



April 9th, 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, 15th April 2024** at **1:00 pm**, 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)

3.0 Minutes of the Planning Committee Meeting held on 4 March, 2024

📄 *PC 04.03.2024 - Draft Minutes for adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📄 *Item 1 - Schedule of Applications.pdf*

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

📄 *Appendix 1.1(a) - DM Officer Report - LA052023 0085F - Tansy Road - Addendum - FINAL.pdf*

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📄 *Appendix 1.1(b) - Note of Site Visit - LA0520230085F - FINAL.pdf*

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📄 *Appendix 1.1(c) - DM Officer Report - LA0520230085F - 16cTansyRoad- FINAL.pdf*

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

📄 *Appendix 1.2(a) - DM Officer Report - LA052022 0094O - Corcreeny Road - Addendum - FINAL.pdf*

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📄 *Appendix 1.2(b) - DM Officer Report - LA05.2022.0094 - Final.pdf*

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- (iii) LA05/2024/0019/F - Proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8 metre boundary fence at Grove Activity Centre 15 Ballinderry Park, Lisburn

📄 *Appendix 1.3 - DM Officer Report LA0520240019F - Grove Activity Centre - FINAL.pdf*

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- (iv) **LA05/2022/0947/F - Erection of a 2 & a half storey building consisting of 10 luxury apartments with in-curtilage parking at site at 132 Hillsborough Road, Lisburn**
📄 *Appendix 1.4 - DM Officer Report - LA0520220947F - Hillsborough Rd Lisburn - FINAL.pdf* Page 91

- (v) **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 Land to rear of 7-23 Ferndene Park, Ballymaglaff, Dundonald**
📄 *Appendix 1.5 - DM Officers Report - LA0520211007F - Ferndene - Housing - FINAL.pdf* Page 129

4.2 Statutory Performance Indicators - February 2024

For Noting

- 📄 *Item 2 - Statutory Performance Indicators - February 2024.pdf* Page 164

- 📄 *Appendix 2 - Lisburn_Castlereagh_February_Monthly_MI.pdf* Page 166

4.3 Appeal Decision - LA05/2022/1149/A

For Noting

- 📄 *Item 3 - Appeal Decision LA05 2021 1149A.pdf* Page 167

- 📄 *Appendix 3 - Appeal Decision - LA0520211149A.pdf* Page 169

4.4 Appeal Decisions - LA05/2020/0311/RM and LA05/2021/0275/RM

For Noting

- 📄 *Item 4 - Appeal Decision LA05 2021 0275RM & LA05 2020 0311RM.pdf* Page 175

- 📄 *Appendix 4 - Appeal decision LA0520210275RM & LA0520200311RM.pdf* Page 178

4.5 Notification Direction by Department in relation to LA05/2023/1001/O

For Noting

- 📄 *Item 5 - Notification Direction from Department - LA0520231001O.pdf* Page 189

- 📄 *Appendix 5 - Letter to Mr Conor Hughes, LCCC re Notification Direction - Sprucefield - LA05 2023 1001 O - 29.02.24.pdf* Page 191

4.6 Notification Direction from Department in relation to LA05/2023/0344/F

For Noting

- 📄 *Item 6 - Notification Direction from Department - LA0520230344F.pdf* Page 196

▢ *Appendix 6 - Letter to Mr Conor Hughes, LCCC re Notification Direction - Sprucefield - LA05 2023 0344 F - 29.02.24.pdf* *Page 198*

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 203*

▢ *Appendix 7 - List of Notifications April 2024.pdf* *Page 205*

4.8 Pre-Application Notice (PAN) - Internal refurbishment and extension of existing music room and existing office, demolition of existing prefabricated units to the north and south of site and proposed new building on existing green space at Longstone Special School, 42 Millars Lane, Dundonald

For Noting

▢ *Item 8 - LA0520240239PAN.pdf* *Page 206*

▢ *Appendix 8(a) - Report in relation to LA052024 0239PAN - drafted.pdf* *Page 208*

▢ *Appendix 8(b) - LA0520240239PAN - Form.pdf* *Page 211*

▢ *Appendix 8(c) - LA0520240239PAN - Site Location Map.pdf* *Page 217*

4.9 Holding Direction from Department in relation to LA05/2021/1245/F

For Noting

▢ *Item 9 - Holding Direction from Department - Translink P&R.pdf* *Page 218*

▢ *Appendix 9 - Letter to Mr Conor Hughes re Holding Direction - Moira Train Station park and ride - LA05 2021 1245 F - 21.03.24.pdf* *Page 220*

5.0 Any Other Business

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 March, 2024 at 10.00 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

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

PRESENT IN REMOTE LOCATION:

Councillor D Bassett

IN ATTENDANCE:

Director of Regeneration and Growth (present remotely)
 Head of Planning & Capital Development
 Principal Planning Officers (RH and LJ)
 Senior Planning Officers (RT, MB and PMcF)
 Member Services Officers (CR and CH)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

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

1. **Apologies**

There were no apologies.

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

2. **Declarations of Interest**

The following declarations of interest were made:

- in respect of planning application LA05/2023/0085/F, Alderman J Tinsley stated that he knew the applicant. The applicant had spoken to him; however, Alderman Tinsley had advised that he was a member of the Planning Committee and had not commented one way or another;

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2. Declarations of Interest (Contd)

- in respect of planning application LA05/2021/1245/F, Councillor P Catney stated that he had previously spoken in favour of the application when he was an MLA and, at that stage also, had spoken to residents and the Minister for Infrastructure. He had sought and received speaking rights to address the meeting in relation to this application;
- in respect of planning application LA05/2022/0094/O, Councillor U Mackin stated that he had been contacted by a planning consultant on behalf of the agent. He had listened but had not commented one way or another;
- in respect of planning application LA05/2022/0018/F, Councillor D Bassett stated that he had been contacted by consultants; however, he had advised that he was a member of the Planning Committee and was not able to provide any information; and
- in respect of planning application LA05/2023/0662/F, Councillor D Bassett stated that this application was within his constituency, although he had not been contacted by anyone in relation to it.

3. Minutes of Meeting of Planning Committee held on 5 February, 2024

It was proposed by Councillor U Mackin seconded by Councillor D J Craig and agreed that the minutes of the meeting of Committee held on 5 February, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chairman, Alderman M Gregg, advised that there were 1 major application and 7 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.

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

Having declared an interest in this application, Councillor P Catney left the meeting (10.10.am).

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

The Committee received Mr R Agus, accompanied by Mr E Loughrey and Mr R McEvoy to speak in opposition to the application. Arising from discussion, during which the speakers indicated that they had not had sight of additional information submitted since the last meeting of the Committee, it was agreed to adjourn the meeting for a short period to allow the information to be circulated and the speakers to have time to consider the content of that correspondence.

Adjournment of Meeting

The meeting was adjourned at 10.33 am.

Resumption of Meeting

The meeting was resumed at 11.04 am.

Having considered the contents of the additional submission, the speakers were afforded a further opportunity to address the Committee and responded to a number of queries raised by Members.

At this stage, the Committee received the following:

- Councillor P Catney (having returned to the Chamber following presentation of the application by the Senior Planning Officer) to speak in support of the application; and
- Mr A Stott, accompanied by Mr A Larkin, Mr S Warke and Mr K Hannah, to speak in support of the application.

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

During discussion, Mr Stott stated that Translink would be content for planning permission, should it be granted, to include a condition requiring that, prior to any work commencing on the park and ride facility, works associated with the widening of the road, provision of a safe vehicular entrance, street lighting, footpaths would be carried out.

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

In response to comments regarding safety issues at the Glenavy Road/Station Road junction, Mr Stott stated that Translink would be willing to work with colleagues in Roads Service to provide any technical assistance required in any works that may be forthcoming. Members welcomed this, whilst noting that it would not form part of the decision-making process on this application.

A number of queries were responded to by Planning Officers, as well as Roads Service representatives who were in attendance – Mr W Cardwell and Mr B Finlay.

During discussion:

- Mr Cardwell confirmed that, since the last meeting of the Committee, he had met with the Senior Traffic Engineer and the issue of providing a right-hand turning lane at the Station Road/Glenavy Road junction was being further considered by the Department;
- in response to a request that consideration be given to reducing the speed limit on Glenavy Road in the vicinity of its junction with Station Road, Mr Cardwell agreed to pass that request to the relevant Officer within DfI Roads;
- in response to a request that consideration be given to imposing a speed limit on Station Road in the vicinity of the proposed park and ride facility, Mr Cardwell agreed to pass that request to the relevant Officer within DfI Roads.

“In Committee”

It was proposed by Councillor D J Craig, seconded by Councillor A Martin and agreed to go ‘into committee’ in order that legal advice could be sought on this application. Those members of the public in attendance, including Councillor P Catney, left the meeting (12.06 pm).

Advice was provided by the Legal Advisor in respect of this application.

Resumption of Normal Business

It was proposed by Alderman J Tinsley, seconded by Councillor D J Craig and agreed to come out of committee and normal business was resumed (12.33 pm).

At this stage, questions to Planning Officers and Roads Service representatives resumed.

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

Given the short notice objectors had had to have sight of additional information submitted, the Chairman, Alderman M Gregg, afforded them the opportunity to rebut anything they had heard since receiving this correspondence earlier.

Mr Stott having requested an additional opportunity to speak, similar to the objectors, the Chairman, Alderman M Gregg, declined the request as he explained that the objectors had only been afforded this opportunity given that they had not had sight previously of the additional submission provided since the last meeting.

Any additional queries raised after this were dealt with by the Planning Officers.

Debate

During debate:

- Alderman J Tinsley stated that this application had been thoroughly debated, with many concerns having been raised and responded to by those both in opposition to and in support of the application. On balance, and given that the general commuter would welcome the park and ride facility being proposed, Alderman Tinsley would be supporting the recommendation of the Planning Officer to grant planning permission;
- Alderman O Gawith stated that he was reassured that DfI Roads was now reviewing the provision of a right-hand turning lane on Glenavy Road and that Translink would offer any technical assistance required, although he acknowledged that that was outwith this planning application. On balance, whilst not perfect the application was the best it could be and Alderman Gawith would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor D J Craig stated that parking on Station Road had been a major road safety issue for many years and the provision of additional parking at the park and ride to take cars off Station Road, as well as the turning facility, could only result in improved road safety. On balance, despite his concerns regarding the junction at Glenavy Road/Station Road, he would be supporting the recommendation of the Planning Officer to grant planning permission. He welcomed comments regarding Roads Service reviewing the right-hand turning lane at this junction, whilst acknowledging it was not part of the application. Councillor Craig further stated that he would be keen to have a condition applied requiring safety measures to be implemented prior to any work commencing on the park and ride facility, as alluded to earlier by Mr Stott;

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

- Councillor A Martin stated that he too was encouraged by comments made by Roads Service representatives. The proposed facility would be a benefit not only to Moira village, but to Northern Ireland as a whole, and he would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor G Thompson stated that she was encouraged by comments made by Roads Service representatives, as well as Translink representatives, and would be supporting the recommendation of the Planning Officer to grant planning permission; and
- the Chairman, Alderman M Gregg, also welcomed comments by Roads Service representatives regarding the right-hand turning lane at the Glenavy Road/Station Road junction, as well as comments by Translink representatives regarding a condition to ensure the implementation of safety measures prior to commencement of work at the park and ride facility. Alderman M Gregg would be supporting the recommendation of the Planning Officer to grant permission to this application, which represented a step towards sustainable transport.

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 Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (1.09 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (1.47 pm).

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

The Senior Planning Officer (PMcF) 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.

Debate

During debate:

- Councillor D J Craig commended the developer for having taken on board the request made previously by the Committee that the development should include an element of affordable housing. He also welcomed ecological elements of the application in relation to the protection of bats and other species. Councillor Craig would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor P Catney echoed that he too appreciated that the developer had taken account of the Committee's previous request around affordable housing and he would be supporting the recommendation of the Planning Officer to grant planning permission;
- Alderman O Gawith stated that he would be supporting the recommendation of the Planning Officer to grant planning permission;
- Councillor A Martin stated that he appreciated that the developer had taken account of the Committee's previous request around affordable housing and stated this set a good example for other developers in the future. Councillor Martin would be supporting the recommendation of the Planning Officer to grant planning permission; and
- the Chairman, Alderman M Gregg, concurred with the sentiments expressed by other Members regarding the developer and would be supporting the recommendation of the Planning Officer to grant planning permission.

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.

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- (iii) LA05/2023/0662/F – Amendments to planning permission reference Y/2009/0160/F: change of apartment type and plot boundary amendments to approved apartments on plots 106 to 117 inclusive to provide 12 CAT1 apartments. Retention of roads/footways and open space as approved by Y/2009/0160/F with minor amendments to landscape proposals at Baronsgrange Development (under construction) at Comber Road, Carryduff

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

The Committee received Mr D Worthington in order to speak in support of the application and answered a number of queries raised by Members.

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

During his address, Mr Worthington had indicated a degree of pressure to commence this development before the end of March. The Head of Planning & Capital Development stated that, should planning permission be agreed today, a Section 76 Agreement would then be required to be put in place. Whilst the Council was in receipt of a draft Agreement, there were a number of steps to be taken before the Agreement would be ready to be presented to full Council for ratification and he could not commit to being a position to present this at the March Council meeting.

Debate

There were no comments made at the debate stage.

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.

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

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

The Committee received Dr J Bronte and Mr S McKee 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.

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

Debate

There were no comments made at the debate stage.

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 Chairman, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (2.54 pm).

Resumption of Meeting

The meeting was resumed at 3.00 pm.

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

The Senior Planning Officer (PMcF) 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.

Debate

During debate, Councillor P Catney stated that, given that the proposed development did not have an impact on the village-scape, he would be supporting the recommendation of the Planning Officer to grant planning permission.

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.

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

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

The Committee received Mr G Thompson, accompanied by Mr Martin, 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.

Debate

During debate, the Chairman, Alderman M Gregg, stated that, whilst he had sympathy with the applicant, this application did not meet with policy COU16 and he would be supporting the recommendation of the Planning Officer to refuse planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson and the Chairman, Alderman M Gregg **(9)**

Against: None **(0)**

Abstain: Councillor D J Craig **(1)**

The Chairman, Alderman M Gregg, declared that the recommendation of the Planning Officer to refuse planning permission was 'carried'.

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

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

The Committee received Mrs B Erwin, accompanied by Mr R Magee, to speak in support of the application and a number of queries raised by Members were responded to.

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

Following discussion, it was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed that this application be deferred for one month to allow for the submission of verified revenue accounts which could demonstrate that a horticultural enterprise had continued on the farm holding for the entire period of time since outline planning permission had been granted.

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At this point, the Chairman, Alderman M Gregg, indicated that he had to leave the meeting early. He referred to the fact that this was the last meeting at which Mrs Rachel Taylor, Senior Planning Officer, would be in attendance as she was leaving the Council to take up employment with the Planning Appeals Commission. Alderman Gregg thanked Mrs Taylor for her service to the Council and wished her well in her new post.

Councillor D Bassett left the meeting (4.59 pm).

The Chairman asked that item 4.2 on the agenda be considered at this point, before his departure from the meeting.

4.2 Notification Direction – LA05/2021/0033/F

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that, having considered the advice contained in the Officer's report, the test of the Regulations for the Department for Infrastructure to be notified of the Committee's decision on the above application not be met.

The Chairman, Alderman M Gregg, left the meeting at this point (5.06 pm) and the Vice-Chairman, Councillor U Mackin, took the chair.

Adjournment of Meeting

The Acting Chairman, Councillor U Mackin, declared the meeting adjourned at this point for a comfort break.

Resumption of Meeting

The meeting was resumed at 5.11 pm.

The remaining planning application was considered at this point.

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

Prior to presentation of the above application, it was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the application be deferred for a site visit as Members would benefit from physically viewing the site and getting clarification from Planning Officers in relation to existing buildings and previous planning approvals.

The Acting Chairman, Councillor U Mackin, advised that items 4.10 and 4.11 from the agenda would be considered at this point.

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4.10 LDP Quarterly Update

Members noted from the Officer's report, next steps on the preparation of the Local Development Plan. The updated timetable had been presented to the Regeneration and Growth Committee for approval and the programme of work accorded with the Planning Act (NI) 2011 and the Planning (LDP) Regulations (NI) 2015.

4.11 Enforcement Quarterly Update

Members noted the contents of an update in respect of the Planning Enforcement caseload.

It had been agreed previously that a workshop would be held to discuss enforcement issues with Members. Following discussion, it was agreed that:

- (a) as the Head of Planning & Capital Development, as well as the Principal Planning Officer, were required to attend proceedings in the High Court on the next scheduled date of the Planning Committee, i.e. 8 April, 2024, that meeting would be rescheduled, in consultation with the Chairman; and
- (b) the enforcement workshop would take place on the morning of the rescheduled meeting and that the Planning Committee meeting would commence in the afternoon, with the schedule of applications being drawn up to reflect this.

The remaining items on the agenda would be considered at this point.

4.3 Pre-Application Notice (PAN) – Proposed Battery Energy Storage System (BESS) 600MW, landscaping and ancillary development on lands approximately 230 metres east of 2 Moneybroom Road, Lisburn

Members having been provided with a copy of the above PAN, and the Head of Planning & Capital Development having responded to comments regarding a legal challenge in respect of a previous similar application, it was proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed that the PAN be noted and submitted in accordance with the relevant section of the legislation and related guidance.

4.4 Appeal Decision – LA05/2023/0062/O

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley 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.

4.5 Appeal Decision – LA05/2020/0496/F

It was proposed by Councillor G Thompson, seconded by Councillor P Catney 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.

4.5 Appeal Decision – LA05/2020/0496/F (Contd)

In response to a query from Councillor D J Craig, the Head of Planning & Capital Development agreed to provide information for next month's meeting on whether or not the neurologist's report provided to the Planning Appeals Commission had been made available to the Planning Committee prior to it making a decision on this planning application.

4.6 Statutory Performance Indicators – January 2024

It was proposed by Councillor D J Craig, seconded by Councillor G Thompson and agreed that information relating to Statutory Performance Indicators for January 2024 be noted.

At this point, Councillor D J Craig, congratulated Mrs Taylor on her new appointment.

4.7 Update on DAERA Actions to Improve Planning Consultation Response Timeframes and Engagement on the Need to Facilitate Prioritisation Requests

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed to note an update from the Head of Natural Environment Division in relation to actions taken to improve planning consultation response timeframes and engagement on the need to facilitate prioritisation requests.

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

It was proposed by Councillor D J Craig, seconded by Councillor S Burns and agreed to note the contents of the letter from the Department for Communities in relation to the above matter. The Council was currently investigating the need for a building preservation notice but would keep this under review with the Department.

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

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

It was further agreed, at the request of Alderman Tinsley, that the Head of Planning & Capital Development write to Openreach to request if contact had been made with Dundrod Motorcycle Club to ascertain if the two locations in Dundrod where fixed line broadband apparatus was to be installed were part of the Ulster Grand Prix race circuit.

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5. Any Other Business

5.1 Date of Next Meeting

The Acting Chairman, Councillor U Mackin, advised that, as considered under item 4.11, the date of the next meeting would be notified to Members in due course.

The Acting Chairman also expressed his best wishes to Mrs Taylor in her new position with the Planning Appeals Commission.

Conclusion of the Meeting

At the conclusion of the meeting, the Acting Chairman, Councillor U Mackin, thanked those present for their attendance.

There being no further business, the meeting was terminated at 5.51 pm.

Chairman/Mayor

DRAFT

Committee:	Planning Committee
Date:	15 April 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 five local applications. Two of which were previously deferred, another is mandatory as Council has interest in land and exceptions apply in relation to the others as section 76 agreements are required to secure delivery of affordable housing. <ol style="list-style-type: none"> a) LA05/2023/0085/F - Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works at 16c Tansy Road, Drumanduff, Lisburn Recommendation - Refusal b) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough. Recommendation – Refusal c) LA05/2024/0019/F - Proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8 metre boundary fence at Grove Activity Centre 15 Ballinderry Park, Lisburn. Recommendation – Approval

	<p>d) LA05/2022/0947/F - Erection of a 2 & a half storey building consisting of 10 luxury apartments with in-curtilage parking at site at 132 Hillsborough Road, Lisburn. Recommendation – Approval</p> <p>e) 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 Land to rear of 7-23 Ferndene Park, Ballymaglaff, Dundonald. Recommendation – Approval</p> <p>2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</p>	
2.0	<p><u>Recommendation</u></p> <p>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.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> (a) Planning Appeal (where the recommendation is to refuse) (b) Judicial Review <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
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>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>	

<p>Appendices:</p>	<p>Appendix 1.1 (a) - LA05/2023/0085/F – Addendum Report Appendix 1.1 (b) - LA05/2023/0085/F – Site Visit Report Appendix 1.1 (c) - LA05/2023/0085/F – Initial Report Appendix 1.2 (a) - LA05/2022/0094/F – Addendum Report Appendix 1.2 (b) - LA05/2022/0094/F – Initial Report Appendix 1.3 - LA05/2024/0019/F Appendix 1.4 - LA05/2022/0947/F Appendix 1.5 - LA05/2021/1007/F</p>

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	15 April 2024
Committee Interest	Local Application - Addendum
Application Reference	LA05/2024/0085/F
Date of Application	25 January 2023
District Electoral Area	Killultagh
Proposal Description	Erection of dwelling on a farm including garage, outbuilding, animal pen and all associated site works.
Location	16c Tansy Road Lisburn
Representations	None
Case Officer	Catherine Gray
Recommendation	Refusal

Background

1. This application was presented to Committee for determination in March 2024 with a recommendation to refuse as it was considered to be contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal was also considered to be contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development would add to the ribbon of development along this section of the Tansy Road.
4. The proposal is contrary to policy COU 10 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed dwelling is not visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. In addition, no exceptional circumstances have been demonstrated to justify the alternative site as sought such as health and safety reasons or verifiable plans to expand the farm business.

5. The proposal is contrary to policy COU12 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.
6. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development if approved would be a prominent feature within the landscape; fail to cluster with an established group of buildings and it would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Tansy Road. The site also lacks long established natural boundaries and as such would rely primarily on the use of new landscaping for integration. The design of the dwelling is also inappropriate for the site and its locality by virtue of its scale, massing and siting.
7. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be unduly prominent within the landscape; fail to cluster with an established group of buildings; it would not respect the traditional pattern of settlement exhibited along this stretch of the Tansy Road; and involve the construction of a new access all of which have an adverse impact on the rural character of the area.
8. Prior to the application being presented to the committee, it was agreed to defer consideration of the application to allow for a site visit to take place. This site visit took place on Wednesday 03 April 2024.
9. A separate note of the meeting is available and appended to this report.

Further Consideration

10. Members were reminded that the site visit was arranged to provide an opportunity to observe and examine the site, adjacent buildings and its surrounding context.
11. With the aid of the site location plan, the principal planning officer explained to Members, the extent of the application site [redline] and lands within control of the applicant [blue line].
12. The site location plan was also used to show the relationship between the proposed farm dwelling the adjacent dwelling at 16C Tansy Road and the location of the outbuildings to the rear. The rising topography of the site was noted as was the extent of any boundary treatments.
13. Members viewed the site from the rear of 16C Tansy Road. The approximate location of the outbuildings on ground set below the level of the house were observed.

14. Members then moved along the Tansy Road and viewed the agricultural buildings from the roadside and in front of 16C Tansy Road and to the side from the agricultural lane that provides access to the agricultural buildings. These farm buildings were set a lower level than Tansy Road and barely visible along the road frontage. One building was used to store a tractor and other materials. The other was used for keeping animals in.

Existing Approval

15. Members sought clarification in relation to the permission for the existing dwelling at 16C Tansy Road.
16. The planning history for this dwelling was described in the case officer's report at paragraph 17. The history confirms that planning permission was granted for a farm dwelling in February 2012 under planning application reference S/2011/0008/F. The site layout plan linked to this permission indicated that this farm dwelling would be sited and constructed in the same location to the dwelling proposed in this application. The access was proposed from the existing agricultural lane to the farm buildings to the rear of 16C Tansy Road
17. That said, no evidence is submitted to indicate that this planning permission was ever implemented. It is now time expired and cannot be given any material weight to justify siting another dwelling at this location.
18. There is nothing in the officer's report from the S/2011/0008/F history to explain how a dwelling would visually link to or be sited to cluster with the farm buildings. As explained above the agricultural buildings are located behind the dwelling at 16C Tansy Road and set down in the landscape in a location that they are not visually linked to or clustered with the proposed dwelling.
19. The dwelling at 16C Tansy Road has no history of planning permission. It is not a dwelling on the farm and cannot be counted as a building on the farm for the purpose of assessing criteria (c) of policy COU10. It separates the proposed dwelling from the established group of buildings on the farm.

Conclusions

20. The planning advice previously offered that planning permission should be refused is not changed.
21. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 04 March 2024.

LISBURN & CASTLEREAGH CITY COUNCIL

21

Note of a site visit by the Planning Committee held at 12:30pm on Tuesday 03 April to lands at 16c Tansy Road, Drumanduff, Lisburn

- PRESENT:** Chairperson (Alderman M Gregg)
- Aldermen O Gawith and J Tinsley
- Councillors S Burns, P Catney, DJ Craig and G Thompson.
- IN ATTENDANCE:** Principal Planning Officer (RH)
Member Services Officer (BF)

Apologies for non-attendance at the meeting were recorded on behalf of Councillors D Bassett, U Mackin, A Martin and N Trimble, together with the Head of Planning and Capital Development.

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

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

The Committee had agreed to defer consideration of the application to provide Members with an opportunity to observe and examine the site, adjacent buildings, and its surrounding context.

Members and officers met at the site. In accordance with the Protocol for the Operation of the Planning Committee, Members were provided with background to the application and the reasons for refusal.

With the aid of the site location plan, the principal planning officer explained to Members, the extent of the application site [redline] and lands within control of the applicant [blue line].

The site location plan was used to demonstrate the location of the proposed farm dwelling with the site adjacent to 16C Tansy Road and the location of the outbuilding to the rear. The rising topography of the site was noted as was the extent of any boundary treatments.

Members viewed the site from the rear of number 16C Tansy Road. The approximate location of the outbuilding on lower ground was observed.

Members then moved along the Tansy Road and viewed the agricultural buildings from the other side of 16C Tansy Road via an agricultural lane. It was noted that these farm buildings were set a lower level than Tansy Road and barely visible along the road frontage. One building was used to store a tractor and other materials. Another was used for animals.

There being no further business, the site visit ended at 12:55pm.

Lisburn & Castlereagh City Council

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

Summary of Recommendation

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

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

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

Description of Site and Surroundings

Site

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

Surroundings

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

Proposed Development

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

Relevant Planning History

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

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

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

Consultations

- 19. The following consultations were carried out:

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

Representations

20. No representations in opposition to the proposal have been received.

Local Development Plan

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

Plan Strategy 2032

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

Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any

old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.

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

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

23. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
24. The site is located in the countryside in the Lisburn Area Plan (LAP). In draft BMAP (2004) and the subsequent revision to BAMP (September 2014) this site is also identified was being located in the open countryside.
25. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) *resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

26. The following operational policies in Part 2 of the Plan Strategy also apply.
27. The proposal is for a farm dwelling and for an agricultural outbuilding. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

28. As explained this is an application for a farm dwelling and outbuilding and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU 12, COU15 and COU16 of the Plan Strategy.
29. As the site is located on the roadside and at one end of a ribbon of development the proposal is also considered against the requirements of policy COU8.

Dwellings on Farms

30. A new dwelling is proposed on a farm. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

- a) *the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years*
- b) *no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application*
- c) *the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Agricultural and Forestry Development

31. A new agricultural outbuilding and associated enclosure is proposed. Policy COU12 Agricultural and Forestry Development states

Planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that:

- a) *the agricultural or forestry business is currently active and established (for a minimum of 6 years).*
- b) *it is necessary for the efficient use of the agricultural holding or forestry enterprise.*
- c) *in terms of character and scale it is appropriate to its location.*
- d) *it visually integrates into the local landscape and additional landscaping is provided as necessary.*
- e) *it will not have an adverse impact on the natural or historic environment.*
- f) *it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where development is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used.*
- *the design and materials to be used are sympathetic to the locality and adjacent building.*
- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

Integration and Design of Buildings in the Countryside

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

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

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

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*

- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

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

Infill/Ribbon Development

33. With site is located along the Tansy Road frontage and at the end of a ribbon of development. Policy COU8 Infill/Ribbon Development Planning states that:

permission will be refused for a building which creates or adds to a ribbon of development.

Exceptionally, there may be situations where the development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage, may be acceptable. For the purpose of this policy a substantial and continuously built up frontage is a line of 4 or more buildings, of which at least 2 must be dwellings, excluding domestic ancillary buildings such as garages, sheds and greenhouses, adjacent to a public road or private laneway.

The proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development. Buildings forming a substantial and continuously built up frontage must be visually linked.

Habitats, Species or Features of Natural Heritage Importance

37. It is stated at policy NH1 that:

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

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

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

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

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

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

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

38. It is stated at policy NH5 Habitats, Species or Features of Natural Heritage Importance that:

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

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

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

Waste Management

39. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

40. The proposal involves the construction of a new access to a public road. Policy TRA2 – Access to Public Roads states:

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

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

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

Historic Environment and Archaeology

41. The application site is within a consultation zone in respect of a rath (ANT063/015).
42. Policy HE2-The Preservation of Archaeological Remains of Local Importance states that:

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

43. Policy HE4 – Archaeological Mitigation states that:

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

Flooding

44. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside states that:

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

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

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

- *it is located in an area where there is evidence of historical flooding*
- *surface water run-off from the development may adversely impact on other*

development or features of importance to nature conservation, archaeology or historic environment features.

A development requiring a DA will be permitted where it is demonstrated through the DA that adequate measures will be put in.

Regional Policy and Guidance

Regional Policy

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

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

46. Paragraph 3.8 of the SPPS states:

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

47. This proposal is for a farm dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years;

48. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

49. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

50. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns are spread across our countryside. These patterns including farm type and size are reflective of different agricultural activities as well as the influence of the linen industry which supported the development of small holdings

51. Paragraph 2.7.1 of Building on Tradition states that:

The form of the farmstead is dictated by the scale and the type of farming practiced, local climate and topography, as well as building materials available locally. The most common form in the last century reflected improvements in farming with buildings serving different functions becoming more segregated and arranged around a farmyard.

52. It also notes with regards to visual integration that the following points be considered:

- Work with the contours (not against them)
- Look for sheltered locations beside woodland
- Make use of natural hollows
- void full frontal locations where bad weather can damage buildings
- Avoid north facing sloping sites (difficult to achieve good passive solar gains)
- Look for sites with at least two boundaries in situ and preferably three
- Look for sites that face south (easy to achieve good passive solar gains).

53. It also includes design principles that have been considered as part of the assessment:

- Get the size and scale right relative to what is existing.
- Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
- Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
- Retain existing hedgerows, boundaries and mature vegetation.
- Acknowledge building lines and informal setbacks.
- Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.

54. With regards to waste water treatment, Building on Tradition [page 131] states that:

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Farm Dwelling

55. Policy COU 10 requires sufficient evidence to be submitted to demonstrate that the farm business is active and established for at least 6 years.
56. DAERA Countryside Management Inspectorate Branch have confirmed that the farm business number associated with this application has been in existence for more than 6 years as it was allocated on 15 April 2005 for a category one business.
57. Advice received confirms that the farm business has not claimed payments via the BPS or AES in each of the last 6 years. The advice also explains that the site is not on land for which payments are currently being claimed by the farm business or on land claimed by any other business.
58. Evidence is submitted to demonstrate activity as outlined in the table below:

Invoices

Invoice	Date	To	Product
S. McConnell Agric. Merchants	31/10/2016	E. Collins 6 Crewe Hill	Goods

		Ballinderry Upper Lisburn	
Crumlin Livestock Mart Ltd	10/10/2016	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	6 sheep
S. McConnell Agric. Merchants	1/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	6/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	14/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	19/10/2016	E. Collins	Goods
S. McConnell Agric. Merchants	25/10/2016	E. Collins	Goods
Crumlin Livestock Mart Ltd	21/08/2017	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	4 sheep
Crumlin Livestock Mart Ltd	22/10/2018	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	7 sheep
S. McConnell Agric. Merchants	30/11/2019	E. Collins 6 Crewe Hill Ballinderry Upper Lisburn	Goods
S. McConnell Agric. Merchants	08/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	15/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	26/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	28/11/2019	E. Collins	Goods
S. McConnell Agric. Merchants	30/11/2019	E. Collins	Goods
Ballymena Livestock Mart	20/10/2021	M.E. Collins 6 Crewe Hill Upper Ballinderry	X2 fat Ewes
Ballymena Livestock Mart	27/10/2021	M.E. Collins 6 Crewe Hill Upper Ballinderry	X2 fat lambs
S. McConnell Agric. Merchants	3/3/2022	E. Collins	Goods

S. McConnell Agric. Merchants	9/3/2022	E. Collins	6 ewe and lamb
S. McConnell Agric. Merchants	17/3/2022	E. Collins	Ewe nuts
S. McConnell Agric. Merchants	31/3/2022	E. Collins	Goods

59. Further supporting information was provided on receipt of comments from DAERA as follows:

- Email from agent stating that 'the consultation response does not stipulate the farm business is inactive but indicates the applicant is not in receipt of claimed payments. This is because the applicant's eligible agricultural land is below 3Ha and therefore does not meet the eligibility criteria to claim payments through the Basic Payment Scheme. Please see link below to the BPS guide by DAERA (Section 2)'. Evidence of farming activity in the form of a sheep and goats movement book recorded on DARDS official paperwork (Sheep & Goats Records, Identification & Movement) Order NI 2009) has in turn been forwarded for consideration.
- Sheep & Goats Movement Book (Flock No. 761138- MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn).

Date	Origin	Destination	
5/09/2016	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Crumlin Mart	9 animals
24/07/2017	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Crumlin Mart	5 animals
22/10/2018	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Crumlin Mart	7 animals
28/08/2019	MS M. E. Collins, 6 Crewe Hill, Upper Ballinderry, Lisburn	Ballymena Mart	8 animals
28/08/2019	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	8 animals
22/07/2020	MS M. E. Collins, 6 Crewe Hill,	Ballymena Mart	5 animals

	Upper Balinderry, Lisburn		
22/07/2020	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	5 animals
24/07/2021	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	4 animals
24/08/2022	MS M. E. Collins, 6 Crewe Hill, Upper Balinderry, Lisburn	Ballymena Mart	6 animals

60. An assessment of the documents provided illustrates that payments cannot be claimed for businesses that have less than 3 hectares of eligible land within it.
61. Taking account of the supporting statement as provided in conjunction with comment received from DAERA and also the fact that a farm dwelling appears to have been approved previously for the same farm business number it is considered that point (a) of policy COU10 has been met in that the farm business is currently active and has been established for at least 6 years.
62. With regard to point (b) of policy COU 10 it is noted within the submitted P1c form that it is outlined that 'a dwelling was built in more than 10 years ago on the farm land by a family member'. The application is referenced in the planning history section of the report and the permission issued on 27 February 2012. The applicant was Mr Peter Collins.
63. The current application was submitted 23 January 2023. A land registry check undertaken in respect of criteria (b) illustrates that the dwelling appears to remain within the ownership of the same applicant. Therefore, it is considered that point (b) of policy COU10 has been met in full in that no opportunities have been sold off the farm holding.
64. With regard to criteria (c) the proposed dwelling is sited so to be visually linked to 16c Tansy Road to its immediate west and a small existing outbuilding further to the north west of 16c which is sited adjacent to the existing farm laneway which provides access to further outbuildings within the holding.
65. The principal group of farm buildings are considered to be the buildings located to the rear of the dwelling at 16c Tansy Road.
66. The agent within supporting information provided outlines the following in respect of the proposed siting of the proposed farm dwelling.

The proposed dwelling is located to the northeast of the existing group of buildings on the farm and has visual links to the existing farm shed & buildings.

(See figure 4 below). A new private driveway will provide access to the proposed site. A new private driveway is proposed for health and safety reasons in order to keep dwelling and farm activities separate.

67. A question arises however as to whether the dwelling at 16c Tansy Road can be counted as a farm building. In a full exploration of the planning history it is assessed that the building is not sited or built in accordance with the approved planning drawings. No subsequent planning approval or Certificate of Lawfulness is currently in place for this dwelling resulting it being currently unregularised.
68. A planning appeal decision 2020/A0058 provides some assistance in this regard. At paragraph 6.15 of the decision it states that

The word “unregularised” indicates that they do not have planning permission. The appropriate route to determine their planning status would therefore be through the submission of an application to the Council for a Certificate of Lawfulness of Existing Use or Development for a formal determination. In the absence of such a Certificate, it cannot be concluded that both structures are lawful. As a consequence, both the pony shelter and metal clad structure cannot be counted towards sharing frontage. Hence, in the evidential context of this appeal, there are no buildings on the northern side of the appeal site that have road frontage.

69. Having regard to the views expressed by the Commission, it is considered that the existing dwelling at 16c Tansy Road cannot be taken into account in respect of criteria (c) of policy COU10.
70. Furthermore, the three outbuildings to the southwest of the site and behind the dwelling at 16c Tansy Road are considered to be behind the hill and not visually linked to the proposed dwelling. A separation distance of approximately 58 metre is considered to be too distant from the application site.
71. For the reasons outlined above, it is considered that the dwelling proposed is not visually linked or sited to cluster with an established group of buildings on the farm. On balance it is considered that point (c) of policy COU 10 is not met.
72. Policy COU10 does provide for exceptions whereby an alternative site elsewhere on the farm may be considered provided it is demonstrated that there are no other sites available at another group of buildings on the farm or out farm and where there are either demonstrable health and safety reasons or verifiable plans to expand the farms business at the existing group of buildings.
73. No supporting information has been provided to justify the alternative siting of the dwelling and no exception to criteria (c) is demonstrated.

Ribbon Development

74. As all the criteria of policy COU10 are not met and no justification is provided for a site away from a group of buildings on the farm the proposed development also falls to be assessed against the requirements of policy COU8.
75. The development will read with adjacent dwellings as you travel along the Tansy Road (16c, adjacent outbuilding, 16 and a new dwelling currently under construction/recently constructed).
76. Policy COU 8 states that
- planning permission will be refused for a building which creates or adds to a ribbon of development.*
77. The justification and amplification to policy COU8 states that
- a ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning.*
78. In this case 16c, 16, the recently constructed dwelling and 14 Tansy Road all present a front to the Tansy Road. The development as proposed shall front onto the road and be accessed from it. It will read with the aforementioned dwelling and in turn add to and extend the existing ribbon of development contrary to the requirements of policy COU 8.

Agricultural and Forestry Development

79. An outbuilding with an associated animal pen is included within the description of development.
80. The proposed outbuilding is shown to be single storey with a rectangular footprint and a pitched roof. It measures 7.62 metres x 14.47 metres (110.26 square metres). The ridge height of the building measures 4.62 metres.
81. A roller shutter door and pedestrian access door are shown on the side elevation. The building is to be constructed as a portal frame with Kingspan KS1000 or other equal cladding and a faced block base. Doors are to have a metal finish and water goods shall be aluminium. The colours are not specified.
82. It is considered on balance the site falls within a currently active and established agricultural business. That said, no supporting information has been provided to demonstrate that the outbuilding is necessary for the efficient use of the agricultural holding. The evidence provided in support of the farming activity would indicate that the business is small in scale. A building of this scale is excessive when considered alongside the existing buildings on the farm holding. Criteria (b) of policy COU12 is not met.

83. The character and scale of the proposed outbuilding is considered to be typical of an agricultural outbuilding and appropriate to its location. It would not be visible when viewed from the Tansy Road as a result of its location at the lower level within the site.
84. The proposed shed would visually integrate into the site and local landscape. The majority of an existing hedge and trees within an internal boundary within the overall site to the north of the shed shall remain in conjunction with existing field boundaries to the east of same allowing the shed to integrate into the local landscape to a satisfactory degree.
85. It is considered that the shed will not have any adverse impacts upon any built or natural heritage features of note. HED as previously outlined have no objection to the proposed development.
86. Clarification is provided that no animals are to be housed within the outbuilding. SES have in turn outlined that they have no objection to the proposed development. It is therefore considered that the development (outbuilding) will not result in any adverse harm in respect of any features of natural heritage importance.
87. The Councils Environmental Health Unit have offered no objection in relation to noise and odour. Criteria (f) is considered to be met.
88. No supporting information has been provided confirming that there are no suitable existing buildings on the holding or enterprise that can be used.
89. Detail provided in respect of the proposed outbuilding demonstrates that the design and materials of same would be sympathetic to the locality and adjacent buildings.
90. The site layout drawing provided illustrates that the outbuilding and animal pen shall be sited adjacent to existing outbuildings within the holding. The building is approximately 34 metres away from the existing outbuilding and it is noted on the ground that whilst it could be sited closer, as none of the in situ outbuildings are visible from the Tansy Road apart from the one accessed directly from the laneway it is considered that the siting of the proposed outbuilding is in accordance with the policy requirements of COU12 and no harm shall arise from its proposed siting.
32. For the reasons outlined, it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.

Integration and Design of Buildings in the Countryside

91. The dwelling is proposed on the highest section of the field. The outbuilding and animal pen are to be sited to the rear at a much lower level.

92. The proposed dwelling is two storey with a ridge height of 9.38 metres and eaves heights of 5.74 metres. The main part of the dwelling has a frontage of approximately 16.7 metres and a width of 6.7 metres.
93. A subordinate attached garage is, linked to the main dwelling. The dwelling shall have a pitched roof, rectangular footprint and windows with a vertical emphasis. A bay window detail is noted upon the front elevation. An external gable chimney is proposed also. A small degree of excavation is proposed as indicated on the submitted plans.
94. It is noted within the justification and amplification section of policy COU15 that a prominent, skyline or top of slope/ridge locations are considered unacceptable and new planting alone will not be sufficient for integration purposes.
95. It is considered therefore that the development as proposed would be a prominent feature within the local landscape by virtue of its size, scale, siting and lack of integration. It is considered that the development is contrary to criteria (a) of policy COU15.
96. The development would be sited beside a group of buildings (existing farm house and adjacent shed). However, for the reasons outlined within the above the farm house at 16c Tansy Road is not built in accordance with an earlier permission and as such, is discounted from the assessment. For the reasons already outlined, the development is not sited to cluster with an established group of buildings and is contrary to criteria (b) of COU15.
97. When viewed from the Tansy Road it is seen that there is a weak backdrop for the development as proposed to blend into the site. It is therefore considered that it would be contrary to criteria (c) of policy COU15.
98. The site also lacks long established natural boundaries. Only one of the four site boundaries can be seen to be defined via a mature boundary (eastern boundary). The northern, southern and western boundaries are defined via post and wire fencing only.
99. It is considered that the site would be unable to provide a suitable degree of enclosure for the development. It is contrary to criteria (d) of policy COU 15 and criteria (e) as the development would therefore rely on new landscaping for integration purposes.
100. It is considered that the scale and mass of the dwelling is unacceptable as it is sited in an elevated position. This is an unacceptable design for the location and locality and therefore be contrary to criteria (f) of policy COU 15.
101. The proposed ancillary works require cut and fill. The extent of the engineering operations are not so significant to justify a refusal of permission. Criteria (g) is met.

COU16 - Rural Character

102. For the same reasons outlined above in the COU15 consideration, the development would be a prominent feature within the local landscape by virtue of its scale, massing and siting. It is therefore considered to be contrary to point (a) of policy COU16.
103. Likewise and for the reasons outlined earlier in the report within the context of Policy COU10, the proposal is not visually linked or sited to cluster with an established group of buildings on the farm. Criteria (b) is not met.
104. The development if approved would add to a ribbon of development along this section of the Tansy Road and fail to respect the traditional pattern of settlement exhibited in the area by virtue of its siting, scale, massing and design.
105. The site is not located near any defined settlements and as such, it would not mar the distinction between a settlement and the surrounding countryside nor would it result in urban sprawl.
106. The justification and amplification section of policy COU 16 states that in all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety.
107. In this instance, it is considered that the development if approved would by virtue of its siting, scale and massing, have an adverse impact upon the rural character of the area.
108. No adverse impacts would arise in respect of the impacts of the development on residential amenity. An upper floor side bedroom window is noted which shall face the side/rear of 16c Tansy Road.
109. Measurements taken from the submitted site layout drawing illustrates that a separation distance of 17.1 metres is proposed. This addresses and potential for overlooking. Criteria (f) of policy COU16 is therefore considered to be met in full.
110. All required services can be provided (electricity, water and sewerage) without significant adverse impacts on the environment or character of the local area.
111. In terms of ancillary works, a small degree of cut and fill is noted as illustrated upon a submitted cross section drawing. It is considered that the scale of these works would be acceptable and no issues with regard to the rural character of the area would arise as a result of the ancillary works as proposed.
112. The development involves the provision of a new access onto the Tansy Road to provide vehicular and pedestrian access. No reason is offered why the

access cannot be taken from the lane serving the existing group of buildings. These works in their own right will also harm the rural character of the area by adding to a proliferation of accesses. Criteria (h) is not met for this reason. The design of the access to the public road is considered later in the report.

Policy WM2 - Waste Management

113. A septic tank is proposed in respect of foul sewerage treatment. Environmental Health and Water Management Unit were consulted and offer no objections in principle to the proposed waste treatment system.
114. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
115. Consideration of flood risk is included as a criteria for assessment in policy WM 2. A flood risk assessment is not required and consent to discharge is required as a parallel consent process.
116. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

Access and Transport

117. The Tansy Road is not a protected route. The proposal seeks permission for a farm dwelling, garage, outbuilding and animal pen which requires the provision of a new access from the public road.
118. DfI Roads have been consulted and offer no objection subject to standard conditions.
119. Taking the above into account it is considered that the development as proposed satisfies the policy requirements of Policy TRA2 in that the new access will not prejudice road safety or significantly inconvenience the flow of vehicles.

Natural Heritage

120. An N.I. Biodiversity Checklist (MCL Consulting) is submitted with the application. DAERA NED and the SES have been consulted neither consultee object to the proposed development.
121. An assessment of the submitted N.I. Biodiversity Checklist illustrates that the development is not located in any designated or non-designated sites. A single local wildlife site (Craneystown) is noted 1.11km east of the site, but due to the nature of the proposal and the distance between the site and the wildlife site it is not considered that any adverse impact will arise.

122. No evidence of protected and/or notable species within the site or within 30 metres of it was noted in respect of badgers, bats, pine martins, red squirrels, smooth newts, common lizards, breeding and nesting birds, lepidoptera species and or list plant species. No evidence of otters was noted in particular due to the presence of streams surrounding the site and no further evidence of mammal activity was noted along the water course in the form of scat, trails or tracks.
123. No invasive species listed on Schedule 9 of The Wildlife (NI) Order 1985 as amended were observed on site.
124. No further surveys are required. Any hedgerow removal noted to be required for the development shall be negated by proposed planting.
125. SES within their consultation advised that the proposal is residential in nature but includes an animal pen and outbuilding. The applicant has confirmed no livestock are to be housed in the proposed outbuilding.

There will therefore be no emissions of ammonia from the proposal. There is no viable hydrological connection to any European site. That said, a condition is recommended that no livestock are to be housed in the outbuilding at any time without prior written consent from the council so as to ensure the project is not likely to have a significant effect on any European site.

126. Taking into account the support provided by DAERA NED, WMU and the SES it is considered that the development as proposed, subject to condition will be in keeping with the requirements of policies NH1 and NH 5 of the LCCC Plan Strategy 2032. No adverse harm shall arise in respect of any features of natural heritage importance.

Built Heritage

127. The site is noted to be within proximity of a noted feature of built heritage importance in the form of a rath (ANT063/015).
128. HED have been consulted and are seen to offer no objections to the scheme. No adverse harm shall arise to the below ground heritage feature and no mitigation is recommended. It is therefore considered that the development meets the requirements of policies HE2 and HE4 of the Plan Strategy.

Flooding

129. With regard to FLD 3 it is noted that Flood Maps (NI) indicates that a northern part of the site adjacent to Tansy Road may be subject to surface water (pluvial) flooding but a drainage assessment is not required to be submitted for consideration. It is outlined that the applicant should be advised to appoint a competent professional to carry out their own assessment of flood risk and to

construct in a manner that minimises flood risk to the development and elsewhere.

130. It is indicated that surface water discharges from the site will be to soakaways and this is not within the remit of DfI Rivers. Consequently, DfI Rivers cannot comment on the effectiveness or otherwise as to using this method for the disposal of surface water.
131. Taking into account comment received from DFI Rivers it is seen that no issues of concern shall arise from the development in respect of flooding within the site or remote from it. It is seen that the development meets the requirements of policies FLD3 is met.

NIE

132. NIE Networks has no objection to make to the planning application based on the planning application and associated documentation that has been submitted.
133. They note the existing High Voltage (HV) overhead equipment crossing the site and advise that the statutory clearances from this equipment, which must be adhered to at all times are 3.0 metres. In the event of approval being granted an informative in respect of NIE comments can be utilised.

Conclusions

134. For the reasons outlined above, the proposal is considered not to meet the requirements of policies COU1, COU8, COU10, COU12, COU 15 and COU16 of the Plan Strategy.

Recommendations

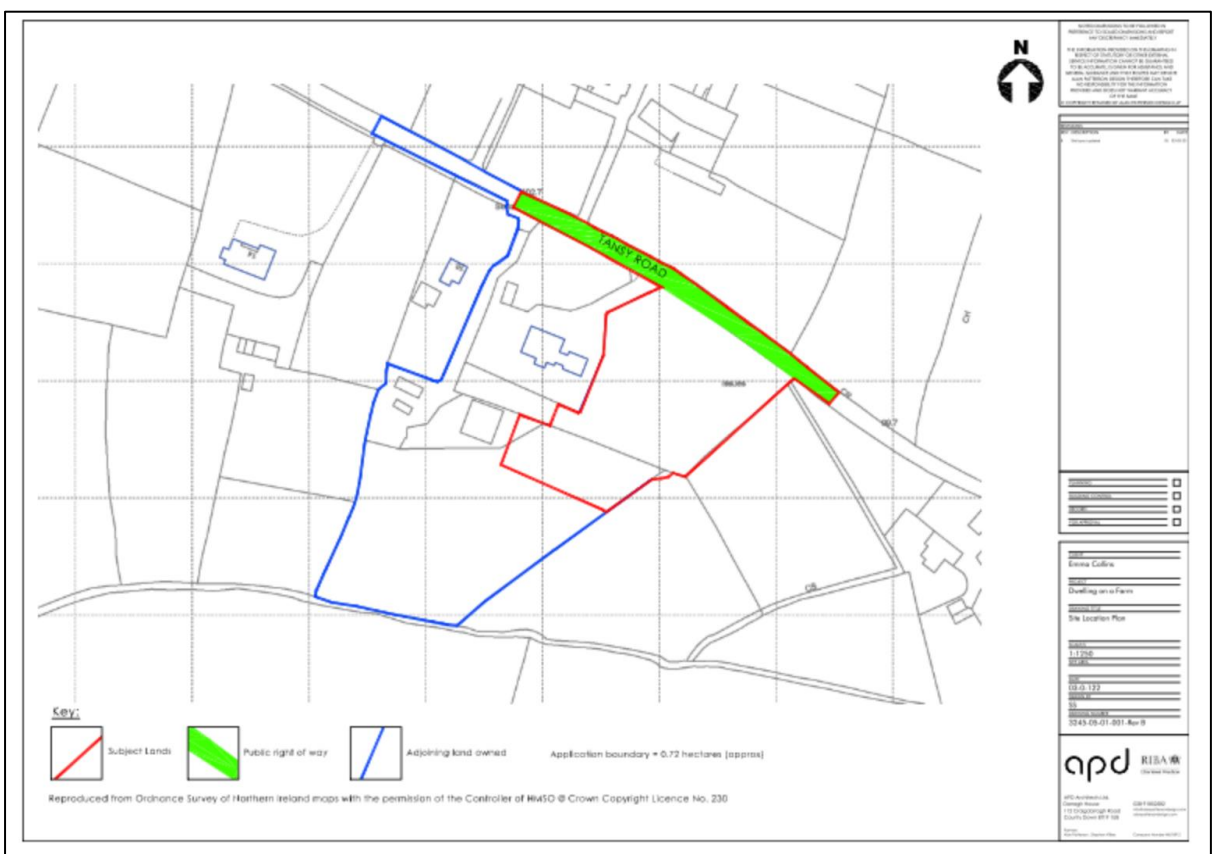
135. It is recommended that planning permission is refused.

Refusal Reasons

136. The following refusal reasons are recommended:
- The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 (in that the proposed development is not a type of development which in principle is acceptable in the countryside.

- The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development would add to the ribbon of development noted along this section of the Tansy Road.
- The proposal is contrary to policy COU 10 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed dwelling is not visually linked (or sited to cluster) with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane. In addition no exceptional circumstances have been demonstrated to justify the alternative site as sought such as health and safety reasons or verifiable plans to expand the farm business.
- The proposal is contrary to policy COU 12 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the outbuilding/animal pen is necessary for the efficient use of the agricultural holding. It also has not been demonstrated that there are no suitable existing buildings on the holding that can be used.
- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development if approved would be a prominent feature within the landscape; it is not sited to cluster with an established group of buildings and it would fail to blend with the landform as a consequence of there being no backdrop when viewed from the Tansy Road. The site also lacks long established natural boundaries and as such would rely primarily on the use of new landscaping for integration. The design of the dwelling is also seen to be inappropriate for the site and its locality by virtue of its scale, massing and siting.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would be unduly prominent within the landscape; it is not sited to cluster with an established group of buildings; it would not respect the traditional pattern of settlement exhibited along this stretch of the Tansy Road; and involve the construction of a new access all of which have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2023/0085/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	15 April 2024
Committee Interest	Local Application - Addendum
Application Reference	LA05/2022/0094/F
Date of Application	27 January 2022
District Electoral Area	Downshire West
Proposal Description	Erection of storey and a half farm dwelling and garage including paired access and laneway
Location	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, BT26 6EH
Representations	One
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Background

1. This application was presented to Committee for determination in March 2024 with a recommendation to refuse as the proposal was considered to be contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
2. The proposal was also considered to be contrary to Policy COU10 (a) of the Lisburn and Castlereagh Plan Strategy 2032, in that it has not been demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that the farm business is currently active and that it has been established for at least 6 years.
3. Furthermore, advice was provided that the proposal was 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) 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.
5. The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, and it will result in an adverse impact on the rural character of the area as the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area.
6. Following the presentation by officers and having listened to representations from the applicant and her agent, Members agreed to defer consideration of the application to allow for additional evidence to be submitted to demonstrate that the farm business has been active and established for the required period of six years.
7. Additional evidence received on 19 March 2024 is considered later in the report.

Further Consideration

Farming Activity

8. The additional supporting evidence provided includes:
 - a chronology of the evidence submitted from April 2015 to now and further explanation of the personal circumstances that gave rise to a reduction in activity in three of those years.
 - HMRC self-assessment tax returns for the requisite period of 6 years covering from 2015-16 up to 2022-23.
9. The HMRC annual self-employment returns demonstrate that a horticultural business was operated. Goods were bought for resale or as materials used in the business activity and there were business expenses claimed. Whilst the level of activity was low, the policy does not set a minimum threshold and the HMRC returns are consistent with narrative supplied that supports a fall of in activity due to changes in personal and domestic circumstances.
10. This new evidence when read alongside the information previously supplied is on balance sufficient to demonstrate an acceptable level of farming activity to enable the requirements of criteria (a) of policy HOU10 to be satisfied. This reason for refusal is withdrawn.

Visual linkage/clustering with an established group of buildings

11. The Agent also provides a rebuttal of the refusal reasons related to criteria (c) of policy COU10 and policies COU15 and COU16. The applicant compares the approach of the Council to an assessment of an earlier outline planning permission from January 2017 and now.
12. As explained at paragraph 75 of the initial report, the polytunnels are not considered to fall within the definition of an “established group of buildings on the farm” by virtue of their temporary construction. This approach is consistent with the earlier planning history and these building were also discounted as part of the earlier assessment.
13. There is no history of planning approval for the shed and as this is isolated and sited a considerable distance away from the main dwelling it is also discounted.
14. The main dwelling at 23 Corcreeny Road which was previously considered the principal farm building is located approximately 80 metres away from where the proposed dwelling is shown to be sited. An ancillary garage/outbuilding lies beyond this dwelling to the northwest. Whilst it was previously accepted that a new dwelling would cluster with these buildings no weight is attached to the additional evidence supplied in rebuttal.
15. This site is detached from main dwelling and the officer reaches a different conclusion in relation to criteria (c) of policy HOU10 for the reasons outlined at paragraphs 74 – 76 of the initial report. This reason is not withdrawn.

Traditional Pattern of Settlement

16. The Agent questions the traditional pattern of settlement in the area with the view expressed with the aid of a number of visuals that the proposed development does respect the pattern of settlement exhibited.
17. The initial report provides advice in relation to the application of policies COU15 and COU16 at paragraphs 88 – 96. For the reasons outlined, the dwelling will not cluster with an established group of buildings as it is too far removed from these buildings in terms of distance to provide that linkage. As such, a new farm dwelling will not respect the traditional pattern of settlement and these reasons for refusal are not withdrawn.

Conclusions

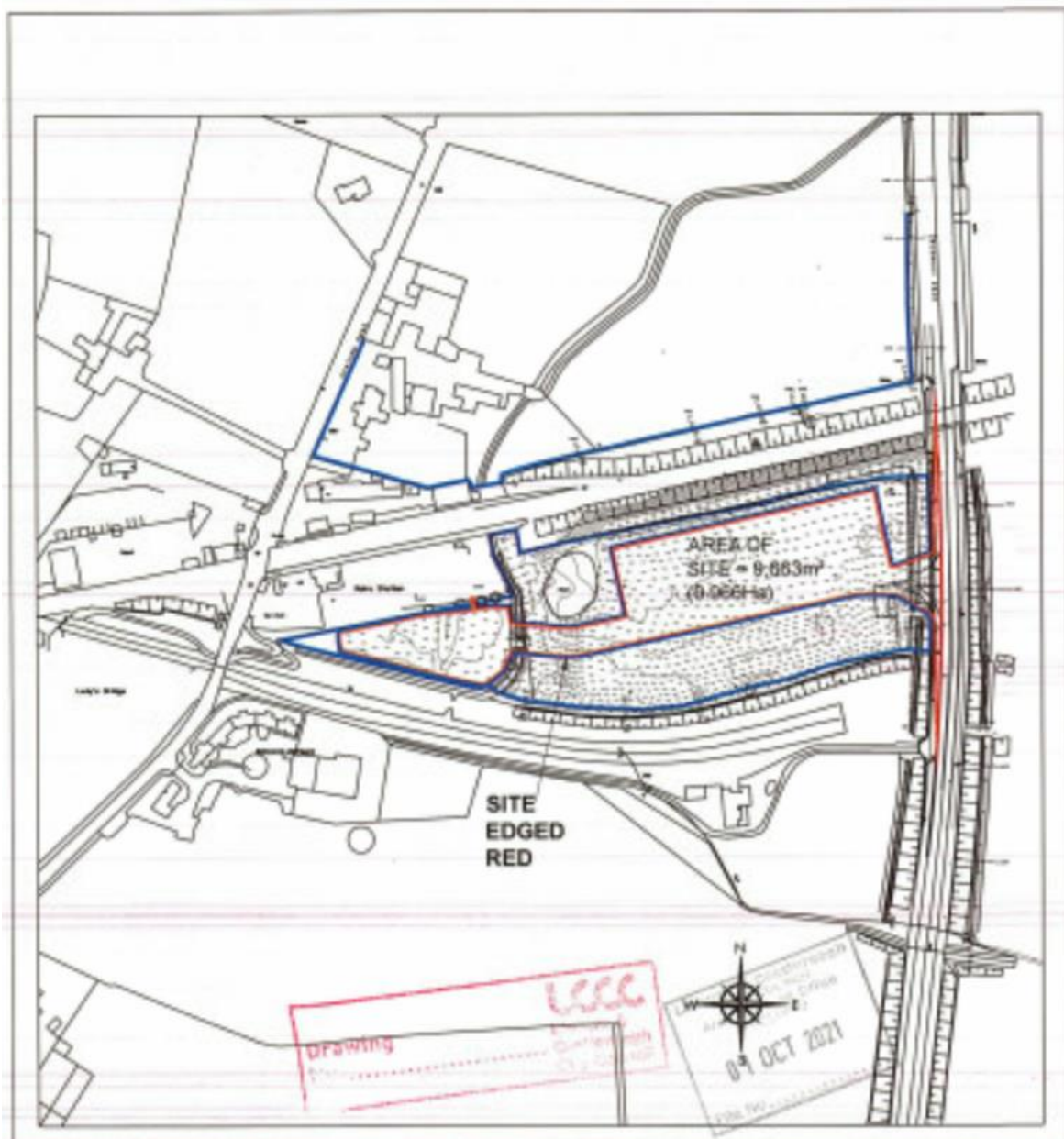
18. The planning advice previously offered that planning permission should be refused is changed and the reasons for refusal in respect of criteria (a) of policy COU10 is withdrawn.

19. The information contained in this addendum should be read in conjunction with the main officer's report as previously presented to Committee on 04 March 2024. The advice contained in respect of all the other reasons for refusal is unchanged.

Refusal Reasons

20. The following refusal reasons are recommended:
- The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
 - The proposal is contrary to criteria (b) of policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings.
 - The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, and it will result in an adverse impact on the rural character of the area as the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area.

Site Location Plan – LA05/2022/0094/F



A-AMENDED 19/08/21

Project	Moir Park & Ride A28 Glenavy Road, Moira	
Client	Mr Nigel Herdman	
Drawing Title	Site Location Plan	
Scale	1/2500	mc creanor & co architects <small>28 Peniston Road, Glasgow, G4 0JH 001 2711 - info@mccreanor.co.uk</small> <small>© copyright mc creanor & co. architects</small>
Date	October 2019	
Drawing No.	13/108C/PL01A	

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 March 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0094/F
Date of Application	27 January 2022
Proposal Description	Erection of storey and a half farm dwelling and garage including paired access and laneway
Location	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, BT26 6EH
Representations	One
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is recommended for refusal as it is considered that the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU10 (a) of the Lisburn and Castlereagh Plan Strategy 2032, in that it has not been demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that the farm business is currently active and that it has been established for at least 6 years.
4. The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.

5. The proposal is contrary to criteria (b) of policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings.
6. The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, and it will result in an adverse impact on the rural character of the area as the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area. .

Description of Site and Surroundings

5. The application site comprises of an irregular shaped field sited to the southeast of 23 Corcreeny Road. The site is accessed via the existing access serving 23 which is an existing dwelling with a garage/outbuilding to the rear.
6. The lands within consists of scrubland with a pond to the southern end of the site. The southeast and north eastern boundaries have a belt of mature trees. The rest of the area contains clumps of mature trees, two poly-tunnels and a small garden shed.
7. The entire boundary with the adjacent property 19 Corcreeny Road is a well-maintained hedge. The other boundaries are internal to the site and are a post and wire fence with planting separating the application site from lands associated with the dwelling house at 23 Corcreeny Road.
8. The lands fall away from the road frontage. The site and proposed location of the dwelling is not visible from the road frontage.

Surroundings

9. The surrounding area is rural in character and the land is mainly in agricultural use. There is some build up of development locally comprised of farm holdings set back from the adjacent road network along private lanes, and road frontage single dwellings. .

Proposed Development

10. Outline planning permission is sought for the erection of a storey and a half farm dwelling and garage including paired access and laneway.
11. Supporting information provided in respect of this application consists of the following:

- P1c form
- Supporting statements and related supporting information
- Biodiversity Checklist and Ecological Assessment

Relevant Planning History

12. The planning history associated with the adjacent site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2016/0011/O	Erection of storey and a half farm dwelling and garage including paired access and laneway	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough Co Down, BT26 6EH	Permission granted 25/01/17
LA05/2017/0869/RM	Erection of farm dwelling and garage including new paired access from main road, laneway and associated siteworks	Site approximately 140 metres south of 23 Corcreeny Road Hillsborough BT26 6EH	Permission granted 10/10/17
LA05/2018/0678/F	Change of access arrangement from that previously approved under planning application reference LA05/2017/0869/RM	Site approximately 140 metres south of 23 Corcreeny Road, Hillsborough, BT26 6EH	Permission granted 11/01/19

13. Outline planning permission was granted for a farm dwelling and garage on the same site (outlined in red as shown on site location map) on 25 January 2017. Approval of Reserved Matters was subsequently granted under LA05/2017/0869/RM on 10 October 2017.
14. Further to this, planning application LA05/2018/0678/F dealt with a “change of access arrangement from that previously approved under planning application reference LA05/2017/0869/RM” for the same site. Permission issued on 11 January 2019.
15. The outline and reserved matters approvals expired on 25 January 2022 (5 years from the date of the outline approval, which was the later of the 2 approvals).

- 16. The subsequent planning permission was for an alternative access arrangement. It did not seek to vary or alter the previous permission and was not submitted as a Section 54 application. It does not have any material weight in the assessment of this proposal.
- 17. This application was submitted on 22 December 2021. It was made valid on 27 January 2022. No CLUD is submitted to evidence that the development was commenced before the expiration of the outline permission and approval of reserved matter had lapsed. This proposal is considered on its own merits having and no material weight is attached to the planning history.

Consultations

- 18. The following consultations were carried out:

Consultee	Response
DAERA	Business has been in existence for more than 6 years however no SFP claimed
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
Rivers Agency	No objection
NIEA	StNo objection

Representations

- 19. One letter of support has been received. The letter, from Sir Jeffrey Donaldson MP requests that full consideration be given for the applicant’s personal circumstances alongside the evidence submitted of farming activity.
- 20. Consideration of this letter alongside all supporting evidence submitted to date will be included in the overall assessment of the application.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

23. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
24. In both the Lisburn Area Plan, draft BMAP and the subsequent revision to draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
25. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements*
- (c) protect the established rural settlement pattern and allow for vibrant sustainable communities.*

26. The following operational policies in Part 2 of the Plan Strategy also apply.
27. The proposal is for a farm dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

28. As explained this is an application for a farm dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU10, COU15, COU16 and WM2 of the Plan Strategy.

Dwellings on Farms

29. Policy COU10 – Dwellings on Farms states:

Planning permission will be granted for a dwelling house on a farm where all of the following criteria are met:

- a) *the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years*
- b) *no dwellings or development opportunities outwith settlement limits have been sold off from the farm holding within 10 years of the date of the application*
- c) *the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.*

Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided it is demonstrated there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group(s). The grant of planning approval for a dwelling on an active and established farm will only be permitted once every 10 years.

Integration and Design of Buildings in the Countryside

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

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

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

- a) *it is a prominent feature in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop*
- d) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape*
- e) *it relies primarily on the use of new landscaping for integration*
- f) *the design of the building is inappropriate for the site and its locality*
- g) *ancillary works do not integrate with their surroundings.*

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

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

- splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Habitats, Species or Features of Natural Heritage Importance

32. There are trees in the site, hedgerow on the boundaries and a pond adjacent. Policy NH2 Species - Protected by Law states that:

European Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:

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

National Protected Species

Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

33. It is further stated at policy NH5 - Habitats, Species or Features of Natural Heritage Importance that:

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

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

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

Waste Management

34. A septic tank is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

Development relying on non mains sewage treatment will only be permitted where it is demonstrated to the Council and its statutory consultees that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.

Access and Transport

35. The proposal involves the construction of a new access to a public road. This will provide access for pedestrians and vehicles. Policy TRA2 – Access to Public Roads states:

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

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

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

36. The justification and amplification states:

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

Flooding

37. A watercourse runs along the western boundary of the site. Policy FLD 1 – Development in Fluvial (River) Flood Plains states that

FLD1 Development in Fluvial (River) Flood Plains New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest

mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) essential infrastructure such as power supply and emergency services*
- b) development for the storage of hazardous substances*
- c) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) any development located close to flood defences. Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.*

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) replacement of an existing building*
- b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*
- c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain*
- d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children*
- e) the extraction of mineral deposits and necessary ancillary development.*

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) essential infrastructure*
- c) development for the storage of hazardous substances.*

Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria:

- a) demonstration of exceptional benefit to the regional or sub-regional economy*

- b) *b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.*

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk. Minor Development Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable: a) new hard engineered or earthen bank flood defences b) flood compensation storage works c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

Regional Policy and Guidance

Regional Policy

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

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

39. Paragraph 3.8 of the SPPS states:

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

40. This proposal is for a farm dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

provision should be made for a dwelling house on an active and established farm business to accommodate those engaged in the farm business or other rural dwellers. The farm business must be currently active and have been established for a minimum of 6 years; no dwellings or development opportunities shall have been sold off or transferred from the farm holding within 10 years of the date of the application; and, the proposed dwelling must be visually linked or sited to cluster with an established group of buildings on the farm holding. Dwellings on farms must also comply with LDP policies regarding integration and rural character. A dwelling on a farm under this policy will only be acceptable once every 10 years.

41. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.

Retained Regional Guidance

42. Whilst not policy, the following guidance document remain a material consideration:

Building on Tradition

43. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns are spread across our countryside. These patterns including farm type and size are reflective of different agricultural activities as well as the influence of the linen industry which supported the development of small holdings.

44. Paragraph 2.7.1 of Building on Tradition states that:

The form of the farmstead is dictated by the scale and the type of farming practiced, local climate and topography, as well as building materials available locally. The most common form in the last century reflected improvements in farming with buildings serving different functions becoming more segregated and arranged around a farmyard.

45. It also notes with regards to visual integration that the following points be considered:

- *Work with the contours (not against them)*
- *Look for sheltered locations beside woodland*
- *Make use of natural hollows*
- *void full frontal locations where bad weather can damage buildings*

- *Avoid north facing sloping sites (difficult to achieve good passive solar gains)*
- *Look for sites with at least two boundaries in situ and preferably three*
- *Look for sites that face south (easy to achieve good passive solar gains).*

46. It also includes design principles that have been considered as part of the assessment:

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.*
- *Retain existing hedgerows, boundaries and mature vegetation.*
- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*

47. With regards to waste water treatment, Building on Tradition [page 131] states that

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Farm Dwelling

48. This application is an outline planning application for a site for a dwelling on a farm.

49. The name and address of the applicant and owner of the farm business has been provided. The P1C Form states that the farm business was established prior to August 2004, has a DAERA business ID number but does not claim Single Farm Payment subsidies.
50. Further to consultation with DAERA, they confirmed that the farm business has been in existence for more than 6 years but that the applicant did not claim payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.
51. In the supporting information submitted by the agent a brief explanatory note has been provided stating that the field is not large enough to qualify for eligibility for SFP claims. In this instance as SFP is not being claimed. For this reason no up-to-date farm maps have been provided.
52. Policy COU10 of the Plan Strategy 2032 requires the farm business to be both active and established. The applicant will therefore be required to provide the farm business ID supplied from DAREA, along with other evidence to prove active farming over the required period [last six years], such as audited accounts compiled by an accountant.
53. As the application was submitted in December 2021, one month before the expiration of the previous farm dwelling approvals, evidence was required to demonstrate that agricultural activity has been carried out on the site over a requisite period of 6 years from 2016 - 2021.
54. The supporting evidence submitted detailed the farm business activity included the period covered by the earlier planning application. The applicants at that time were David and Barbara Irwin. Since then David Irwin passed away in May 2019. The supporting statement mentions that Mrs Irwin has continued to operate and maintain the farm and intensive cut flower and foliage horticultural business.
55. Additional evidence was sought on 23 August 2022 based on the proposal meeting the policy requirements of Policy CTY 10 of PPS 21 (the relevant policy for farm dwellings at that time). The applicant was asked to provide sufficient evidence such as verifiable accounts of the flower business to demonstrate active farming over a 6 year period from 2016 to 2022. .
56. An ecological report and Flood Risk Assessment were also requested at this time.
57. Additional supporting evidence in respect of the farming activity was then submitted in March 2023. A summary of the evidence submitted is set out below:

17 February 2016 – 30 April 2019

58. Evidence of horticultural business by way of invoices sent from Horticultural nursery suppliers - for example LRM Horticultural Services Ltd and James Pollock and Son sent to Mrs Erwin at the business address referred to "Foliage Works, 23 Corcreeny Road". Also includes expansive amount of invoice receipts of purchases from garden supply companies, garden centres, bulbs, seeds and plant wholesaler companies etc.
59. Evidence during this period is deemed sufficient in demonstrating three years and three months of business activity.

May 2019 – September 2021

60. Evidence submitted includes hand-written receipts for bulbs/plants purchased with no details of address provided, one invoice for lawn maintenance and receipt for horse riding boots.
61. Some invoices for November 2020 from seeds/plant companies. Address is referred to as "23 Corcreeny Road" and not "foliage works".
62. No other evidence provided for this period and the evidence as outlined is not deemed sufficient to demonstrate a sustained period of agricultural/horticultural activity in relation to said business during this period.

October 2021 – December 2021

63. Letter from DAERA relating to offer of grant aid for rural Business Development Grant Scheme referring to business as "NI Letterbox Flowers".
64. Again, as above, scarce invoices from seeds companies but mostly handwritten receipts are provided. This is deemed weak but does demonstrate a very low level of business activity.
65. Having considered the evidence in its entirety it was concluded that there was a significant gap in the business activity and that the total period for business activity equated to three years and six months. The applicant had therefore failed to demonstrate that the business continued to operate for a requisite period of 6 years prior to the submission of the application.
66. The agent was informed of this view on 19 June 2023 and was provided with a further opportunity to submit any other evidence in support of the application by way of verifiable business accounts which is considered as an appropriate and robust form of evidence for demonstrating farming activity.
67. This type of evidence is endorsed and supported by the PAC commissioners in two separate planning appeal decisions (2017/A0258 and 2019/A0256).

68. Further evidence was then submitted on 06 July 2023 and is summarised as follows:
69. Further handwritten receipts from June 2021 – March 2023 with evidence centred around bank account statements and garden centre sales receipts.
70. This evidence does not demonstrate the continuation of horticultural business previously known as “Foliage Works”, which largely formed the premise for the business activity from 2016 - 2019. It fails to demonstrate the horticultural activity continuing to operate on a business capacity post 2021.
71. In summarising all the latest information to date there is little or no evidence to suggest the horticultural business was operating post 2021 and activity appears to have ceased altogether.
72. Taking the above into account it is considered that it has not been demonstrated that the farm business is currently active and that it has been established for at least 6 years and therefore criteria (a) of policy COU10 has not been met.
73. A search of planning records against the applicants submitted Farm Map confirms that no dwellings or development opportunities have been sold off from the holding in the intervening period. Criteria (b) of Policy COU10 is met.
74. Turning then to criteria (c), detail within the flood map overlay drawing demonstrates an approximate location for the dwelling outside of the floodplain and located between the pond and the two polytunnels and small outbuilding adjacent. The site is also described on the application form as being 140 metres south of 23 Corcreeny Road. When checked the proposed farm dwelling is approximately 80 metres south of the gable of the dwelling at 23 Corcreeny Road.
75. The polytunnels are not considered to fall within the definition of an “established group of buildings on the farm” and by virtue of their temporary construction. There is not a sufficient degree of permanence to the structure to state otherwise. They were also discounted as part of the assessment of the previous application.
76. There is no history of planning approval for the shed and as this is isolated and sited a considerable distance away from the main dwelling it is also discounted.
77. As previously stated, the main dwelling at 23 Corcreeny Road is located approximately 80 metres away from where the proposed dwelling is shown to be sited. An ancillary garage/outbuilding lies beyond this dwelling to the northwest. Whilst it was previously accepted that a new dwelling would cluster with these buildings no weight is attached to the planning history for the reasons outlined above and this proposal is considered afresh.

78. The new dwelling will be visually removed from these two buildings. There are no views of these buildings from the site and vice versa. When observing both the site and buildings from the roadside there is no visual linkage between the two.
79. The separation distance between the site and associated buildings also means that the new dwelling will not be sited to cluster with the identified “established group of buildings” on the farm.
80. Furthermore, 19 and its garage are located approximately 50 metres to the east of the proposed siting and it is noted that these buildings are closer in terms of distance therefore the proposed dwelling would be more likely to form a grouping with these buildings which are not within the applicant’s ownership. Criteria (c) of Policy COU10 fails to be met.
81. Access to the site is via the construction of a new shared access to a public road. DFI Roads are content with the details provided and are content with the access in principle.

Integration and Design of Buildings in the Countryside

82. Turning then to Policy COU15, it is noted that the site benefits from existing boundary vegetation and mature trees which if retained will ensure that a dwelling located on this site would not be a prominent feature in the landscape. Criteria (a) is met.
83. In respect of criteria (b) and for the reasons outlined earlier in the report within the context of Policy COU10 considerations, the proposed dwelling would not be sited to cluster with an established group of buildings, namely the existing dwelling and outbuilding further to the north, as it would be too far removed from these buildings.
84. The existing trees and established natural boundaries within and around the site will ensure that a building, if designed appropriately will blend with the landform. The site is also able to provide a suitable degree of enclosure for the building to integrate into the landscape and it will not rely on the use of new landscaping for integration. Criteria (c), (d) and (e) are met.
85. This is an outline application and as such no design details have been provided. These details will be provided at Reserved Matters stage and will be assessed against the policy provisions set out in the Plan Strategy and the Guidance in Building on Tradition.
86. The main impact resulting from the ancillary works is the construction of the paired access. A new access will be created along the Corcreeny Road with the new laneway running almost parallel to the existing. There will be minimal

loss of vegetation to facilitate the splays, limiting significant impact on the ability to integrate the development into the countryside.

87. For the reasons outlined in the preceding paragraphs it is considered the proposal is contrary to criteria (b) of COU15.

COU16 - Rural Character

88. The new dwelling will not be unduly prominent in the landscape for the reasons outlined earlier in the report within the context of Policy COU15 considerations.
89. Criteria (b) of policy COU16 requires the dwelling to cluster with an established group of buildings. Again, for the reasons outlined earlier in the report, the proposed dwelling will not cluster with the established group of buildings, namely the existing dwelling and outbuilding, as it is too far removed from said buildings in terms of distance and visual linkage.
90. A new dwelling would not respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling that is not clustered with existing buildings on a farm. Criteria (c) is not met.
91. In respect of criteria (d) this site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside and it does not result in urban sprawl when viewed with the existing buildings.
92. This proposal will have an adverse impact on the rural character of the area due to the addition of ribbon development along the Corcreeny Road. Criteria (e) is not met.
93. In respect of criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on residential amenity in respect of any neighbouring properties.
94. In relation to criteria (g) and (h) all of the proposed services are provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
95. In respect of criteria (i) for the reasons set out earlier in the report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
96. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to meet criteria (b) and (e) of COU16.

Policy WM2 - Waste Management

97. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul sewage via a sewage treatment plant.
98. LCCC Environmental Health were consulted and offer no objection. NI Water have also replied indicating they are content subject to suitable conditions and informatives.
99. Consideration of flood risk is included as a criteria for assessment in policy WM2.
100. DfI Rivers identified that the site lies within the strategic 1 in 100 year fluvial flood plain of an undesignated watercourse located on the Western boundary of the proposed site.
101. Parts of the site also lie within a predicted flooded area as indicated on the Surface Water Flood Map.
102. DfI Rivers advised that all proposals should be kept outside the predicted 1 in 100 year fluvial floodplain. If any of the proposals are to take place within the strategic floodplain, then the applicant should carry out a Flood Risk Assessment for our consideration that will verify the more accurate extent of the 1 in 100 year fluvial floodplain.
103. A concept drawing indicates the extent of the floodplain and the approximate zone for the location of the proposed dwelling has been submitted and considered by DfI Rivers. Their advice that if the applicant restricted their development to this area of the site they would have no reason to object is accepted.
104. This proposal did not therefore require the submission of a flood risk assessment and consent to discharge is required as a separate consent outside of the planning process.
105. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
106. Based on a review of the information and advice received from consultees, it is accepted that a package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

Access and Transport

107. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of alteration of the existing access to allow for the construction of a new paired access and laneway onto the Corcreeny road which will be used for vehicular and pedestrian use.
108. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that regard has been given to the nature and scale of the development and the proposed access will not prejudice road safety or significantly inconvenience the flow of vehicles.
109. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
110. DFI Roads have considered the detail and offer no objections to the proposed development subject to standard conditions.
111. Based on a review of the information and the advice from statutory consultees, it is accepted that an access to the public road can be accommodated in principle without prejudice to road safety or significant inconvenience to the flow of traffic.
112. The requirements of Policy TRA2 and TRA 7 of the Plan Strategy are met in full for the reasons outlined above.

Natural Heritage

113. Initially requested from the agent on 23 August 2022, a Biodiversity Checklist was submitted on 21 February 2024 along with an accompanying Ecological Assessment.
114. The assessment has concluded the site was previously surveyed, in 2016, by AECOM, in relation to application LA05/2016/0011/O and NIEA consulted. The site is essentially identical to 2016, bar that some areas of grass have not recently been grazed.
115. The summary and mitigation outlined in the EA takes into account mitigation measures previously suggested by AECOM and approved by NIEA. It has concluded that no protected sites are present. No impact on protected sites is predicted. No impact on priority habitats is predicted as long as the mitigation is followed.
116. Priority species are present - widespread birds and possibly Smooth Newts. No impact on priority species is predicted as long as the mitigation is followed.

117. At the site inspection, it was noted that the existing boundaries exhibited mature vegetation and the field was in good agricultural condition. It is also noted that the development proposal is not located within any designated sites.
118. As there is no change in the site conditions except for some of the grassed areas, it is accepted that the proposed development will not result in any undue harm to any interests of natural heritage importance, subject to the implementation of the proposed mitigation measures as identified in the EA.
119. Any vegetation along the boundaries shall be retained by way of condition to retain screening and prevent unnecessary adverse impact on features of natural heritage.
120. This will ensure no undue harm to any features of natural heritage importance. No issues of concern shall arise consistent with policy tests set out in the Plan Strategy.

Flooding

121. In consideration of Policy FLD1 Dfl Rivers identified that part of the site lies within the strategic 1 in 100 year fluvial flood plain of an undesignated watercourse located on the western boundary of the proposed site.
122. Parts of the site also lie within a predicted flooded area as indicated on the Surface Water Flood Map.
123. As detailed previously, a site overlay indicating the extent of the floodplain and the approximate zone for the location of the proposed dwelling has been submitted by the agent and considered by Dfl Rivers.
124. They advised that if the applicant restricts their development to this area of the site they would have no reason to object. This proposal does not therefore require the submission of a flood risk assessment as it has been demonstrated that development will be confined to outside of the predicted 1 in 100 year fluvial floodplain.
125. No flood risk assessment was requested on the basis of the advice offered by Dfl Rivers and there was no requirement to consider the proposal against the requirements of policy FLD1 other than for the reasons detailed earlier in this report.

Conclusions and Recommendation

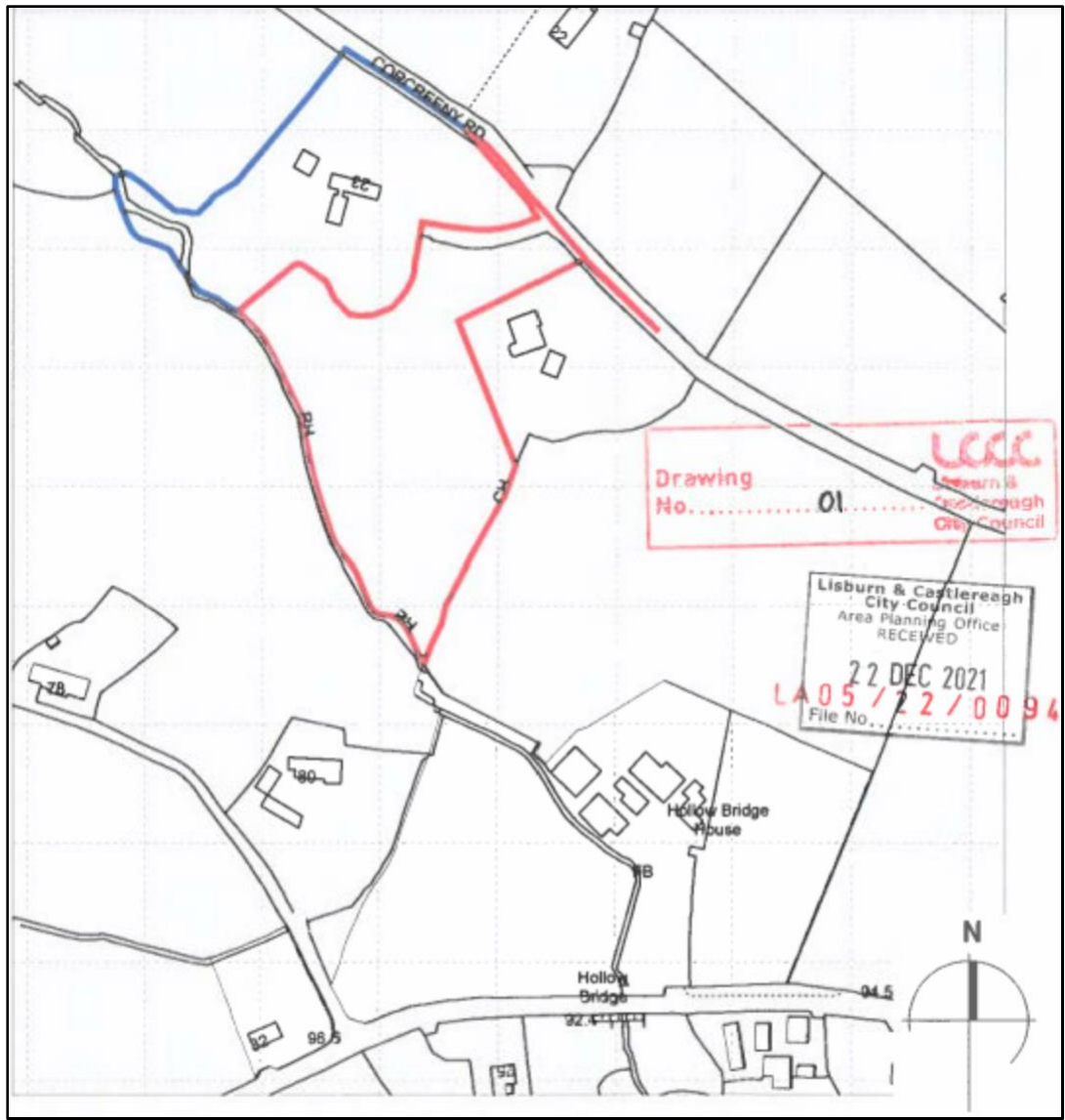
126. For the reasons outlined above, the proposal is contrary to policies COU1, COU10 criteria (a) and (c) COU15 criteria (b) and COU16 criteria (b) and (c). It is recommended that planning permission is refused.

Refusal reasons

127. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to Policy COU10 (a) of the Lisburn and Castlereagh Plan Strategy 2032, in that it has not been demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that the farm business is currently active and that it has been established for at least 6 years.
- The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
- The proposal is contrary to criteria (b) of policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings.
- The proposal is contrary to criteria (b) and (c) of policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposed dwelling does not cluster with existing buildings on the farm and does not follow the traditional pattern of development exhibited in that area.

Site Location Plan – LA05/2022/0094/O



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	15 April 2024
Committee Interest	Local Application [Mandatory] (Council Interest)
Application Reference	LA05/2024/0019/F
Date of Application	03 January 2024
District Electoral Area	Lisburn & Castlereagh
Proposal Description	Proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8m boundary fence
Location	Grove Activity Centre, 15 Ballinderry Park, Lisburn,
Representations	None
Case Officer	Sinead McCloskey
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with Councils Scheme of Delegation as a mandatory application in that the Council has an interest in the land, being a Council owned facility.
2. The Grove Activity Centre was designed and built as an indoor sports hall which is a sui-generis use in the Planning (Use Classes) Order (Northern Ireland) 2015. It was also available for hire and used by the community for events and by the Council for community outreach. The change of use and alteration to the sports hall as a community facility is in accordance with criteria (b) of policy CF01 as it involves the reuse of a brownfield site. The proposed D1 Community Use will allow for a wider range of community based activities to be operated from this location.

3. In accordance with paragraph 4.12 of the SPPS the alterations to the building to allow it to be operated as a wellbeing centre will not have a detrimental impact on amenity to neighbouring properties in terms of overlooking or as a result of noise.
4. The requirements of policy OS1 have been considered. The proposal does not result in the loss of open space. Only the use of the building is changed. The open spaces around the building are retained. The community still has access to these spaces albeit the erection of the fence does restrict the times when some of the spaces can be used.
5. The requirement of Policy TRA7 of the Plan Strategy are met in 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.

Description of Site and Surroundings

Site

6. The site is located at Ballinderry Park Lisburn and comprises the buildings as curtilage of the Grove Activity Centre- The building a large portal frame structure of masonry construction which is primarily used as a sports hall.
7. The building is surrounded by car parking on two sides. It is located on a large area of open space between the housing in Ballinderry Park to the east, Ballinderry Gardens to the south and Tirowen Drive to the west.
8. There is a children's playground to the south west of the building, and basketball courts to the north. The remaining area around the building is grassed and would be deemed useable open space.

Surroundings

9. This site is located west of Lisburn City centre and the surrounding land is mainly comprised of quite high-density housing, mostly in the form of terraced dwellings.

Proposed Development

10. This is a full application for the proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8metre boundary fence.

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/1977/0469/F	Hall for a community/activity centre	Knockmore Estate, Lisburn	Permission Granted 20 September 1977
S/1978/0821/F	Extension of community/activity centre	Knockmore Estate, Lisburn	Permission Granted 22 November 1978
S/1995/1009/F	Extensions to provide fitness suite and stores	Grove Activity Centre Ballinderry Park Lisburn	Permission Granted 7 February 1996
S/2005/1519/F	Conversion of stoned all weather kickabout area to polymeric, complete with,ball stop fencing, access path and road and floodlighting.	Grove Activity Centre, Ballinderry Park, Lisburn, BT25 1ST	Permission Granted 13 January 2006
S/2008/0070/F	Erection of 3.0m high paladin perimeter fence to play area, complete with single and double entrance gates.	Grove Activity Centre, 15 Ballinderry Park, Lisburn, BT28 1ST	Permission Granted 16 July 2008

12. Whilst the planning history indicates that the Grove was granted planning permission as a community/activity centre it has been used in the intervening years as a sports hall which is a sui-generis use. This is taken to be the established use.

Consultations

13. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection
NIW	No objection
DfI Roads	No objection

Representations

14. No representations in opposition to the proposal have been received.

Local Development Plan

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

Plan Strategy 2032

16. 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.

17. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
18. The site is within Lisburn City in the LAP and is unzoned whiteland.
19. In draft BMAP (2004) and the subsequent revision to the Plan in 2014 part of this site is also within Lisburn City and on land identified as open space.
20. This application is for the change of use to a class D1 community use within Lisburn City. The strategic policy for town centre/retailing and other uses is set out in Part 1 of the Plan Strategy.
21. Strategic Policy 14 Town Centres, Retailing and Other Uses state:

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 Sprucefield Regional Shopping Centre in recognition of its regional status in accordance with key site requirements*
22. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states

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.
 23. Strategic Policy 04 – Supporting Sustainable Economic Growth states

The Plan will support development proposals that support sustainable economic growth without compromising on environmental standards. Economic growth can contribute to an enhanced society and improve health and well-being through the creation of job opportunities.
 24. Strategic Policy 10 – Education, Health, Community and Culture states

The Plan will support development proposals that:

- a) *meet an identified need for services and facilities across the Council area*

b) cater for expansion of existing facilities to meet the anticipated needs of the community in terms of health, education, community and cultural services.

25. The following operational policies in Part 2 of the Plan Strategy also apply.
26. It is proposed to change the use of a sport hall to a class D1 community use. Policy CF01 Necessary Community Facilities in Settlements states:

Planning permission will be granted for a community facility in settlements in the following circumstances:

- a) in designated city or town centres, villages and smaller settlements*
- b) on previously developed land (brownfield sites)*
- c) on land identified within the Local Development Plan for the provision of education, health, community uses or cultural facilities*
- d) on land zoned for residential use, where identified through Key Site Requirements, or in accordance with Operational Policy HOU2.*

Open Space

27. Part of the site is zoned as open space in both revisions to draft BMAP. It is proposed to erect a 1.8 metre high fence around the open space. Policy OS1 - Protection of Open Space states:

Development that will result in the loss of existing open space or land zoned for the provision of open space will not be permitted, irrespective of its physical condition and appearance.

An exception will be permitted where it is demonstrated that redevelopment will bring substantial community benefits²⁴ that decisively outweigh the loss of the open space.

An exception may also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on amenity, character or biodiversity of an area in either of the following circumstances:

- a) an area of open space of 2 hectares or less, where alternative provision is made by the developer and is as accessible to current users and equivalent in terms of size, usefulness, attractiveness, safety and quality*
- b) playing fields and pitches within settlement limits, where it is demonstrated by the developer that the retention and enhancement of that facility can only be achieved by the development of a small part of the existing open space, limited to a maximum of 10% of overall area, which will have no adverse impact on the sporting potential of the facility.*

Access and Transport

28. Policy TRA7 – Car Parking and Servicing Arrangements in New Developments 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.

Regional Policy and Guidance

Regional Policy Context

29. 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.

30. 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.

31. It states that:

The 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.

32. 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.

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. 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.

35. The proposal includes alterations to the external appearance of the building with the insertion of new window openings and doors and the construction of a new porch.

36. 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.

37. 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.

38. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts.

39. 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.

40. 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.

41. Paragraph 6.81 states that;

The planning system has a key role in achieving a vibrant economy. In this regard, the aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

42. Paragraph 6.267 States:

Town centres are important hubs for a range of land uses and activities and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses.

43. It also advises that the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.

44. 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

- adopt a sequential approach to the identification of retail and main town centre uses in Local Development Plans (LDPs) and when decision-taking;
- ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;
- protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;
- promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and
- maintain and improve accessibility to and within the town centre.

45. Paragraph 6.273 states:

Planning authorities must adopt a town centre first approach for retail and main town centre uses.

46. It also 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. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

47. Paragraph 6.281 states:

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.*

Assessment

Principle of Development

48. The Grove Activity Centre was designed and built as an indoor sports hall which is a sui-generis use in the Planning (Use Classes) Order (Northern Ireland) 2015. It was also available for hire and used by the community for events and by the Council for community outreach.
49. The change of use and alteration to the sports hall as a community facility is in accordance with criteria (b) of policy CF01 as it involves the reuse of a brownfield site. The proposed D1 Community Use will allow for the more

efficient use of an underused building and for a wider range of community based activities to be operated from this location.

50. The works to the building will involve the re-arrangement of the internal floor space to create a games room, a new community hall and sensory immersion room, a kitchen workshop, classrooms/event spaces, an arts and crafts room and sensory room at ground floor. This space is currently occupied by a large hall area, several stores and a fitness suite.
51. There currently is a small area at first floor level, providing a staff room, a small kitchen and shower and changing areas. The remainder of the space consists of an open void over the main hall. This application seeks to create additional space at first floor whilst also retaining the existing area at this level. It proposes to create 4 extra classrooms/event space in part of the void area that currently exists.
52. Additional exterior works include a new entrance porch. It is noted that a small glazed entrance porch exists, providing access into a communal lobby area. It measures 1.9 metres x 1.8 metres. The proposed new porch will measure 3.3 metres x 2.5 metres. The entrance doors now face in a westerly direction, instead of to the south as the existing. There is also a covered entrance to the outside of the doors.
53. Other works involve the addition of new windows along the eastern and western elevations at the ground floor, in what is currently used as the gym and the main hall. Two additional fire escapes are also proposed on the ground floor, also on the western elevation and the northern elevation, from the new community hall area and the kitchen workshop. At the first floor, new windows are proposed along the northern elevation, in one of the new classroom/event spaces.
54. A new 1.85 metre wire mesh paladin boundary fence is proposed on most of the boundaries and enclosing an area open space between the building and a play park to the west of the site.
55. A supporting letter received with the application outlines that the applicant 'Live Life Social Enterprises' is a not-for-profit limited company and a registered charity with the Northern Ireland Charity Commission.
56. The letter outlines the role of the organisation stating that they provide an active activity based day opportunities educational programme for adults with additional needs. This programme falls under four key areas: Education and Learning, Employability Skills, Physical and Mental Well-Being and Social and Recreational Activities.
57. In accordance with the SPPS, the proposed use is a town centre use is a community facility which is generally directed towards the town centre.

58. As the proposal is in accordance with policy CF01 of the Plan Strategy a sequential test is not applied.
59. The requirements of paragraph 4.12 of the SPPS are met for the following reasons.
60. The changes to the external appearance of the building referred to above are not likely to have a detrimental impact on the area or any neighbouring properties. The closest dwelling at 32 Ballinderry Park is 32 metres distant from the existing building.
61. Environmental Health were consulted on the application and had raised no objections, subject to the foul sewage being connected to the existing sewage treatment method with Northern Ireland Water approval.
62. For the reasons outlined above and having regard to the advice from statutory consultees, it is accepted that the proposed use will not have any significant adverse effects in terms of noise, odour, nuisance and amenity of neighbouring
63. The change of use and associated alterations will not have any greater visual impact on the character of the area as the elevational changes to the exterior of the building are minimal and the extension is also small in scale.

Access and Transport

64. The application form indicates that the proposal involves the use of an existing unaltered access to a public road for both vehicular and pedestrian use. Detail submitted with the application shows that there are currently 33 parking spaces available. No additional parking is necessary.
65. There is no reference to the external layout of the site being altered. Footpaths with dropped kerbs and tactile paving will continue to provide for friendly and convenient movement within the site.
66. DfI Roads were consulted with the application and returned a response stating that they had no objections.
67. Based on a review of the submitted parking layout and in consideration of the advice from DfI Roads, it is considered that the development as proposed is in keeping with the requirements of policy TRA7 of the Plan Strategy.

Open Space

68. As explained earlier in the report, part of the site is located within an area zoned as open space. Following a site inspection, it was observed that the existing Grove Activity Centre consists of a building surrounded by a large area of open, green, useable, space.

69. The majority of the fence is shown to be located on existing areas of hard standing. There is a small portion of it located in the northwestern corner of the site, which extends into a grassed area of open space.
70. Having regard to nature and scale of the works proposed to facilitate an alternative community based use, it is accepted that the works will not affect the surrounding area of open space.
71. The drawings show that an area to the rear of the building will be retained as a garden area for the enjoyment of users of the facility, which will be accessible from the proposed games room and the lobby. The fence merely defines the proposed garden area from the larger communal area of open space beyond.
72. The proposal does not result in the loss of open space. Only the use of the building is changed. The open spaces around the building are retained. The community still has access to these spaces albeit the erection of the fence does restrict the times when some of the spaces can be used.

Conclusions

73. The change of use of this building and associated alterations to facilitate a wider range of community uses is in accordance with paragraph 4.12 of the SPPS and policy CF01 of the Plan Strategy. The requirement of policy OS1 is considered and there is no loss of open space. Adequate parking is provided in accordance with policy TRA7.

Recommendations

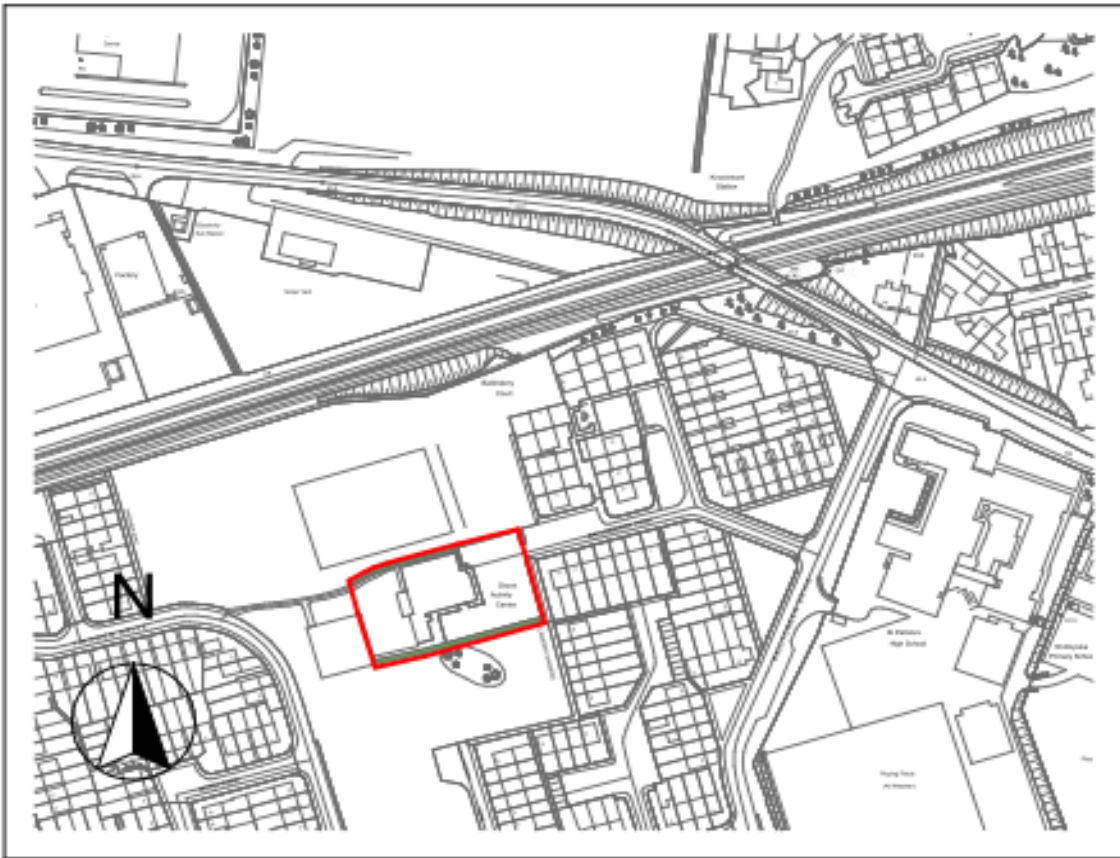
74. It is recommended that planning permission is approved.

Conditions

75. The following condition is recommended:
 - The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

Site Location Plan LA05/2024/0019/F



1

Location Map

1:2500

Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	15 April 2024
Committee Interest	Local Application – Exceptions Apply
Application Reference	LA05/2022/0947/F
Date of Application	13 October 2022
District Electoral Area	Downshire West
Proposal Description	Erection of a two and a half storey building comprising 10 apartments with in-curtilage parking
Location	Site at 132 Hillsborough Road, Lisburn
Representations	None
Case Officer	Sinead McCloskey
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposed development creates a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and is in accordance with policies HOU1 and HOU3 of the Plan Strategy.
3. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that provision is made for affordable housing at a minimum of 20% of the total number of units. This has been confirmed by the applicant. This provision will be subject to a Section 76 planning agreement.
5. The proposed complies with policy of TRA1 the Plan Strategy in that it is demonstrated that an accessible environment will be created.
6. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that it is demonstrated that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal complies with policy TRA7 of the Plan Strategy in that it is demonstrated that an acceptable level of car parking is provided.
8. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
9. The proposal also complies with policy NH5 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that appropriate mitigation and/or compensatory measures have been proposed to address the impact of the development on priority habitats and species.
10. The proposed development complies with policy tests set out in policies FLD 1 and FLD 3 of the Plan Strategy in that although part of the land lies within the 1 in 100 year fluvial flood plain, it has been demonstrated that the built development is located out of the floodplain and the development will not result in flooding elsewhere. There is no requirement to demonstrate an exception to policy.
11. It has also been shown that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste water treatment works to services the development.

Description of Site and Surroundings

Site

12. The site is located at 132 Hillsborough Road, Lisburn and is comprised of a large detached, two-storey red brick dwelling set in a mature garden. The building is sited just off the main road, with an existing access leading into an area of hardstanding to the front and side.
13. The site is surrounded by mature planting on all boundaries. There is a 1.2 metre hedge to the front of the site, alongside a 1.5 metre wide footpath. The northern boundary consists of 2.5 to 3.5 metre high hedge and vegetation.
14. There is a further 2-2.5 metre high hedge to the rear of the site, along with a 1 metre high ranch style fence. A similar boundary can be seen along the southern boundary. There are several mature trees dotted within the site, ranging in height from about 8-12 metre. These can be seen in the north western boundary and the south eastern boundary. The levels of the site fall slightly from the roadside.

Surroundings

15. The site lies within the settlement of Lisburn and is inside the Lagan Valley Regional Park. It is surrounded by agricultural land to the north, south and west. On the opposite side of the Hillsborough Road there is medium density suburban housing at Meadowvale and Springburn Park. There is a Premier Inn hotel to the south of site.

Proposed Development

16. This is a full application for the erection of a two and a half storey building comprising 10 apartments with in-curtilage parking
17. The following documents are submitted in support of the application:
 - Design and Access Statement
 - Biodiversity Checklist
 - Emergence/Re-entry Survey (Bats)
 - Photomontage
 - Additional Ecological Information
 - Transport Assessment Form
 - Flood Risk and Drainage Assessment
 - Rebuttal letter from agent

Relevant Planning History

18. The following planning history is relevant to the site and adjacent lands:

Reference Number	Description	Location	Decision
S/2007/0771/F	60 bedroom hotel including restaurant and bar facilities, car parking and associated development.	Lands between 134 & 146 Hillsborough Road, Lisburn.	Permission Granted 22 May 2008
S/2010/0689/F	Proposed demolition of existing dwelling, construction of new 100 bed hotel with function rooms, health suite, free-standing interpretative centre, new road access with right hand turning pocket, car parking & site works.	126 Hillsborough Road, Old Warren, Lisburn	Permission Granted 15 February 2012
S/2011/0400/F	Extension to bedroom block of hotel to provide 30 additional bedrooms and associated car parking and landscaping.	Premier Inn Hotel on lands located between 134 and 146 Hillsborough Road, Lisburn	Permission Granted 4 July 2011
LA05/2018/0294/O	Site for 2 dwellings and garages with associated site works	Land adjoining and to the south of 132, Hillsborough Road, Lisburn	Permission Granted 28 th June 2018
LA05/2019/0307/RM	Erection of 2 dwellings with garages and associated works	Land adjoining and to the south of 132 Hillsborough Road, Lisburn	Permission Granted 20 November 2019
LA05/2021/0098/F	Erection of two dwellings with garages and associated works.	Land adjoining and to the south of 132 Hillsborough Road, Lisburn	Permission Granted 26 April 2021
LA05/2022/0018/F	Demolition of existing dwelling and construction of residential development for 24 dwelling units, garages, associated access, internal road, parking, landscaping and associated works.	Lands at 126 Hillsborough Road Lisburn	Approved pending Legal Agreement

Consultations

19. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DFI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
Historic Environment Division	No objection
Lagan Valley Regional Park Office	Objection

Representations

20. No representations have been submitted in opposition to the proposal.

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. Within the Lisburn Area Plan (2001), the subject site is located within the settlement development limits of Lisburn.
25. In draft BMAP, the site also lies within the settlement limits of Lisburn City.
26. In both plans, the site is located on white land and is not zoned for any purpose but has previously been developed.

Lagan Valley Regional Park Local Plan 2005

27. The site is inside the Lagan Valley Regional Park but there are no other designations relevant to the redevelopment of a previously developed site in the Park.
28. 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.

29. 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.

30. 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.

31. 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.

32. 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.*

33. 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.*

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

Housing in Settlements

35. 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).

36. 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.

37. 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.*

38. 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.

39. 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.

40. As more than five residential units 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 that this previously developed with mature gardens and a building that is sited in close proximity to the River Lagan, the potential impact on the natural environment is considered.
44. 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.

45. 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.

Safeguarding Tourism Assets

46. The site is located in the Lagan Valley Regional Park which is identified in the Plan as a tourism asset. Policy TOU8 states:

Planning permission will not be granted for development that would in itself, or in combination with existing and approved development in the locality, have an adverse impact on a tourism asset such as to significantly compromise its tourism value. This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Access and Transport

47. The P1 Form indicates that access arrangements for this development involve the alteration of an existing access to a public road. Policy TRA1 - Creating an Accessible Environment states that:

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

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any*

- unnecessary obstructions*
- b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
- c) *priority pedestrian and cycling movement within and between land uses*
- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

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

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

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

48. 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.

49. 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.

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

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

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

51. Parking is required to the standard required in policy TRA 7 which 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

52. Policy TRA8 - Active Travel Networks and Infrastructure Provision states that

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

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

- a) *safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) *the needs of mobility impaired persons; and respect existing public rights of way*
- c) *safe, convenient and secure cycle parking.*

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Flooding

53. Part of the site lies within the 1 in 100 year flood plain. Policy FLD1 – Development in Fluvial (River) Flood Plains states that:

New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) *essential infrastructure such as power supply and emergency services*
- b) *development for the storage of hazardous substances*
- c) *bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) *any development located close to flood defences.*

Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) *replacement of an existing building*
- b) *development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*

c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain

d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children

e) the extraction of mineral deposits and necessary ancillary development.

Proposals that fall into any of the following categories will not be permitted by this exception:

a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing

b) essential infrastructure

c) development for the storage of hazardous substances.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria

a) demonstration of exceptional benefit to the regional or sub-regional economy

b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable:

- a) new hard engineered or earthen bank flood defences*
- b) flood compensation storage works*
- c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain*

54. Drainage must be designed to take account of the impact on flooding elsewhere.

55. 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.

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.

Historic Environment and Archaeology

57. There is a listed asset in close proximity to the site. Policy HE9 – Development affecting the Setting of a Listed Building states that:
58. *Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:*
- a) *the detailed design respects the listed building in terms of scale, height, massing and alignment*
 - b) *the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building*
 - c) *the nature of the use proposed respects the character of the setting of the building.*

Regional Policy and Guidance

Regional Policy

59. 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.*
60. 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.
61. 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.*
62. 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.

63. 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.

64. 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.
65. 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

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

Creating Places

67. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
68. 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.
69. Paragraph 7.16 provides guidance on separation distances stating:

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

70. 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

71. 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

72. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed development of this site for the erection of a 2 and a half storey building consisting of 10 luxury apartments with in curtilage parking.

Housing in Settlements

Policy HOU1 – New Residential Development

73. This application is for 10 residential units within the settlement limit of Lisburn City. The site is also a brown field site. The policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

74. The application site consists of a large, detached two storey dwelling house. It is sited within a relatively large plot to the west of the Hillsborough Road. The surrounding area is characterised mainly by suburban residential development, with a mixture of house types including bungalows and two storey, mostly detached, located within developments just off the Hillsborough Old Road, and also along parts of the Hillsborough road.

75. The River Lagan is located beyond the western boundary of the site. The immediate area surrounding the site comprises agricultural land leading down to the river corridor. There is a large hotel complex to the south of the site, consisting of a large building and an associated car park.
76. Few dwellings along this particular stretch of Hillsborough Road are accessed from the road. Those that are, are all two storey detached properties set in relatively large plots.
77. Opposite the site is the housing development of Meadowvale. This development is accessed off Hillsborough Old Road, which runs almost parallel to Hillsborough Road at this point. This development consists of detached bungalows which present a partial frontage also onto the Hillsborough Road. Just further to the south, is a similar type development at Springburn Park which also consists of detached bungalows, but is accessed off the Hillsborough Road.
78. The dwellings along this part of the Hillsborough Road are of varying age, design, scale and mass. There is no predominant form of housing found in the immediate area.
79. The Design and Access statement indicates that the proposed ridge height of 41.3 OS datum is comparable to adjacent residential properties such as 139 Hillsborough Road which has a ridge height stature of 40.0 OS and the Premier Inn having a ridge height of 45.5 OS datum. The proposed apartment building is two and a half storey in height, all with a ridge height of 10.8m (41.3 OS datum).
80. It is considered that the proposed development will not appear incongruous within its surrounding context, and that it is reflective of the development within the immediate context of the site in terms of its nature and scale.
81. Taking into account the mixed residential character exhibited within the area in general it is accepted that the proposed development will not result in unacceptable damage to the local character of this established residential area.
82. In relation to criteria (a), it will respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the 10 apartments, landscaped and hard surfaced areas.
83. Additional supporting information states that the residential use on this site is long established within the confined boundaries of the site and does not detract from the AONB designation granted for in 1967 for the Lagan Valley Regional Park. It also states that the proposal takes cognisance that the LVRP has intrinsic value by conserving all of the boundary foliage and trees, of which were planted by the applicant's parents and do not represent indigenous planting of the regional park.

84. The proposed site is viewed within the context of the Premier Inn hotel with its associated carparking which dominates the foreground travelling along the Hillsborough Road. As a consequence of the mature boundary planting at 132, only fragmented views of the hotel are seen on approach. It is thus stated that 132 offers no native conservation value as it is a managed domestic small holding.
85. For this reason, the site and its boundaries are not considered to contribute to the amenity, landscape and ecological value of the regional park. That said, all boundary vegetation are noted to be retained and as such, no features of the LVRP will be adversely affected by this proposal, nor will the landscape quality of the park.
86. No features of the archaeological environment and built heritage have been identified in the Design and Access statement. However advice from Historic Environment Division confirm that the site is within the vicinity of listed asset, Moore's Bridge.
87. The impact of the proposal has been considered and advice provided that the site is outside of the 'pink wash' of the listed bridge. It is also noted in their response that it is acknowledged that the existing site has already been partially developed, which has informed the response.
88. It is also stated that while the proposal constitutes a considerable increase in footprint, scale and massing and a notable increase in overall height compared with the extant dwelling on site, the articulation of the elevations i.e., not all on one plain, along with the varied material palette i.e., render, stone and brick help to break up the massing of the development, providing it with a more domestic scale.
89. As such HED are content that the proposal satisfied policy, subject to condition with regard to the retention of the site boundaries. The view of the consultee is accepted.
90. For the reasons outlined, criteria (b) within Policy HOU3 has been met.

Policy HOU4 - Design in New Residential Development

91. The layout as shown on the proposed drawing 02/3 published to the Planning Portal on the 24 January 2024 demonstrates that the 10 apartments are to be contained within one building. The building will occupy the footprint of the existing dwelling house and, as it is a larger building, it will encroach on the existing garden areas on all sides.
92. The building is largely of linear form with a pitched projection to the front, and two smaller pitch projections to the rear. There are also two small projections on both gables.

93. The building is two and a half storey. Fenestration is seen on all elevations. At second floor level, windows are also provided through velux positioned in the roof.
94. There are four apartments provided on the ground floor, four at first floor and a further two at the second floor. All apartments provide two bedrooms.
95. The site is accessed almost centrally along the south eastern boundary. The access leads to an area of hardstanding to the front of the building. Parking provision is located along the south eastern boundary and also along the north eastern boundary, with an additional two spaces located adjacent to the northern gable end of the building.
96. The remainder of the site around the building to the sides and rear consists of a grassed area. There is an enclosed bin compound area and a bike storage area shown in the southern corner of the site. A perimeter path is shown around the eastern part of the building, leading from the front of the site to the rear. All existing boundaries are shown to be retained.
97. Within the context of the site, at present the only sensitive boundary is located to the south. The eastern boundary is adjacent to the main road, and the northern and western boundaries are next to agricultural land, containing no dwellings.
98. The boundary to the south is a shared boundary with the adjacent field, located between the site and the Premier Inn hotel to the south.
99. As demonstrated in the history table above, planning permission has been obtained for two dwellings in the field, with the most recent permission under planning ref. LA05/2021/0098/F having been approved in April 2021, thus remains a live permission until April 2026.
100. At the time of the site inspection in November 2022, development on this site had not yet begun, however it was noted that an access point had been created along the roadside boundary and some hard core had been laid adjacent to this boundary.
101. Notwithstanding the above, this is a live application and cognisance must be taken of this permission and the current proposal must be assessed accordingly with this permission in mind.
102. There are three apartments shown to be located within that part of the building located closest to this boundary, one on each floor. There are no concerns with regard to overlooking from the ground floor apartment on this gable due to its position relative to the approved adjacent dwelling.
103. The apartment at first floor along this gable is shown to have 4 windows on this elevation. One is from an en-suite which will not create overlooking concerns due to being obscured glazing. The remaining three windows are located within a bedroom and a dining area, all notable habitable rooms.

104. It is noted that the two windows in the bedroom are positioned on each side of a projecting part of the gable, therefore facing east and west, but not south and directly towards the approved dwelling.
105. The apartment on the second floor closest to the common southern boundary has a bedroom window located on this gable and a door leading to a balcony from the master bedroom.
106. A review of the details associated with the adjacent approved dwellings show House type B is the dwelling that is located closest to the common boundary with the site.
107. This is a two storey dwelling, also front facing onto the road, with the northern gable abutting the boundary. This gable is shown to have 4 windows at first floor, two of which are small, high level windows belonging to a bathroom and a hall. The remaining two larger windows are located also in a hall and a bedroom. However it is noted that both these larger windows contain opaque glass and have been conditioned to be retained as such in perpetuity. There is also a first floor balcony to the rear of the dwelling, which also is noted have obscure glass enclosing it on both sides.
108. It is accepted that there will be no overlooking from the respective apartments in the current proposal toward the adjacent approved dwelling for the reasons set out in the following paragraphs.
109. Rooms with windows in the proposed apartments will face directly across to the gable of the approved dwelling at first floor level and as the windows on this gable are either high level or obscured there cannot be overlooking concerns created. Also, the two bedroom windows in apartment 5 are shown to face east and west as above. These are small windows and the western window is sufficiently separated from the private rear amenity of the neighbouring house to avoid overlooking.
110. Likewise the balcony on the second floor is set within the hipped roof and as such there are only front facing views from it, as it does not have open sides due to the roof structure. The views from this balcony will also just face towards the gable of the adjacent dwelling, and for the same reasons as above there will be no overlooking concerns due to the high level and obscured windows.
111. The site layout indicates the position of the approved dwellings on the adjacent site. It shows that house type B closest to the boundary, is positioned along largely the same building line as the proposed apartment building. The building widths are also almost similar resulting in no part of either building being either significantly further forward or behind the other.
112. No overlooking concerns will arise from the windows on the side elevation of the apartment block or the balcony towards the private rear amenity of this

adjacent as most of the windows face the adjacent gable or are adequately separated from the rear of the neighbouring property.

113. The finished floor levels of the proposed apartments and the adjacent dwellings are almost the same, with the FFL of the dwelling being 30.95 and that of the apartments shown to be 30.5.
114. The ridge height of the dwelling is 8.5 metres, and the ridge of the apartment block is 10.8m at the highest point. It is noted that the roof is hipped and as such that part of the building closest to the common boundary benefits from reduced building massing.
115. Noting the similar FFLs and the hipped gable roof, it is accepted that the apartment building will not cause adverse effects towards the adjacent dwelling in terms of overshadowing or over dominance.
116. The proposed finishes are a mix of smooth render panels and panels of red brick on the front projection and right hand wing as shown. There are anthracite UPVC windows and anthracite black doors. The roof will consist of non-profiled grey slate. The soffits and bargeboards are black UPVC. The rainwater goods are to be black – JP Corry caste iron – gutter crest. The building will have a modern design which complements the surrounding built form, the variation of material finishes of brick and smooth render adds to streetscape.
117. 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.
118. The detail associated with this layout show the access is to be created at the mid-point on the southern boundary. This leads to an area of hard standing to the front of the building which replicates the existing site layout with the hardstanding to the front.
119. It is stated that this is to ensure no negative impact on the street scene at ground level, as the site levels are being retained as existing which is noted as being lower than the street level, therefore limiting views of the parking behind the existing roadside hedgerow.
120. Fifteen parking spaces are provided mostly along the front of the apartment block, with the remainder provided to the eastern side. Each space is unassigned to the ratio of 1 apartment having 1.5 spaces.
121. The building, albeit larger than the existing dwelling on the site, is read within the context of the large Premier Inn hotel located just west of the site. The design of the building also aids with its integration at this location as seen in the montages provided.
122. The building contains a mixed palette of materials, taking cognisance of the original house details i.e. hipped roof, red brick and bay windows. The mix of

materials of render, stone and brick help break up the massing of the development. The ridge height as stated is comparable to the dwelling at 129 opposite and the ridge of the hotel, is larger.

123. The detail of the proposed layout demonstrates that there is an appropriate separation distance between the proposed apartment building and the approved dwellings to the side so as not to have an adverse impact on residential amenity. As stated above, both buildings will sit almost side by side, reducing any potential impact on residential amenity.
124. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
125. For the reasons outlined above, criteria (a), (e) and (f) are considered to be met.
126. With regard to criteria (b) detail submitted with the application demonstrates that landscaping represents 47% of the total site area, and that this is provided in large blocks of green area that is usable for amenity. The remaining area comprises 23% for the apartment block and 25% is hardstanding for car parking.
127. The existing dwelling on the site benefitted from a large amenity area to the rear. The site layout indicates that this amenity area is largely to be retained, with additional provision along the eastern boundary. The detail demonstrates that there is adequate amenity provision for the occupants of the 10 apartments associated with this proposal.
128. The site layout indicates that all existing mature vegetation along the north, east and western boundaries are to be retained. It is noted that only a short length of approximately 12 metres of roadside hedging is to be replanted so as to improve the sightline.
129. There is no requirement for public open space due to the scale of the development. Likewise there is no requirement for the provision of a local community or neighbourhood facility although the site is within close proximity to Sprucefield.
130. With regard to criteria (d) the proposed density is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
131. The internal road layout provides for safe and convenient access around the site which will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.

132. The design integrates informal surveillance of the parking areas with strategic locations for reception rooms to the rear of the apartment blocks and circulation spaces to the front to ensuring regular pedestrian movement to the front of the apartment scheme. Criteria (I) is considered to be met.
133. A bin collection compound is provided in the south west corner of the site, so safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles.
134. The detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
135. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy.

Policy HOU8 – Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas

136. The design of the building draws upon the characteristics of the area, and is broadly in line with the existing built fabric in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to open space that is appropriate to planning policies and is consistent with that found in the immediate vicinity.
137. The separation distance between the proposed buildings and their relationship with adjacent residential dwellings and their existing boundaries is adequately addressed and respected by this proposal. Therefore, it will not create conflict or unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
138. In consideration of the above, the policy tests associated with Policy HOU8 are considered to be met.

Policy HOU10 – Affordable housing in settlement

139. Policy HOU10 requires a minimum of 20% affordable housing to be provided. In the context of the proposed scheme, this equates to two dwellings. The agent has confirmed in an email dated 14 February 2024 that the applicant will provide two affordable units within the proposal.
140. 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.

Access and Transport

TRA1 – Creating an Accessible Environment

141. Detail associated with the P1 Form indicates that the development involves the alteration of an access to a public road vehicular use. The existing access position from the property at 132 Hillsborough Road, onto the carriageway is to be maintained but upgraded so as to provide a wider dimension of 6.3 metres between pillars.
142. Detail associated with the application shows that part of the road and footway has been designed to an adoptable standard in accordance with the Private Streets Determination drawing.
143. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with the SPPS and Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible and safe environment will be created through the provision of footways and dropped kerbs.

TRA2 – Access to Public Roads

144. It is also considered that the development complies with the SPPS and Policy TRA2 of the Plan Strategy as modified in that the detail submitted demonstrates that the proposed altered access for 10 dwellings will not prejudice road safety or significantly inconvenience the flow of traffic.
145. The proposal involves a right turning pocket on the Hillsborough Road, which is a Protected Route. A Transport Assessment Form (TAF) is submitted in support of the application. It provides detail of Travel Characteristics, Transport Impacts and Measures to mitigate impacts/influence travel to the site.
146. The detail contained within the TAF illustrates that the proposed site access can accommodate the additional traffic movements associated with the development proposals.
147. Accordingly, the vehicle movements associated with the proposed development are not anticipated to cause any noticeable impact on the surrounding area. Pedestrian and cyclist access to the site will be via the exiting footway provision along the A1 Hillsborough Road.
148. As set out in the TAF, the site is well serviced with proximity to both bus service routes, with bus stops existing a short distance from the site in both directions.. 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.

149. Advice received from DfI Roads confirms that they have no objection and the PSD drawings are endorsed.

TRA3 – Access onto Protected Route

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

TRA7 – Carparking and servicing arrangements in new developments

153. To comply with parking standards, 15 parking spaces are required. Detail submitted with the application demonstrates that 15 parking spaces are to be provided within the site.
154. The site layout also shows the location of a Sheffield bicycle storage unit sufficient to supply each of the 10 apartments or those visiting.
155. In tandem with this the developer/ applicant will provide a 'one year Translink commuter travel card' for each tenant owner as an incentive to use public transport in marketing the apartments. This also will form part of the deed /rental agreement. This card gives access to the Metro, NI Railways and Ulsterbus networks.
156. The internal design has allowed adequate turning space for those using the site so as ensure safe use of the site and access to it. The parking has been divided into manageable bays broken up with landscaping to create interest.
157. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests associated with Policy TRA7 of the Plan Strategy.

Historic Environment and Archaeology

158. The application site is in the close vicinity of Moore's Bridge (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. This is a triple-span stone arch bridge which carries the main Lisburn-Hillsborough road over the River Lagan.

159. Advice received from HED acknowledged the drawings and proposed photomontages associated with the proposal. They also acknowledged that the existing site has already been partially developed and that this development has informed their response.
160. Advice provided notes that the proposal constitutes a considerable increase in footprint, scale and massing and a notable increase in overall height compared with the extant dwelling on site. However, they consider the articulation of the elevations i.e., not all on one plain, along with the varied material palette i.e., render, stone and brick help to break up the massing of the development, providing it with a more domestic scale.
161. Crucially however, they note that the site is located outside of the 'pink wash' of the listed bridge; this indicates the immediate setting of the listed asset where principal views are enjoyed. As such they request retention of the extant mature trees to all boundaries to ensure the wider verdant landscaped setting of the listed asset is protected.
162. Officers have no reason to disagree with the advice of the statutory consultees. It is taken account of in the design and layout of the proposal and the landscaping promotes access to and provides information about the importance of the heritage.
163. For the reasons outlined, it is therefore contended that the proposed development complies with policies HE4 and HE9 of the Plan Strategy.

Natural Heritage

164. A biodiversity checklist with an accompanying Ecological Statement, and a Bat Emergence/Re-entry Survey have been submitted in support of the application.
165. The ecologist considered potential impacts on priority habitats. Several low value habitats were found, but the removal of these to accommodate the proposal would have no adverse impact and mitigation measures were not needed. It was noted that the trees on site are suitable for use by breeding birds and commuting/foraging bats and were assessed as being of moderate ecological value.
166. The site plan does however indicate the retention of all boundary trees on site. The hedgerow along the roadside was not classified as a NI priority habitat as it comprises of a non-native species. The removal of a section of this non-native species will not have an adverse impact on local biodiversity.
167. In terms of protected species, no observations of otters were made during the survey. Well-worn mammal trails were noted along the northern boundary and outwith the site to the west. A mammal hole was noted within the roadside hedgerow to the north of the site. No specific evidence of badger was noted on site during the survey.

168. In order to establish the usage of the mammal hole, a static camera was located at a safe distance adjacent to the hole for a period of 6 weeks. Images were reviewed and a fox was noted at the hole on four separated occasions. No further mammal activity was noted around the mammal hole, therefore it is stated that based on the footage it is assessed that the mammal hole is occupied as a fox den.
169. The proposal involved the demolition of the buildings on site. These were assessed as comprising of suitable roosting features for bats, and as such recommendations were made for an emergence/re-entry survey to be completed on site.
170. Surveys were conducted at dawn and dusk, with both continuing approximately 2 hours. Activity was noted mainly by Leisler's bats, Common and Soprano pipistrelle bats. No emergence or re-entry was noted during the course of the surveys, therefore it is stated that the proposed works will not have an adverse impact on roosting bats.
171. It is also stated that bats and other nocturnal species can continue to commute through the site to the wider environs as the majority of the vegetation is to be retained, the additional lighting is to be incorporated around the car parking area with recommendations provided for the maintenance of dark corridors to the west of the site.
172. Consultation with NED confirmed having regard to the information provided that the building is unlikely to currently support roosting bats. They do however state that if roosting bats are found during works, all works must stop and advice sought from NIEA Wildlife Team. They also advise that the removal of buildings/structures and vegetation should be undertaken outside the bird breeding season.
173. Following a request for further information regarding the mammal hole, they reviewed the additional ecological information and are content that protected species are not using the mammal hole as refuge. Informatives have been provided to be attached to a decision notice.
174. For the reasons outlined above, it is considered that the proposal complies with the SPPS and Policy NH 2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.
175. It is also considered to comply with the SPPS and Policy NH6 of the Plan Strategy in that the development is considered to be of an appropriate design, size and scale for the locality for the reasons outlined earlier in the report and the detail demonstrates how it respects the character and biodiversity of the area.

Flooding and Drainage

176. Following consultation with DFI Rivers, it was confirmed that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. An undesignated watercourse is located adjacent to the northern boundary of the site. The site may be affected by undesignated watercourses of which they have no record.
177. DFI Rivers also state that The Flood Hazard Map (NI) indicates that portions of the sites northern and western boundaries lies within the 1 in 100 year fluvial flood plain. As such development within these areas is contrary to PPS 15, Planning and Flood Risk, FLD 1 and but for it being deemed an exception or overriding regional importance by the Planning Authority, DFI Rivers would object to any such development taking place.
178. They continue by stating that if the Planning Authority deems this application to be an exception or overriding regional importance, then the applicant is required to submit a Flood Risk Assessment (FRA) to allow proper consideration of flood risk. The FRA should consider both the flooding risks to the development itself and its impact on flooding elsewhere, and include mitigation where appropriate.
179. This initial response from Rivers also outlined the need for a Drainage Assessment under Policy FLD3, as the proposal comprises of a residential development of 10 or more dwellings and new hardstanding exceeding 1000sqm. In addition they stated that they could not sustain an objection under Policy FLD 2 based on the site layout, as a working strip is provided to facilitate future maintenance by DFI Rivers along a watercourse.
180. In accordance with Policy FLD1, the proposal falls within categories (a) and (d) of exceptions to the policy in undefended areas. These categories of development include the replacement of an existing building (a) and the used of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings, and is therefore deemed as an acceptable category of development permitted by exception. It can be seen that there is a large detached dwelling and garage on the site which are to be demolished and replaced with the apartment block, which is not thought to be a significant intensification of use. It is also demonstrated that through the present day fluvial flooding map, the presence of flooding over a small proportion of the site, along the north and western boundaries, is in an area of the proposed site designated as garden or open landscaping.
181. A Flood Risk and Drainage Assessment were subsequently submitted by the agent. It has been stated that the DFI Rivers Strategic Flood Map for Northern Ireland has been assessed together with flooding information provided by DFI Rivers. It states that the site is not subject to historic flooding or present day or climate change surface water or sea flooding and therefore in compliance with FLD3.

182. It continues by stating that the online DFI Flood maps indicate some localised flooding along the north and west boundaries of the site. It is proposed that no new buildings, development or land raising is proposed within the area which is potentially subject to fluvial flooding associated with the 1 in 100 year event.
183. It is therefore concluded that no development or land raising should occur within the area of the 1 in 100 year flood plain, with an estimated 1 in 100 year flood level of 29.58mOD. Furthermore, the minimum final floor level should be set above 30.52m for this development.
184. In terms of the drainage, the proposed surface water drainage assessment carried out indicates that surface water run-off from the proposed site can be safely attenuated within this site and discharged at a controlled rate of 1.8 l/s, which is based on the equivalent of greenfield flow 10 l/s/Ha, to the adjacent watercourse/drainage ditch and a Schedule 6 approval has been obtained from DFI Rivers.
185. This additional supporting information was sent to DFI Rivers for comment. They reviewed the FRA and stated that the built development is taking place out of the floodplain with a suitable freeboard above the 1 in 100 year climate change fluvial flood plain. The FRA is proposing a Finished Floor Level of 30.52mOD and as such revised PPS 15 FLD 1 is satisfied.
186. It should be a condition of planning that the area of floodplain on site, if designated as open space by Planning Authority under FLD 1(f) of Revised Planning Policy Statement 15, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions. Therefore DFI Rivers, while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.
187. With regard to FLD3, the Drainage Assessment has been reviewed and DFI Rivers acknowledge the submission of Schedule 6 consent from the Area Office, dated 8th November 2022 for a discharge rate of 1.8 l/s. They state that while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions.
188. Water Management Unit refer the Planning Authority to DAERA Standing Advice. Advice received from NI Water confirms that there is public water supply and public foul sewer within 20 metres of the site. Connection to a public surface water sewer is not required.
189. Confirmation was also provided to indicate that there was available capacity at the receiving Waste Water Treatment Works.
190. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from DFI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD1, FLD2 and FLD3 of the Plan Strategy.

Recommendations

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

Conditions

192. The following conditions are recommended:

- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 23-003-DR-101 Rev B bearing the Area Planning Office date stamp 7 December 2023 and the Departure for Infrastructure Determination date stamp of 02 January 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 Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. 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 23-003-DR-101 Rev B bearing the Area Planning Office date stamp 7 December 2023 & detailed on Drawing Number 23-003-DR-100 rev B bearing the Area Planning Office date stamp 7 December 2023. 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.

- The access gradient to the dwellings hereby permitted shall not exceed 4% (1 in 25) 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.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing 23-003-DR-101 Rev B bearing Area Planning Office date stamp 07 December 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.

- The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with drawing 23-003-DR-100 rev B bearing the date stamp 07 December 2023 and the DfI Determination date stamp of 02 January 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.

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

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

- The area of floodplain on site, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

Reason: To mitigate against flood risk.

- All hard and soft landscape works shall be carried out in accordance with Drawing 04/1 published to the portal on the 11 December 2011. 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.

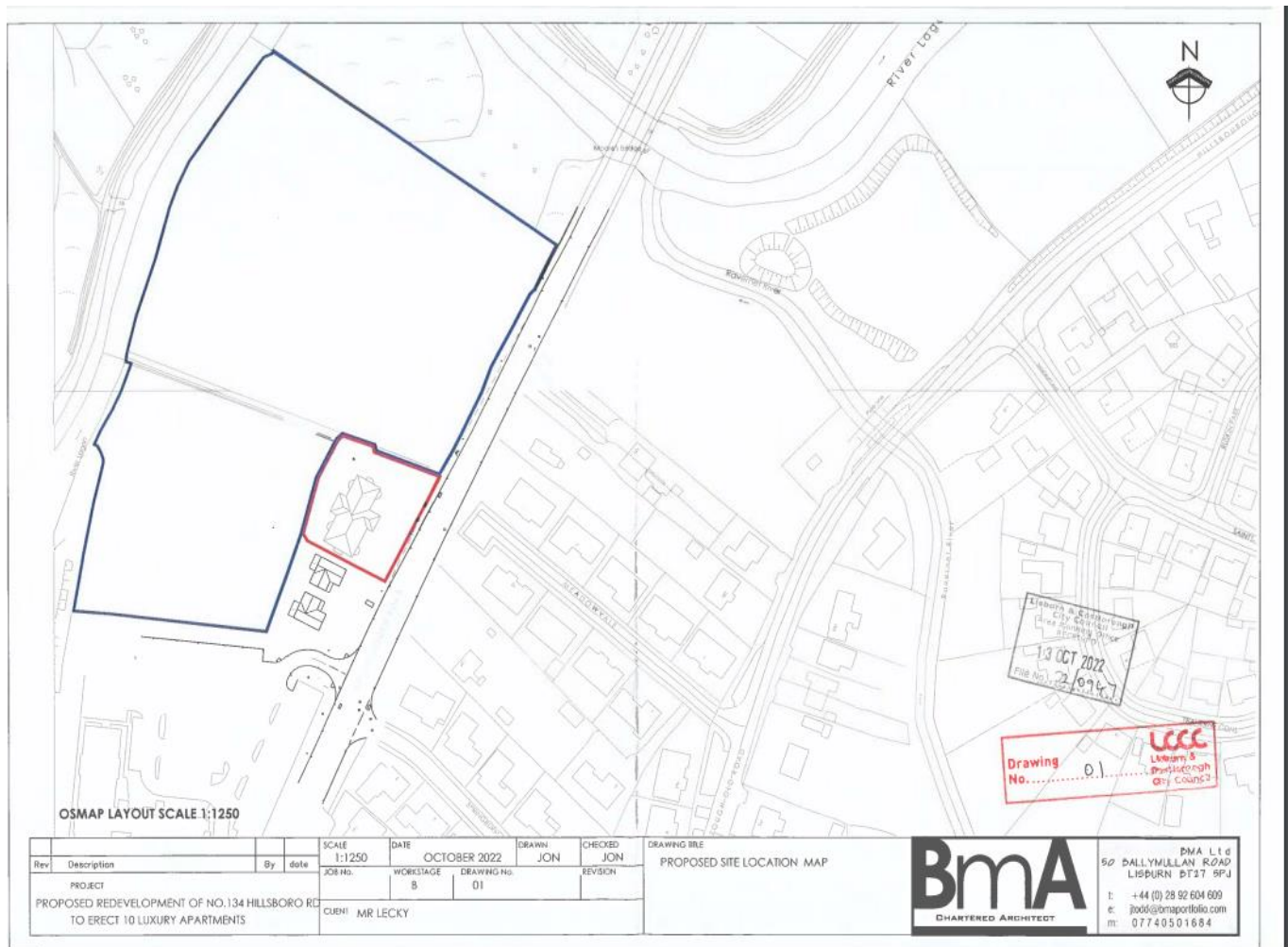
- Extant mature trees to all site boundaries as shown on drawing 04/1 published to the portal on the 11 December 2011 shall be retained.

Reason: To ensure the wider verdant landscaped setting of the listed asset is protected.

- 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 – LA05/2022/0947/F



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 (l) 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.

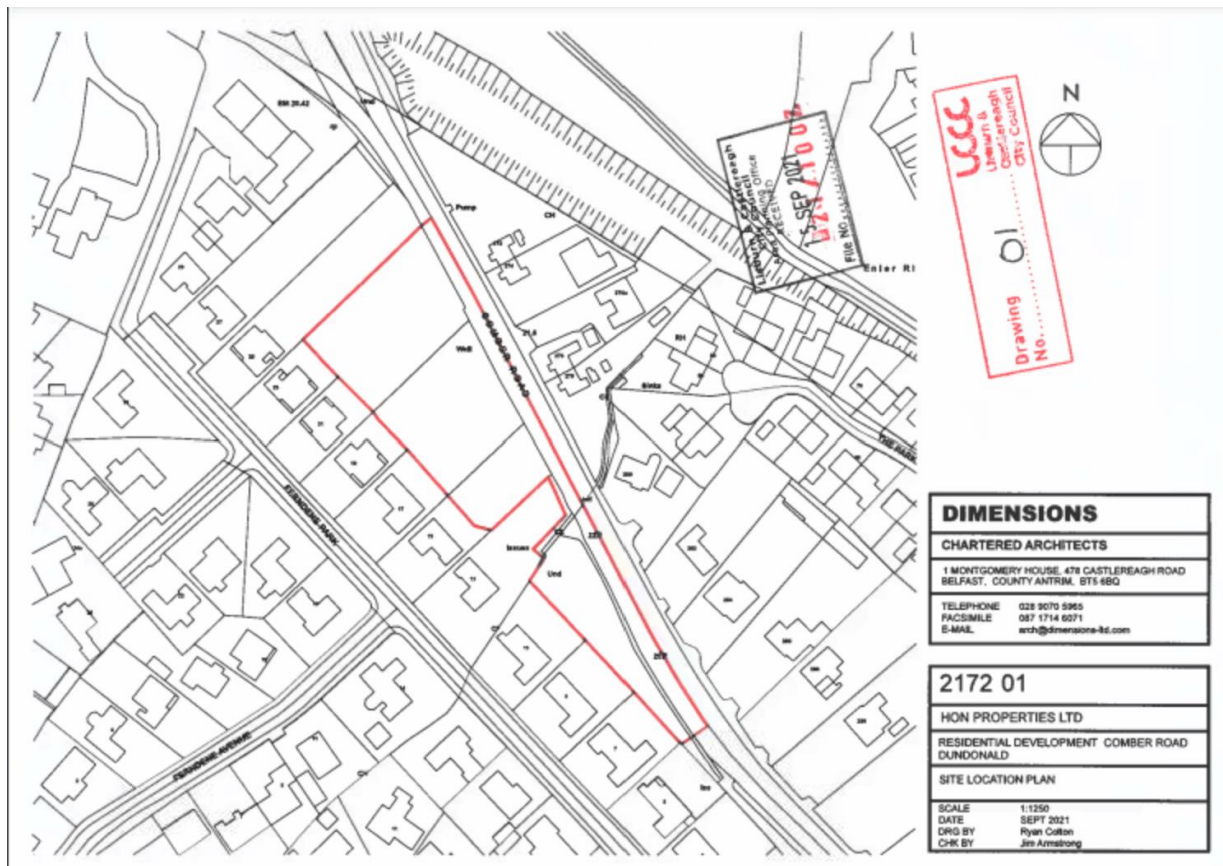
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 15E bearing the Council date stamped 26th June 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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



DIMENSIONS
 CHARTERED ARCHITECTS
 1 MONTGOMERY HOUSE, 478 CASTLEREAGH ROAD
 BELFAST, COUNTY ANTRIM, BT5 4BG
 TELEPHONE 028 9070 5965
 FACSIMILE 087 1714 6271
 E-MAIL wch@dimensions-uk.com

2172 01
 HON PROPERTIES LTD
 RESIDENTIAL DEVELOPMENT COMBER ROAD
 DUNDONALD
 SITE LOCATION PLAN
 SCALE 1:1250
 DATE SEPT 2021
 DRG BY Ryan Colton
 CHK BY Jim Armstrong

Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Statutory Performance Indicators – February 2024

1.0 **Background**

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.

Key Issues

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 February 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 February 2024 was 45.8 weeks with performance year to date noted to be 42.3 weeks. Officers had since June been focused on dealing with older planning applications. Approximately 110 decisions from the years 2017 – 2021 have issued year to date, 80 of which have issued since June 2023 with a further 20 pending legal agreements and/or associated with judicial review challenges.
4. Our continued focus on reducing the number of older applications means it is unlikely that the Council will return to good performance for local applications in the short term but the implementation of a structural review and improvement plan should see an overall improvement against this target in the next business year.
5. It is important to note that legal challenges and ongoing resourcing pressures have continued to impact on our ability to improve performance in relation to local applications.

	<p>6. Performance in relation to major applications for February 2024 is nil as no decisions are registered as having issued.</p> <p>7. That said, performance year to date noted to be 56.4 weeks. The types of major applications that remain within 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>8. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review.</p>	
<p>2.0</p>	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the February 2024 Statutory Performance Indicators.</p>	
<p>3.0</p>	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
<p>4.0</p>	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
<p>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 2 – Statutory Performance Indicators – February 2024</p>
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Statutory targets monthly update - February 2024 (unvalidated management information)

Lisburn and Castlereagh

DATA HIGHLIGHTED YELLOW IS EXPERIMENTAL

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	2	1	49.6	0.0%	55	45	57.8	11.1%	27	7	44.1	71.4%
May	0	1	102.2	0.0%	67	71	35.6	15.5%	28	16	23.3	81.3%
June	0	1	44.2	0.0%	74	71	33.6	14.1%	28	16	20.7	93.8%
July	0	0	-	-	62	8	44.2	25.0%	13	10	29.7	80.0%
August	1	0	-	-	56	79	37.2	16.5%	23	4	65.3	75.0%
September	0	1	25.6	100.0%	47	62	43.4	11.3%	39	32	29.3	87.5%
October	0	0	-	-	73	62	45.3	8.1%	18	23	25.9	95.7%
November	1	0	-	-	61	62	42.4	1.6%	15	17	32.8	88.2%
December	4	1	63.2	0.0%	38	43	44.6	2.3%	12	6	32.8	83.3%
January	0	1	63.2	0.0%	43	55	52.8	1.8%	10	16	37.0	75.0%
February	0	0	-	-	57	46	45.8	0.0%	18	8	35.0	87.5%
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	8	6	56.4	16.7%	633	604	42.3	9.3%	231	155	30.1	85.8%

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:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2022/1149/A

1.0 **Background**

1. An application for the erection of digital advertising panel on lands to the south of the multi-storey car park at Forestside Shopping Centre Belfast was refused planning permission on 03 February 2022.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 28 April 2022.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 16 February 2024.
4. The main issue in the appeal was whether the proposed sign would prejudice road safety.
5. A decision received on 29 February 2024 indicated that the appeal was dismissed.

Key Issues

1. At paragraph 15 of the report, the Commissioner notes that there is a longstanding history of varying types of signage at Forestside Shopping Centre but none at the appeal site.
2. At paragraph 16, the Commissioner makes reference to the specific location of the sign within sight of the signalised junction where the Upper Knockbreda Road intersects with Upper Galwally/Galwally Road and the Glencregagh Road, Upper Knockbreda Road – a dual carriageway. The configuration of signalised junctions at this location along with speed limits are explained.
3. The Commission having driven each of the roads associated with the junction in both daylight and in darkness indicates at paragraph 23 that when travelling towards the controlled junction from a south-west to north-east direction, in all four lanes because of its elevated position and the alignment of the road, the drivers line of sight to the signal heads would be shared with the advertising sign over some distance.
4. The Commissioner concluded that by reason of its size, height, elevation, rotating images/advertisements and illumination, the LED screen would therefore prove a distracting feature and that it would prejudice public safety.

	5. The Commissioner did not accept that the images being static and the level of illumination being adjusted and control would overcome concerns regarding the overall visual distraction that the LED sign would create. The Council's reasons for refusal are sustained.	
2.0	<u>Recommendation</u> It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u> No cost claim was lodged by any party in this instance.	
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	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:

Appendix 3 – Appeal Decision – LA05/2022/1149/A



Appeal Decision

4th Floor
92 Ann Street
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BT1 3HH
T: 028 9024 4710
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169

Appeal References:	2022/A0022
Appeals by:	Mr Arthur Cox, Forestside Acquisitions Ltd.
Appeals against:	The refusal of consent to display an advertisement
Proposed Development:	Erection of digital advertising panel
Location:	Lands south of multi-storey car park, Forestside Shopping Centre, Upper Galwally, Belfast, BT8 6FX
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/1149/A
Procedure:	Written representations with Commissioner's site visit on 16 th February 2024
Decisions by:	Commissioner Kevin Gillespie, dated 29 th February 2024

Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 3rd February 2022, Lisburn and Castlereagh City Council (Council) refused the advertisement consent now subject to appeal (LA05/2021/1149/A) because it was, in their opinion, contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17). The refusal of the consent was subsequently appealed.
3. Following the adoption of the Lisburn and Castlereagh Local Development Plan: Plan Strategy 2032 (PS) in September 2023, the Commission wrote to the appellants on 23rd January 2024 to invite comments in respect of the adopted PS in so far as it applied to the appeal proposal. No comments were received from any party.
4. Since the adoption of the PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs), including PPS 17, have now ceased to have effect within this Council area. Policy AD 1 of the PS titled 'Amenity and Public Safety' relates to the display of advertisements in cases such as the appeal development. Criterion (b) of the policy requires that proposals for advertisement consent do not prejudice public safety. This criterion reflects criterion (ii) of Policy AD 1 of PPS 17 which similarly sought that advertisement consent does not prejudice public safety and which the Council's two reasons for refusal were based upon. Given this, and that no prejudice would arise to any party because of the updated position, the appeal is assessed having regard to the updated policy context as provided by Policy AD 1 of the PS.

Reasons

5. The main issue in this appeal is whether the proposed sign would prejudice road safety.
6. For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan so far as they are material and any other relevant factors.
7. As indicated above, in September 2023, Lisburn and Castlereagh City Council adopted its PS. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations (NI) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between the DDP and the PS must be resolved in favour of the PS.
8. The Belfast Urban Area Plan 2001 (BUAP) comprises the departmental development plan (DDP). In it, the appeal site lies within the settlement limit of Castlereagh. There are no other policies in the DDP that are pertinent to the appeal.
9. As is acknowledged in the Council's statement of case, the Court of Appeal declared the adoption of the 2014 BMAP unlawful in May 2017. It is therefore not a DDP according to the Regulations. The 2004 Draft BMAP was never adopted. For this reason, it is not a DDP. Whilst it could be material in certain cases, it is not in this appeal because the relevant operational policy referred to by the Council has been superseded by the PS. Whilst the Council refer to the site's location within the Forestside District Centre (MCH 19), no objection to the appeal development was raised in this regard.
10. Whilst the Strategic Planning Policy Statement for Northern Ireland (SPPS) remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained policies have now ceased to have effect. I now turn to the particular policies of relevance to this appeal in the PS.
11. The PS Policy AD1 'Amenity and Public Safety' states that consent will be granted for display of an advertisement where (a) it respects amenity, when assessed in the context of the general characteristics of the locality and (b) it does not prejudice public safety. In this case, the objection from the Council (and DfI Roads) was based solely on prejudice to public safety.
12. The accompanying justification and amplification (J&A) text to the policy states that advertisements by their very nature are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. It goes on to state that when assessing the impact of an advertisement on public safety, regard will be had to its effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).

13. The J&A goes on to identify a series of main types of advertisements which are likely to pose a threat to public safety. The Council and DfI Roads considered that the proposed LED sign fell under one of these categories, namely, an advertisement which, by virtue of its size or siting, would obstruct or confuse a road user's view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design.
14. The appeal development, which comprises an LED screen surrounded by a galvanised steel box section frame, powder-coated in a black finish, measures some 6.32 metres in width, 3.32 metres in height and 0.1 metres in depth. The LED screen, which would be affixed to two 2.9 metre high RSJ steel support posts and associated spigots, would be positioned on the top deck of a two-floor multi-storey car park at Forestside Shopping Centre immediately adjacent to an escape stair building.
15. The proposed LED signage would be mounted at a height where its bottom edge would be some 2.9 metres from the surface level of the car park and its top edge approximately 6.2 metres from the surface level of the car park. The sign would display static images (advertisements) no more than 6 per minute, that is, one new advert every 10 seconds. There is a longstanding history of varying types of signage at Forestside Shopping Centre but none at the appeal site.
16. The proposed sign would be located within sight of the signalised junction where the Upper Knockbreda Road intersects with Upper Galwally/Galwally Road and Glencregagh Road. Upper Knockbreda Road, which is a two-way dual carriageway runs north-east to south-west. At the signalised junction, there are 4 lanes of traffic travelling north-east, two which continue to travel on to Castlreagh, one which turns left onto Upper Galwally/Galwally Road and one which turns right onto Glencregagh Road. There are six traffic signal heads which control the north-east bound traffic, two for traffic turning left onto Upper Galwally/Galwally Road, two for traffic continuing north-east and two for traffic turning right onto to Glencregagh Road. Both the appellants and DfI Roads estimate that the distance from the proposed sign to the traffic signal heads would be some 16 – 18 metres.
17. This section of Upper Knockbreda Road within the vicinity of the appeal site is subject to a 40 mph speed limit. The appellants state that based on 2019 traffic flow information, this route carries some 36,740 vehicles per weekday whilst DfI roads state that traffic counts throughout 2018 show that the Upper Knockbreda Road north-east bound count was some 19,320 for 24 hour weekday flow. I note the appellants state that since 2015, there have been around 2 – 3 minor collisions per year. There was no persuasive evidence presented to demonstrate that the existing signage at Forestside Shopping Centre was a contributing factor to these collision events.
18. The Council and DfI Roads considered that the proposed LED sign would distract drivers approaching the junction from the north-east and reduce the overall clarity and effectiveness of the traffic signals/heads which could result in road users failing to heed a red or amber light. This could lead to potential collisions with other vehicles emerging from Galwally Road or Glencregagh Road.

19. DfI Roads referred to several studies and research in its evidence in respect of roadside advertising and associated distraction and road safety. However, given the general nature of this evidence, I attach little weight to it. In the particular circumstances of this case, I must assess the impact of the proposed LED sign on road safety at the specific junction before me. Both parties also raised a number of appeal decisions and planning permissions for LED signage at a number of locations both in Belfast and further afield. Notwithstanding their conclusions, each application must be assessed on its own merits and in its own evidential context. The issues in this appeal are germane to this appeal site and its surroundings.
20. I drove each of the three roads both in daylight and in darkness. When approaching the junction with Upper Knockbreda Road from Glencrenagh Road, the steep decline of Glencrenagh Road would naturally cause road users to slow their vehicle speed, and in particular if vehicle queues at the signalised junction ahead are evident to the driver. At these times, views of the proposed signage would be in the driver's peripheral vision and also would be viewed against the backdrop of the shopping centre and the hills beyond. Whilst the sign would be visible in its elevated context, its side-on profile would prevent its rotating images being visible to the vehicular driver in these views. Accordingly, I am not persuaded that it would reduce the clarity of or distract the driver's attention from the traffic signals/heads governing this road or at any time when either turning left or right at the junction or going straight across the junction.
21. When approaching the junction with Upper Knockbreda Road from the opposite direction on Upper Galwally/Galwally Road, views of the sign would be primarily read, even in its elevated context, against the backdrop of the four-storey Knockbreda Centre across the dual-carriageway and the mature trees lining the edge of the shopping centre car park in the foreground. Together with the slimline side-on profile in these views, I am not persuaded that the sign would become a distracting feature in the immediate streetscene. Furthermore, given that the sign would be to the right of the driver's line of sight when approaching the signalised junction, views of the traffic lights/signal heads would not be obscured.
22. When travelling towards the signalised junction in a north-east to south-west direction on Upper Knockbreda Road, in both lanes, views of the proposed sign would be to the right of the driver's line of sight relative to the junction stop. Given its elevated position, I consider that the sign would break the skyline above the roofline of the shopping centre in views towards the signalised junction from a short distance back from the junction. However, given that only the rear profile of the sign would be evident in these views and that no images/advertisements would be seen, whilst the sign would be evident given its elevated position it would not reduce the clarity of or distract attention from the traffic signals/heads governing these lanes at the junction stop. Moreover, as the sign would be read against the significant scale, form and massing of the Burger King building which would be in the forefront in these views, I also do not consider that the sign would be visually intrusive when travelling in north-east to south-west along this part of the Upper Newtownbreda Road.
23. When travelling towards the controlled junction from a south-west to north-east direction, in all four lanes because of its elevated position and the alignment of the road, the driver's line of sight to the signal heads would be shared with the advertising sign over some distance. Notwithstanding that the view of the traffic

signal heads would be to the left of the sign such that the proposal would not obscure the traffic signals, the sign would unacceptably visually compete with the signals over a significant distance. I consider that by reason of its size, height, elevation, rotating images/advertisements and illumination, the LED screen would therefore prove a distracting feature especially given the sustained views road users in those lanes would have of it. As such, it would prejudice public safety.

24. The appellant contended that as the proposed sign would be viewed together with other signage, including a totem sign for the retail park, Sainsbury's canopy signage and high-level Burger King signage, it would not cause driver confusion or be detrimental to road safety. As the photographs in the appellant's evidence show, however, the proposed sign would be in the forefront of the driver's view compared to the existing signs whose prominence is filtered by the intervening line of mature trees along Upper Galwally/Galwally Road and other street furniture.
25. Moreover, and regardless of this being a location where illuminated and non-illuminated signage may be common in this commercial setting, the clarity of an LED screen is such that images are likely to be more visually striking than traditional advertising displays. At night, this impact would likely be greater in my opinion depending on the images displayed, even if the actual brightness matched with the ambient lighting of the streetlights. Whilst the images would be static and the level of illumination can be adjusted and controlled, this would not overcome my concerns regarding the overall visual distraction the LED sign would create.
26. For all these reasons, I consider that the overall legibility and effectiveness of the traffic signals governing the lanes moving forward in particular, would be unacceptably compromised by the proposed LED sign. It would manifest as more visually distracting than the in-situ signage and would attract road users' attention to a greater degree, reducing their due care and attention. This could, as a result, lead to potential collisions with other vehicles or with pedestrians or cyclists crossing at the signalised junction. Accordingly, as the proposal would prejudice public safety, it is contrary to the Policy AD 1 of the PS such that the Council's objections are sustained.
27. In line with the wording of the transitional arrangements in the 2015 LDP Regulations, as there is no conflict arising when reading both the DDP and the PS together, the appeal development does not accord with the LDP for the reasons stated. As the Council's reasons for refusal are sustained, the appeal must fail.

This decision is based on the following drawings:

Drawing Number	Title	Scale	Date Received by the Council
2116_01_001 Rev. PL/	Location Plan	1:1250	13 October 2021
2116_00_100 Rev. PL/	Proposed Site Plan	1:500 @ A3	13 October 2021
2116_00_300 Rev. PL/	Proposed Elevations	1:50 @ A1	13 October 2021

COMMISSIONER KEVIN GILLESPIE

List of Documents

Planning Authority:- **“A1” Lisburn & Castlereagh City Council - Statement of Case**

“A2” Lisburn & Castlereagh City Council - Rebuttal

Appellant:- **“B1” MRA Partnership (agent) - Statement of Case**

“B2” MRA Partnership (agent) - Rebuttal



Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decisions – LA05/2020/0311/RM and LA05/2021/0275/RM

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. Two separate applications for approval of reserved matters on lands 80 metres west of 90 Ballydonaghy Road, Dundrod, Crumlin and 50 metres east of 86 Ballydonaghy Road, Dundrod, Crumlin were refused planning permission on 21 June 2022. 2. Notification that appeals had been lodged with the Planning Appeals Commission were received on 04 July 2022. 3. The informal hearing procedure was followed at the request of the appellant. The hearing took place on 23 March 2023. 4. The main issue in both cases was the design and whether adequate noise mitigation measures had been incorporated into the fabric of the buildings to mitigate the impact of noise from the operation of a motor sports track adjacent to the two sites. 5. A decision received on 14 March 2024 confirmed that the appeals were allowed subject to conditions. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. At paragraph 2 – 3, the Commissioner dealt with a preliminary matter in relation to the inclusion of detached garages in each of the two proposed dwellings. The Commissioner confirmed in his decision that the approval of reserved matters must be within the ambit of the outline planning permission and that it is not appropriate to expand the scope of the proposal to include additional development that did not form part of the outline permission. For this reason, the Commissioner indicated that the garages did not form part of his consideration. 2. As part of his assessment the Commissioner visited the site when a scheduled racing event was taking place at the nearby racetrack. He explains that noise from the activity on the track was noticeable from the sites, with variations and spikes in noise arising from accelerating vehicles, tyre skidding and sporadic backfires. 3. Substantive matters pertaining to the appeal are set out at paragraph 13 – 27 of the Decision report. 4. Reference is made to the Article 4(2) of the Planning (General Development Procedure) Order (NI) 2015 [PGDPO] and the scope provided for a Council to seek
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further details to be considered separately from all or any of the reserved matters to be provided at reserved matters stage.

5. At paragraph 15, the Commissioner confirmed that both of the reserved matters submissions met the legislative requirements of Article 5(a) of the Planning (General Development Procedure) Order (NI) 2015 [PGDPO] and they included plans and drawings necessary to deal with the matters reserved in the outline permission.
6. The Commissioner further noted that during the processing of the applications, the Council explained that the potential noise impacts from the nearby motorcross racetrack would adversely impact on the amenity of the prospective occupants of both dwellings. The Commissioner further noted that the buildings were not designed to take account of the location and that the NIA was disputed.
7. At paragraph 17, it is the Commissioner's view that the Council could have chosen not to reserve the matter of design and specified the requirements for noise mitigation.
8. At paragraph 18 the Commissioner also further considered that it is not appropriate to reconsider aspects of the overall principle of development.
9. He stated that an informative had been included but was not persuaded that this constituted the Council having sufficiently highlighted the issue.
10. Both appeals were allowed. The decisions highlight the need for specific noise conditions to be added at the outline stage of an application process where an identified impact needs to be controlled. The learning from this appeal is shared with our colleagues in the Environmental Health Unit.

2.0 **Recommendation**

It is recommended that the Committee notes the Commission's decision and the learning from this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
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4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	
	This is a report updating the committee on a decision by the PAC and EQIA is not required.	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	
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Appendices:	Appendix 4 – Appeal Decisions – LA05/2020/0311/RM and LA05/2021/0275/RM
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Lisburn & Castlereagh City Council

Our reference: 2022/A0070
2022/A0071
Authority reference:
LA05/2021/0275/RM
LA05/2020/0311/RM
14 March 2024

Dear Sir/Madam

Appellant name: Niall McNamara

Description: Infill dwelling

Location: 80m west of 90 Ballydonaghy Road, Dundrod, Crumlin, BT29 4ES

Appellant name: Mr James Courtney

Description: Infill Dwelling

Location: 50m east of 86 Ballydonaghy Road, Dundrod, Crumlin, BT29 4ES

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decisions

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Appeal References:	(1) 2022/A0070 (2) 2022/A0071.
Appeals by:	(1) Mr James Courtney. (2) Mr Niall McNamara.
Appeals against:	The refusal of reserved matters.
Proposed Development:	(1) Infill dwelling (Site 1). (2) Infill dwelling (Site 2).
Location:	(1) 50m east of 86 Ballydonaghy Road, Dundrod, Crumlin. (2) 80m west of 90 Ballydonaghy Road, Dundrod, Crumlin.
Planning Authority:	Lisburn & Castlereagh City Council.
Application References:	(1) LA05/2021/0275/RM. (2) LA05/2020/0311/RM
Procedure:	Hearing on 23 March 2023.
Decisions by:	Commissioner Mark Watson, dated 14 March 2024.

Decisions

- Both appeals are allowed and the reserved matters are granted, subject to the conditions below.

Preliminary Matter

- Both appeals included details of a detached garage as part of their reserved matters submissions. The outline permissions pertaining to both appeal sites made no reference to garages. At the hearing both the Council and Appellants' representative stated that whilst this was the case, it was common practice to accept garages within reserved matters applications, even when no garage had been mentioned in the outline permission granted.
- In accordance with the Planning (General Development Procedure) Order (NI) 2015 (PGDPO), the approval of reserved matters must be within the ambit of the outline planning permission. It is not appropriate to expand their scope or include additional development that did not form part of the outline permission. As such, the proposed garages do not form part of my consideration of these appeals.

Reasons

- The main issue in both appeals is whether or not additional noise mitigation measures would be necessary and justified as part of the reserved matters submissions.

Policy context

5. Section 45(1) of the Planning Act (Northern Ireland) 2011 (the Act) states that regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6(4) of the Act requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.
6. The Lisburn and Castlereagh City Council Local Development Plan 2032: Plan Strategy has been adopted since the hearings. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations 2015 (as amended) the LDP now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. In accordance with the subject legislation any conflict between a policy contained in the DDP and those of the Plan Strategy must be resolved in favour of the Plan Strategy. In these appeals the Lisburn Area Plan 2001 (LAP) is the relevant DDP. The LAP does not contain specific policies for development in the countryside, instead referring to the Planning Strategy for Rural Northern Ireland, which itself was superseded by Planning Policy Statement 21 – Sustainable Development in the Countryside. The LAP is not material to the appeal developments. The draft Belfast Metropolitan Area Plan, published in 2004, does not contain any policies or proposals material to the appeal developments.
7. In accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), as the Council has now adopted the PS the previously retained policies such as the Planning Policy Statements have now ceased to have effect within this Council district.
8. Following adoption of the PS the Council provided updated reasons for refusal pertaining to both appeals. These were based on Policies COU1, COU15 and COU16 of the PS, as well as paragraphs 6.70 and 6.77 of the SPPS. I will address the matter of the applicability of these policies later in my consideration. The other parties to the appeals were afforded opportunity to comment on the new PS context also, so no prejudice arises.

The proposed development

9. Appeal Sites 1 and 2 each comprise approximately half of an irregularly shaped agricultural field on the northern side of the Ballydonaghy Road. Appeal Site 1 comprises the western half of the field and lies adjacent and east of No. 86 Ballydonaghy Road, a one-and-a-half storey dwelling with adjacent garage. Appeal Site 2 comprises the eastern half and lies west of a cottage with a series of outbuildings to its rear. The sites lie slightly below the level of the road and are generally flat in nature. The common roadside frontage is defined by a maintained hedge, with a grass verge. A patchy line of mature trees and vegetation, as well as a watercourse, provides the northern boundary to both sites. A motocross racetrack lies approximately 0.2km to the north-west of the Site 1, the closer of the two sites relative to the track.
10. I visited the appeal sites on a Sunday morning, when a scheduled racing event was taking place at the racetrack. The weather was dry with little to no breeze. The noise from the activity on the track was noticeable from the sites, with variations and spikes in noise arising from accelerating vehicles, tyre skidding and sporadic backfires.

11. Appeal Site 1 was granted outline planning permission for an infill dwelling (ref. LA05/2017/0682/O) on 9 March 2018. Appeal site 2 was granted outline planning permission for an infill dwelling (ref. LA05/2017/0678/O) on the same date. Both permissions included a series of conditions. No conditions in either outline permission referred to noise from the nearby track, or specific noise mitigation design measures for the appeal dwellings.
12. The proposed dwelling at Site 1 would entail a single storey dwelling to be finished in smooth render and a non-profiled tile / slate roof. The plans state that the PVC windows and patio door are to be glazed with acoustic glazing capable of providing 36dB Rw sound reduction. An active / positive mechanical ventilation system is to be installed. A 2m high acoustic grade timber fence is to be erected along the north-western and northern site boundaries. The proposed dwelling at Site 2 would entail a one-and-a-half storey chalet bungalow, to be finished in smooth render and a non-profiled tile / slate roof. The plans state that the PVC windows and patio door are to be glazed with acoustic glazing capable of providing 36dB Rw sound reduction. An active / positive mechanical ventilation system is to be installed. A 1.8m high acoustic grade timber fence is to be erected along the northern, rear site boundary.

Substantive matters

13. Article 4(1) of the PGDPO states that where an application is made to the council for outline planning permission, the council may grant permission subject to a condition specifying reserved matters for the council's subsequent approval. Both appeal sites were granted outline permission with such a condition attached, as well as a series of conditions pertaining to access, ridge height, under-build restriction and landscaping. Whilst the Objector raised issue with the processing and consideration of the outline applications, no challenges to either outline permission were brought at that time when they were granted by the Council. Accordingly, both permissions stand.
14. Article 4(2) of the PGDPO goes on to state that where the council is of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the council shall notify the applicant that it is unable to determine it unless further details are submitted, specifying the further details it requires. In the case of both appeal sites, no such notification was given to either of the Appellants.
15. Article 5(a) of the PGDPO states that an application for approval of reserved matters shall give sufficient information to enable the council to identify the outline planning permission in respect of which it is made. It further states that such an application shall include such particulars, and be accompanied by such plans and drawings as are necessary to deal with the matters reserved in the outline permission. In both cases before me, the reserved matters submissions meet these legislative requirements, as well as the remainder of Article 5. The Council accepted the reserved matters submissions for both sites as valid, considered them and progressed them ultimately to decision. Nor was there any dispute from the Council that there had been a departure from the outline planning permissions, or the conditions attached to them.
16. Nevertheless, the Council ultimately considered that the potential noise impacts from the nearby motocross racetrack would adversely impact on the amenity of the prospective occupants of both dwellings. The Council considered that the proposed

dwelling designs for Sites 1 and 2 were not appropriate for the sites and their locality as a consequence of failure to take account of these noise impacts. They disputed a Noise Impact Assessment (NIA) that was submitted alongside the reserved matters submissions, though no condition requiring submission of a NIA was attached to either outline permission. An objector, who initially had concerns in respect to one of the proposed dwellings, widened her objection to both dwellings by the time of the hearing. No prejudice arose as the Appellants' representative had opportunity to respond at the hearing on behalf of both his clients. The Objector's concerns related to the noise impacts from the nearby racetrack upon the amenity of occupants of the two new dwellings.

17. The Council considered that the designs of both dwellings should have been tailored to account for the noise from the nearby racetrack, including features such as habitable rooms positioned on the opposite side of the building from the racetrack and the use of courtyarded amenity areas. These are unusually prescriptive design features. Had the Council wished to, it could have chosen to not reserve the matter of design of the dwellings, instead specifying particular requirements for noise mitigation design features. It did not do so, nor was Article 4(2) of the PGDPO invoked at that point, whereby the Council could have specified the further details they required.
18. Consideration of a reserved matters application is restricted to those matters which have been reserved for approval. It is not a new planning application in its own right, but rather further details pertaining to an already granted outline permission. It is not appropriate to reconsider aspects of the overall principle of development, which has already been approved at outline application stage. Again, no conditions relating to noise mitigation, or the design of each the approved dwellings in that regard, were attached to either outline permission. However, the Council pointed to the inclusion of an informative on both decision notices which related to noise.
19. Informative 15 on both outline permission decision notices stated that:
'the applicant and any prospective owner should be made aware that the proposed development is located in close proximity to a motorsport track. This is likely to give rise to unreasonable conditions and a resulting impact upon the amenity enjoyed by the proposed development due to noise. The applicant and any prospective owner should be advised that nuisance action cannot be used to subsequently address these prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance. This comment is based upon the current use of the adjacent site.'
20. I find it far from persuasive that the fifteenth informative in a list of seventeen in each decision notice constituted the Council having "highlighted" the issue. Nor does an informative possess any legal standing to compel a developer to carry out development in a specific manner. The wording of the informative itself does not indicate that any particular noise mitigation measures as part of the detailed design would be anticipated or required as part of the reserved matters submission for either appeal development.
21. The Appellants' representative drew my attention to the consultation responses from the Council's Environmental Health Department (EHD) during the processing of the two outline applications. Those responses, the same for Sites 1 and 2, raised a concern about noise from the racetrack, but did not indicate any noise assessment

was required, nor that permission should be refused. Rather, it recommended inclusion of the informative already referred to above. Whilst the EHD did at reserved matters stage raise issues in respect to the appeal developments, again, this was subsequent to the approval of the outline approvals, which were accepting of the principle of development.

22. Turning to the policy objections raised by the Council, it raised concerns under Policies COU1, COU15 and COU16 of the PS, as well as referring to sections of the SPPS, to justify the refusal of the reserved matters. Given my consideration above relating to the grant of the outline approvals, I do not consider it appropriate to seek to refuse the appeal developments on an ex post facto basis.
23. Whilst the Council also referred to the Noise Policy Statement for Northern Ireland (NPSNI) and to the planning system having a role to play in preventing and minimising the impact of noise through its influence on the location, layout and design of new development and consideration of the amenity impacts, the correct time for such an intervention is when considering the principle of development. I am not persuaded that it is acceptable at reserved matters stage to seek to impose additional constraints on an already granted permission, even if there may be a noise issue in the locality.
24. The fact remains that there are extant outline planning permissions on both appeal sites. The reserved matters submissions met the terms of those permissions in respect of the conditions therein. I therefore find that there is no justification for the withholding of granting the reserved matters on the basis of the above policies.
25. The Objector stated that her opposition to the two dwellings was on the basis of seeking to prevent others from experiencing the noise levels she and her family have endured over the past years from the nearby racetrack. She explained that the Council has been unable to address this despite numerous complaints and a court case relating to a Noise Abatement Notice served on the racetrack operator. Various documentation was provided detailing her prolonged endeavours in this respect. She stated that the level of noise during race and practice events had taken a heavy toll, being extremely disruptive to her family life and enjoyment of her property. Whilst it may be the case that there has been a statutory nuisance relating to noise from the racetrack and irrespective of any concerns raised that the racetrack operator does not adhere to their own Noise Management Plan, those are matters for the Council and its EHD. Again, the principle of development cannot be revisited under these appeals.
26. Whilst I have no reason to doubt the testimony of the Objector, the fact remains that outline planning permission was granted for both sites without any specific requirement for noise mitigation measures. Whilst the Appellants' reserved matters submissions included various noise mitigation measures, which they did not have to submit in accordance with any terms of the outline permissions, such as windows with higher noise insulation properties, mechanical ventilation and acoustic fencing along the boundaries closest to the racetrack, these were included on their own volition. I find it questionable that the Council considered it appropriate to refuse both reserved matters submissions on the basis that these measures were insufficient, when neither outline permission contained any such requirements in the first instance. Irrespective of the debated efficacy of such measures, these were not a requirement of the outline permissions and I am not persuaded the granting of

the reserved matters for both Sites 1 and 2 should be withheld on this basis. Furthermore, prospective occupants of the appeal developments would be aware of the environment surrounding their new homes.

27. Whilst the Objector also queried the potential impacts on her property from the potential change in noise arising from the proposed fence along the boundary of appeal Site 2, I have no evidence to persuade me that her own auditory environment would be altered to any adverse degree, if at all. Furthermore, I note the point made by the Appellant's representative that his client for Site 2 could avail of permitted development rights to erect the same fence in any event. This matter would not warrant the withholding of the granting of the reserved matters.

Conclusions

28. The appeal submissions comply with the terms of their respective outline permissions. Whilst there is an ongoing source of noise nearby, it is one both Appellants, through their representative, indicated they are more than aware of and have designed their proposed dwellings accordingly. Nor did the Council impose any conditions to address this matter at the appropriate stage of granting outline planning permission. Whilst the testimony of the Objector and her own experiences cannot be discounted, it does not outweigh the compliance of both appeal developments with their respective outline permissions. Nor would the Council's stated objections under the PS and SPPS, as well as its reference to the NPSNI, in respect to the design of both dwellings, outweigh this compliance. The Council's reasons for refusal and the related concerns of the Objector are not sustained. Both appeals shall succeed.
29. In respect to conditions, I am not persuaded that the Council's suggested conditions relating to submission of further details of the proposed fences, window specifications and mechanical ventilation for approval by the Council prior to occupation taking place are necessary or reasonable in the context of the outline permissions having been granted.
30. A condition relating to implementation of the means of access and required visibility splays would be necessary for both Sites 1 and 2 in the interest of road safety. The suggested condition relating to access gradients is unnecessary in this case given the minor difference in levels between the sites and road level. A suggested condition pertaining to relocation of any street furniture to be removed at the Appellants' expense is unnecessary. Whilst I noted an existing telegraph pole which may require removal to secure the full extent of the visibility splays, if that were to be the case, it would be captured under the access provision condition. The suggested condition regarding siting of the septic tanks for each development is unnecessary, as this matter is governed by a separate legislative process.
31. A condition for each of the sites in respect to the implementation of soft and hard landscaping works, as well as replacement of any damaged or dying plants within the first 5 years of planting, would be required in the interests of visual amenity. The Council's draft condition relating to the timing for implementation of the developments related to five years from the date of the grant of outline planning permission or two years hereof from the date of granting of the reserved matters. As the five years from the date of the granting of outline permission occurred prior to the appeal hearings, it is appropriate to limit the timespan for implementation to two years from the date of these decisions.

Conditions (Appeal 1 - 2022/A0070)

- (1) Prior to any other development taking place, the vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing 02/1 stamped received by the planning authority on 20 October 2021. The visibility splays shall be kept clear and permanently retained thereafter.
- (2) All hard and soft landscaping works shall be carried out in accordance with the approved details contained in approved drawing 02/1, stamped received by the planning authority on 20 October 2021. The fence along the northern and north-western site boundaries shall be erected prior to occupation of the dwelling and permanently retained thereafter. The remaining landscaping works shall be carried out within the first available planting season after occupation of the dwelling. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
- (3) The development hereby permitted shall be begun before the expiration of two years from the date of this decision.

Conditions (Appeal 2 - 2022/A0071)

- (1) Prior to any other development taking place, the vehicular access, including visibility splays and any forward sight distance shall be provided in accordance with Drawing 02/2 stamped received by the planning authority on 14 July 2021. The visibility splays shall be kept clear and permanently retained thereafter.
- (2) All hard and soft landscaping works shall be carried out in accordance with the approved details contained in approved drawing 02/2, stamped received by the planning authority on 14 July 2021. The fence along the northern site boundary shall be erected prior to occupation of the dwelling and permanently retained thereafter. The remaining landscaping works shall be carried out within the first available planting season after occupation of the dwelling. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
- (3) The development hereby permitted shall be begun before the expiration of two years from the date of this decision.

These decisions are based on the following drawings (except in respect to the garage) submitted with their respective applications to the planning authority:-

Appeal (1) 2022/A0070

DRAWING No.	TITLE	SCALE	DATE
01	Site Location Plan	1:2500	01/03/2021
02/1	Noise Impact Assessment – Site Plan	1:500	20/10/2021
03/2	Noise Impact Assessment – Floor Plan & Section	1:100	20/04/2022
04/1	Noise Impact Assessment - Elevations	1:100	20/10/2021
05	Sketch Scheme - Garage	1:100	01/03/2021

Appeal (2) 2022/A0071

DRAWING No.	TITLE	SCALE	DATE
01	Site Location Plan	1:2500	08/04/2020
02/2	Site Plan	1:500	14/07/2021
03/1	Sketch Scheme - Floor Plans & Section	1:100	14/07/2021
04/1	Sketch Scheme - Elevations	1:100	14/07/2021
05	Sketch Scheme – Floor Plan & Elevations (garage)	1:100	08/04/2020

COMMISSIONER MARK WATSON

List of Appearances

Planning Authority:- Mrs R Taylor (L&C CC)
Mrs P Hamilton (L&C CC)
Mr R Henry (L&C CC Environmental Health Dept.)
Ms S Courtney (L&C CC Environmental Health Dept.)

Appellants:- Mr D Donaldson (Donaldson Planning)
Mr J Courtney (Appeal 1)
Mr T McNamara (Appeal 2)
Mrs S McNamara (Appeal 2)

Third Parties:- Mrs J A H Smyth (Objector)
Mr L Ross (Ross Planning – representing Mrs Smyth)

List of Documents (common to both appeals)

Planning Authority:- 'A' Statement of Case (L&C CC)
'D' Post-hearing comments on PS context (L&C CC)

Appellants:- 'B' Statement of Case & Appendices (Donaldson Planning)
'E' Post-hearing comments on PS context (Donaldson Planning)

Third Parties:- 'C' Statement of Case & Appendices (Mrs J A H Smyth)

Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Notification Direction from Department in relation to LA05/2023/1001/O

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. A major application was received by the Council on 07 December 2023 for a: <ul style="list-style-type: none"> ▪ proposed extension to Sprucefield Park comprising new retail units, hotel, restaurant, café/restaurant pod, car parking, site access, landscaping and all associated site works (LA05/2023/1001/O). 2. The consultation process is not yet complete and the responses to date highlight the need for further information to assist the officer with completing their assessment. A recommendation will in due course be presented to the Committee for determination. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. In the interim, in correspondence received from DfI, the acting Director of the Regional Planning Governance & Legislation Group within the Department for Infrastructure has drawn the Council's attention to Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015(GDPO) – see Appendix. 2. The letter advises that a Direction has been made under the relevant article of the GDPO restricting the grant of planning permission to allow the Department an opportunity to assess, prior to a decision being issued by the Council, if it wishes to require that the application is referred to it for determination. 3. Accordingly, the Council is required to notify the Department when its Planning Committee reaches a recommendation in relation to the application. 4. Members should note that the Direction does not commit the Department to 'call-in' this application, but it does reserve the right to intervene.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the attached letter and the requirement to notify the Department for Infrastructure when a decision is reached by the Council.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the Department for Infrastructure. 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 for noting correspondence from the Department for Infrastructure. RNIA not required.</p>	

Appendices:	Appendix 5 – Letter from Department for Infrastructure – Notification Direction – LA05/2023/1001/O
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Department for

Infrastructure

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Regional Planning Governance & Legislation

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julie.maroadi@infrastructure-ni.gov.uk

Your Ref: LA05/2023/1001/O
Our Ref:

29 February 2024

Dear Mr Hughes

**PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN
IRELAND) 2015**

**LA05/2023/1001/O- PROPOSED EXTENSION TO SPRUCEFIELD PARK COMPRISING
NEW RETAIL UNITS, 1 NO. HOTEL, 1 NO. RESTAURANT AND 1 NO.
CAFE/RESTAURANT POD. DEVELOPMENT INCLUDES CAR PARKING, SITE
ACCESS, LANDSCAPING AND ALL ASSOCIATED SITE WORKS AT LANDS AT
SPRUCEFIELD PARK, 100M SOUTHWEST OF SPRUCEFIELD ROUNDABOUT, TO
THE SOUTH AND WEST OF SAINSBURY'S PETROL STATION, 120M NORTH EAST
AND 20M SOUTH EAST OF SAINSBURY'S SUPERMARKET, SPRUCEFIELD PARK,
LISBURN, BT21 5UJ**

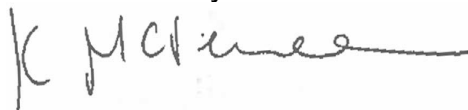
With reference to the above planning application, I wish to draw your attention to the enclosed Direction by the Department for Infrastructure (DfI), under the powers conferred on it by Articles 17 and 18 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

The Direction has been made in order that the Department has an opportunity to assess, prior to a decision being issued on the application by your council, if it wishes to require that the application is referred to it for determination.

Accordingly, it is the Department's view that it would be appropriate for Lisburn and Castlereagh City Council to notify the Department when its Planning Committee reaches a recommendation in relation to planning application LA05/2023/1001/O.

Please note the Direction does not commit the Department to 'calling in' any such application, but it does reserve the right to intervene.

Yours sincerely



DR KATHRYN McFERRAN
(Acting) Director

Enc

THE PLANNING (NOTIFICATION OF APPLICATIONS) (LISBURN AND CASTLEREAGH CITY COUNCIL) (LA05/2023/1001/O - PROPOSED EXTENSION TO SPRUCEFIELD PARK COMPRISING NEW RETAIL UNITS, 1 NO. HOTEL, 1 NO. RESTAURANT AND 1 NO. CAFE/RESTAURANT POD. DEVELOPMENT INCLUDES CAR PARKING, SITE ACCESS, LANDSCAPING AND ALL ASSOCIATED SITE WORKS AT LANDS AT SPRUCEFIELD PARK, 100M SOUTHWEST OF SPRUCEFIELD ROUNDABOUT, TO THE SOUTH AND WEST OF SAINSBURY'S PETROL STATION, 120M NORTH EAST AND 20M SOUTH EAST OF SAINSBURY'S SUPERMARKET, SPRUCEFIELD PARK, LISBURN, BT21 5UJ) DIRECTION 2024

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

1.0 Commencement

This direction comes into operation on 29 February 2024.

2.0 Interpretation

In this Direction:

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

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

"council" means Lisburn and Castlereagh City Council;

"the Department" means the Department for Infrastructure;

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

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

3.0 Information to the Department

3.1 In the event that the council's planning committee reach a recommendation, in relation to planning application LA05/2023/1001/O by New River (Sprucefield) Ltd., for a proposed extension to Sprucefield Park comprising new retail units, 1 no. hotel, 1 no. restaurant and 1 no. cafe/restaurant pod. Development includes car parking, site access, landscaping and all associated site works at lands at Sprucefield Park, 100m southwest of Sprucefield Roundabout, to the south and west of Sainsbury's Petrol Station, 120m north east and 20m south east of Sainsbury's Supermarket, Sprucefield Park, Lisburn, BT21 5UJ, it shall, under the terms of Article 18 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, provide the Department with the following information:

- (a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
- (b) a copy of the requisite notice;
- (c) a copy of any representations made to the council in respect of the application;
- (d) a copy of any report on the application prepared by the council;
- (e) a copy of a statement, where applicable, setting out the council's reasons for proposing to grant planning permission, in cases where-
 - i. the application would significantly prejudice the implementation of the local development plan's objectives and policies;
 - ii. the application would not be in accordance with any appropriate marine plan adopted under the Marine Act

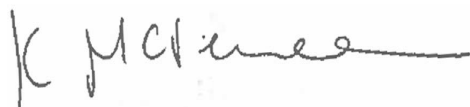
(Northern Ireland) 2013; and /or

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

3.2 Where the council holds the information set out in paragraph 3.1 (a) to (d), it may comply with some or all of the requirements to provide this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council's website.

4.0 Restriction on the Determination of Planning Permission

4.1 The council must not determine the development referred to in paragraph 3.1 before the Department has notified the council that it does not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application.



Dr. Kathryn McFerran

A senior officer of the Department for Infrastructure

Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Notification Direction from Department in relation to LA05/2023/0344/F

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. A major application was received by the Council on 5 April 2023 for the: <ul style="list-style-type: none"> ▪ Erection of discount food store (with solar panels on roof) provision of accesses, car parking, landscaping and associated site works at Sprucefield Park, Lisburn (LA05/2023/0344/F) 2. The consultation process is not yet complete and the responses to date highlight the need for further information to assist the officer with completing their assessment. A recommendation will in due course be presented to the Committee for determination. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. In the interim, in correspondence received from DfI, the acting Director of the Regional Planning Governance & Legislation Group within the Department for Infrastructure has drawn the Council's attention to Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). 2. The letter advises that a Direction has been made under the relevant article of the GDPO restricting the grant of planning permission to allow the Department an opportunity to assess, prior to a decision being issued by the Council, if it wishes to require that the application is referred to it for determination. 3. Accordingly, the Council is required to notify the Department when its Planning Committee reaches a recommendation in relation to the application. 4. Members should note that the Direction does not commit the Department to 'call in' this application, but it does reserve the right to intervene.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the letter attached and the requirement to notify the Department for Infrastructure when a decision is reached by the Council.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report for noting correspondence from the Department for Infrastructure. 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 <u>or</u> rationale why the screening was not carried out. This is a report for noting correspondence from the Department for Infrastructure. RNIA not required.	

Appendices:	Appendix 6 – Letter from Department for Infrastructure – Notification Direction – LA05/2023/0344/F
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Department for

Infrastructure

An Roinn

Bonneagair

Deapairtment fur

Infrastructurewww.infrastructure-ni.gov.uk

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Regional Planning Governance & Legislation

Mr Conor Hughes
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julie.maroadi@infrastructure-ni.gov.uk

Your Ref: LA05/2023/0344/F
Our Ref:

29 February 2024

Dear Mr Hughes

**PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN
IRELAND) 2015**

**LA05/2023/0344/F- ERECTION OF DISCOUNT FOOD STORE (WITH SOLAR PANELS
ON ROOF) PROVISION OF ACCESSES, CAR PARKING, LANDSCAPING AND
ASSOCIATED SITE WORKS. LAND 140 METRES NORTH OF UNIT 5 (SAINSBURY'S),
SPRUCEFIELD PARK, LISBURN, BT27 5UQ**

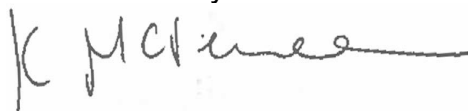
With reference to the above planning application, I wish to draw your attention to the enclosed Direction by the Department for Infrastructure (Dfi), under the powers conferred on it by Articles 17 and 18 of The Planning (General Development Procedure) Order (Northern Ireland) 2015.

The Direction has been made in order that the Department has an opportunity to assess, prior to a decision being issued on the application by your council, if it wishes to require that the application is referred to it for determination.

Accordingly, it is the Department's view that it would be appropriate for Lisburn and Castlereagh City Council to notify the Department when its Planning Committee reaches a recommendation in relation to planning application LA05/2023/0344/F.

Please note this Direction does not commit the Department to 'calling in' any such application, but it does reserve the right to intervene.

Yours sincerely



DR KATHRYN McFERRAN
(Acting) Director

Enc

THE PLANNING (NOTIFICATION OF APPLICATIONS) (LISBURN AND CASTLEREAGH CITY COUNCIL) (LA05/2023/0344/F - ERECTION OF DISCOUNT FOOD STORE (WITH SOLAR PANELS ON ROOF) PROVISION OF ACCESSES, CAR PARKING, LANDSCAPING AND ASSOCIATED SITE WORKS. LAND 140 METRES NORTH OF UNIT 5 (SAINSBURY'S), SPRUCEFIELD PARK, LISBURN, BT27 5UQ) DIRECTION 2024

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

1.0 Commencement

This direction comes into operation on 29 February 2024.

2.0 Interpretation

In this Direction:

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

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

"council" means Lisburn and Castlereagh City Council;

"the Department" means the Department for Infrastructure;

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

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

3.0 Information to the Department

3.1 In the event that the council's planning committee reach a recommendation, in relation to planning application LA05/2023/0344/F by Lidl Northern Ireland, for the erection of a discount food store (with solar panels on roof) provision of accesses, car parking, landscaping and associated site works. Land 140 metres north of Unit 5 (Sainsbury's), Sprucefield Park, Lisburn, BT27 5UQ, it shall, under the terms of Article 18 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, provide the Department with the following information:

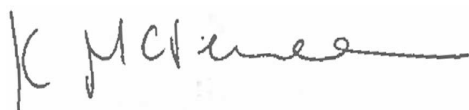
- (a) a copy of the application (including copies of any accompanying plans, drawings, statements, assessments, pre-application material and any other supporting information);
- (b) a copy of the requisite notice;
- (c) a copy of any representations made to the council in respect of the application;
- (d) a copy of any report on the application prepared by the council;
- (e) a copy of a statement, where applicable, setting out the council's reasons for proposing to grant planning permission, in cases where-
 - i. the application would significantly prejudice the implementation of the local development plan's objectives and policies;
 - ii. the application would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; and /or
 - iii. a significant objection has been received by a statutory consultee or Government Department.

3.2 Where the council holds the information set out in paragraph 3.1 (a) to (d), it may comply with some or all of the requirements to provide

this information to the Department by means of an e-mail to the Department containing a link, or a series of links, to the relevant pages on the council's website.

4.0 Restriction on the Determination of Planning Permission

- 4.1 The council must not determine the development referred to in paragraph 3.1 before the Department has notified the council that it does not intend to issue a direction under section 29(1) of the 2011 Act, in respect of that application.



Dr. Kathryn McFerran

A senior officer of the Department for Infrastructure



Committee:	Planning Committee
Date:	15 April 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"> The Council is notified by Openreach, Cornerstone, Avison Young, Telefonica UK Ltd and WHP Telecoms Ltd of their intention to utilise permitted development rights to install communications apparatus at eight locations within the Council area. The installations consist of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

Appendices:	Appendix 7 – Notifications from an Operator in respect of intention to utilise permitted development rights
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List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights April 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Avison Young	EE Ltd & H3G Uk Ltd	Millars Farm, Loughview, 46 Middle Braniel Road	Notification under Regulation 5 of the Electronic Communications Code Regulations 2003 to Utilize Permitted Development Rights	20/02/2024
2	Cornerstone	O2	(Lisburn West) 41a Meeting House Lane, Lisburn	To utilize Permitted development rights Proposed 5.0m tower extension. Removal of 6no. existing antenna and proposed installation of 6no. new antenna. Removal of 9no. RRUs and proposed installation of 12no. RRUs, 6no. filters and 3no. BOBs. Proposed installation of 1no. GPS module. Associated ancillary upgrades.	26/02/2024
3	Openreach	BT	212 Mealough Road, Drumbo	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	27/02/2024
4	Telefonica Uk Ltd	O2	Campbells Hill, 21 Old Church Lane, Aghalee	Notification under Class A of Part 18 of the Schedule of the Planning (General Permitted Development) Order (Northern Ireland) 2015, as amended.	01/03/2024
5	Openreach	BT	172 Mealough Road, Carryduff	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	06/03/2024
6	Openreach	BT	20 Ballygowan Road, Hillsborough	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	08/03/2024
7	Cornerstone	O2	150 Magheraknock Road	Removal and replacement of 3no. antennas. Allocation of 1no. 300 transmission dish. Removal and replacement of 3no. RRUs with 9no. RRUs (9no.RRUs total) Allocation of 1no. equipment cabinet. Allocation of 1no. GPS module.Associated ancillary upgrades thereto.	11/03/2024
8	WHP Telecoms Ltd	EE Ltd & H3G Uk Ltd	48 The Cutts, Dunmurry Industrial Estate	Proposed relocation of existing telecommunications apparatus from rooftop of Rathmoyne House.	19/03/2024



Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Internal refurbishment and extension of existing music room and existing office, demolition of existing prefabricated units to the north and south of site and proposed new building on existing green space at Longstone Special School, 42 Millars Lane, Dundonald.

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 note 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 or 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 8(a) - Report in relation to LA05/2024/0239/PAN Appendix 8(b) – LA05/2024/0239/PAN – PAN Form Appendix 8(c) – LA05/2024/0239/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	15 April 2024
Responsible Officer	Conor Hughes
Date of Report	24 January 2024
File Reference	LA05/2024/0239/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the Internal refurbishment and extension of an existing music room and existing office, demolition of existing prefabricated units to the north and south of site and proposed new building on existing green space at Longstone Special School, 42 Millars Lane, Dundonald.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 21 March 2024. The earliest possible date for the submission of a planning application is week commencing 17 June 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:
A description in general terms of the development to be carried out.
6. The description associated with the FORM PAN1 is as described above.

7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one).

8. The postal address identified on the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site.

10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with.

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Samuel Stevenson & Sons at 4 Greenwood Avenue, Belfast, BT4 3HR.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates.

14. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
15. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments.

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 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.

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates that a public event will take place at the school on 25 April 2024 at 17:00.

The event will be publicised in the Newtownards Chronicle from 18 April 2024 to 25 April 2024.

No other consultation methods are stipulated, and no other parties are identified as having received a copy of the PAN.

Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.



www.lisburncastlereagh.gov.uk/resident/planning

Lisburn & Castlereagh City Council, Civic Headquarters, Lagan Valley Island, Lisburn, BT27 4RL

Tel: 028 9244 7300

E-mail: planning@lisburncastlereagh.gov.uk

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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

Mrs

First name

Carmel

Surname

Leadon

Company Name

Education Authority

Address

Address line 1

1 Hospital Road

Address line 2

Address line 3

Town/City

Omagh

Country

212

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

213

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)

373164

214

Site Area

What is the area of the site?

1.36

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

Internal refurbishment and extension of existing music room and existing office Demolition of existing prefabricated units to north and south of site Proposed new build on existing green space

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)?

1088.6

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: Public event to be held in the school before parent teaching meeting. Event to be held for 1 to 2 hours.

Venue: School meeting

Date and time: 25/04/2024 17:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Newtownards Chronicle

Proposed advert date start 18/04/2024

Proposed advert date finish 25/04/2024

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)

Details of any other publicity methods (e.g. leaflets, posters)

Details of Other Parties Receiving a copy of this PAN

Are there any other parties receiving a copy of this PAN?

 Yes No

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.

Signed

Jordan Nolan

216

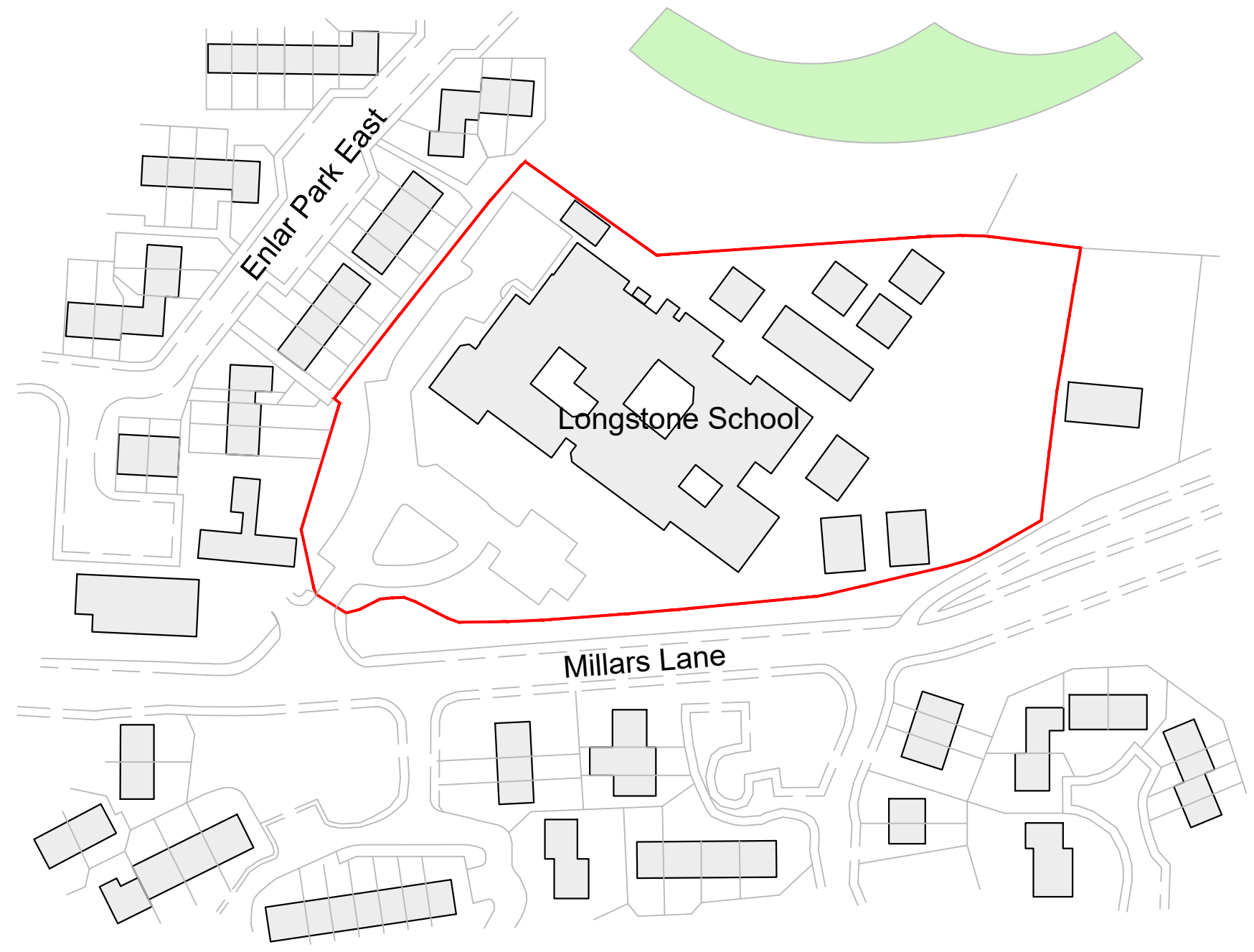
Date

21/03/2024

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I consent for my personal data to be shared with other departments within the authority

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KEY

— Site Boundary

Area 1.36 Hectares

Rev	Date	Description	Issued by	CHK
		Information		SI

samuel stevenson & sons

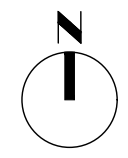
Chartered Architects and Principal Designers
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Job: Longstone School SEP
 42 Millar's Lane Dundonald

Drawing: Site Location Map

Drawn by: MF	Scale: 1:1250	@A3
Checked by: MR	Date: 22.02.24	

Drawing No: 322201-SSS-ZZ-XX-DR-A-0001



Committee:	Planning Committee
Date:	15 April 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Holding Direction from Department in relation to LA05/2021/1245/F

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. A major application was received by the Council on 17 November 2021 for a: <ul style="list-style-type: none"> • Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting powered by solar panel array and associated battery storage building, cycle shelter , storm water retention pond, widening of Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station, provision of drop off lay by and turning circle at existing train station car park on lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road). 2. At a meeting of the Planning Committee on 05 February 2024 Members agreed with the recommendation to grant planning permission. This decision followed careful consideration of the report presented by officers and having regard to the representations of third parties. The Members had also visited the site. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. In the interim in a letter the acting Director of the Regional Planning Governance & Legislation Group within the Department for Infrastructure, has drawn the Council's attention to Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO) – see Appendix. 2. The letter advises that a Direction has been made under the relevant article of the GDPO restricting the grant of planning permission to allow the Department an opportunity to consider whether or not the proposal raises issues that warrant referral of the application to it for determination. The letter further indicates that it is the Department's intention to finalise its consideration of this matter as soon as possible.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the letter attached and the requirement to hold the application to allow the Department for Infrastructure to consider whether the application is 'called in'.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report for noting correspondence from the Department for Infrastructure. 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 <u>or</u> rationale why the screening was not carried out. This is a report for noting correspondence from the Department for Infrastructure. RNIA not required.	

Appendices:	Appendix 9 – Letter from Department for Infrastructure – Holding Direction – LA05/2021/1245/F
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Regional Planning Governance & Legislation

Department for

Infrastructure

An Roinn

Bonneagair

Deapartment fur

Infrastructurewww.infrastructure-ni.gov.uk

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Your reference: LA05/2021/1245/F

Our reference: N/A

21 March 2024

Dear Mr Hughes

**PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NI) 2015**

LA05/2021/1245/F - PROPOSED PARK AND RIDE FACILITY INCLUDING TARMACKED PARKING AREA, LANDSCAPING, BOUNDARY FENCING, CCTV AND FLOODLIGHTING (POWERED BY SOLAR PANEL ARRAY AND ASSOCIATED BATTERY STORAGE BUILDING), CYCLE SHELTER BUILDING, STORM WATER RETENTION POND AND WIDENING OF STATION ROAD TO FACILITATE RIGHT HAND TURNING LANE INTO SITE AND FOOTPATH PROVISION FOR PEDESTRIAN ACCESS TO TRAIN STATION. PROVISION OF DROP OFF LAY BY AND TURNING CIRCLE AT EXISTING TRAIN STATION CAR PARK. LANDS 65M NORTH OF (AND INCLUDING) MOIRA TRAIN STATION MOIRA (BETWEEN 4 AND 6 STATION ROAD).

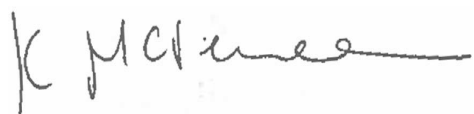
I write in respect of the above-mentioned planning application.

The Department hereby directs, under the terms of Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, that your council may not grant planning permission in relation to planning application LA05/2021/1245/F until further advised in writing by the Department.

The Department has decided to issue this Direction to allow it time to consider whether or not the proposal raises issues that warrant referral of the application to it for determination. It is the Department's intention to finalise its consideration of this matter

as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K McFerran', with a long horizontal flourish extending to the right.

DR KATHRYN McFERRAN
(Acting) Director