 applications to conclusion] whilst improving performance.

2.0 **Recommendation**

It is recommended that Members note the progress made in relation to older planning applications.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1 Has an equality and good relations screening been carried out? No

4.2 Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out

	This is a report providing an update in relation to older planning applications. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report providing an update in relation to older planning applications. RNIA not required.	

Appendices:	N/A
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Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 4 – Amendment to Y/2009/0160/F incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate [providing bus only access to and from Baronscourt Road], public open space and landscaping with vehicular access via Barongrange Road.

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members agree the information on the content of the Pre-application Notice attached and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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Appendices:	<p>Appendix 4(a) - Report in relation to LA05/2024/0330/PAN</p> <p>Appendix 4(b) – LA05/2024/0330/PAN – PAN Form</p> <p>Appendix 4(c) – LA05/2024/0330/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	03 June 2024
Responsible Officer	Conor Hughes
Date of Report	20 May 2024
File Reference	LA05/2024/0330/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) in advance of a revised application as an amendment to application Y/2009/0160/F and incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate [providing bus only access to and from Baronscourt Road], public open space and landscaping with vehicular access via Barongrange Road.
2. The site is located on land south of 23 – 29 Baronscourt Road and 1 – 17 Baronscourt Lane and East Mews, 14 - 16 Baronscourt Glen and 7 and 16 Baronscourt Gardens.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above-described development was received on 29 April 2024. The earliest possible date for the submission of a planning application is week commencing 22 July 2024.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

9. The postal address identified on the FORM PAN1 is as described above.
10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at Pragma Planning and Development Consultants Ltd, Scottish Provident Building, 7 Donegall Square West, Belfast.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

18. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that an in person drop in event fully staffed by the development team will be held to allow interested parties to view the proposal and provide feedback. The event will be held in the Ivanhoe Hotel, 556 Saintfield Road, Carryduff on 13 June 2024 at 2pm.

The event will be publicised in the Belfast Telegraph on 05 June – 13 June 2024.

Information about the proposal will be sent to all properties within 200 metres of the boundary of the site week commencing 20 May 2024. Properties adjoining the site will be contacted directly prior to information being sent out.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 29 April 2024.

Recommendation

19. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information submitted.



www.lisburncastlereagh.gov.uk/resident/planning

Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Tel: 028 9244 7300

E-mail: planning@lisburncastlereagh.gov.uk

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Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

Yes

No

Applicant Details

Name/Company

Title

Mr

First name

Stephen

Surname

Orr

Company Name

Fraser Homes Limited

Address

Address line 1

6 Mealough Road

Address line 2

Address line 3

Town/City

Carryduff

Country

241

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

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Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

Northing co-ordinates (y)

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Site Area

What is the area of the site?

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

Amendment to Y/2009/0160/F incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate (providing bus only access to and from Baronscourt Road), public open space and landscaping with vehicular access via Baronsgrange Road.

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

What is the total gross floor space of proposed development (sq m)?

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

- Yes
 No

Yes No

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Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: An in-person drop-in event fully staffed by the development team will be held to allow interested parties to view the proposal and provide feedback via printed comment cards. Members of the consultation team will attend the event to answer any questions that local residents may have, and to collect feedback on the proposal.

Venue: Ivanhoe Hotel, 556 Saintfield Rd, Carryduff, Belfast BT8 8EU

Date and time: 13/06/2024 14:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Belfast Telegraph

Proposed advert date start 05/06/2024

Proposed advert date finish 13/06/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Information about the proposal will be sent to all properties within 200 metres of the site boundary, a map showing the area is submitted with the PAN. Information packages will be sent in the week commencing 20th May 2024. Properties adjoining the site will be contacted directly prior to the information being sent out.

Details of any other publicity methods (e.g. leaflets, posters)

Fraser Homes social media will be used for publicity. Online consultation will open on 20th May 2024 and will close on 18th July 2024 with drawings and a feedback form available from www.pragmaplanning.com/category/consultations. This web address will be used on all publicity.

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

 Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Elected member(s) for District Electoral Area:

Alderman Michelle Guy Councillor Nancy Easton Councillor Martin McKeever Councillor John Gallen Councillor Daniel Bassett Councillor Ryan Carlin Councillor Brian Higginson

Date notice served:

29/04/2024

Elected member(s) for District Electoral Area:

South Belfast MLAs: Deirdre Hargey Edwin Poots Matthew O'Toole Paula Bradshaw Kate Nichol

Date notice served:

29/04/2024

Details for Other Parties

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes

No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes

No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

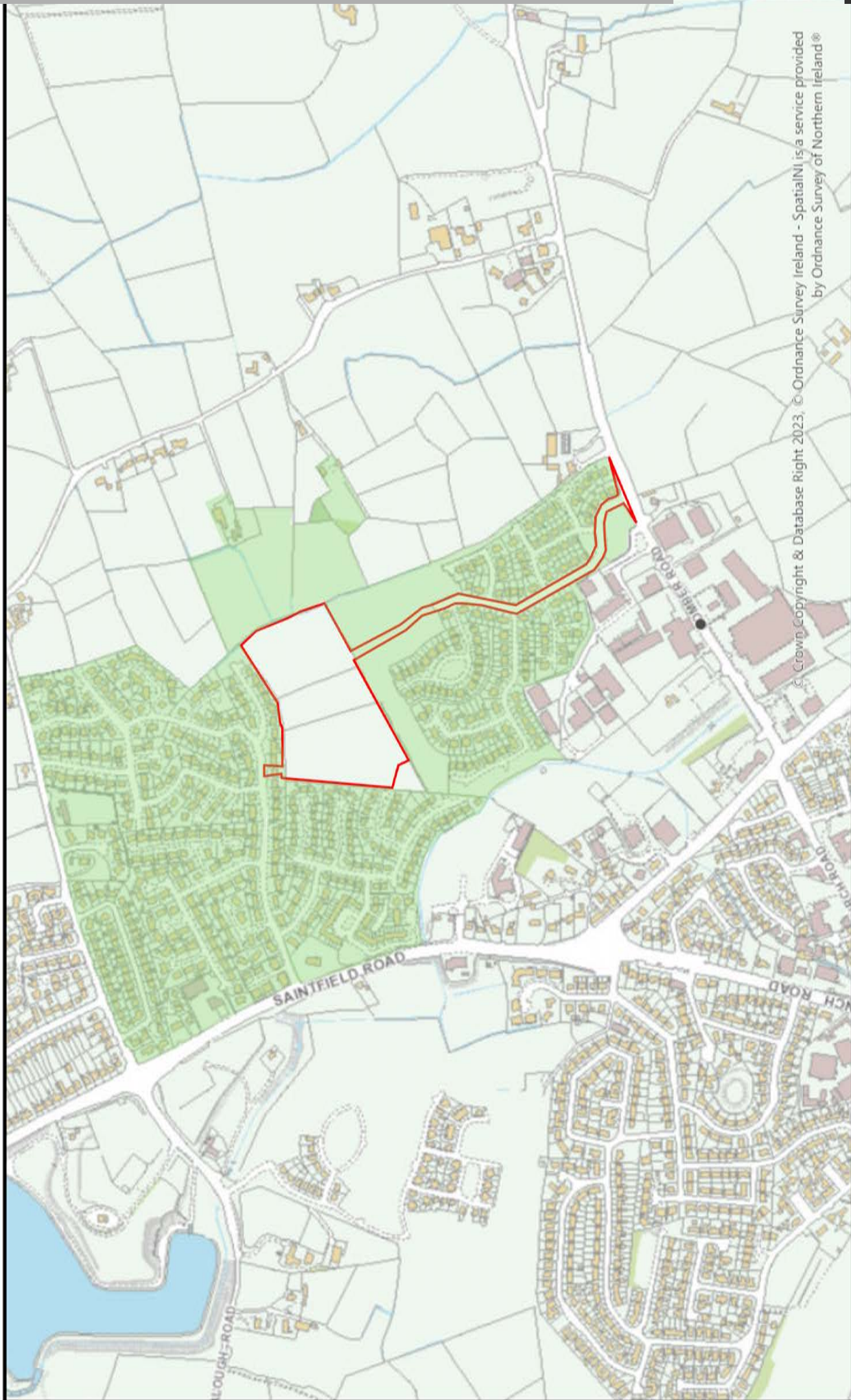
David Worthington

Date

29/04/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

I consent for my personal data to be shared with other departments within the authority



Barons Grange 200m

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Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Standard Advice from NIFRS for Planning Applications which include Battery Energy Storage Systems (BESS)

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. NIFRS is the enforcing authority for The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010. 2. Members will be aware of the background and complexities associated with planning applications which include Battery Energy Storage Systems [BESS]. 3. In an email dated 08 April 2024, the area commander from the response and resilience unit of NIFRS Headquarters had written to all Heads of Planning to advise that they had recently received many enquiries regarding BESS sites. 4. To help clarify and ensure a consistent approach, the area commander has provided all Local Council Planning Departments with a copy of the standard advice which NIFRS include, when consulted, in all non-statutory consultation responses to planning applications which include Battery Energy Storage Systems of a “Grid-scale”. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. In relation to BESS applications, NIFRS advise that any planning application which includes a large-scale battery storage facility, should take cognisance of, and be in accordance with, the guidance provided in the documents published by the Energy Institute, namely: <ul style="list-style-type: none"> ▪ Battery Storage Guidance Note 1: Battery Storage Planning (2019) ▪ Battery Storage Guidance Note 2: Battery Energy Storage System Fire Planning and Response (2020) 2. In addition, consideration should also be taken of guidance, issued to NIFRS by the National Fire Chiefs Council (NFCC) which is based upon a range of supporting materials including academic research, national and international standards, case studies, and industry guidance. 3. General guidance is provided in relation to the preparation of planning applications. 4. This guidance relates specifically to Grid scale ’ (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries and considers the following:
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	<ul style="list-style-type: none"> ▪ Detection and monitoring ▪ Suppression systems ▪ Site access ▪ Water supplies ▪ Emergency plans ▪ Environmental impacts ▪ Recovery <p>5. Members should note that where the general guidance is followed, and adequate information is supplied then further consultation with NIFRS may not be required for these types of application.</p>	
3.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the advice from the NIFRS and the approach to consultation on ‘Grid-scale’ applications.</p>	
4.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
5.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
5.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
5.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the NIFRS. EQIA not required.</p>	
5.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
5.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report for noting correspondence from the NIFRS. RNIA not required.</p>	

<p>Appendices:</p>	<p>APPENDIX 5 – Guidance from NIFRS in relation to planning applications for BESS</p>
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**Northern Ireland
Fire & Rescue Service**

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Protecting Our Community

CONSULTATION RESPONSE IN RESPECT OF PLANNING APPLICATION

Application Reference	
Proposal	
Location	
Date Consulted	
Date of Response	

Legislative Authority

NIFRS is the enforcing authority for The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010.

NIFRS' interest is in relation to fire safety, firefighting, protecting life and property in the event of fires, harm to the environment and other emergencies.

Measures Relevant to the Planning Application

NIFRS considers the following measures are relevant for the preparation of the planning application. Measures in the event of fire or other emergency in relation to:

- 1 the provision of means of escape;
- 2 the provision of a free flowing exiting system;
- 3 the means of securing the means of escape;
- 4 giving warning in the event of fire;
- 5 prevent false alarms;
- 6 reduce the risk of fire;
- 7 reduce the risk of spread of fire;
- 8 the means of extinguishing fires;
- 9 the means of detecting fires;
- 10 limit damage to the environment;
- 11 the provision of access routes and vehicle hardstanding areas for fire appliances; and
- 12 the provision of facilities for firefighting, including water supplies; fire mains, firefighting shafts, operating mechanisms, smoke venting and compartmentation.

NIFRS would wish to ensure that the design demonstrates compliance with the Fire Safety requirements of Building Regulations (Northern Ireland) Technical Bulletin E, or by an alternative way of demonstrating compliance.

Suitable and sufficient facilities, access and water supplies for the Fire & Rescue Service should feature as a distinct element of the design, be provided during construction and then be maintained after the completion of the facility.

During the construction phase and then following construction, NIFRS would wish to be provided with details on the facilities, access and water supplies and be provided with a site layout plan showing these for emergency planning purposes.

The above premises will become “relevant premises” as defined by The Fire and Rescue Services (Northern Ireland) Order 2006 and The Fire Safety Regulations (Northern Ireland) 2010. NIFRS is the enforcing authority and carries out audits of relevant premises to ensure compliance.

The legislation requires owners, occupiers and persons responsible for premises to carry out a Fire Risk Assessment and to consider the risk from fire to employees, persons legally in the premises and others who may be affected by what takes place in the premises. The significant findings of the risk assessment must be recorded. Risk must be reduced as far as reasonably practicable and general fire precautions put in place to deal with any remaining risks. Appropriate emergency procedures in the event of fire must be developed with training provided for employees. The risk assessment must be reviewed periodically or after significant changes in the workplace.

It is also the view of NIFRS that any planning application which includes a large scale battery storage facility, should take cognisance of, and be in accordance with the guidance provided in the documents published by the Energy Institute, as below:

- Battery Storage Guidance Note 1: **Battery Storage Planning (2019)**
- Battery Storage Guidance Note 2: **Battery Energy Storage System Fire Planning and Response (2020)**

In addition, to help facilitate a safe and effective response, by the fire and rescue service, please take into consideration the following guidance.

This guidance, issued to FRS by the **National Fire Chiefs Council (NFCC)** is based upon a range of supporting materials including academic research, national and international standards, case studies, and industry guidance. The guidelines are a starting point and cannot cover every eventuality or type of design.

In developing these guidelines the hazards and risks from lithium-ion batteries, identified in **National Operational Guidance**, have been considered. The content is the result of professional judgement applied to the analysis of supporting material, including:

- State of Victoria (County Fire Authority) (2022), Design Guidelines and Model Requirements: Renewable Energy Facilities
- FM Global (2017) Property Loss Prevention Data Sheets: Electrical Energy Storage Systems Data Sheet 5-33
- NFPA (2023) Standard for the Installation of Stationary Energy Storage Systems

The guidance does not seek to provide a full specification or opinion on the entirety of a BESS system design. Instead, the aim is to limit the content to such matters that directly relate to facilitating a safe and effective response, by the fire and rescue service, to a fire or vapour cloud release involving a BESS installation. This includes factors such as facilities for the fire and rescue service, and design factors that contribute to reducing the escalation in the severity of an incident.

This guidance relates specifically to grid scale (typically 1 MW or larger) BESS in open air environments, using lithium-ion batteries and considers the following:

- Detection and monitoring
- Suppression systems
- Site access
- Water supplies
- Emergency plans
- Environmental impacts
- Recovery

Detection and monitoring

An effective and appropriate method of early detection of a fault within the batteries should be in place, with immediate disconnection of the affected battery/batteries. This may be achieved automatically through the provision of an effective Battery Management System (BMS) and/or a specific electrolyte vapour detection system.

Should thermal runaway conditions be detected then there should be the facility in place for the early alerting of emergency services.

Detection systems should also be in place for alerting to other fires that do not involve thermal runaway (for example, fires involving electrical wiring).

Continuous combustible gas monitoring within units should be provided. Gas detectors should alarm at the presence of flammable gas (yes/no), shut down the ESS, and cause the switchover to full exhaust of the ventilation system. Sensor location should be appropriate for the type of gas detected e.g. hydrogen, carbon monoxide, volatile organic compounds.

External audible and visual warning devices (such as cabinet level strobing lights), as well as addressable identification at control and indicating equipment, should be linked to:

- Battery Management System (when a thermal runaway event is identified)
- Detection and suppression system activation

This will enable first responders to understand what the warning is in relation to. This will aid in their decision-making.

Suppression systems

Suitable fixed suppression systems should be installed in units in order to help prevent or limit propagation between modules.

Where it is suggested that suppression systems are not required in the design, this choice should be supported by an evidence based justification and Emergency Response Plan that is designed with this approach in mind (for example, risk assessed controlled burn strategies, and external sprinkler systems).

Whilst gaseous suppression systems have been proposed previously, current research indicates the installation of water based suppression systems for fires involving cell modules is more effective.

The installation of gaseous suppression systems for electrical fires that do not involve cell modules may be appropriate but should be built into a wider suppression strategy.

The choice of a suppression system should be informed by liaison with a competent system designer who can relate the system choice to the risk identified and the duration of its required activation. Such a choice must be evidence based.

Any calculations for sufficient water supply for an appropriate suppression system will need to be completed by a competent person considering the appropriate risk and duration of any fire.

Water run-off and potential impact on the environment, along with mitigation measures, should be considered and detailed in the Emergency Response Plan.

Lack of sufficient water supplies at a particular site location should not be considered as the basis for a suppression system choice. Such an approach could result in potentially ineffective and/or dangerous system designs.

Deflagration Prevention and Venting

BESS containers should be fitted with deflagration venting and explosion protection appropriate to the hazard. Designs should be developed by competent persons, with design suitability able to be evidenced. Exhaust systems designed to prevent deflagration should keep the environment below 25% of Lower Explosive Limit (LEL).

Flames and materials discharged as a result of any venting should be directed outside to a safe location and should not contribute to any further fire propagation beyond the unit involved or present further risk to persons. The likely path of any vented gasses or materials should be identified in Emergency Response Plans to reduce risk to responders.

Explosion/deflagration strategies should be built into the emergency plan such that responders are aware of their presence and the impact of their actions on these strategies.

Where emergency ventilation is used to mitigate an explosion hazard, the disconnect location for the ventilation system should be clearly marked to notify personnel or first responders “**not to disconnect**” the power supply to the ventilation system during an evolving incident.

Site access

Suitable facilities for safe access and egress from the site should be provided. Designs should be developed in close liaison with the local FRS as specific requirements may apply due to variations in vehicles and equipment. This should include:

- At least 2 separate access points to the site to account for opposite wind conditions/direction.
- Roads/hard standing capable of accommodating fire service vehicles in all weather conditions. As such there should be no extremes of grade.
- A perimeter road or roads with passing places suitable for fire service vehicles.
- Road networks on sites must enable unobstructed access to all areas of the facility.
- Turning circles, passing places etc. size to be advised by FRS depending on fleet.

Access between BESS units and unit spacing

In the event of a fire involving a BESS unit, one of the primary tactics employed will be to prevent further unit to unit fire spread. Suitable access for firefighters to operate unimpeded between units will therefore be required. This should allow for the laying and movement of hose lines and, as such, access should be free of restrictions and obstacles. The presence of High Voltage DC Electrical Systems is a risk and their location should be identified. Exclusion zones should be identified.

A standard minimum spacing between units of 6 metres is suggested unless suitable design features can be introduced to reduce that spacing. If reducing distances a clear, evidence based, case for the reduction should be shown.

Any reduction in this separation distance should be design based by a competent fire engineer. There should be consideration for the fire separation internally and the total realistic load of fire. Proposed distances should be based on radiant heat flux (output) as an ignition source.

The NFCC does not support the stacking of containers/units on top of one another on the basis of the level of risk in relation to fire loading, potential fire spread, and restrictions on access.

Distance from BESS units to occupied buildings & site boundaries

Individual site designs will mean that distances between BESS units and occupied buildings/site boundaries will vary. Proposed distances should take into account risk and mitigation factors. However, an initial minimum distance of 25 metres is proposed prior to any mitigation such as blast walls. Reduction of distances may be possible in areas of lower risk (e.g. rural settings).

Site Conditions

Sites should be maintained in order that, in the event of fire, the risk of propagation between units is reduced. This will include ensuring that combustibles are not stored adjacent to units and access is clear and maintained. Areas within 10 metres of BESS units should be cleared of combustible vegetation and any other vegetation on site should be kept in a condition such that they do not increase the risk of fire on site. Areas with wildfire risk or vegetation that would result in significant size fires should be factored into this assessment and additional cleared distances maintained as required.

Water Supplies

Water supplies will depend on the size of the installation. In the majority of cases, initial firefighting intervention will focus on defensive firefighting measures to prevent fire spread to adjacent containers. As a result, proposals for water supplies on site should be developed following liaison with the local fire and rescue service taking into account the likely flow rates required to achieve tactical priorities. This should also take account of the ability of/anticipated time for the fire and rescue service to bring larger volumes of water to site (for example through the provision of High Volume Pumps).

IP ratings of units should be known so that risks associated with boundary cooling can be understood.

As a minimum, it is recommended that hydrant supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire) and should be capable of delivering no less than 1,900 litres per minute for at least 2 hours. Fire and rescue services may wish to increase this requirement dependant on location and their ability to bring supplementary supplies to site in a timely fashion.

Water supply for any automatic suppression system will be covered by the relevant standard/design depending on which system chosen as appropriate for the risk. For manual water, amounts should come from performance based requirement rather than a reference to a code, unless it can be proven that the code specifically covers BESS. Regarding water storage tanks, volumes will again need to be informed on a performance-based need. Isolation points should be identified.

Any static water storage tanks designed to be used for firefighting must be located at least 10 metres away from any BESS container/cabinet. They must be clearly marked with appropriate signage. They must be easily accessible to FRS vehicles and their siting should be considered as part of a risk assessed approach that considers potential fire

development/impacts. Outlets and connections should be agreed with the local FRS. Any outlets and hard suction points should be protected from mechanical damage (e.g. through use of bollards).

Signage

Signage should be installed in a suitable and visible location on the outside of BESS units identifying the presence of a BESS system. Signage should also include details of:

- Relevant hazards posed
- The type of technology associated with the BESS
- Any suppression system fitted
- 24/7 Emergency Contact Information

Signs on the exterior of a building or enclosure should be sized such that at least one sign is legible at night at a distance of 30 metres or from the site boundary, whichever is closer.

Adherence to the Dangerous Substances (Notification and Marking of Sites) Regulations 1990 (NAMOS) should be considered where the total quantity of dangerous substances exceeded 26 tonnes.

Emergency Plans

Site operators should develop emergency plans and share these with the Fire and Rescue Service. These include:

A **Risk Management Plan** should be developed by the operator, which provides advice in relation to potential emergency response implications including:

- The hazards and risks at and to the facility and their proposed management.
- Any safety issues for firefighters responding to emergencies at the facility.
- Safe access to and within the facility for emergency vehicles and responders, including to key site infrastructure and fire protection systems.
- The adequacy of proposed fire detection and suppression systems (e.g., water supply) on-site.
- Natural and built infrastructure and on-site processes that may impact or delay effective emergency response.

An **Emergency Response Plan** should be developed to facilitate effective and safe emergency response and should include:

- How the fire service will be alerted
- A facility description, including infrastructure details, operations, number of personnel, and operating hours.
- A site plan depicting key infrastructure: site access points and internal roads; firefighting facilities (water tanks, pumps, booster systems, fire hydrants, fire hose reels etc.); drainage; and neighbouring properties.
- Details of emergency resources, including fire detection and suppression systems and equipment; gas detection; emergency eye-wash and shower facilities; spill containment systems and equipment; emergency warning systems; communication systems; personal protective equipment; first aid.
- Up-to-date contact details for facility personnel, and any relevant off-site personnel that could provide technical support during an emergency.
- A list of dangerous goods stored on site.
- Site evacuation procedures.
- Emergency procedures for all credible hazards and risks including building, infrastructure, vehicle fire and grassfire.

Environmental impacts

Suitable environmental protection measures should be provided. Consideration should be given, within the site design, to the management of water run-off (e.g. drainage systems, interceptors, bunded lagoons etc.).

System capability/capacity should be based on anticipated water application rates, including the impact of water based fixed suppression systems.

Sites located in flood zones should have details of flood protection or mitigation measures.

Recovery

The operator should develop a post-incident recovery plan that addresses the potential for re-ignition of ESS and de-energising the system, as well as removal and disposal of damaged equipment.

**Issued on behalf of
Director of Community Protection**

Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Letter to Chief Executive in relation to increased Planning Fees

1.0	<p><u>Background</u></p> <p>1. In a letter dated 13 May 2024, the Deputy Secretary for the Department for Infrastructure has written to advise that the Department has made a Statutory Rule entitled The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024 NO. 108. The rule comes into operation on 31 May 2024.</p> <p><u>Key Issues</u></p> <p>1. The purpose of this Statutory Rule is to amend the Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73) to apply a one-year inflationary uplift of approximately 4% (based on CPI as at January 2024) across all fee categories. This will mean that for example, the fee for:</p> <ul style="list-style-type: none"> ▪ An extension, improvement or alteration of a dwelling house will increase from £327 to £340; ▪ The erection of a single dwelling house will rise from £975 to £1,014; and ▪ the erection of 50 dwelling houses will increase from £20,777 to £21,591. <p>2. The Department indicates that this uplift in planning fees will assist councils and the Department in resourcing the delivery of their development management functions. A copy of the Rule can be viewed online at www.legislation.gov.uk</p> <p>3. The Department is also updating the Development Management Practice Note 11 – Planning Fees, and this will be available to view as soon as possible following the commencement of the Regulations.</p>
2.0	It is recommended that Members note the detail of the planned uplift in planning fees.
3.0	<p><u>Finance and Resource Implications</u></p> <p>Inflationary uplift of approximately 4% overall across all planning application fee categories should result in a net planning fee increase as per the 2024/25 budget and was not allowed for in the estimates. However, Members will be aware that the level of income is dependent on number of applications lodged and that this can vary from year to year.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification of Planning Fees Uplift. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification of Planning Fees Uplift. RNIA not required.</p>	

Appendices:	<p>Appendix 6 (a) – Letter from DfI in relation to Planning Fees</p> <p>Appendix 6 (b) - The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024</p>
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**Climate, Planning
and Public Transport**Department for
Infrastructure

An Roinn

Bonneagair

Deapartment fur

Infrastructurewww.infrastructure-ni.gov.uk

Council Chief Executives

Deputy SecretaryJames House
2-4 Cromac Avenue
The Gasworks
BELFAST
BT7 2JA
Tel: 0300 200 7830Email: Julie.thomson@infrastructure-ni.gov.uk

Your Reference:

Our Reference:

13 May 2024

Dear Chief Executives

Planning Fees

I am writing to advise you that the Department for Infrastructure has made a Statutory Rule entitled "The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024" (S.R. 2024 No. 108), which comes into operation on 31 May 2024. The planning portal will be updated for this date.

The purpose of this Statutory Rule is to amend the Planning (Fees) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 73) to apply a one-year inflationary uplift of approximately 4% (based on CPI as at January 2024) across all fee categories. This will mean that, for example, the fee for:

- an extension, improvement or alteration of a dwellinghouse will increase from £327 to £340;
- the erection of single dwelling house will rise from £975 to £1014; and
- the erection of 50 dwelling houses will increase from £20,777 to £21,591.

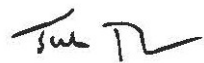
This uplift in planning fees will assist councils and the Department in resourcing the delivery of their development management functions.

Copies of the Rule may be purchased from the Stationery Office at www.tsoshop.co.uk or by contacting TSO Customer Services on 0333 202 5070 or viewed online at www.legislation.gov.uk.

The Department is also currently updating the Development Management Practice Note 11 (Planning Fees) and this will be available to view as soon as possible following commencement of the Regulations, and by the end of May 2024.

I trust you find this information helpful.

Yours sincerely



Julie Thompson
Deputy Secretary

Cc Heads of Planning

Status: This version of this Rule contains provisions that have not yet come into effect.
Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

STATUTORY RULES OF NORTHERN IRELAND

2024 No. 108

PLANNING

The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024

Made - - - - 9th May 2024

Coming into operation 31st May 2024

The Department for Infrastructure makes the following Regulations in exercise of the powers conferred by sections 223(1), (9) and 247(1) of the Planning Act (Northern Ireland) 2011⁽¹⁾ and now vested in it⁽²⁾.

VALID FROM 31/05/2024

Citation and commencement

1. These Regulations may be cited as the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024 and shall come into operation on 31st May 2024.

Commencement Information

II Reg. 1 in operation at 31.5.2024, see [reg. 1](#)

Amendment of the Planning (Fees) Regulations (Northern Ireland) 2015

2.—(1) The Planning (Fees) Regulations (Northern Ireland) 2015⁽³⁾ shall be amended in accordance with paragraphs (2) to (7).

(2) In regulation 8(1) (amount of reduced fees and refunds) for “£73” substitute “£76”.

(3) In regulation 9(1) (fees for applications for express consent to display advertisements) for “£217” substitute “£226”.

(4) In regulation 11 (fee for an application for planning permission for EIA development) for “£12,177” substitute “£12,664”.

(1) 2011 c.25(N.I.)

(2) S.R. 2016 No. 76 – see Article 8 and Part 2 of Schedule 5 of the Departments (Transfer of Functions) Order (Northern Ireland) 2016

(3) S.R. 2015 No. 73 as amended by S.R. 2015 No. 398 and S.R. 2019 No. 112 and S.R. 2023 No. 37

Status: This version of this Rule contains provisions that have not yet come into effect.
Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

- (5) In regulation 12 (fees for applications for certificates of lawful use or development)—
- (a) in paragraph (3)(b) for “£289” substitute “£301”; and
 - (b) in paragraph (4) for “£289” substitute “£301” and for “£14,450” substitute “£15,050”.
- (6) In Schedule 1 (fees in respect of applications for planning permission or for approval of reserved matters)—
- (a) in Part 1, in paragraph 4(2) and (3) for “£634” substitute “£659”; and
 - (b) for Part 2, substitute Part 2 as set out in the Schedule to these Regulations.
- (7) In Schedule 2 (fees for hazardous substances consent)—
- (a) for “£390” in each position where it occurs substitute “£406”;
 - (b) for “£488” substitute “£508”; and
 - (c) for “£779” substitute “£810”.

Commencement Information

I2 Reg. 2 in operation at 31.5.2024, see [reg. 1](#)

Revocations

3. The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019⁽⁴⁾ and the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023⁽⁵⁾ are revoked.

Commencement Information

I3 Reg. 3 in operation at 31.5.2024, see [reg. 1](#)

Sealed with the Official Seal of the Department for Infrastructure on 9th May 2024.



Alistair Beggs
 A senior officer of the Department for
 Infrastructure

(4) S.R. 2019 No. 112
 (5) S.R. 2023 No. 37

Document Generated: 2024-05-14

Status: This version of this Rule contains provisions that have not yet come into effect.
Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

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VALID FROM 31/05/2024

SCHEDULE

Regulation 2(6)(b)

SUBSTITUTION OF PART 2 OF SCHEDULE 1 TO THE
 PLANNING (FEES) REGULATIONS (NORTHERN IRELAND) 2015

Commencement Information

I4 Sch. in operation at 31.5.2024, see [reg. 1](#)

“PART 2
 SCALES OF FEES

<i>Category of Development</i>	<i>Fee payable</i>
1. All buildings (other than a single dwellinghouse).	Outline Applications £301 for each 0.1 hectare of the site area subject to a maximum of £12,040.
2. Single dwellinghouse.	Outline Applications £505.
3. The erection of a dwellinghouse.	(a) Reserved matters where the application is for a single dwellinghouse, £505; (b) Full where the application is for a single dwellinghouse, £1014; (c) Full and reserved matters For 2 or more dwellinghouses— (i) where the number of dwellinghouses to be created by the development is 50 or fewer, £1,191 for two dwellinghouses and £425 for each additional dwellinghouse; (ii) where the number of dwellinghouses to be created by the development exceeds 50, £21,591; and an additional £126 for each dwellinghouse in excess of 50 dwellinghouses, subject to a maximum in total of £316,577.

Status: This version of this Rule contains provisions that have not yet come into effect.
Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

<i>Category of Development</i>	<i>Fee payable</i>
4. The extension, improvement or alteration of an existing dwellinghouse, including the erection of a building or the carrying out of other operations within the curtilage of a dwellinghouse for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary or a curtilage of an existing dwellinghouse.	£340 for each dwelling.
5. The erection of industrial, commercial, community and other buildings, other than dwellinghouses or buildings covered by category 4.	Full and reserved matters (a) where no floor space is to be created by the development, £216; (b) where the area of gross floor space to be created by the development does not exceed 40 sq.m., £216; (c) where the area of the gross floor space to be created by the development exceeds 40 sq.m., but does not exceed 75 sq.m., £425; (d) where the area of the gross floor space to be created by the development exceeds 75 sq.m., but does not exceed 3,750 sq.m., £425 for each 75 sq.m. of that area; (e) where the area of gross floor space to be created by the development exceeds 3,750 sq.m., £21,250; and an additional £126 for each 75 sq.m., in excess of 3,750 sq.m., subject to a maximum in total of £316,468.
6. The erection, alteration or replacement of plant and machinery including telecommunications/datacommunications equipment, a single wind turbine and wind farms.	(a) where the site area does not exceed 5 hectares, £425 for each 0.1 hectare of the site area; (b) where the site area exceeds 5 hectares, £21,250; and an additional £126 for each 0.1 hectare in excess of 5 hectares, subject to a maximum in total of £316,468.
7. The erection, on land used for the purposes of agriculture, of buildings to be used for agricultural purposes and for agricultural and commercial glasshouses.	£1,130 for each 500 sq.m. of floor space subject to a maximum of £14,979.
8. The winning and working of peat.	£2,248 for each 5 hectares of the site area subject to a maximum of £40,464.
9. (a) The winning and working of minerals (other than peat).	£435 per 0.1 hectare of the site area subject to a maximum of £48,720.

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Status: This version of this Rule contains provisions that have not yet come into effect.

Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

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<i>Category of Development</i>	<i>Fee payable</i>
(b) The carrying out of any operations connected with exploratory drilling for oil or natural gas.	
(c) The use of land for the disposal of refuse or waste materials or for the deposit of material remaining after minerals have been extracted from land or the use of land for the storage of minerals in the open.	
(d) The carrying out of any other operation not coming within any of the above categories.	
10. The construction of single level car parks, service roads and other means of access on land used for the purpose of a single undertaking, where the development is required for a purpose incidental to the existing use of the land.	£301.
11.	£301.
(a) The continuance of a use of land or the retention of buildings or works on land, without compliance with a condition subject to which a previous planning permission has been granted (including a condition requiring discontinuance of the use or the removal of the building or works at the end of the specified period).	
(b) An application to develop land without compliance with a condition subject to which a previous planning permission has been granted.	
12. An application for a material change of use.	(a) where the application relates to a dwellinghouse, £825 for the first dwellinghouse and £301 for each additional dwellinghouse subject to a maximum of £15,050; (b) for any other change of use, £301 for each 75 sq.m., of floor space subject to a maximum of £15,050.
13. Any other application not falling within categories 1-12.	£990."

Document Generated: 2024-05-14

Status: This version of this Rule contains provisions that have not yet come into effect.
Changes to legislation: There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024. (See end of Document for details)

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VALID FROM 31/05/2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Planning (Fees) Regulations (Northern Ireland) 2015 which prescribe the fee payable in respect of applications made under the Planning Act (Northern Ireland) 2011. The Regulations increase planning fees by approximately 4% overall. Regulation 3 revokes the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019 and the Planning (Fees) (Amendment) Regulations (Northern Ireland) 2023.

The Explanatory Memorandum is available alongside the instrument on the Government's legislation website: www.legislation.gov.uk.

Status:

This version of this Rule contains provisions that have not yet come into effect.

Changes to legislation:

There are currently no known outstanding effects for the The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2024.

Committee:	Planning Committee
Date:	03 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Council is notified by one operator, British Telecommunications plc (BT) of their intention to utilise permitted development rights at a location within the Council area to install fixed line broadband apparatus. 2. The installation is presented in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 2. Only the schedule of location where the works are proposed has been appended to the report (see Appendix). However, the content of notification detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. 3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator. 		
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>		
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>		
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>		
4.1	<table border="1"> <tr> <td>Has an equality and good relations screening been carried out?</td> <td>No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:	Appendix 7 – Notification from an Operator in respect of intention to utilise permitted development rights
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**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
June 2024 Planning Committee**

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	Applegreen, 161-163, Dromore Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	13/05/2024
2					
3					
4					
5					
6					
7					
8					

Committee:	Planning Committee
Date:	3 June 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Local Development Plan 2032 Revised Timetable

1.0 Background

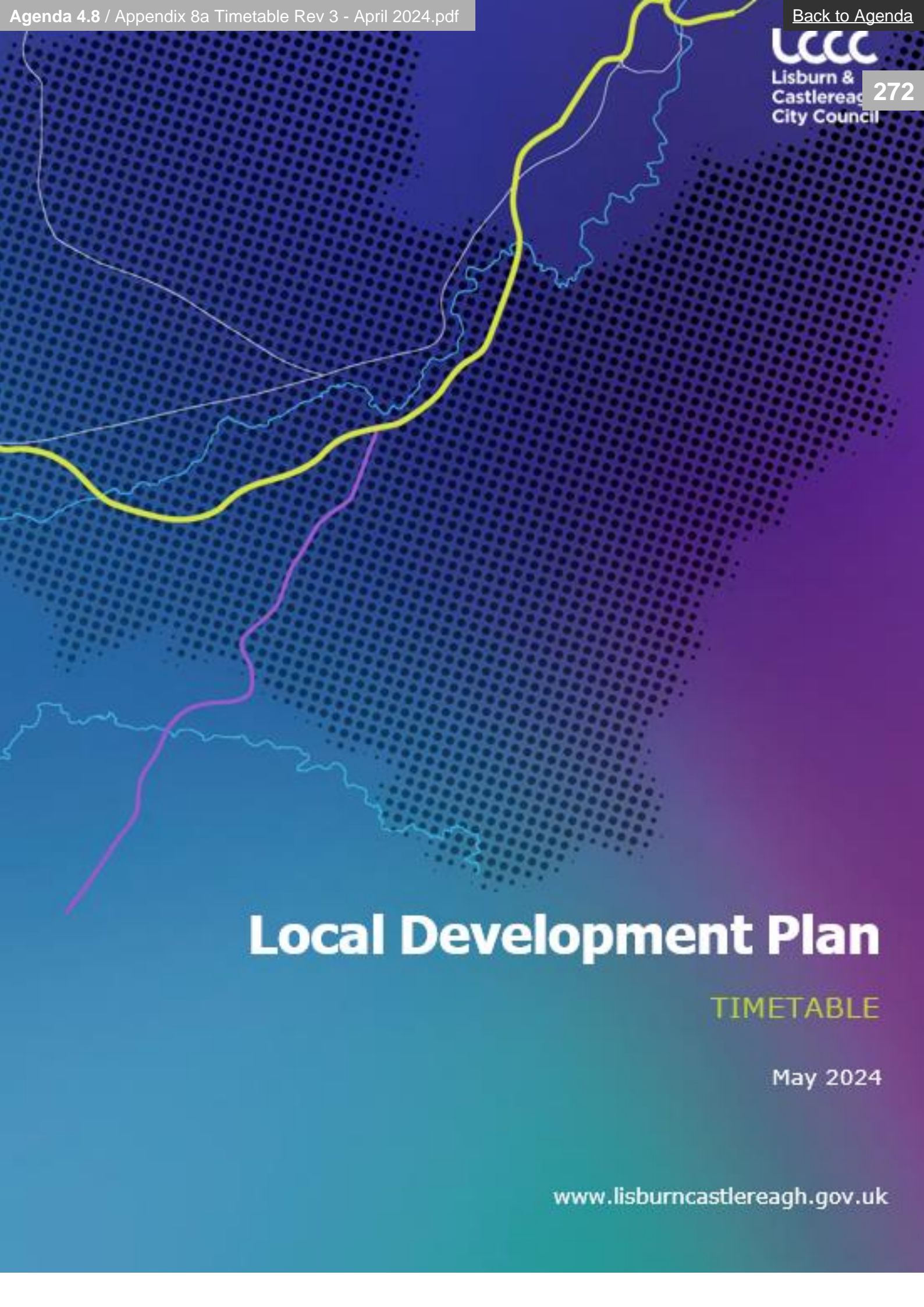
1. At Full Council meeting on the 26 March 2024, the Local Development Plan (LDP) 2032, Revised Timetable, was approved by resolution.
2. In accordance with the Planning Act (NI) 2011 and regulation 5 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council subsequently consulted the Planning Appeals Commission (PAC) and appropriate consultation bodies, on the revision to the LDP timetable and, in accordance with regulation 6 it must provide indicative dates for the publication and adoption of its LPP. The timetable must be submitted to the Department for Infrastructure (DfI) following its approval by resolution of the Council in accordance with regulation 7.

Key Issues

1. Members should be aware of the following:
 - Post-submission of the timetable to DfI, they responded to the Council on 29 March 2024 seeking minor amendments in relation to the annual monitoring reports the Council is required to complete.
 - In response the Planning Unit wrote to DfI on 9 April 2024 advising amendments had been made to the Timetable at Stage 4, first bullet point and to Part 4 of the summary table, specifically to the monitoring requirements. A copy of the timetable with these further amendments is attached (**see Appendix**).
 - DfI subsequently notified the Council by letter of 7 May 2024 agreeing to the revised timetable (see Appendix).
 - DfI did advise that, further to any S14 direction on Sprucefield, any subsequent timetable would have to take account of this.
 - No objections were received from any of the additional statutory consultees, although the Planning Appeals Commission did highlight its own resourcing as a potential issue.
2. In the event of any significant delays that may affect the production of the Plan in accordance with the published timetable, another revision to the timetable may be necessary including consultation with Members and approval by the Department.

2.0	<p><u>Recommendation</u></p> <p>Members are asked to note that following Dfl’s agreement, a notice has been placed in the local press advising of the revision to the timetable and that it is available to view, either in person at Lagan Valley Island or on the Council’s website.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report seeking approval to update the LDP Timetable. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report seeking approval to update the LDP Timetable. RNIA not required.</p>	

Appendices:	<p>Appendix 8a – Local Development Plan 2032 Revised Timetable (May 2024)</p> <p>Appendix 8b – Letter from Dfl 7 May 2024</p>
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Local Development Plan

TIMETABLE

May 2024

www.lisburncastlereagh.gov.uk

Should you have a planning query, you can contact the Council's Planning Unit in the following ways:

By email to: planning@lisburncastlereagh.gov.uk

By post to:

Planning Unit,
Lisburn & Castlereagh City Council,
Civic Headquarters,
Lagan Valley Island,
Lisburn,
BT27 4RL.

By telephone on: 028 9250 9250

To ensure all consultation documents are accessible to everyone, Lisburn & Castlereagh City Council, on request, will take all reasonable steps to provide documents in alternative formats and in minority languages to meet the needs of those who are not fluent in English.

1.1 The purpose of this Timetable is to set out the key stages and the indicative timeframe for the production of Lisburn & Castlereagh City Council's new **Local Development Plan 2032** (LDP).

1.2 The Timetable meets the legislative requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. In addition it has been approved by resolution of the Council and agreed with Central Government¹ in accordance with Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

2.0 Purpose of the Local Development Plan

2.1 The purpose of the Lisburn & Castlereagh City Council LDP is to inform the public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will implement the strategic objectives of the Regional Development Strategy and guide development decisions within the Council area up to 2032.

2.2 The LDP will be prepared within the context of the Council's Corporate Plan and will take account of the Council's Community Plan to enable us to plan positively for the future of our Council area. It will ensure that lands are appropriately zoned and that our infrastructure is enhanced to develop the Council area for future generations.

2.3 The LDP must also take account of the regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes, amongst others, the Sustainable Development Strategy, the Regional Development Strategy and the Strategic Planning Policy Statement.

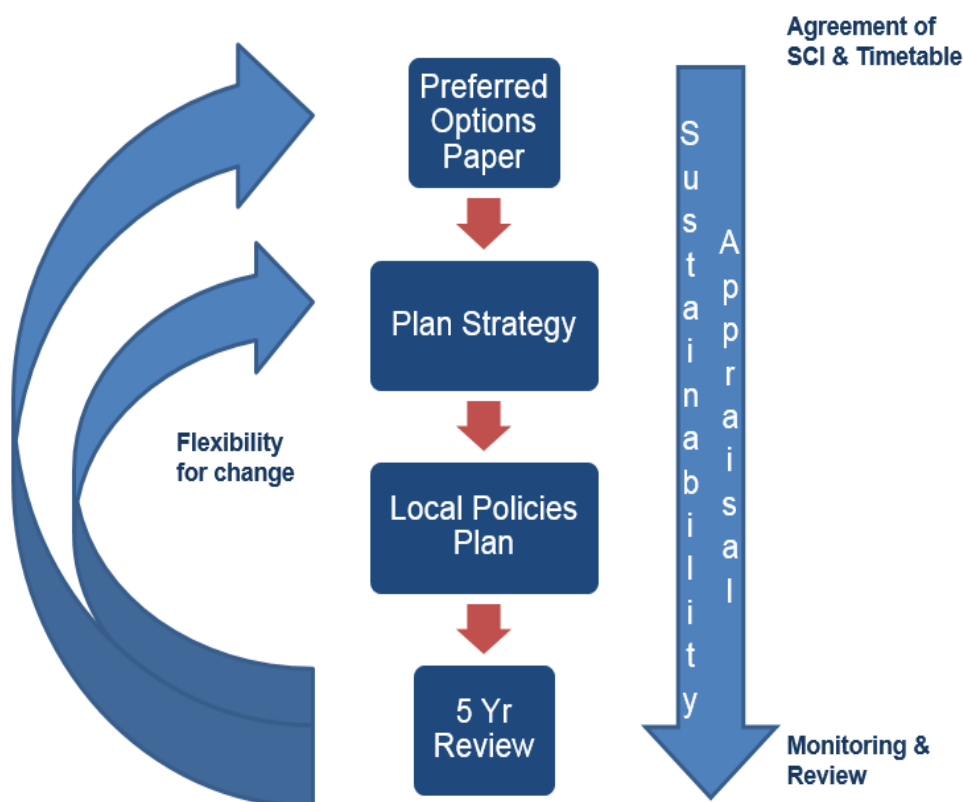
3.0 Status of the Local Development Plan

3.1 The new Local Development Plan for the Council will replace the range of current extant Development Plans for the Lisburn & Castlereagh City Council area.

3.2 Following publication of the Preferred Options Paper, the Plan is produced in two parts consisting firstly of a Plan Strategy followed by a Local Policies Plan. The Plan Strategy will set the aims, objectives, growth strategy and strategic policies applicable to the Plan

¹ Department for Infrastructure

Area. The Local Policies Plan will provide site specific policies and proposals, including settlement limits, land use zonings and environmental designations.



3.3 The Council will undertake an ongoing process of **Sustainability Appraisal** which will run parallel to the preparation of the Preferred Options Paper, Plan Strategy and Local Policies Plan. An integral part of the Sustainability Appraisal is the **Strategic Environmental Assessment (SEA)** which will examine the environmental effects of the LDP proposals. The Sustainability Appraisal process aims to ensure that the policies and proposals in the LDP are socially, economically and environmentally sustainable. Relevant reports will be published at each of the key stages of the plan making process which will all be made available online.

4.0 The Timetable

4.1 The Timetable (Revision 3) provides indicative dates for a number of key stages in the production of the Lisburn & Castlereagh City Council Local Development Plan. These stages are set out in calendar year quarters and a brief summary is provided below. The full Timetable is set out on Pages 7–8.

STAGE 1

- **Statement of Community Involvement** – This sets out how the Council intends to engage with the local community during the preparation of our new LDP.

- **Preferred Options Paper** - The Preferred Options Paper (POP), published in March 2017 is a public consultation document which sets out the key plan issues for the Council area and the preferred options available to address them. A Public Consultation Report (published September 2017) containing an overview of the key issues raised during the public consultation period is available to view [here](#).

STAGE 2

- **Draft Plan Strategy** - The draft Plan Strategy was published for informal public consultation on 11 October 2019 followed by formal consultation on 8 November 2019 to 10 January 2020. This document provides an indication of the Council's strategic land use intentions in relation to the future development of the Council area and provides the overarching policy framework.
- **Independent Examination** - An Independent Examination of the draft Plan Strategy was held between March-May 2022 to determine the **soundness**² of the draft Planning Strategy, taking into account any representations or counter representations. Following the Independent Examination, an Advisory Report of its findings was issued to Central Government on 30 November 2022
- **Binding Report** – following consideration of the Advisory Report, Central Government issued a Binding Report to the Council on 28 June 2023. The Council incorporated the changes outlined in the Binding Report into the Plan Strategy.
- **Adoption of Plan Strategy**- Following the Independent Examination, and direction from the Central Government, the Plan Strategy was formally adopted by the Council on 26 September 2023.

STAGE 3

- **Local Policies Plan** - The Local Policies Plan is the final document comprising the LDP. The draft Local Policies Plan is a public consultation document and will contain the Council's detailed land use proposals in relation to the future development of the Council area.
- **Independent Examination** - An Independent Examination will be held to determine the **soundness** of the draft Local Policies Plan, taking into account any representations or counter representations. Following the Independent Examination, an Advisory Report of its findings will be issued to Central Government.

² See Development Plan Practice Note 06 Soundness, DfI

- **Binding Report** - following consideration of the Advisory Report, Central Government will issue a Binding Report to the Council. The Council must incorporate any changes outlined in the Binding Report into the Local Polices Plan.
- **Adoption of Local Policies Plan** - Following the Independent Examination and direction from Central Government, the Local Polices Plan will be formally adopted by the Council.

STAGE 4

- **Monitoring & Review of LDP** - The LDP will be reviewed every 5 years following adoption of the LPP. In keeping with the Department's Section 12 Direction (of the Planning Act (NI) 2011), dated 28 June 2023, to adopt the Plan Strategy, as good practice the Council will monitor annually those categories of development highlighted in Appendix E of its Plan Strategy.

4.2 In addition to undertaking a **Sustainability Appraisal** (incorporating Strategic Environmental Assessment (SEA)), the Council is also required to carry out a number of assessments to accompany preparation of the LDP including:

- **Habitats Regulations Assessment (HRA)** for the LDP to consider the potential impact of LDP policies and proposals on European nature conservation sites.
- **Equality Impact Assessment** for the LDP to consider if the LDP is likely to have an impact on different sections of the community and any mitigating measures required as a result.

5.0 Delivery of the Local Development Plan

5.1 Meeting the attached timetable is dependent upon Member involvement, adequate resourcing and careful risk management.

5.2 A **Steering Group** and **Project Management Team/Stakeholder Group** has been established, to oversee the development of the LDP, the former comprising of the relevant Council Committees, and the latter being Senior Council Officers and representatives from the key Statutory/non-statutory consultees.

5.3 The Council and Central Government will be informed as necessary on progress in meeting the Timetable.

5.4 Progress reports on the LDP will be submitted regularly to the relevant Council Committees.

- 6.1 In the event that the Plan Timetable requires amendment, the Council has the power under the Planning Act 2011 to publish a revised Timetable. Any amendments will be publicised and made available on the Council's website at www.lisburncastlereagh.gov.uk following the agreement of Central Government.

Lisburn & Castlereagh City Council Local Development Plan Timetable

Key Stages	Key Actions	Detail	Timescale
1 Plan Preparation	Agree and publish Statement of Community Involvement	Informal Community Engagement carried out for 8 week period (last quarter 2015)	Q2 2016
	Agree and publish Timetable for LDP	- Consult PAC and other consultation bodies; - Seek agreement with DfI following Council approval of timetable (4 weeks)	Q3 2016
	Utilise Evidence Base in consultation with statutory consultees and key stakeholders	Commission specific studies required; - Identification of key issues with relevant statutory consultees and key stakeholders; - Consult with Consultation Bodies on scope of Sustainability Appraisal (SA); - Initial EQIA and HRA Screening; - Consult with Council in advance of publication	Q4 2016
	Publish Preferred Options Paper with Sustainability Appraisal Interim Report	Publish SA Scoping and Interim Reports; - Minimum 8 week statutory consultation period - Input representations on LDP database	Q1 2017
	Consider responses to POP	Prepare Public Consultation Report	Q3 2017
2 Plan Strategy	Preparatory Work	Survey and analysis Procurement process for independent experts	Q4 2018 - Q2 2019
	Publish Draft Plan Strategy with Sustainability Appraisal Report (incorporating SEA)	Publish Draft Plan Strategy & Associated documents for informal viewing – 4 weeks* - 8 week statutory consultation period for representations; - 8 week statutory period for counter representations; - Consideration of representations (including summary of main issues) - Consideration of any focussed or minor changes *Includes SA Report, draft Habitats Regulations Assessment, EQIA and Rural Proofing;	Q3 2019 - Q4 2020
	Soundness Based Independent Examination	- Submit documents to Department for IE; - Advisory Report from PAC sent to DfI; - DfI issues Binding Report to Council;	Q1 2021 - Q2 2023
	ADOPTION OF PLAN STRATEGY	- Council considers Binding Report - Changes made to finalise Plan Strategy - Publish Sustainability Appraisal Adoption Statement (incorporating SEA); - Publish Habitats Regulations Assessment, EQIA and Rural Proofing	Q3 2023 - 26th Sept 2023

<p>3 Local Policies Plan</p>	<p>Preparatory work</p>	<p>Survey and analysis Procurement process for independent experts</p>	<p>Q4 2025 – Q2 2026</p>
	<p>Publish Draft Local Policies Plan with Sustainability Appraisal Report (incorporating SEA)</p>	<p>Publish Local Policies Plan & Associated documents for informal viewing – 4 weeks* - 8 week statutory consultation period for representations; - 8 week statutory period for counter representations; - Consideration of representations (including summary of main issues) - Consideration of any focussed or minor changes *Includes SA Report, draft Habitats Regulations Assessment, EQIA and Rural Proofing;</p>	<p>Q3 2025 – Q3 2026</p>
	<p>Soundness Based Independent Examination</p>	<p>- Submit documents to Department for IE; - Advisory Report from PAC sent to DfI; - DfI issues Binding Report to Council;</p>	<p>Q4 2026 – Q2 2028</p>
	<p>ADOPTION OF LOCAL POLICIES PLAN</p>	<p>- Council considers Binding Report - Changes made to finalise Local Policies Plan - Publish Sustainability Appraisal Adoption Statement (incorporating SEA); - Publish Habitats Regulations Assessment, EQIA and Rural Proofing</p>	<p>Q3-Q4 2028</p>
<p>4 Monitoring and Review</p>	<p>Monitoring and Review of Local Development Plan</p>	<p>Annual Monitoring including Housing Monitor Reports, Employment Land and Appendix E of the Plan Strategy in accordance with Regulation 25 of the Planning (Local Development Plan) Regulations (NI) 2015; 5 and 10 year review leading to commencement on a replacement LDP</p>	<p>Ongoing</p>

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Your Ref:

Our Ref:

07 May 2024

Dear Mr Hughes

Re: Local Development Plan for Lisburn and Castlereagh City Council – Revised Timetable – April 2024

Thank you for your correspondence received 11 April 2024 enclosing a revision to Lisburn and Castlereagh City Council's Local Development Plan timetable for agreement.

In accordance with Section 7(2) of The Planning Act (Northern Ireland) 2011 and Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. The Department hereby agrees the Council's revised Local Development Plan timetable.

Further to our comments highlighted in previous correspondence (29 March 2024) reference to the future s14 direction will need to be reflected in any subsequent iterations of the Council's timetable.

I note your comments relating to contact with the Planning Appeals Commission (PAC). The Department continue to engage with the PAC and the Department of Justice on the implications of the resourcing issue, and monitoring will be kept under review. I would also encourage you to highlight any concerns you have directly with the PAC also.

The council must also be satisfied that any changes made to the timetable are, where necessary, reflected in the Statement of Community Involvement. You are reminded of the publicity requirements regarding availability of the timetable under regulation 8 of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

If you have any further queries regarding this matter please do not hesitate to contact myself, Suzanne Bagnall or Claire Patton.

Yours sincerely



SUSAN WILKIN
Deputy Director