



January 3rd, 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, 8th January 2024 at 10:00 am**, in the **Council Chamber & Remote Locations** 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 December, 2023

For Approval

📄 *PC 04.12.2023 Draft Minutes for Adoption.pdf*

Page 1

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*

Page 13

- (i) LA05/2021/1245/F - Proposed Park and Ride facility including tarmacked parking area, landscaping, boundary fencing, CCTV and floodlighting, 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 65m north of (and

📄 *Appendix 1.1 - DM Officer Report - LA0520211245F - Moira Park and Ride Translink - FINAL.pdf* Page 17

- (ii) LA05/2019/1077/F - Proposed Park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works at lands adjacent to and southeast of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line and the Lagan Navigation Canal

📄 *Appendix 1.2 - DM Officer Report - LA0520191077F - Park and Ride Moira - FINAL.pdf*

Page 62

- (iii) LA05/2020/0303/F - Demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping at lands at 32 Lurgan Road Moira and adjacent to and north west of Linen Fields Lurgan Road Moira

📄 *Appendix 1.3(a) - DM Officer Report - LA0520200303F - Lurgan Road Moira - Addendum - FINAL.pdf*

Page 95

- Appendix 1.3(b) - DM Officer Report - LA0520200303F - Lurgan Road Moira - FINAL.pdf Page 99
- (iv) LA05/2022/0883/O - Proposed replacement dwelling at 49c Waterloo Road, Lisburn
- Appendix 1.4(a) - DM Officer Report - LAA0520220883O - 49c Waterloo Road - Addendum - FINAL.pdf Page 126
- Appendix 1.4(b) - Report of Site Meeting - 18.12.2023 - Waterloo Road - FINAL.pdf Page 130
- Appendix 1.4(c) - DM Officer Report - LAA0520220883O - 49c Waterloo Road - FINAL.pdf Page 132
- (v) LA05/2022/0106/O - Demolition of all structures on site and erection of 10 detached dwellings and associated site works at lands at 17 Glebe Manor, Annahilt
- Appendix 1.5(a)- DM Officer Report - LA0520220106O - Glebe Annahilt - Addendum Page 155 - FINAL.pdf
- Appendix 1.5(b) - Report of Site Meeting - 18.12.2023 - Glebe Manor - FINAL.pdf Page 159
- Appendix 1.5(c) - DM Officer Report - LA0520220106O - Glebe Annahilt - FINAL.pdf Page 161
- (vi) LA05/2023/0345/F - Proposed new public access path from Lagan Towpath to Navigation House adjacent to Blaris Road, Lisburn at lands to rear of 148 Hillsborough Road, Lisburn and 2 Blaris Court and 5 Blaris Court, Lisburn. The site extends along the Lagan Towpath starting at the access point on Blaris Road and finishing on a line to the rear of Navigation House, 148 Hillsborough Road, Lisburn
- Appendix 1.6- DM Officer Report - LA0520230345F - Navigation House - FINAL.pdf Page 182
- (vii) LA05/2023/0078/F - Public realm scheme to resurface all bituminous public footways between the addresses provided on Ballynahinch Road, Annahilt. New roads kerbs to be laid, where applicable. Provision of a puffin crossing adjacent to Annahilt Primary School. Construction of two public use 'on street' contiguous parking bays adjacent to 255 Annahilt Road, Ballynahinch. Provision of new, council maintained, litter and dog foul bins at 241 Ballynahinch Road (241-277), Annahilt
- Appendix 1.7 - DM Officer Report - LA0520230078F - Annahilt public realm works (Council) - FINAL.pdf Page 196
- (viii) LA05/2022/1081/O - Dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry
- Appendix 1.8 - DM Officer Report - LA0520221081O - Crumlin Road - FINAL.pdf Page 211

- (ix) **LA05/2021/0099/F - Replacement dwelling, detached garage and retention of existing structure as store 30 metres northwest of 730 Saintfield Road, Carryduff**
 □ *Appendix 1.9 - DM Officer Report - 730 Saintfield Road - FINAL.pdf* *Page 233*
- (x) **LA05/2019/1062/F - Proposed demolition of existing dwelling (104) and erection of residential development comprised of 10 semi-detached dwellings (2 House Types - A&B), new access, car parking, landscaping and all associated site works at 104 Pond Park Road, Lisburn**
 □ *Appendix 1.10 - DM Officer Report - Housing - LA0520191062 - Pond Park Rd - FINAL.pdf* *Page 258*
- (xi) **LA05/2021/0582/F - Development of infill dwelling at lands between 12 and 14 Ballinderry Road, Aghalee**
 □ *Appendix 1.11 - DM Officer report -LA0520210582F Ballinderry Rd Infill - FINAL.pdf* *Page 292*

4.2 Planning Application LA05/2022/0861/F

For Noting

- *Item 2 - Planning Application - LA0520220861F - for noting.pdf* *Page 312*
- *Appendix 2 - DM Officer Report - Comber Road - Residential - FINAL.pdf* *Page 314*

4.3 Appeal Decision - LA05/2018/0655/F

For Noting

- *Item 3 - Appeal Decision - for noting.pdf* *Page 365*
- *Appendix 3 Appeal decision LA05 2018 0655F.pdf* *Page 368*

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

For Noting

- *Item 4 - Notifications from an Operator in respect of intention - for noting.pdf* *Page 382*
- *Appendix 4 - List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights - January 2024.pdf* *Page 384*

4.5 Update Report in Relation to Older Applications

For Noting

- *Item 5 - Update report in relation to Older Applications - for noting.pdf* *Page 385*

5.0 Any Other Business

PC 04.12.2023

LISBURN & CASTLEREAGH CITY COUNCIL

1

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 December, 2023 at 10.03 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, G Thompson and N Trimble

PRESENT IN REMOTE LOCATION:

Councillor D Bassett

OTHER MEMBERS:

In Remote Location

The Right Worshipful the Mayor, Councillor A Gowan
 Councillor T Mitchell

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officers (RH) (LJ)
 Senior Planning Officers (RT, MB and PMcF)
 Acting Environmental Health Manager (RH)
 Member Services Officers

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** (00:02:13)

There were no Apologies.

It was noted that the Vice-Chairman, Councillor U Mackin would be arriving late.

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

PC 04.12.2023

2

2. Declarations of Interest (00:03:10)

There were no Declarations of Interest.

3. Minutes of Meeting of Planning Committee held on 6 November, 2023 (00:03:38)

It proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 6 November, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:03:58)

4.1 Schedule of Applications (00:04:05)

The Chairman, Alderman M Gregg, advised that there were eleven local applications on the schedule for consideration at the meeting. He advised that application LA05/2022/1081/F, had been withdrawn from the schedule and would be presented to Committee at a later date.

4.1.1 Applications to be Determined (00:04:16)

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

- (i) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn
(00:05:58)

The Vice-Chairman, Councillor Uel Mackin entered the meeting during consideration of this application (10.14 am).

The Right Worshipful the Mayor, Councillor A Gowan, joined the meeting remotely (10.32 am).

Councillor T Mitchell joined the meeting remotely (10.56 am).

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

The Committee received Mr A Larkin accompanied by Mr P Clelland, in order to speak in support of the application. A number of Members' queries were responded to by both Mr A Larkin and Mr P Clelland.

The Committee noted that a member of DfI Roads was in attendance to answer any questions Members may have in respect of access arrangements for the above application.

- (i) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn (Cont'd)

A number of Members' queries were responded to by Planning Officers. During the question and answer session, Members noted clarification provided by the Head of Planning and Capital Development, that the objective of policy HOU10 was to achieve mixed and balanced communities, and in this case, Officers accepted that the applicant had demonstrated an exception and that more than the required number of affordable housing units were being delivered at the alternative location at Grand Street, Lisburn.

“In Committee”

It was proposed by Councillor J Craig, seconded by Councillor N Trimble and agreed to go 'into committee' in order that legal advice could be sought on policy HOU10 of the Plan Strategy, and the use of Section 76 agreement to secure the affordable housing requirement in relation to this application. Those members of the public and press in attendance left the meeting (11.00 am).

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

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor J Craig and agreed to come out of committee and normal business was resumed (11.55 am).

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (11.55 am).

Resumption of Meeting

The meeting was resumed at 12.01 am.

The Vice-Chairman Councillor U Mackin left the meeting during consideration of this application (12.02 pm).

Following discussion, Alderman O Gawith proposed that the application be deferred to allow for further information to be provided to Members to determine, in the first instance, whether the requirement for affordable housing could be met at the site, 126 Hillsborough Road.

PC 04.12.2023

4

- (i) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn (Cont'd)

In seconding the proposal, Councillor N Trimble requested that Alderman O Gawith amend his proposal to reflect that, should it be established that the requirement for affordable housing could be met at the site, that further negotiation be undertaken with the applicant with a view to redesigning the scheme at Hillsborough Road as a mixed tenure development.

Alderman O Gawith indicated that he was content with the amended proposal.

The amended proposal to defer the application was put to the Committee and was declared carried, with 7 voting in favour and 3 against. Not having been present for this entire item, the Vice-Chairman, Councillor U Mackin did not participate in the vote.

The Right Worshipful the Mayor, Councillor A Gowan left the meeting remotely at the conclusion of this application.

Councillor T Mitchell left the meeting remotely at the conclusion of this application.

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (01:12:42)

At this juncture, Alderman O Gawith referred to application LA05/2022/0883/O. He considered that he would benefit from visiting the site as he was not particularly familiar with the location. He proposed that this application be deferred for a site visit to take place. The proposal was seconded by Councillor G Thompson and agreed, on a vote being taken, the voting being 8 in favour and 2 abstentions.

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (Cont'd) (01:16:43)

The Vice-Chairman, Councillor U Mackin re-entered the meeting during consideration of this application (12.25 pm).

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

The Committee received:

- Ms M O'Loan and Mrs Skelton to speak in opposition to the application; and
- Mr M Crothers to speak in support of the application.

PC 04.12.2023

5

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (Cont'd)

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

The Chairman, Alderman M Gregg advised Members that a representative from Environmental Health (Mr R Henry) was in attendance and was available answer any questions Members may have in respect of the above application. A number Members' queries were responded to by the Environmental Health Officer and Planning Officers.

During the question and answer session, the Chairman, Alderman M Gregg, declared a recess due to technical difficulties (1.15 pm to 1.25 pm).

On resumption of the meeting, Councillor D Bassett (on Zoom) confirmed he had not missed any information during the previous question and answer session and was content to proceed.

Debate

During debate:

- Councillor N Trimble stated that noise had been the main issue discussed in relation to the application, and whilst he was content that policy OS3 was being met as long as mitigations were in place, he noted that a proactive mitigation condition had not being recommended by Planning Officers;
- Alderman J Tinsley stated that, having taken into account the professional advice of the Planning and Environmental Health Officers, he was in support of the recommendation to approve this application; and
- The Chairman, Alderman M Gregg concurred with Councillor N Trimble's view, stating that it would have been his preference to have a proactive condition in place to mitigate the noise. However, he was reasonably content that Officers would carry out ongoing assessment of noise at the site under the current noise abatement notice. He further registered his disappointment on retrospective applications coming before the Planning Committee, as they demonstrated some non-compliance with planning regulations, and this site appeared to have a history of retrospective applications. He requested that Officers monitor the site to ensure that planning conditions and agreed noise levels were adhered to.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. Not having been present for this entire item, the Vice-Chairman, Councillor U Mackin did not participate in the vote.

PC 04.12.2023

6

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch at this point (1.50 pm).

Resumption of Meeting

The meeting was resumed at 2.24 pm. The Chairman, Alderman M Gregg, advised Members of a change to the running order for the remaining applications.

- (iii) LA05/2021/0009/F – Proposed development of 36 dwellings with associated and ancillary site works off Old Kilmore Road, Moira immediately west of residential properties (1,3,5,7,9,11,15,17 and 19) Danesfort and to the immediate north of Fitzwilliam House (02:35:29)

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

The Committee received Ms C Doyle alongside Mr R Bowman to speak in support of the application. A number of Members' queries were responded to by the speakers.

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

Debate

There was no debate.

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, subject to the conditions and a Section 76 planning agreement, as set out in the report, to ensure that the developer fulfilled his obligations with regard to the delivery of affordable housing, in accordance with the requirements of policy HOU10 of the Plan Strategy.

- (iv) LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin

and

- (v) LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin (03:21:58)

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

The Committee received Mr J Martin to speak in support of the applications. One Members query was responded to by the speaker.

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

PC 04.12.2023

7

- (iv) LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin (Cont'd)

and

- (v) LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin (Cont'd)

Debate

During Debate:

The Chairman, Alderman M Gregg and Alderman O Gawith sympathised with the applicant due to the timing of the implementation of the new plan; however, considering that the application required to adhere with current policy, they both indicated support for the recommendation of the Planning Officer to refuse this application.

Vote

LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin

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

LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin

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

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (3.28 pm).

Resumption of Meeting

The meeting was resumed at 3.35 pm.

PC 04.12.2023

8

- (vi) LA05/2022/0106/O - Demolition of all structures on site and erection of 10 detached dwellings and associated site works 17 Glebe Manor, Annahilt (03:40:04)

The Right Worshipful the Mayor, Councillor A Gowan joined the meeting (3.35 pm).

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

The Committee received Mr W Wallace to speak in support of the application. A number of Members' queries were responded to by the speaker.

A number of Members' queries were responded to by Planning Officers. Further to discussion, it was proposed by Councillor A Martin, seconded by Councillor N Trimble and agreed, on a vote being taken, that this application be deferred to allow for a site visit to take place, the voting being 7 in favour, 2 against and 2 abstentions.

The Right Worshipful the Mayor, Councillor A Gowan left the meeting remotely at the conclusion of this application.

- (vii) LA05/2020/0303/F – Demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping, 32 Lurgan Road, Moira and adjacent lands north west at Linen Fields Lurgan Road, Moira (04:13:23)

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

There were no individuals registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers. During the question and answer session clarity was provided to Members by the Head of Planning and Capital Development and the Legal Adviser, regarding Policy HOU10, in respect of meeting the minimum 20% requirement of affordable housing.

The Chairman, Alderman M Gregg, declared a recess at this point to enable contact to be made with the applicant, to determine if they would offer one more unit in the terrace of dwellings as an affordable housing unit, to ensure the requirements of policy HOU10 were met (4.28 pm to 4.40 pm).

Councillor D Bassett left the meeting remotely during recess (4.34 pm).

On resumption of the meeting, it was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed unanimously that this application be deferred to allow for further clarification with the developer, in respect of the number of affordable housing units to be provided as part of the application.

PC 04.12.2023

9

- (viii) LA05/2021/0609/O – Two infill dwellings and garages 30m north of 6 Cross Lane, Lisburn (04:34:29)

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

There were no individuals registered to speak in respect of this application. A number of Members' queries were responded to by Planning Officers.

Debate

There was no debate.

Vote

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

- (ix) LA05/2021/1048/O – Site for a dwelling, garage and associated site works 30m west of 7 Derriaghy Road, Lisburn

and

- (x) LA05/2021/1049/O - Site for a dwelling, garage and associated site works 30m east of 5 Derriaghy Road, Lisburn (04:47:55)

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

There were no individuals registered to speak in respect of this application. A number of Members' queries were responded to by Planning Officers.

Debate

During debate Councillor N Trimble spoke in support of the recommendation of the Planning Officer to refuse this application. He also noted that DfI Roads hadn't raised an issue in respect of this application in terms of access to a protected route.

Vote

LA05/2021/1048/O – Site for a dwelling, garage and associated site works 30m west of 7 Derriaghy Road, Lisburn

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

PC 04.12.2023

10

LA05/2021/1049/O - Site for a dwelling, garage and associated site works 30m east of 5 Derriaghy Road, Lisburn

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

- (xi) LA05/2022/0883/O - Proposed replacement dwelling 49c Waterloo Road, Lisburn (01:13:21)

This application was dealt with earlier in the meeting during discussion of application LA05/2021/0321/F. It was deferred for a site visit for the reasons outlined above.

- (xii) LA05/2022/1081/F – Proposed infill dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn (00:04:05)

As advised earlier in the meeting by the Chairman, Alderman M Gregg, this application had been withdrawn from the meeting schedule.

- 4.2 Pre-Application Notice: Proposed erection of industrial unit with ancillary office, car parking, landscaping and associated site and access works and solar array on lands located to the east of Lissue Road, south of Ballinderry Road and west of Ferguson Drive, Lisburn (05:04:37)

Alderman J Tinsley left the meeting (5.13 pm).

This item of business was presented by the Head of Planning and Capital Development. Members having been provided with a copy of the above PAN, agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.3 Appeal Decision – LA05/2020/0614/O (05:05:20)

This item of business was presented by the Head of Planning and Capital Development. A copy of the Planning Appeals Commissions decision was circulated to Members.

The Committee agreed to note the information set out the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

- 4.4 Notification by telecommunication operator(s) of intention to utilise permitted development rights (05:06:13)

The Head of Planning and Capital Development outlined the background and key issues in relation to the notification received by two operators, Cornerstone and Openreach, on their intention to utilise permitted development rights at ten locations within the Council area to install communications apparatus. A copy of the schedule of works locations was circulated to members.

PC 04.12.2023

11

4.4 Notification by telecommunication operator(s) of intention to utilise permitted development rights (Cont'd)

Further to the Chairman, Alderman M Gregg pointing out that item two on the schedule (Gortgrib Drive) was no longer within the Lisburn and Castlereagh boundary; the Head of Planning and Capital Development agreed to notify Openreach to advise they contact Belfast City Council in relation to installation of communications apparatus at that location.

The Committee agreed to note from the report, information regarding notification by telecommunication operators to utilise Permitted Development Rights at various locations.

4.5 LDP Quarterly Update (05:07:43)

The Principal Planning Officer (LJ) outlined the background and next steps in connection with the quarterly progress update on the Council's Local Development Plan. The Committee agreed that the information set out in the report in respect of the next steps on the preparation of the Local Development Plan be noted.

4.6 Enforcement Quarterly Update (05:09:10)

The Principal Planning Officer (LJ) outlined the background and key issues in connection with the quarterly progress report on formal enforcement cases. A copy of the live Enforcement Caseload by Category was circulated to Members.

The Committee agreed to note information set out in the report in respect of the Planning Enforcement update on its caseload.

The Chairman, Alderman M Gregg notified the Committee that it had been agreed by the Head of Planning and Capital Development, that a workshop be arranged to give all Elected Members an understanding of the work carried out by the Enforcement Unit.

4.7 Northern Ireland Public Services Ombudsman (NIPSO) – Tree Protection: Strengthening Our Roots (05:10:28)

This item of business was presented by the Head of Planning and Capital Development. Copies of the NIPSO correspondence, the overview report and the response to the factual accuracy of the recommendations was circulated to Members.

The Committee agreed that the content and improvement recommendations of the overview report by NIPSO be noted, alongside the related response on the factual accuracy of the recommendations.

4.8 Statutory Performance Indicators – October 2023 (05:11:43)

This report was presented by the Head of Planning and Capital Development. A copy of statutory performance indicators for October 2023 was circulated to Members. The Committee agreed to note information set out in the report in respect of statutory performance indicators for October 2023.

PC 04.12.2023

12

5. Any Other Business (05:15:39)

Councillor P Catney left the meeting (5.23 pm).

5.1 Request for Section 76 Briefing for Members
Alderman O Gawith (05:15:45)

Responding to a request by Alderman O Gawith, the Head of Planning and Capital Development confirmed that the upcoming Enforcement Workshop would also include a briefing for Elected Members on Section 76 Agreements.

5.2 Date of the Next Planning Committee (05:17:20)

The Chairman, Alderman M Gregg advised Members that the next meeting of the Planning Committee was due to take place on Monday 8 January, 2024.

Conclusion of the Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance and wished everyone a Merry Christmas and a Happy New Year.

There being no further business, the meeting ended at 5.25 pm.

Chairperson/Mayor

Committee:	Planning Committee
Date:	08 January 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined

1.0 **Background**

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.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There is one Major and ten local applications. Three of which were previously deferred to allow for site visits and/or clarification to be provided. Three are presented by way of exception, two are mandatory and two have been Called In.
 - a) 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 on Lands 65m north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Recommendation – Approval
 - b) LA05/2019/1077/F – Proposed park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works on Lands adjacent to and south east of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line to the north and the Lagan Navigation Canal to the south.
Recommendation – Refusal
 - c) LA05/2020/0303/F - Demolition of existing dwelling and construction of a pair

of semi-detached houses and 1 row of 4 terraced houses with associated site works and landscaping at 32 Lurgan Road, Moira and adjacent lands north west at Linen Fields, Lurgan Road, Moira
Recommendation – Approval

- d) LA05/2022/0883/O - Proposed replacement dwelling at 49c Waterloo Road, Lisburn.
Recommendation – Refusal
- e) LA05/2022/0106/O - Demolition of all structures on site and erection of 10 detached dwellings and associated site works at Lands at 17 Glebe Manor Annahilt
Recommendation – Refusal
- f) LA05/2023/0345/F – Proposed new public access path from Lagan Towpath to Navigation House adjacent to Blaris Road, Lisburn on Lands to rear of 148 Hillsborough Road, Lisburn and 2 Blaris Court and 5 Blaris Court, Lisburn. The site extends along the Lagan Towpath starting at the access point on Blaris Road and finishing on a line to the rear of Navigation House, 148 Hillsborough Road, Lisburn.
Recommendation – Approval
- g) LA05/2023/0078/F - Public realm scheme to resurface all bituminous public footways between the addresses provided on Ballynahinch Road, Anahilt. New roads kerbs to be laid, where applicable. Provision of a puffin crossing adjacent to Anahilt Primary School. Construction of two public use 'on street' contiguous parking bays adjacent to 255 Anahilt Road, Ballynahinch.
Recommendation - Approval
- h) LA05/2022/1081/F – Infill dwelling and garage between 15 and 15a Crumlin Road Upper Ballinderry Lisburn.
Recommendation – Refusal
- i) LA05/2021/0099/F – Replacement dwelling and detached garage and retention of existing structure as a store at 30m north west of 730 Saintfield Road, Carryduff.
Recommendation - Approval
- j) LA05/2019/1062/F – Proposed demolition of existing dwelling (Nos. 104) and erection of residential development consisting of 10 semi-detached dwellings, new access, car parking, landscaping and all associated site works at 104 Pond Park Road, Lisburn.
Recommendation - Approval
- k) LA05/2021/0582/F - Development of infill dwelling on Lands between 12 and 14 Ballinderry Road, Aghalee.
Recommendation - Refusal

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

2.0	<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 <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>	

<p>Appendices:</p>	<p>Appendix 1.1 - LA05/2021/1245/F Appendix 1.2 - LA05/2019/1077/F Appendix 1.3a – LA05/2020/0303/F – addendum Appendix 1.3b- LA05/2020/0303/F – Site Visit</p>
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Appendix 1.3c - LA05/2020/0303/F
Appendix 1.4a – LA05/2022/0883/O – addendum
Appendix 1.4b - LA05/2022/0883/O – Site visit
Appendix 1.4c - LA05/2022/0883/O
Appendix 1.5a – LA05/2022/0106/O -addendum
Appendix 1.5b - LA05/2022/0106/O – Site visit
Appendix 1.5c - LA05/2022/0106/O
Appendix 1.6 - LA05/2023/0345/F
Appendix 1.7 - LA05/2023/0078/F
Appendix 1.8 - LA05/2022/1081F
Appendix 1.9 - LA05/2021/0099/F
Appendix 1.10 – LA05/2019/1062/F
Appendix 1.11 – LA05/2021/0582/F

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Major Application
Application Reference	LA05/2021/1245/F
Date of Application	17 November 2021
District Electoral Area	Lisburn South
Proposal Description	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.
Location	Lands 65 metres north of (and including) Moira Train Station, Moira (between 4 and 6 Station Road)
Representations	Five
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The proposal is presented with a recommendation to approve as the proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our community and

future growth, that encourages a modal shift from private car dependency through integration of transport, land use and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

3. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
4. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.
5. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
6. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
7. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
8. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
9. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
10. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPSS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise and Air Quality.

11. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.
12. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Description of Site and Surroundings

Site

13. The application site is 3.5 hectares in size and comprised of four agricultural fields adjacent to and northwest of the Moira rail halt.
14. Access to the site is from Station Road and the land rises gently from the edge of Station Road towards the north western boundary.
15. The boundaries are defined by mature hedgerows interspersed with trees (along the northern and part of the western boundaries).

Surroundings

16. The site is situated in the open countryside approximately 1.2 kilometre north east of the village of Moira.
17. There is a build-up of development in the general vicinity of the site with a group of farm buildings and associated farm dwelling opposite at 9 Station Road and dwellings adjacent on either side at 4, 4a and 6 Station Road.
18. The Department for Communities has a Depot at 2 Station Road which is in front of the proposed location for the solar panels.
19. Adjoining to the south of the site for the solar panels is the Lagan Canal, a scheduled monument. This part of the towpath of the canal is known as the 'broad water' walk which is 5 km in length connecting Moira Train Station to Aghalee.

Proposed Development

20. The proposed development is comprised of a Park and Ride facility including tarmacked carpark, landscaping, boundary fencing, CCTV and floodlighting cycle shelter building and storm water retention pond. The lighting is powered by a solar panel array serviced by an associated battery storage building. It is also proposed to widen Station Road to facilitate right hand turning lane into site and footpath provision for pedestrian access to train station. Provision is also made for a drop-off layby and turning circle at the existing train station car park.
21. The application was also supported by the following:
- Design and Access Statement
 - Design and Access Statement - Addendum
 - Ecological Appraisal
 - Archaeological and Heritage Assessment
 - Lighting Report
 - Public Consultation Document
 - Air/Dust Management Plan
 - Transport Assessment Form
 - Car Parking Study
 - Flood Risk and Drainage Assessment
 - Breeding Bird report
 - Smooth Newt report
 - Bat Activity report
 - Landscape and Maintenance Plan
 - Noise Assessment
 - Preliminary Risk Assessment (PRA)
 - Construction Environment Management Plan
 - Outline Emergency Response Plan

Relevant Planning History

22. There is no relevant planning history associated with the site.

Consultations

23. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
NIEA Water Management Unit	No objection

NIEA Natural Heritage	No objection
Environmental Health	No objection
NI Water	No objection
SES	No objection
Rivers Agency	No objection

Representations

24. Six letters of representation are received in opposition to the proposal on behalf of two objectors. The following issues are raised:
- Policy objection in principle to the siting of the park and ride facility
 - Traffic generation
 - Danger for pedestrians
 - Noise
 - Infrastructure cannot handle the additional load
25. These issues are considered in more detail as part of the assessment below.

Environmental Impact Assessment (EIA)

26. As the site area exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015 the need for environmental impact assessment is considered.
27. An EIA screening was carried out on 23 November 2021, and it was determined that the nature and scale of the proposed development was unlikely to result in any significant adverse environmental impact. As such, an Environmental Statement was not required to inform the assessment of the application.

Pre-Application Community Consultation

28. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.

29. In accordance with section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application.
30. The online consultation was in accordance with the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 and ran from Monday 8 February 2021 to Friday 5 March 2021 with an online public webinar event held on Wednesday 24 February 2021.
31. The format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning Group. It advises that no issues were raised by members of the public at this event.

Local Development Plan

32. 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

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

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

29. 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.
30. 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.
31. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

32. The LAP indicates that the proposed site is located outside the development settlement limit of Moira and in the Countryside.
33. Within draft BMAP and the subsequent revision to BMAP post inquiry and pre-adoption the site is also located within the Countryside.
34. This is a proposal for a park and ride facility in the open countryside linked to the operation of the Moira rail halt. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

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

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets

35. The site is located in close proximity to a scheduled monument and there are natural heritage features on and adjacent to the site that must be taken account of in the assessment of this proposal.
36. Strategic Policy 06 Protecting and Enhancing the Environment states that:

The Plan will support development proposals that respect the historic and natural environment and biodiversity. Proposals must aim to conserve, protect and where possible enhance the environment, acknowledging the rich variety of assets and associated historic and natural heritage designations. Proposals should respect the careful management, maintenance and enhancement of ecosystem services which form an integral part of sustainable development.
37. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

The Plan will support development proposals that:

- a) *protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) *protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*
- c) *promote the highest quality of design for any new development affecting our historic environment.*

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

The Plan will support development proposals that:

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

39. Strategic Policy 20 Transportation Infrastructure states that:

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*
- c) *encourage a modal shift from private car dependency through integration of transport and land use*
- d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

42. Strategic Policy 21 Renewable Energy states that:

The Plan will support development proposals that:

- a) *facilitate the delivery of renewable energy generating facilities (wind, solar, thermal, biomass and other technologies) in the most appropriate locations which aim to meet the regional target for renewable energy production*
- b) *minimise any potential visual intrusion and environmental impacts to protect both the rural and urban landscape, and natural and historic environment*

43. Strategic Policy 24 Flooding states that: *The Plan will support development proposals that:*

- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*

- b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding* c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*

43. The following operational policies in Part 2 of the Plan Strategy also apply.
44. The proposal is for a Park and Ride facility in the open countryside. 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.

Integration and Design of Buildings in the Countryside

45. 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

46. 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*
access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing

Natural Heritage

47. A Preliminary Ecological Assessment, with species specific surveys and a Construction Environmental Management Plan are submitted with the application.
48. 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.

49. 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

50. A new access is to be constructed to the public road for both pedestrian and vehicular use. A right turning pocket is also proposed and some alterations are proposed to the existing car park at the rail halt.

51. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

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

53. Policy TRA 9 Park and Ride/Park and Share Car Parks states that:

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department

54. The Justification and Amplification states that:

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution. Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and along the trunk road network, ideally within settlement development limits, and at public transport interchanges.

There may be occasions where a countryside location is needed for such development. The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where

appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions. The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Flooding

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

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

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

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

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

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

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

Renewable Energy

57. An array of solar panels is proposed on the southern portion of the site. This is to facilitate the operation of the floodlighting and other ancillary electrical equipment on the site. Policy RE 1 Renewable Energy Development states that:

The generation of energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- a) public safety, human health, or residential amenity*
- b) visual amenity and landscape character*
- c) biodiversity or the natural or historic environment*
- d) local natural resources, such as air quality or water quality or quantity*
- e) public access to the countryside.*

Proposals will be expected to be located at, or as close as possible to, the resources needed for that particular technology, unless it can be demonstrated that the benefits of the scheme outweigh the need for transportation of raw materials.

Proposals likely to result in unavoidable environmental damage should indicate how this will be minimised and mitigated.

The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted.

58. Policy RE2 Integrated Renewable Energy states that:

Planning permission will be granted for a development proposal which integrates renewable energy technology including microgeneration and passive solar design (PSD) in its layout, siting and design, where it meets the provisions of Policy RE1 and provided the technology is appropriate to the location in terms of any visual or amenity impact it may have.

The Council will encourage greater integration of renewable energy technologies, both in the design of new buildings and through the appropriate retrofitting of such technologies to existing buildings. For many buildings this will mean increased consideration of the benefits of small-scale renewable energy technologies. This is referred to as 'micro-generation' and is widely accepted to be the production of heat and/or electricity from low or zero carbon energy sources. New large-scale urban, public sector and rural development proposals can maximise the benefits that can be derived from integrated renewable technology.

Historic Environment and Archaeology

59. The site lies adjacent to an oval enclosure (ANT 067:003) and also within the vicinity of a standing stone (ANT 067:024). In addition, part of the proposed development is within the Scheduled Area of Lagan Canal, Reach 11 - Section 15 (ANT067:501/DOW009:500; IHR02680), a monument scheduled for protection under the Historic Monuments and Archaeological Objects Order (NI) 1995.

60. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

61. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings 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.

62. Policy HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

63. 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.

64. The site is also in the setting of a listed building HB 19 03 049. It is stated in policy HE9 Development affecting the setting of a listed building that:

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

65. 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.

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

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

67. 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.

68. Paragraph 3.7 of the SPPS states that

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

69. 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.

70. 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.

71. 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.

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

73. 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.

74. 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.

75. Paragraph 6.103 of the SPPS states that:

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

76. Paragraph 6.132 of the SPPS also states that:

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

77. Paragraph 6.174 of the SPPS states that:

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

78. Paragraph 6.182 of the SPPS further states that:

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

79. Paragraph 6.198 of the SPPS states that:

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

80. Paragraph 6.294 of the SPPS states that:

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

81. Paragraph 6.296 of the SPPS states that:

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

82. Paragraph 6.297 of the SPPS states that:

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

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

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

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

84. It is further stated at paragraph 6.302 that:

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

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

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

Retained Regional Guidance

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Supplementary Guidance for Renewable Energy Proposals

88. Supplementary Planning Guidance associated with the Plan Strategy states at page 51 to Guidance for renewable energy proposals are contained in the following publications:

- Best Practice Guidance to Planning Policy Statement 18 ‘Renewable Energy’ (2009) published by the Department

- Draft Supplementary Planning Guidance to PPS 18 'Renewable Energy'
89. Section 6 of the Best Practice Guidance to Planning Policy Statement 18 'Renewable Energy' (2009) published by the Department provides guidance on Active Solar Panels.
 90. Paragraph 6.2.5 explains that for best performance, PV modules need to be inclined at an angle of 20-40 degrees, depending on the latitude, and orientated facing due south.

Assessment

Strategic Need

91. Strategic Policy 01 states that the Plan will support development proposals which further sustainable development including those for sustainable infrastructure. Park and Ride is identified as transport infrastructure at criteria d) of Strategic Policy 20.
92. It is further stated in the justification and amplification of this policy that park and ride sites have the potential to deliver a shift to more sustainable travel modes (by reducing car usage and encouraging the use of public transport), reduce pollution and congestion and improve air quality and public health. This type of infrastructure is sustainable development.
93. It provides for better integration of the transportation network servicing the needs of our community and future growth in accordance with criteria a) and encourages a modal shift from private car dependency through integration of transport and land uses in accordance with criteria c).
94. This application is made on behalf of Translink, a Division of the Northern Ireland Transport Holding Company, a public corporation which provides public transport through out the region.
95. The need for Park and Ride facilities at Moira rail halt are in the Regional Strategic Transport Plan 2015. It is stated at page 5 of the Plan for rail that:

The Plan also considers Park and Ride opportunities at rail stations and it is proposed to provide over 1000 additional parking spaces at 12 locations on the rail network.
96. At paragraph 4.8.18 it is stated that Park and Ride opportunities will be considered on their own merits within the Plan period. Moira is identified at Table 4.5 as a scheme currently under consideration for 98 spaces.
97. It is further stated at paragraph 4.8.26 that:

The BMTP proposes a number of initiatives aimed at improving links by other modes of transport to and from the rail network. These comprise:

- improving pedestrian and cycle access to stations ;*
- establishing Park and Ride with high quality facilities at a number of key stations in each of the rail corridors;*
- where possible formalising and expanding parking provision and pickup/set down facilities at other stations.*

98. The train station at Moira is strategically placed between two arterial routes and identified by the applicant as being located approximately 1 mile north from the centre of Moira, 2.7 miles south of Maghaberry, 3.5 miles east of Aghalee and 4.5 miles east of Aghagallon.
99. The submitted reports further indicate the station has no direct bus services operating from the surrounding villages and townlands and whilst accessible on foot from Moira village, the route travelled does not benefit from street lighting, footways are limited and where footways do exist, they are often inaccessible due to on pavement parking.
100. The Design & Access Statement submitted with the application explains that it is Translink's mission to deliver a transformation in public transport by providing integrated services which connect people, enhance the local economy, enriching local communities they serve and improve the environment.
101. Section 7.3 of the Design and Access Statement explains that in 2015, DfI carried out a Strategic review of Park and Ride [P&R] provision in Northern Ireland the purpose of which was to enhance the targeted provision in a manner which takes account of traffic flows with a view to maximising the potential of P&R to contribute to the regional objective of modal shift from private care to public transport. This is consistent with the requirements of the regional strategic transport network plan.
102. Some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered. Taking into account settlement and community patterns along with the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R Strategic delivery programmes.
103. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.
104. In addition, detail submitted with the application explains that there is an extremely limited level of parking currently available at the Moira train station in contrast to parking demand. The Transport Assessment Form [TAF] indicates that the 85 spaces are typically significantly over capacity with commuters double parked within the car park outside assigned spaces.

105. The demand for parking at the station has also resulted in a significant amount of on street parking occurring which prejudices the safety of road users and pedestrians using Station Road. The TAF explained that the total on street and off street demand exceeded capacity by 261%. The parking demand was estimated to be 343 spaces. This issue reinforces the need for additional P&R provision to be provided in close proximity to Moira station. This is much greater than the identified number of spaces in the Regional Transport Strategy.
106. The strategic need for a P&R facility at this location is accepted subject to requirements of the operational policies in Part 2 of the Plan and all planning and environmental considerations being satisfied.
107. Whilst this site is not identified in the Plan Strategy as a park and ride site the strategic policy recognises the role this type of car parking has in influencing modal choice. Co-locating a park and ride facility with a rail halt is in accordance with strategic policy 20 and paragraph 6.301 of the SPPS.

Development in the Countryside

Non-residential development in the open countryside

108. The strategic need for this facility is demonstrated and a site for a park and ride facility adjacent to an existing train station located in the open countryside is not excluded from policy COU1 subject to meeting the requirements of the relevant operational policies and the policies COU15 and COU16.

TRA 9 Park and Ride/Park and Share Car Parks

109. The applicant sets out in the Design and Access Statement that some 30 separate sites at locations along six key strategic transport corridors leading into Belfast were considered as part of the review into Park and Ride [P&R] provision in Northern Ireland.
110. Taking into account settlement patterns and comparing this to the availability and frequency of high quality public transport services, the proposed Moira P&R site was ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes.
111. This site is 1km outside Moira and 65 metres north west of the existing Moira train station. The site is also considered to be large enough to accommodate all of the required development and ancillary works.
112. The fact that the Moira P&R facility is ranked top priority by both Translink and DfI in their respective P&R strategic delivery programmes clearly demonstrates an identified need for this facility. The requirement of policy TRA9 is met.

113. Furthermore, it is accepted in accordance with the justification and amplification to Policy TRA9 that a countryside location is required for the proposed development. The existing rail halt is already located in the open countryside and is constrained on at least two sides by other built development.
114. It is also demonstrated that the car park is designed, laid out and landscaped to integrate into the landscape, protect rural character and the visual amenity of the area for the reasons set out below as part of the assessment of policies COU15 and COU16.
115. It is further stated in the justification and amplification of policy TRA9 that where appropriate parking surfaces should make use of permeable materials. In this case tarmac is used which is not permeable surface. However, a sustainable drainage solution is proposed to mitigate the impact of this and is acceptable for the reasons set out later in the report under the heading drainage.
116. In respect of the other criteria set out in paragraph 6.302 of the SPPS. An additional 23 disabled parking spaces are proposed close to the entrance of the car park and a pedestrian access point is adjacent to these spaces to allow disabled users to have access to the footpaths on Station Road.
117. Dropped kerbs and tactile paving is used to assist wheelchair and visually impaired users of the car park and the footpath widths on Station Road can accommodate disabled users. The conflict of cars parking on footpaths on Station Road is removed by the development of this car park.
118. Set down and pick-up arrangements are improved in the existing car park. These arrangement will make the rail halt more accessible to disabled users being dropped off and collected. Provision is also made for bus turning for those disabled users making connected trips in other forms of public transport.
119. No new buildings are proposed but the current rail halt is accessible for all customers, visitors and employees.

TRA1 – Creating an Accessible Environment

120. In addition meeting the requirements of regional policy for accessibility for disabled users outlined above, the proposal includes footway provision meaning that pedestrian amenity will be significantly improved between the new P&R and the train station.
121. The existing narrow, substandard footway between the facility and the station will be replaced by a two metre footway. Dropped kerbing and tactile paving will be introduced to facilitate movement of disabled and mobility impaired pedestrians.
122. The proposal will also significantly increase disabled parking provision with 23 spaces proposed in addition to those provided at the station providing enhanced access to the public transport network.

123. For the reasons outlined above criteria (a) to (d) are met.

TRA2 Access to Public Road

124. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
125. A Transport Assessment (TA) form prepared by SW consulting was submitted with the application. The TA indicates that the Park and Ride Proposal will include
- 489 Spaces – 466 Standard and 23 disabled
 - The widening of station Road along the frontage to provide a right-hand turning lane and new pedestrian footway
 - Footway and visibility improvements to the south of the site to connect the site with the Belfast Bound Northern platform
 - New Street lighting within the site and along Station Road and the site frontage.
 - Bus drop off/pick up area within the new site
 - Improved crossing facilities and visibility.
126. The existing car park at the train station will also be reconfigured resulting in the loss of 34 spaces. These spaces will be accommodated within the new P&R facility.
127. The TA indicates that there are approximately 152 vehicles that park on street in the immediate vicinity of the train station. There are also 96 spaces in a temporary car park that Translink currently rent from Alchemy restaurant.
128. The on street vehicles will be removed to the north and south of Moira station. The temporary overflow car park (96 spaces) at Alchemy restaurant will no longer be used. Instead, an additional 248 vehicles will benefit from the new purpose built P&R site off Station Road.
129. The remaining 241 spaces at the P&R minus the 34 that will be lost due to the reconfiguration of the existing Moira Station means that there are a total of 207 new and dedicated parking spaces compared with the existing arrangement.
130. DfI Roads have not no objection to the internal road layout, parking layout and access arrangements. PSD drawings have been endorsed and returned to the Council.
131. Based on a review of the detail submitted and having regard to the advice received from DfI Roads, it is considered that the development complies with the requirements of policy TRA2 of the Plan Strategy in that it has been demonstrated that the construction of a new access will not prejudice road safety or significantly inconvenience the flow of traffic.

132. 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 together with the speed and volume of traffic using the adjacent public road and any expected increase.
133. Turning to the balance of the policy tests associated with Development in the countryside, the following assessment is made.

COU15 - Integration and Design of Buildings in the Countryside

134. The proposed development is predominantly made up of hard surfacing. No significant modification is required to the landform and there are buildings in the foreground and backdrop of the site that provide enclosure to the proposed development when approaching the site along Station Road from Moira to the south or the open countryside to the north.
135. None of the existing boundary vegetation is removed and is supplemented to aid integration of the car parking into the landscape.
136. Lighting columns are proposed throughout the site to assist in the safe operation of the car park at night and during the winter months. These are not normally found in the open countryside but the long slender columns are not visually intrusive and are well spaced throughout the site.
137. The solar panel array is located to the rear of the Department for Communities works depot and is accessed through the car park via a gravel lane. The array is small in scale and set sufficiently far back in the site not to be visually prominent from Station Road.
138. It can be seen from the towpath and the rail line but read in the same visual context as other built development adjacent. The existing vegetation in the foreground and backdrop also provides enclosure and assists in integrating the array into the landscape.
139. A building is defined as any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.
140. The proposal makes provision for a cycle shelter and containers for the storage of batteries and invertors associated with the operation of the solar panel array. These buildings are small in scale and ancillary to the primary use. These buildings will not present as prominent features in the landscape.
141. The most prominent feature of the proposed development is proposed lighting but it is well distributed throughout the site and is on balance acceptable. The hard surfacing, solar panel array and ancillary buildings are not prominent for the reasons set out above. Criteria (a) is met.
142. The location of the car parking, lighting, solar panel array and modest sized buildings are such that they are sited to cluster with the existing dwellings and

other buildings on Station Road and the presence of these buildings and the natural boundaries provide a backdrop and enable the development to blend into the landform.

143. Furthermore, the existing natural vegetation to the site boundaries provides for a suitable degree of integration into the landscape without reliance on new landscaping. For this reason and the reasons in the preceding paragraphs criteria (b), (c), (d) and (e) are considered to be met.
144. The modest scale of the buildings as described earlier in the report are not considered to be inappropriate for the site and its locality. Criteria (f) is met.
145. Having regard to the existing boundary vegetation and the proposed landscaping, the ancillary works associated with the internal road and parking layout, lighting and solar panel array are considered to integrate into the surroundings for the reasons outlined above. Criteria (g) is met.
146. For the reasons outlined above, the modest buildings associated with the proposed development is considered to be sited and designed to integrate sympathetically with its surroundings and is of an appropriate design for the intended use. The tests associated with COU15 are met in full.

COU16 – Rural Character and Other Criteria

64. For the reasons outlined above, the new development will not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, north and east of the site. Criteria (a) and (b) are met.
65. The proposal is sufficiently removed from the settlement of Moira and does not mar the distinction between a settlement and surrounding countryside. It also does not result in urban sprawl as it is enclosed on three sides by built development and clusters with the established group of buildings for the reasons explained above. It will therefore not have an adverse impact on the rural character of the area. Criteria (d) and (e) are met.
66. The application seeks to provide a number of modest size buildings including a cycle shelter and a container housing batteries in conjunction with the solar panels. These buildings are considered to be in keeping with the pattern of development noted within the local area. Criteria (c) is met.
67. In relation to criteria (f) the proposed car parking has been designed and laid out to ensure that they will not have an adverse impact on the amenity of neighboring properties by reason of overlooking. A buffer of planting is provided around the edge of the car park to maintain separation between the parking spaces and the private amenity areas of the dwellings adjacent to the north and south. The existing residential properties will also enjoy the amenity benefit from the removal of on street parking on Station Road. Loss of amenity as a result of noise is dealt with later in the report. This criterion is capable of being met.

68. In respect of criteria (g) and (h) all of the proposed services are provided underground. 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.
69. In respect of criteria (i) for the reasons set out in the previous paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Natural Heritage

147. A Preliminary Ecological Assessment [PEA] along with species specific surveys and a Construction Environmental Management Plan [CEMP] are submitted with the application.
148. The PEA was commissioned to assess the potential ecological impacts of the proposed application, as well as to identify the need for further ecological surveys.
149. The purpose of this PEA is to:
 - A desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and relevant records of protected/notable species within the site and its zone of influence
 - An extended phase 1 habit survey involving a walkover of the site to record habitat survey for evidence of protected fauna or habitats capable of supporting such species.
 - An assessment of the potential ecological receptors present on site, identify any constraints they pose for future development and also any recommendations for any further surveys, avoidance, mitigation or enhancement measures that are needed.
150. The Executive Summary of the PEA indicates that the site will have functional or Hydrological links to Ballynanaghten ASSI and therefore it recommends that a Construction Environmental Management Plan (CEMP) is submitted to protect the site.
151. The report comments on the protected species assessed as follows:

Bats

152. The site has been assessed as having moderate habitat suitability for foraging and commuting bats. The assessments therefore recommends that further surveys are carried out and a separate Bat Activity report has been submitted.

153. The Bat activity survey recorded a low level of bat activity within the site and this was generally restricted to the boundary vegetation which is to be largely retained and augmented. The report goes on to state that although additional lighting is proposed around the new car park mitigation is proposed to minimise such impacts. The mitigation measure included the use of low LUX level LED lights and directing light away from existing vegetation.

Breeding Birds

154. The assessments states that a dedicated bird survey should be undertaken to identify species present and mitigate for those which may be impacted on by the proposal. Two rookeries that are likely to be impacted by the proposal have been identified and the habitats on site may provide nesting opportunities for other species of breeding bird.
155. The breeding bird report submitted reveals that there are 33 species of bird seen within or immediately adjacent tot the site. The report states although grass area will be lost to facilitate the development boundary vegetation will be retained as far as possible and augmented with native species, which will provide for additional nesting and feeding habitat for birds. Ten additional bird boxes will also be provided as additional nesting opportunities.
156. The otter survey identified no evidence of otter activity along the Lagan Canal. However, the Lagan Canal likely provides potential habitat for commuting and foraging otter. Records of otter have been identified within proximity of the site which may have been associated with the Lagan Canal. The mitigation measure proposed in relation to otter are general good practice for safeguarding otters. This includes working in daylight hours only and covering any open trenches to restrict mammal entry.

Badgers

157. The PEA identified an outlier badger sett and potential evidence of badger activity was identified on site which is likely to be directly impacted during site clearance and felling of tress. A target badger survey was recommended.
158. A badger report was submitted with the application, it identified three outlier setts within the site and further sites were identified outside the site, however the main sett was not identified in the survey area. It is proposed to close the 3 setts, which must be done under license and under the supervision of an ecologist. Further pre construction surveys are to be completed prior to any works commencing.

Smooth Newt

159. The PEA identified that smooth newts are potentially present in the wet ditches to the south west of the site and in the surrounding landscape, and it therefore recommends that a dedicated smooth newt survey should be undertaken.

160. A smooth Newt report was submitted with the application, it concluded that smooth newt was absent from the site and that there were no records of smooth newt with 2km of the site. Therefore, no impact to smooth newt are predicted as a result of the development, no further surveys are required, and no specific mitigation is proposed.

Common lizard

161. Common lizards may be present on the site and might be using deadwood, tree stumps and brush piles as hibernation features. The PEA advises that precautionary working methods should be employed during the works to avoid contravention of legislation and minimise the risk of common lizards during the works,

Otter

162. No evidence of otter activity was noted during the site visit however it is likely that otters may use more secluded stretches of the Canal beyond the site boundary with more dense vegetation.

Hedgehogs

163. The PEA states that there was no evidence of hedgehogs on site and recommended precautionary working methods when clearing the site.

Invasive species

164. A large stand of schedule 9 invasive plant Japanese knotweed approximately 10m x 5m was noted just over 10 metres beyond the northern boundary of the sit in an are of rank grassland. The PEA recommended that although that although this stand is not located within the site boundary, due to its proximity of the site, precautionary working methods are advised.
165. The ecological information submitted, including the species specific reports, in support of the application confirms that the development will not have a significant effect on habitats or species of local or regional importance.
166. Advice from Natural Environment Division confirmed that it had considered the impacts of the proposed development on the identified species and habitats in the PEA. Officers have no reason to disagree with the advice offered by NED.
167. A response from Shared Environmental Services confirmed that the application had been considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on the Councils behalf.

168. Confirmation is also provided that an appropriate assessment in accordance with the Regulations having regard to the nature, scale, timing, duration and location of the project has been carried out and that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.
169. Officers have no reason to disagree with the appropriate assessment of Shared Environmental Services and accept the conclusion reached that the proposed development would not have an adverse effect on the integrity of any European site.
170. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to the recommended mitigation measures being made a condition of any approval.
171. Confirmation has also been received from the applicants ecologist to confirm that the ecological information submitted with the application is up to date and valid.
172. For the reasons outlined above, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, 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 policies NH2 and NH5 of the Plan Strategy are capable of being met subject to the recommended mitigation measures in the PEA being applied.

Historic Environment and Archaeology

173. An Archaeological and Cultural Heritage Assessment dated October 2021 was submitted in support of the application.
174. Paragraph 1.2 of the statement indicates that the assessment was conducted in two stages, firstly though a detailed desk top survey and secondly a site inspection was undertaken to assess the current state of the development areas and the potential for upstanding archaeological remains.
175. The desk top survey and site inspection indicated that there was one recorded archaeological monument identified and located within the red line boundary of the site, ANT 67:68. The assessment states that this monument is an oval enclosure which was probably a small reservoir but which is now built over, however it will not be disturbed during this proposed development.
176. The statement also outlines that there is the presence of a significant number of cultural heritage assets in the wider area, outside the red line boundary, which may indicate that the development is located within an area of some archaeological significance with the possibility that previously unknown assets for which there are now no surface expressions. As a consequence further archaeological mitigation would be required.

177. The statement suggests that a four stage process would be required to facilities suitable mitigation.
- Preparation and submission of an agreed archaeological programme of works.
 - Submission of archaeological application to HED.
 - Excavation of targeted test trenches to identify and record any archaeological features.
 - Preparation of final monitoring for submission to HED in line with license requirements.
178. In a response from HED Monuments Branch dated January 2023 it is stated that they were content with the proposal subject to the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
179. HED Historic Buildings has considered the impacts of the proposal on the listed building HB 19 03 049 and on the basis of the information provided, advises that it has no objection to the proposed development.
180. Officers have no reason to disagree with the advice offered by the two branches of HED. Whilst the composite response is drafted for a different policy context in consideration of the relevant criteria of policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy they are considered to be met for the same reasons set out in the consultation response. No new criteria are added to these policies that would lead to a different conclusion.

Flooding

181. A Flood Risk and Drainage Assessment dated October 2021 and prepared by Tetra Tech was submitted in support of the application.
182. The Executive summary and paragraph 3.31 confirms that the application site is in close proximity to one source of fluvial flood risk which could impact the application site, namely the Old Lagan Canal which is located immediately south of the site.
183. Section 3.1.2 of the assessment confirms that DfI Rivers have consented to a discharge of stormwater to the Old Lagan Canal at a rate of 124.9 l/s.
184. Section 3.2 of the assessment confirms that a Pre Development Enquiry has been submitted to NI Water applying for a surface water discharge rate of 834 l/s into the NI Water infrastructure. NI Water confirmed that they had the

capacity to serve the proposal via a 125mm public water main located on Station Road.

185. In relation to Policy FLD3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains DfI Rivers have stated that:
The Drainage Assessment indicates that flood risk to and from the development will be managed using a SuDS.

The effectiveness and function of the proposed attenuation method is reliant on the SuDS being designed and constructed in accordance with the correct industry specifications and having a long-term maintenance programme in place to ensure its ongoing function.

The system proposed has no outlet and drainage is via percolation through the soil strata. Commenting on the efficacy of the proposed SuDS is outside DfI Rivers' area of knowledge and expertise. Consequently, DfI Rivers cannot advise that the potential flood risk to the development, and from the development to elsewhere, has been satisfactorily addressed, or that the proposal is acceptable as required under policy.

186. The Flood Risk and Drainage Assessment and the proposed attenuation method (SuDS) has been prepared by a competent company Tetra Tech and officers have no reason to question the measure outlined to effectively mitigate against flood risk and as such, policy FLD 3 is satisfied.
187. Water Management Unit provided advice on 07 January 2022 confirming that they were content subject to all relevant statutory provisions being obtained.
188. NI Water in a response received on 23 November 2021 confirmed that there is a public water main within 20 metres of the proposed development boundary which can adequately service these proposals and that an application to NI Water would be required to obtain approval to connect.
189. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policy FLD 3 of the Plan Strategy.

Noise Nuisance Disturbance

190. A Noise Impact Assessment dated October 2021 was submitted in support of the application. The objective of the report is to assess the suitability of the site for the Park and Ride and to provide mitigation measures where necessary.
191. A monitoring survey was undertaken to characterise ambient noise levels currently experience on site and to establish the relative local background and traffic noise levels.

192. Baseline noise measurements were conducted at seven locations from Friday 27 November 2020 to Wednesday 2 December 2020.
193. Attended short term measurements were taken at five locations during the day and, evening and night time periods with two additional locations being measured unattended over a 116 hour period.
194. The noise monitoring locations were chosen as it was considered that these residential receptors are considered to be worst case in terms of their proximity to traffic changes.
195. The development proposals includes the erection of several 1.8 metre high acoustic screen within the site. One is located to the west of the site adjacent to 4 Station Road and the other is adjacent to 4a and 6 Station Road.
196. The Noise Impact Assessment concluded that the change in ambient noise levels as a result of the facility is expected to result in a negligible adverse impact (on the basis or worst case assumptions).
197. The statement further concluded that the proposed Park and Ride/Share will serve the railway station and will feature noise sources that are already present within the existing ambient noise climate and therefore it is considered that the proposed development will not harm the amenities of nearby residents and is not expected to cause a nuisance.
198. Environmental Health provided advice in December 2021 with no objection offered subject to the provision of acoustic barriers as referenced in the Noise Assessment.
199. Based on a review of the detail submitted in relation to Noise and the advice received from Environmental Health, it is accepted that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Air Quality

200. An Air Quality Assessment dated October 2021 was submitted in support of the application. The objective of the report was to assess the impact on air quality during the construction phase. It also includes detailed mitigation methods for controlling dust and pollution emissions associated with plant and vehicles during the construction phase and the long term use as a Park and Ride.
201. The report stated that during the construction phase impacts such as fugitive dust emissions and track out along with plant/vehicle emissions are predicated to be of short duration and only relevant during the construction phase.

202. Implementation of the mitigation measures as set out in the Institute of Air Quality Management (IAQM) guidelines should reduce the residual dust effects to a level categorised as not significant/negligible.
203. The significance of the effects of changes in traffic flow as result of the proposed development, with respect to emissions is determined to be negligible at all identified receptors.
204. The Air Quality Assessment conclusion states that using a number of desirable mitigation measures including daily site inspections and cleaning and spillages immediately, the resulting air quality effect of the proposed development is considered to be not significant overall and therefore there are no constraints to the development in the context of air quality.
205. Based on the assessment undertaken it is concluded that the site is suitable for the proposed development and no further air quality assessment is required,
206. Advice from Environmental Health received in December 2001 offered no objection subject to works being carried out in accordance with the dust management plan.
207. Based on a review of the detail submitted in relation to Air Quality and the advice received from Environmental Health, it is accepted that the proposal will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Contaminated Land Contaminated Land/Human Health

208. A Preliminary Risk Assessment (PRA) dated October 2021 has been provided by WYG in support of this planning application.
209. The report was to comprised a desk top study and walkover survey of the site. General information on the topography, geology, hydrology, and hydrogeology along with a review of current and historic use was completed to enable potential human and environmental receptors, potential pathways and potential sources to be identified.
210. The PRA demonstrates through the PRONI that since the earliest available maps of the site to today (1832) the use of the site as agricultural/farmland has remained unchanged.
211. Information held by other statutory bodies including NIEA Land Quality Database and Northern Ireland Waters GIS, was also requested to establish:
 - Any known pollution at the site
 - Previous site usage
 - Nearby watercourses and ground water quality indicators
 - Discharge or abstraction consents

212. The report concludes that following completion of the Desk Top study and PRA the overall level of risk considering a worst-case scenario is considered to be low to very low.
213. It is also stated that the assessment has been made based upon current site use, historic site use, adjacent land use(s) and proposed future site use considered in conjunction with perceived localised geological and hydrogeological conditions.
214. Advice received from DAERAs Regulation Unit and Groundwater Team on 07 January stated that Regulation Unit have considered the PRA report and support the conclusions and recommendations detailed. They concluded that they would have no objection to the development subject to the conditions provided and are placed on any planning decision notice as recommended.
215. The Council's Environmental Health Unit also provided advice with regards potential impact on amenity and human health with no concern raised

Renewables

216. The inclusion of the solar panels in the scheme is to generate electricity for lighting and other ancillary electrical equipment on the site. The proposal array is located on low lying ground set back from the road to the rear of existing buildings.
217. Approximately two hundred photovoltaic panels measuring 2 metres by 1 metre will be positioned in this agricultural area. The panels are tilted to maximise energy absorption and the maximum height the panels will from the ground will be 1.4 metres.
218. The solar frames are to be constructed in clear anodised finish and be fixed to a primary support frame. The frames of the panels will then be fixed to the ground to prevent movement due to weather conditions. The panels will be fitted with thermally pre-stressed self-cleaning tempered glass complete with anti-reflective coating.
219. The closest solar panel will be located approximately 10 metres from the rear of the Department of Communities works depot, 25 metres from the nearest residential property and 95 metres from Station Road with the majority of the existing mature vegetation being retained providing screening of the portion of the site where the solar panels are to be located.
220. The buildings associated with the solar panel comprise two thirty foot shipping containers. These are for the storage of batteries and invertors and are to be located to the west of the detention pond some 85 metres from the rear of the Department for Communities Depot.

221. Environmental Health were consulted with the proposal and responded in December 2021 with no objections subject to condition's relating to the solar panels.
222. Based on a review of the information provided and the advice received from Environmental Health, it is considered that the proposed development is being carried out in accordance with the requirements of policies RE1 (criteria a-e) and policy RE2 of the Plan Strategy.

Consideration of Representations

223. The issues raised by way of third party representation are considered below.
- Traffic generation
224. Traffic generation is considered within the Transport Assessment Form. The assessment demonstrates that the proposed development seeks to take traffic off the road for a period of time and to encourage a modal shift from the private car.
225. DfI Roads have considered the information including the data provided and have raised no concerns about the accuracy of this information.
- Danger for pedestrians
226. Concern is expressed that there is no drawing indicating a controlled crossing despite a previous safety audit which indicated that this was an issue raised by pedestrians who may be using the site.
227. In progressing the application and having regard to the detail associated with the Transport Assessment Form, DfI Roads have not advised that a controlled crossing is required.
228. There is no evidence to suggest that the proposed development presents a danger to pedestrians. The provision of additional parking capacity in association with the operation of Moira Train station removes the hazards currently encountered along Station Road and within the existing P&R facility at present.
229. Furthermore, the existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- Noise

230. A Noise Impact Assessment submitted in support of the application demonstrates that the proposal subject to mitigation will not have an adverse impact on the amenity of residents.
- Infrastructure cannot handle the additional load
231. The purpose of a P&R facility is to remove traffic from the network and to ease congestion associated with current traffic movements.
232. Widening of Station Road is proposed along the site frontage and a right turn ghost Island is also proposed which will improve the movement of traffic and pedestrians along Station Road.
233. The existing 0.5 metre footway will also be replaced by a much wider 2 metre footpath. Dropped kerb and tactile paving are also introduced to facilitating crossing for pedestrians walking to or from the train station.
- New Planning Policy Context
234. The assessment as outlined above demonstrates how the proposed development complies with the relevant strategic and operational policies associated with the Plan Strategy.
- Out of Date Ecology Surveys
235. Following receipt of a late representation, confirmation was sought from the applicant's ecologist in relation to the validity of ecology information. Confirmation received by letter on 22 December 2023 explains that original surveys submitted as part of the application were considered by NIEA and as part of responding to queries raised by the consultee during the application process, additional surveying and site inspections were carried out in March 2022.
236. Advice from NED in June 2023 having reviewed information provided in September 2022 and April 2023 confirmed that they were content. The findings of the ecological information submitted with the application therefore remain valid.

Conclusions

237. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
238. The proposed park and ride facility is considered to comply with Strategic Policy 01 Sustainable Development and Strategic Policy 20 Transport Infrastructure of Part 1 of the Plan Strategy in that the new park and ride facility provides for an integrated transport network service servicing the needs of our

community and future growth, that encourages a modal shift from private car dependency through integration of transport,, land use and facilities and facilitates a move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

239. In turn, it is considered to be an acceptable form of non-residential development in the open countryside consistent with operational Policy COU1 of Part 2 of the Plan Strategy.
240. The proposal complies with the policy tests associated with Policy TRA9 in that the need for park and ride provision at Moira is identified in the Regional Strategic Network Transport Plan 2015. Translink have identified the project as part of their capital works programme with works to commence in 2024 and to be completed by 2025.
241. In addition, the proposal satisfies the requirements tests of policies TRA1 and TRA2 in that the layout incorporates facilities to aid improved accessibility, provides for user friendly and convenient movement along pathways to and from the rail halt. Ease of access to car parking reserved for disabled users close to the buildings at the halt. It is demonstrated that safe access arrangements will be provided without prejudice to road safety or inconvenience to the flow of traffic on the public road network.
242. The proposed development is considered to be sited and designed to integrate sympathetically with their surroundings and are of an appropriate design for the intended use. The tests associated with policy COU15 of the Plan Strategy are met in full.
243. The proposal complies with policy COU16 of the Plan Strategy as it is demonstrated that the development will not cause a detrimental change to, or further erode the rural character of the area.
244. The proposal also complies with policies NH2 and NH5 of Plan Strategy in that the Preliminary Ecological Assessment along with species specific surveys and a Construction Environmental Management Plan submitted in support of the application demonstrate that the proposed development will not have an adverse impact on priority habitats and priority species.
245. Furthermore, the application is considered to satisfy the policy tests in policy FLD3 of the Plan Strategy in that the proposal will not result in an increased flood risk and that the Flood and Drainage Assessment has demonstrated that adequate measures can be put in place to effectively mitigate any flood risk.
246. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 and 4.12 of the SPSS in that it will not subject to mitigation have an adverse impact on the amenity of residents in respect of Noise and Air Quality.
247. The proposal also complies with Strategic Policy 21 Renewable Energy and policies RE1 and RE2 of the Plan Strategy in that it has been demonstrated

that the solar panel array infrastructure and associated buildings will not result in an unacceptable adverse impact on public safety, human health or residential amenity, visual amenity or landscape character, biodiversity or the natural or historic environment, local natural resources or public access to the countryside.

248. The proposal complies with policies HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy in that the proposed development will not adversely affect existing archaeological sites which are of local importance and a scheduled monument of regional importance or their settings and that further archaeological assessment and mitigation will be provided prior to the commencement of any engineering works. It will not impact adversely on the setting of a listed building.

Recommendation

249. It is recommended that planning permission is approved.

Conditions

250. The following conditions are recommended:

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

Reason: Time limit

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

Reason: Time limit.

3. The Construction Environment Management Plan (CEMP), date stamped 10/10/22 by the council, completed by Tetra Tech shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise approved in writing by the Planning Authority.

Reason: To protect/minimise the impact of the proposal on the biodiversity of the site, including protected/priority species/habitats.

4. No retained tree, shown as retained on the landscape plan (drawing 13) and including those assessed by the ecologist in the table 7 of the PEA to have moderate BRP, 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 to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in Natural Heritage accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction- Recommendations.

Reason: to ensure continuity of the biodiversity value afforded by existing trees

5. No vegetation clearance/removal of hedgerows, trees or shrubs take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

6. The lighting plan date stamped 10 October 2022 by the council, shall be implemented in full in accordance with the approved details and all works on site shall conform to the approved lighting plan, unless otherwise approved in writing by the Council.

Reason: To minimise disturbance to bats and other wildlife.

7. No development works shall occur within 25m of any sett entrance until a wildlife licence has been obtained from NIEA beforehand. Please note this licence may be subject to further conditions.

Reason: To protect badgers and their setts.

8. During construction a buffer of at least 10m must be established and maintained between the canal and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment.

9. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

10. After completing all remediation works under Condition 1 and prior to operation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

11. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

12. Development shall be undertaken in strict accordance with the site specific dust mitigation measures set out in the Air Quality DMRB Assessment received by the Council 18 November 2021

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

13. Development shall be undertaken in strict accordance with the Construction Environmental Management Plan received by the Council 18 November 2021 specifically the noise and vibration mitigation measures

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

14. Prior to the site becoming operational, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 3.1 of the Noise Assessment received by the Council 18 November 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 15 kg/m² and so retained thereafter.

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

15. Any artificial lighting to the development must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone – E2 (Rural) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

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

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Lisburn & Castlereagh City Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to
- publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition.

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

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Lisburn & Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Prior to works commencing on site, all existing trees shown on Site Layout Plan, date stamped 26 October 2021 as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012. 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 biodiversity value of the site, including protected species.

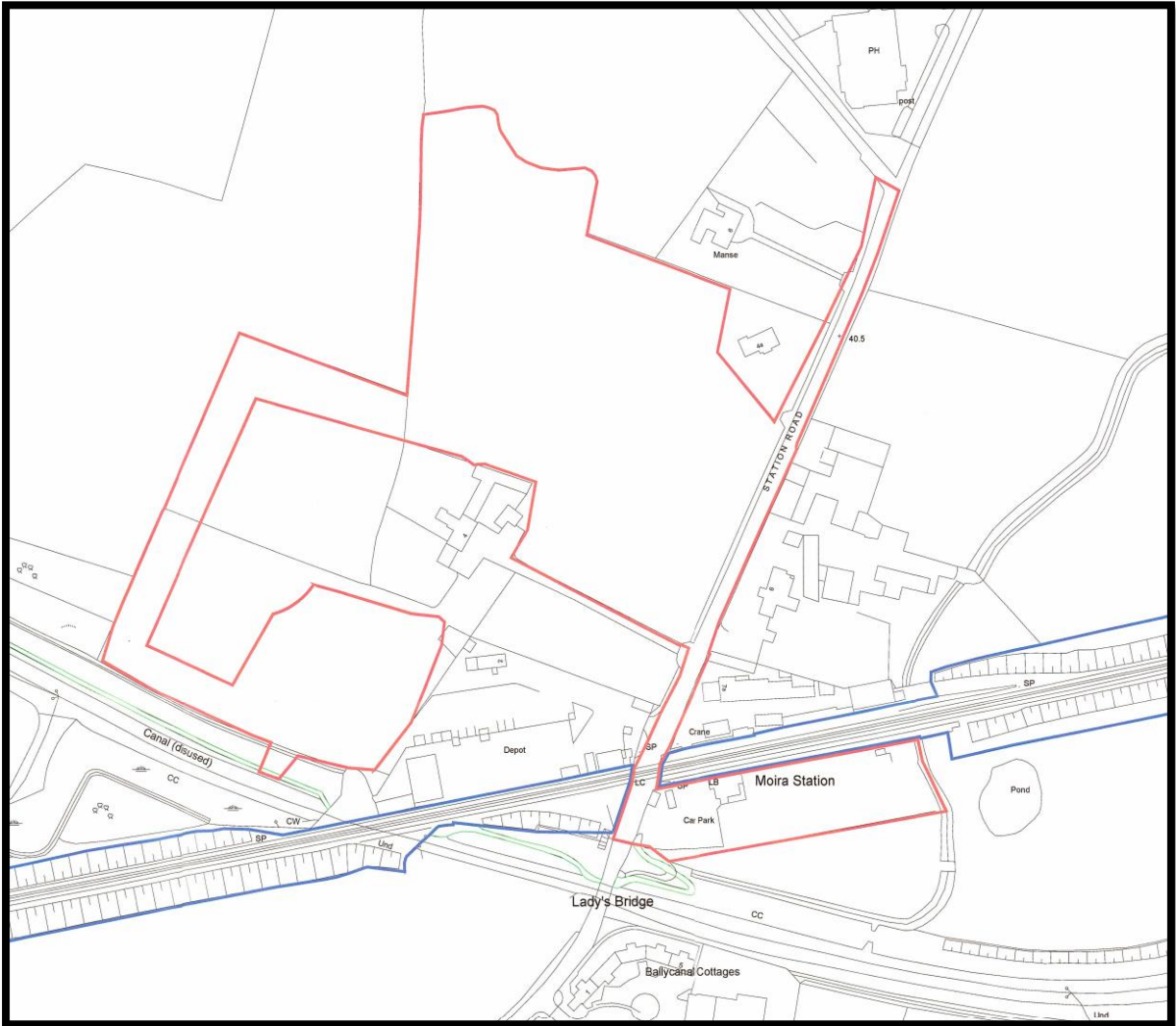
20. All hard and soft landscape works shall be carried out in accordance with Drawing No. 01/B bearing the Council date stamped 26 October 2021 and the approved details. The works shall be carried out no later than the first available planting season after the proposal becomes operational

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

21. 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 – LA05/2021/1245/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	08 January 2024
Committee Interest	Local Application [Exception Applied]
Application Reference	LA05/2019/1077/F
Date of Application	22/10/2019
District Electoral Area	Downshire West
Proposal Description	Proposed Park and ride car park (126 car parking spaces) and all associated lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works
Location	Lands adjacent to and southeast of Moira Train Station, Station Road, Moira, adjacent to and west of the A26 and between the Belfast to Dublin railway line and the Lagan Navigation Canal
Representations	Four
Case Officer	Catherine Gray
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. The application is presented to the Planning Committee in accordance with the Scheme of Delegation at the request of the Head of Planning and Capital Development as it merits consideration by the Committee in light of a similar proposal being lodged with the Council which is presented to the planning committee as a major application. The site area for this proposal falls only marginally below the threshold of a major application.
2. The proposal is considered to be contrary to policy TRA3 of the Plan Strategy as it is not demonstrated that the proposal cannot reasonably use an existing or new access on the Station Road or that an existing vehicular access onto the A26 Glenavy Road is used.
3. The proposal is also contrary to policy TRA2 of Plan Strategy, in that the applicant has not demonstrated that criteria b) is met ore that an exception to the policy is demonstrated.

Description of Site and Surroundings

Site

4. The application site is comprised of agricultural land located between the A26 Glenavy Road to the east, Moira train station and associated car park and Belfast to Dublin railway line to the west and north and the Lagan Canal to the south.
5. The site is currently accessed via an agricultural field gate entrance from the Glenavy Road.
6. The site boundaries are mainly undefined as the car park is a rectangular plot cut out of a larger field. The entrance from the A26 is bounded by hedgerow and the small triangular portion next the rail halt is enclosed by trees and a post and wire fence.
7. There is a watercourse that runs through the middle of the site that feeds into the Lagan Canal, a small section of the watercourse culverted. The land is relatively flat throughout and approximately 3 metres below the level of the rail line along the northern edge of the site.

Surroundings

8. The site is within the open countryside and the surrounding land is mainly in agricultural use. There is a build-up of development adjacent to and north of the site comprised of the rail halt, a Department for Communities works depot, some residential properties and a group of farm buildings.
9. To the south is the Lagan Canal Ballycanal Guesthouse (with access from the Glenavy Road), Ballycanal Holiday Cottages and other dwellings and farm buildings which extend along the eastern side of Station Road.

Proposed Development

10. This is a full application for a proposed park and ride car park (126 car parking spaces), lighting, drainage, landscaping, site access off the A26, pedestrian link to existing Translink car park and all associated site works.
11. Supporting Information provided within this application includes the following.
 - Planning Statement (received 22 October 2019)
 - Transport Assessment Form (received 22 October 2019)

- Biodiversity Checklist & Preliminary Ecological Assessment (received 22 October 2019)
- Landscape Management Plan (received 10 March 2021)
- Scheduled Monument Consent (received 10 March 2021)
- Flood Risk Assessment by McCloy Consulting (received 01 October 2021)
- Drainage Assessment Report by Greg Seeley Consulting Ltd (received 29 July 2022)

Relevant Planning History

12. The relevant planning history associated with the site and surrounding area is set out in the table below.

Planning Reference	Site address	Proposal	Decision
LA05/2021/1245/F	Lands 65m north of (and including) Moira Train Station Moira (between 4 and 6 Station Road)	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	Decision pending

Consultations

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	Objection
DfI Rivers Agency	No Objection
DAERA Natural Environment Division (NED)	No objection
Historic Environment Division (HED): Historic Buildings	No objection
Historic Environment Division (HED): Historic Monuments	No objection

Representations

14. Four letters of representation were received in opposition to the proposal from and on behalf of the Ballycanal Guesthouse. The following issues were raised:

- Access from a Protected Route and Road Safety
- Watermain across the site
- Principle of development not acceptable
- Contrary to Policies BH1 and BH11 of PPS 6 Planning, Archaeology and the Built Heritage
- Contrary to policies FLD1 and FLD 3 of PPS 15 Planning and Flood Risk
- Description of the site

15. The issues raised by way of representation are considered later in the report.

Environmental Impact Assessment (EIA)

16. The Planning (Environmental Impact Assessment Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area of the proposed development exceeds the threshold set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
17. An EIA determination was carried out on 04 December 2019. Having regard to the scale and nature of the proposed development it was determined that the planning application did not require to be accompanied by an Environmental Statement to inform the assessment of the application.
18. The potential impact on the environment were not considered to be significant based on the information supplied in support of the proposal. Officers were satisfied that any issues arising can be dealt with through the normal planning process by way of discrete reports.

Local Development Plan

19. 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

20. 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.

21. 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.
22. 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 LAP indicates that the proposed site is located outside the development settlement limit of Moira and in the Countryside.
25. Within draft BMAP and the subsequent revision to BMAP post inquiry and pre-adoption the site is also located within the Countryside.
26. As explained above, this application is for a proposed park and ride car park (126 car parking spaces) albeit it is submitted by a private operator and not on behalf of Translink. Access to the car park is not controlled by barriers and no information is provided to indicate that this car park will be operated as paid for parking. No ticketing machines are proposed. The general principle behind park and ride is that the parking is to facilitate access to public transport network and that charging is not normally applied.
28. The following strategic policies in Part 1 of the Plan Strategy apply. Strategic Policy 01 Sustainable Development states that:

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

The Plan Strategy seeks to support the provision of jobs, services, and economic growth; and delivery of homes to meet the full range of housing needs integrated with sustainable infrastructure (physical and digital) whilst recognising the balance to be achieved in protecting environmental assets.

29. Strategic Policy 20 Transportation Infrastructure states that

The Plan will support development proposals that:

- a) *provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) *deliver sustainable patterns of development, including safe and accessible environments*
- c) *encourage a modal shift from private car dependency through integration of transport and land use*
- d) *facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

30. The site is located in close proximity to a scheduled monument and there are natural heritage features on and adjacent to the site that must be taken account of in the assessment of this proposal.

31. Strategic Policy 06 Protecting and enhancing the Environment states that:

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

32. Strategic Policy 18 Protecting and Enhancing the Historic Environment and Archaeological Remains states that:

The Plan will support development proposals that:

- a) *protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) *protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*
- c) *promote the highest quality of design for any new development affecting our historic environment.*

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

The Plan will support development proposals that:

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

42. The site is large in size and located adjacent to the Lagan Canal. A partly culverted watercourse also runs through the site. Strategic Policy 24 Flooding states that the Plan will support development proposals that:

- a) *reduce the risks and impacts of flooding by managing development to avoid, where possible the potential for flooding*

- b) *encourage the use of Sustainable Drainage Systems to alleviate issues around surface water flooding* c) *adopt a precautionary approach in instances where the precise nature of any risk is as yet unproven but a potential risk has been identified*

43. The following operational policies in Part 2 of the Plan Strategy also apply.
44. The proposal is for a Park and Ride facility in the open countryside. 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.

Integration and Design of Buildings in the Countryside

45. 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

46. 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*
access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of vehicles

Natural Heritage

47. A Biodiversity Checklist & Preliminary Ecological Assessment are submitted with the application. 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.

48. 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

49. The P1 Form indicates that a new access to a public road for vehicular use will be provided. A footpath is proposed to link to the existing car park at the rail halt.
50. 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.

51. The application proposes a new access to the A26 Glenavy Road which is a Protected Route. 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.

52. Policy TRA3 Access to Protected Routes states that:

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

Motorways and High Standard Dual Carriageways

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

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

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

Other Protected Routes – Outside Settlement Limits

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

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

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

Other Protected Routes – Within Settlement Limits

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

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

53. The proposal is described as a park and ride car park. No barriers are proposed that would restrict access to the car park and no ticketing machines are included as part of the proposal to indicate this is paid for parking.
54. Policy TRA 9 Park and Ride/Park and Share Car Parks states that

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department

55. The Justification and Amplification states that

Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution. Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and along the trunk road network, ideally within settlement development limits, and at public transport interchanges.

There may be occasions where a countryside location is needed for such development. The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions. The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Flooding

56. This is a large site and the drainage must be designed to take account of the potential impact on flooding elsewhere.
57. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains:

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

58. The application site contains a section of the Lagan Canal (a canal feeder channel). This is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.

59. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAI's). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

60. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings 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.

61. HE3 Archaeological Assessment and Evaluation states that:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Council will require developers to provide further information in the form of an archaeological assessment or an archaeological evaluation. Where such information is requested but not made available the Council will refuse planning permission.

62. 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.

63. The site is in close proximity to Moira Station (Grade B+) which is a listed building of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

64. It is stated in policy HE9 Development affecting the setting of a listed building that:

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

65. 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.

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

planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society.

67. 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.

68. 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.

69. 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.

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

71. 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.

72. 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.

73. Paragraph 6.103 of the SPPS states that:

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

74. Paragraph 6.132 of the SPPS also states that:

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

75. Paragraph 6.174 of the SPPS states that:

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

76. Paragraph 6.182 of the SPPS further states that:

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

also be taken into account.

77. Paragraph 6.198 of the SPPS states that:

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

78. Paragraph 6.294 of the SPPS states that:

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

79. Paragraph 6.296 of the SPPS states that:

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

80. Paragraph 6.297 of the SPPS states that:

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

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

- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

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

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

82. It is further stated at paragraph 6.302 that:

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

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

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

Retained Regional Guidance

84. Whilst not policy, the following guidance document remains a material consideration:

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

Strategic Need

86. Strategic Policy 01 states that the Plan will support development proposals which further sustainable development including those for sustainable infrastructure. Park and Ride is identified as transport infrastructure at criteria d) of Strategic Policy 20.
87. It is further stated in the justification and amplification of this policy that park and ride sites have the potential to deliver a shift to more sustainable travel modes (by reducing car usage and encouraging the use of public transport), reduce pollution and congestion and improve air quality and public health. This type of infrastructure is sustainable development.
88. It provides for better integration of the transportation network servicing the needs of our community and future growth in accordance with criteria a) and encourages a modal shift from private car dependency through integration of transport and land uses in accordance with criteria c).
89. Whilst this application is made on behalf of a private individual, the need for Park and Ride facilities at Moira rail halt is recognised in the Regional Strategic Network Transport Plan 2015. It is stated at page 5 of the Plan for rail that:
- The Plan also considers Park and Ride opportunities at rail stations and it is proposed to provide over 1000 additional parking spaces at 12 locations on the rail network.*
90. At paragraph 4.8.18 it is stated that Park and Ride opportunities will be considered on their own merits within the Plan period. Moira is identified at Table 4.5 as a scheme currently under consideration for 98 spaces.
91. It is further stated at paragraph 4.8.26 that:

The BMTP proposes a number of initiatives aimed at improving links by other modes of transport to and from the rail network. These comprise:

- *improving pedestrian and cycle access to stations;*
- *establishing Park and Ride with high quality facilities at a number of key stations in each of the rail corridors;*
- *where possible formalising and expanding parking provision and pickup/set down facilities at other stations.*

92. Within this context, it is recognised that the train station at Moira is strategically placed between two arterial routes and identified by the applicant as being located approximately 1 mile north from the centre of Moira, 2.7 miles south of Maghaberry, 3.5 miles east of Aghalee and 4.5 miles east of Aghagallon.
93. It is also recognised that the demand for parking at the station has also resulted in a significant amount of on street parking occurring which prejudices the safety of road users and pedestrians using Station Road.
94. The strategic need for a P&R facility at this location is accepted subject to requirements of the operational policies in Part 2 of the Plan and all planning and environmental considerations being satisfied.
95. Whilst this site is not identified in the Plan Strategy as a park and ride site the strategic policy recognises the role this type of car parking has in influencing modal choice. Co-locating a park and ride facility with a rail halt is in accordance with strategic policy 20 and paragraph 6.301 of the SPPS.

Non- residential development in the open countryside

96. The strategic need for this facility is demonstrated and a site for a park and ride facility adjacent to an existing train station located in the open countryside is not excluded from policy COU1 subject to meeting the requirements of the relevant operational policies and the policies COU15 and COU16.

TRA 9 Park and Ride/Park and share Car Parks

97. Moira Train Station is located directly adjacent to the east and northwest of the application site. The site is also within close proximity to the M1 Motorway and the policy indicates that sites for park and ride should be located close to junctions on the motorway and this site is close to junction 9 on the motorway network. It is further stated that sites can on occasion be in the open countryside. Given Moira rail halt is in the open countryside a countryside location is appropriate subject to meeting all other criteria.
98. It is stated in the policy that proposals for park and ride facilities can be located on the trunk road network. The A26 is on the trunk road network but the site is not inside a settlement. The proposal must therefore still meet the requirements of policies TRA2 and TRA3 and this is dealt with later in the

report.

99. A Transport Assessment Form submitted with the application explains that Moira Train Station has been in operation since the 1800's and that there are currently trips to the Train Station that cannot be catered for by the existing car park [which has circa 99 spaces]. Reference is made to it being due to a lack of available parking provision.
100. Paragraph 4.1 of the Planning Statement indicates that the proposal seeks to provided 140 P&R spaces with 120 of these spaces located within the central portion of the site and a further 20 spaces including accessible spaces being located to the western side of the site, directly adjacent to Moira Train Station to the north.
101. The view is expressed that the proposal will address a parking need. The fact that the Moira P&R facility is ranked top priority by both the Department for Infrastructure and Translink in the respective programmes clearly demonstrates an identified need for this facility.
102. Translink have proposed an alternative site with greater parking capacity and this is included in their capital works programme. They have also commented that the applicant does not have any right of access to the existing Translink Park & Ride facility and that no access arrangements have been agreed with the NI Transport Holding Company in this regard.
103. That said this alternative site does not benefit from a planning permission and is not yet under construction. Access arrangements could be agreed to the car park and a suitably worded negative condition used to prevent works being commenced until an agreement was in place.
104. As a need is identified in the Regional Strategic Network Transport Plan for park and ride at Moira rail halt this proposal must be considered on its own merits and the requirements of policy TRA9 are met subject to consideration of policy COU15 and COU16 in terms of layout, design, visual amenity and rural character.

TRA1 – Creating an Accessible Environment

105. Paragraph 5.36 of the Planning Statement explains that the layout has been designed to ensure direct and safe movement of pedestrians within the site and that proposals have taken account of mobility impaired people through the inclusion of car parking spaces towards the western areas of the site adjacent to the Moira train station.
106. The proposal is essentially two sections of car parking in close proximity to the existing Moira Train Station with a link between the two parking areas and a pedestrian link to the existing Translink car park.

107. Reference made to a pedestrian connection being provided from Moira train station to the proposed car park and that this will further improve accessibility.
108. Whilst no additional cycle parking provision is made, a 2.0 metre wide cycle track is incorporated into the path allowing access to the cycle parking provision available at the existing Moira station.
109. For the reasons outlined above, the tests associated with TRA1 are considered to be met.

TRA3 Access to Protected Routes

110. The application site in the open countryside and access is proposed onto the Glenavy Road which is a protected route and part of the trunk road network. Policy TRA3 does make provision for other development which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road.
111. Station Road is the nearest minor road to the application site and it is where the existing Moira train station and car park is accessed from.
112. The current proposal does not extend to the Station Road and it is not shown how a vehicular access might link the site to the Station Road through the existing rail halt car park. Policy TRA9 does not establish an exception for access to a protected route in the open countryside. The onus is on the applicant to demonstrate that access cannot reasonably be achieved from an adjacent minor road.
113. On 11 July 2023 following an office meeting with the applicant and his team, the agent submitted documentation from MRA Transport Planning Partnership the objective of which was to justify, the provision of an access from the Glenavy Road as opposed to Station Road which they considered to be unsuitable. The submission focuses on Station Road Glenavy Road and the safety of this junction and the potential for increased incidences of traffic collision.
114. It does engage with how the existing access to the car park could be utilised and no design is offered. No traffic information is provided to mitigate the need for a right turn pocket into this car park. The need for free flowing traffic along Station Road towards Moira is not demonstrated through the submission of any traffic survey,
115. Moira is the closest settlement and the majority of turning movements into the existing car park are left turn. Traffic leaving the motorway have two choices to access Station Road. From the A26 the movements will be left turning movements into Station Road.
116. The submission of 11 July 2023 presumes that the majority of movements are right turning into Station Road from Maghaberry and the conflict this causes

with traffic turning right onto the A26. This presumes that the traffic leaving the rail halt car park will not turn right towards Moira and then left towards junction 9. No mitigation in the form of improvement to the junctions at the end of Station Road at either end is offered as mitigation as an alternative to the new access on the protected route.

117. A view is also expressed in earlier correspondence that it would not be possible to upgrade the existing access onto Station Road to provide a right turn lane to access the site as the works would require significant demolition and alteration of Lady's Bridge, Station Road, Moira which is a scheduled monument Ref: Ant/DPW 067:501 009:500. The view is expressed that Scheduled Monument Consent for such works would not be forthcoming. As previously indicated no design was offered to allow officers to consult with HED.
118. The view is also expressed that the development of Park & Ride facilities are regionally significant and as such, they are a recognised exception to the policy. There is no engagement with the latest expression of policy the Council's Plan Strategy.
119. In accordance with criteria iii of policy TRA3 for new accesses onto other protected routes this is a form of non-residential development that is accordance with policy TRA9 as it meets a transport need and is located close to a motorway junction.
120. However, it proposes access onto a protected route and there is no exception for 'regionally significant development' as described by the applicant. It is not demonstrated that access cannot reasonably be achieved from Station Road for the reasons set out above. It is also not proposed to make use an existing vehicular access onto the Protected Route as required by policy TRA3.
43. A letter from O'Toole and Starkey submitted on 9th October 2023 for consideration. It details their consideration of the comments from DfI Roads and their consideration of the proposal against PPS 3 policy AMP3 Access to Protected Routes. Again, it does not engage with the latest expression of policy.
44. It is stated on behalf of the applicant that Policy AMP3 would permit a regionally significant development to access onto a higher tier protected route, such as a dual carriageway or ring road where traffic volumes are anticipated to be secondary only to motorways. One would also expect tighter restrictions in terms of granting of new accesses onto this tier of protected route.
45. Logic would naturally follow that the policy is not intended to preclude a regionally significant development from accessing onto a lower tier of protected route, where one would expect traffic volumes to be lower and therefore restrictions to be less stringent. Indeed, we would argue that applying the policy with this sort of straight-jacket approach would be Wednesday irrational.

46. Examples have also been provided where developments have been approved with access directly onto the protected route where access via adjacent minor roads were available.
47. Some of the examples provided have been determined by different planning authorities and in a different policy context. Each planning application is considered and assessed on its own merits and this application is not considered to be in accordance with policy TRA3 for all the reasons outlined in the preceding paragraphs.

TRA2 Access to Public Road

48. The application proposes a new access from the Glenavy Road. A right hand turning lane is also proposed coming from the Glenavy direction with visibility splays to the access of 4.5 metres by 134 metres to the south and 4.5m by 160m to the north shown on drawings.
49. The proposed access arrangement is contrary to policy TRA3 for the reasons outlined above and therefore also contrary to criteria b) of policy TRA2. As both criteria a) and b) have to be met to satisfy the policy test DfI Roads do not offer advice on whether the detailed design of the proposed access onto the protected route will prejudice road safety or significantly inconvenience the flow of vehicles.
50. Officers of the Council have no reason to disagree with this advice and the objection to an absence of response from the applicant is noted. An opportunity was offered to demonstrate an exception but insufficient information was provided to demonstrate an exception to policy. Policy TRA2 is explicit. Planning permission will only be granted for a new access where both criteria a) and b) are met.
51. Based upon a review of the information provided and the advice from statutory consultees, it is considered that the proposal does not comply with policy TRA2 as the proposed development is in conflict with policy TRA3.
52. Turning to the policies, the proposal also must be assessed against the requirements of policies COU15 and COU16.

COU15 Integration and Design of Buildings in the Countryside

53. The proposed development is predominantly made up of hard surfacing. No significant modification is required to the landform to facilitate the development and as such, it is not considered that it will be a prominent feature in the landscape.
54. The location of the facility is such that it is considered to be sited to cluster with an established group of buildings to its south and west.

55. The is established boundary vegetation along the northern and western boundaries. This along with the new planting proposed along the A26 on approach from Moira will also assist with integration without reliance on new landscaping.
56. The landscaping drawing indicates that a new hedge of native species will be planted in front of a new post and wire fence along the A26 access to the site.
57. No buildings and or structures are proposed as part of the application and as such, criteria (f) is not engaged.
58. The areas of hardstanding are shown to be broken up with grassed areas, high shrub planting and trees. A 2.4 metre high paladin fence is shown to extend around the perimeter of the P&R facility with planting shown to extend along the entire length of this fencing. The exact location of the lights are somewhat unclear. That said, they are likely to be well distributed throughout the site and is on balance acceptable.
59. For the reasons outlined above, the proposed development is considered to be sited and designed to integrate sympathetically with its surroundings and is of an appropriate design for the intended use. The tests associated with COU15 are met in full.

COU16 Rural Character and Other Criteria

60. For the reasons outlined above, the new development will not be prominent in the landscape and would be sited to cluster with existing dwellings to the south, north and east of the site. Criteria (a) and (b) are met.
61. The proposal is sufficiently removed from the settlements of Moira and Maghaberry and does not mar the distinction between a settlement and surrounding countryside. It also does not result in urban sprawl as it is enclosed on three sides by built development including the rail line to the north and it clusters with the established group of buildings for the reasons explained above. It will therefore not have an adverse impact on the rural character of the area. Criteria (d) and (e) are met.
62. Whilst no buildings are proposed, it is considered that the provision of a P&R facility adjacent to an existing train station will respect the pattern of development exhibited in the area without having an adverse impact on the rural character. Criteria (c) is met.
74. In relation to criteria (f) the proposed car parking has been designed and laid out to ensure that they will not have an adverse impact on the amenity of neighboring properties by reason of overlooking. A buffer of planting is provided around the edge of the car park to maintain separation between the parking spaces and the private amenity areas of the dwellings adjacent. This criterion is capable of being met.

75. In respect of criteria (g) and (h) all of the proposed services are provided underground. 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.
76. In respect of criteria (i) as the requirements of the protected routes policy are not met and the detail of the access arrangements not considered it is not possible to indicate whether the design of the access will prejudice road safety or significantly inconveniencing the flow of traffic. This criteria is not tested. All the other criteria of policy COU16 are met.

Natural Heritage

77. The site is within 10km radius of Maghaberry Area of Special Scientific Interest (ASSI), Ballynanaghten ASSI, Portmore Lough ASSI, Lough Neagh and Lough Beg ASSI, Special Protection Area (SPA) and Ramsar sites and Montiaghs Moss ASSI and Special Area of Conservation (SAC).
78. The site is also within a 10km radius of several Sites of Local Nature Conservation Importance (SLNCI's) and Local Wildlife Sites (LWS). The closest of these is Broadwater / Friar's Glen LWS which is 50m west of the site.
79. The application site consists of two agricultural fields divided by a small watercourse. There is a small pond just outside the application site. The site is bound by vegetation hedgerow and there are also a few trees. The Lagan Canal lies just south of the site.
80. The proposal would involve the loss of an area of agricultural field/pasture but retains the majority of boundary vegetation including the small pond.
81. A Biodiversity checklist and Preliminary Ecological Appraisal completed by ATEC NI Environmental Consultancy has been submitted in support of the application.
82. The checklist identified the presence of habitats within the site that could provide potential for protected species including badgers, otters, nesting birds, smooth newts and bats. Field surveys to determine the potential impacts of the development on protected habitats and species were deemed necessary.
83. A Preliminary Ecological Appraisal and related field survey results have been submitted for consideration. The findings are summarised below.
84. The development will involve the loss of an area of pasture assessed as having 'low' ecological value and the majority of the existing hedgerows and mature trees will be retained with only limited clearance along two small sectional boundaries. The loss of vegetation will be compensated for by replacement planting as denoted in the landscaping plan, drawing 04F.

85. Ponds are a Priority Habitat and the pond has been identified as having 'moderate' conservation value at a local level. Detail indicates that the pond will be retained and will be outside the development area. The pond was assessed as having 'poor' suitability for smooth newts.
86. The watercourse and ditches along the site boundaries were all assessed as having 'low' suitability for smooth newts. The likely impact of the development on smooth newts was assessed as 'low'.
87. The Lagan Canal is south of the site and there is a buffer zone between the proposal and the Canal which aids its protection.
88. Surveys recognise that the Lagan Canal is hydrologically connected to Broadwater / Friar's Glen LWS. To mitigate against any potential for degradation of the adjacent aquatic environment during the construction and operational phases of the development, it is recommended that a Construction Environmental Management Plan (CEMP) should be prepared prior to any work commencing on site.
89. The vegetation within the boundary of the site was assessed as having 'high' potential for foraging and commuting bats. Any loss of vegetation will be compensated for which will enhance the value of the site for foraging and commuting bats.
90. The potential impact of any new lighting on bats is considered and it is recommended that a lighting plan is submitted prior to any work commencing on site.
91. None of the mature and semi-mature trees within the site were assessed as having significant bat roosting potential. Therefore, the potential impact on roosting bats was assessed as 'low'.
92. The mammal survey results detail that evidence of badger activity was identified along two of the site boundaries and that evidence of otter activity was found along the bank of the Lagan Canal and along the bank of ditch adjacent to the southern field boundary. No evidence of an otter holt or couch was identified within the application site.
93. The proposed development and boundary measures take on board the above findings, through separation distances and provision of a mammal tunnel, as demonstrated on the landscaping plan, drawing 04F.
94. Natural Environment Division has been consulted and advise that they have considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions in relation to the provision of a CEMP, erection of protective fencing and submission of lighting plan along with an invasive species management plan prior to any works commencing onsite.

95. Based on a review of the information and advice from NED, it is accepted that the proposal would not result in demonstrable harm being caused to any feature of natural heritage importance and as such the requirements of policies NH2 and NH5 are considered to be met.

Flooding

96. Through the processing of the application a Flood Risk Assessment and Drainage Assessment were submitted for consideration.
97. DfI Rivers Agency have been consulted throughout the application and have raised no objections to the proposal. They advise that part of this site lies within the historical floodplain and that they have historical evidence of this flooding.
98. The applicant has carried out Hydraulic Modelling as part of the submitted FRA and has verified the extent of the 1 in 100 year fluvial floodplain. And DfI Rivers Agency advise that they have no reason to disagree with the outcome of the modelling results.
99. Through the processing of the application the agent has amended the scheme by removing the car park development within the modelled area of newly determined 1 in 100 year fluvial floodplain [as denoted on the site layout plan 03A dated 29th July 2022].
100. The floodplain still encroaches the red line site boundary however the proposed 2.4m boundary perimeter fencing has been pulled in from its original proposed positioning and sits between the proposed parking and the modelled floodplain area. This is considered to be acceptable and it is considered that the proposal complies with policy FLD1.
101. A working strip of appropriate width needs to be retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. Rivers Agency are satisfied that the applicant has provided evidence that addresses policy FLD 2.
102. With regards to drainage, it is proposed to construct an attenuated drainage system to drain the proposed site which will restrict surface water run-off from the proposed site to 'green-field' run-off rate.
103. The drainage system will ultimately discharge to the designated watercourse to the south of the site. The drainage assessment details that these proposals will effectively mitigate against the risk of flooding to the proposed development and elsewhere outside the site.
104. It also details that consent to discharge stormwater from the proposed development to the nearby watercourse has been granted by DfI Rivers. It is considered that the proposal complies with policy FLD3.

105. Policy FLD 4 makes provision for a short length of culverting necessary to provide access to a development site, or part thereof.
106. The applicant is proposing to install a new short length of culverting to facilitate the access to the site. This culverting is considered to be necessary to allow access to the site and is considered to be acceptable.
107. Based on the information submitted it is considered that the proposal would not cause or exacerbate flooding and that the proposal complies with policies FLD 1, FLD2, FLD3 and FLD4 of the Plan Strategy.

Historic Environment and Archaeology

108. The application site is in close proximity to Moira Train Station which is a Listed Building (HN19/03/049).
109. Also in close proximity to and running through part of the application site is the Lagan Canal (a feeder channel) which is a Scheduled Monument.
110. Through the processing of the application the agent has provided a copy of Scheduled Monument Consent from the Department of Communities for the proposed works.
111. Advice from HED Historic Buildings advise that they are content with the proposal as presented within the context of its impact on the setting of the listed building.
112. HED Historic Monuments advise that Scheduled Monument Consent has been granted to the works associated with this proposal, and that they are content subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
113. Based on the advice from HED and the information submitted it is considered that the proposal would not harm the historic environment or archaeology and complies that it complies with Policy HE1, HE2, HE3, HE4 and HE9 of the Plan Strategy.

Consideration of Representations

114. The following points of objection have been raised and are considered below:

Access from a Protected Route and Road Safety

115. Concerns are raised about road safety, the access coming off a Protected Route and the impact of the proposed access on the adjacent access to Ballycanal Manor and that there is no right hand turn proposed when coming from Glenavy direction. The view is expressed that the proposal is contrary to Policy AMP 2, AMP 3 and AMP 10 of PPS 3 Access, Movement and Parking.

116. The application has been assessed against the new policies in the Plan Strategy and for the reasons outlined above, the proposal is considered to be contrary to Policies TRA2 and TRA3.

Watermain across the site

117. The view is expressed that it appears to not comply with the exclusion zone required in relation to the major existing watermain which traverse the site.

118. NI Water have been consulted and advise that there is an existing watermain crossing the site and that no construction is to be made within 4m of watermains less than 350mm diameter or 8m of watermains of 350mm diameter or greater and that a diversion may be necessary.

119. These are standard comments from NI Water and they have made no objection to the proposal.

Principle of development not acceptable

120. Concerns are raised that the proposal is contrary to Policy CTY1 of PPS 21 Sustainable Development in the Countryside. The view is expressed that the proposal falls outside of the categories of development that are considered acceptable in principle in the countryside and that no legitimate overriding reasons have been put forward by the applicant to demonstrate why the scheme is essential on this specific site. Furthermore that the site is not designated for this purpose under the local development plan.

121. This proposal is in accordance with policy TRA9 and a park and ride facility at a rail halt which is also in the countryside would be acceptable subject to satisfactory access arrangements being achieved. For the reasons outlined above this proposal is contrary to policies TRA2 and TRA3.

Contrary to Policies BH1 and BH11 of PPS 6 Planning, Archaeology and the Built Heritage

122. The view is expressed that the proposal is contrary to policies BH 1 and BH 11 of PPS 6 in that it has the potential to adversely impact on the setting of Moira Train Station which is a grade B plus Listed Building and on the adjacent Lagan Canal Scheduled Monument.

Advice from HED Historic Buildings and Historic Monuments confirms that they are content with the proposal as presented.

Contrary to policies FLD1 and FLD 3 of PPS 15 Planning and Flood Risk

123. The view is expressed that in the absence of the submission of a Flood Risk Assessment and Drainage Assessment which can demonstrate to the satisfaction of Rivers Agency that the proposed development will not increase the risk of flooding on the site or elsewhere, the proposed scheme is contrary to policies FLD1 and FLD3 of PPS 15.
124. Also concern is expressed with regards to the raised levels of the car park and the potential effect of surplus drainage on the adjacent commercial property to the south.
125. A Flood Risk Assessment and Drainage Assessment has been submitted as part of the application process and no issues in relation to flood risk are raised.

Description of the site

126. Concern has been raised about the description of the site in the submission. The view is expressed that this should be changed from agricultural land to a commercial property, referring to the property to the south which is a guesthouse.
127. The P1 form details that the existing site is agricultural land. A site inspection is carried out to ascertain the site characteristics and the commercial property south of the application site has been noted and taken on board.

Conclusions

129. As it is not demonstrated that access cannot be reasonably taken from the Station Road and that the proposal does make use of an existing access is on the A26 Glenavy Road the proposal fails to meet the tests of policies TRA2, and TRA3 of the Plan Strategy.

Recommendations

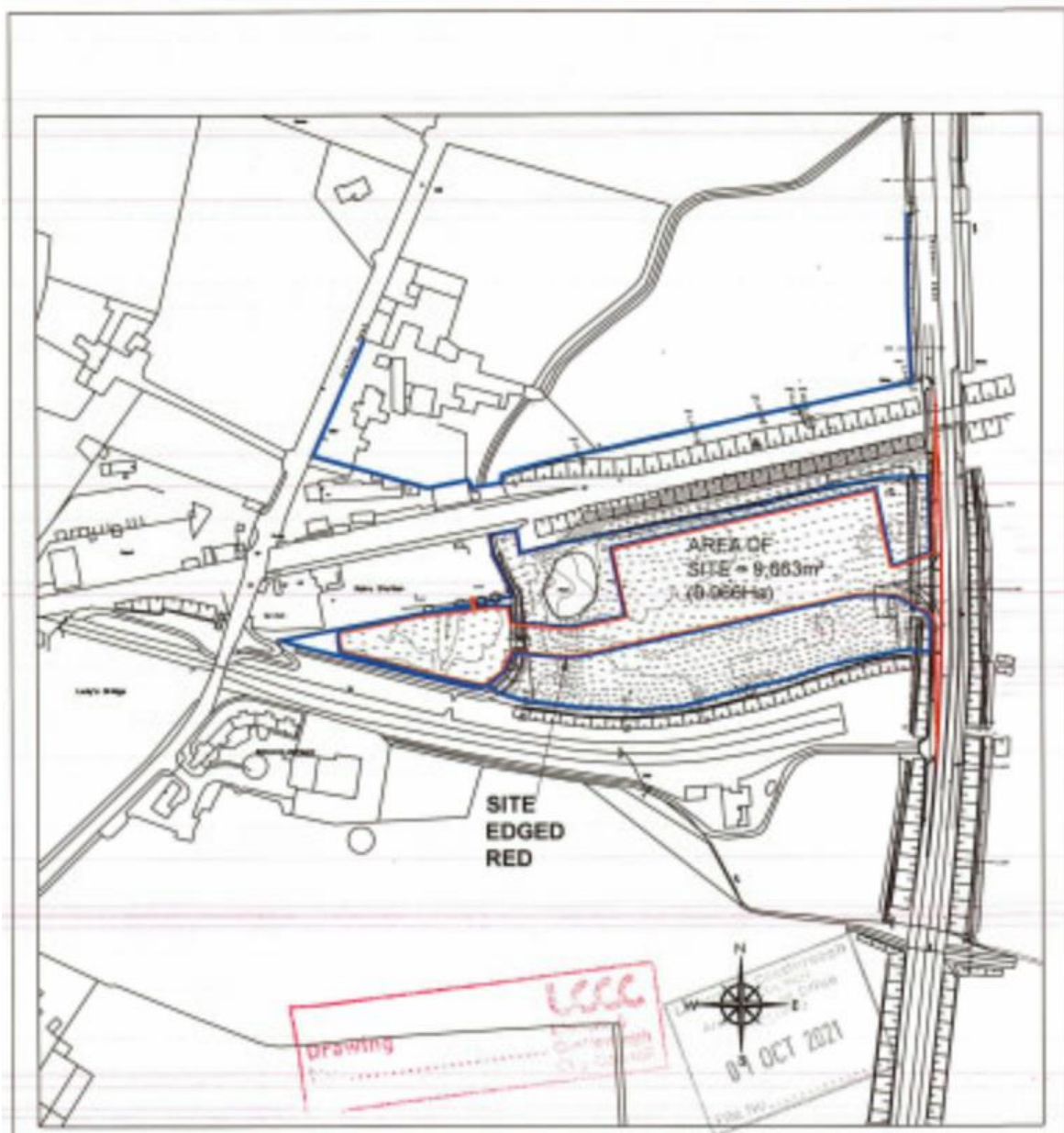
130. It is recommended that planning permission is refused.

Refusal Reasons

131. The following refusal reasons are recommended:

- The proposal is considered to be contrary to policy TRA3 of the Plan Strategy as its is not demonstrated that the proposal cannot reasonably use an existing or new access on the Station Road or that an existing vehicular access onto the A26 Glenavy Road is used.
- The proposal is contrary to policy TRA2 of Plan Strategy, in that the applicant has not demonstrated that criteria b) is met ore that an exception to the policy is demonstrated.

Site Location Plan – LA05/2019/1077/F



A-AMENDED 19/08/21

Project	Moira 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 0241</small> <small>011 554 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

Planning Committee	
Date of Meeting	08 January 2024
Committee Interest	Local Application (Exceptions Apply) - Addendum
Application Reference	LA05/2020/0303/F
Date of Application	07 April 2020
District Electoral Area	Downshire West
Proposal Description	Demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping
Location	Lands at 32 Lurgan Road Moira and adjacent to and north west of Linen Fields Lurgan Road Moira
Representations	Twenty-five
Case Officer	Brenda Ferguson
Recommendation	APPROVAL

Background

1. A recommendation to approve planning permission subject to section 76 agreement to secure the delivery of affordable housing as an exception to Policy HOU10 was presented to the Committee for determination in December 2023.
3. Members were advised that one affordable unit was to be provided to meet the requirements of policy HOU10. However, the Members considered the minimum requirement for affordable housing not to be met as this was only 16% of the total number of units proposed.
4. It was agreed to defer consideration of the application for one month to enable further negotiations to take place in respect of the affordable housing requirement.

Further Consideration

5. 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.

6. 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.

7. 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,*
8. In an email dated 06 December 2023, it was confirmed by Mayfair Homes (NI) (No. 2) Limited that they are agreed to make available two units within the scheme as affordable housing. This equates to a provision of 33% of the total number of units proposed and the policy test of HOU10 is considered to be met.

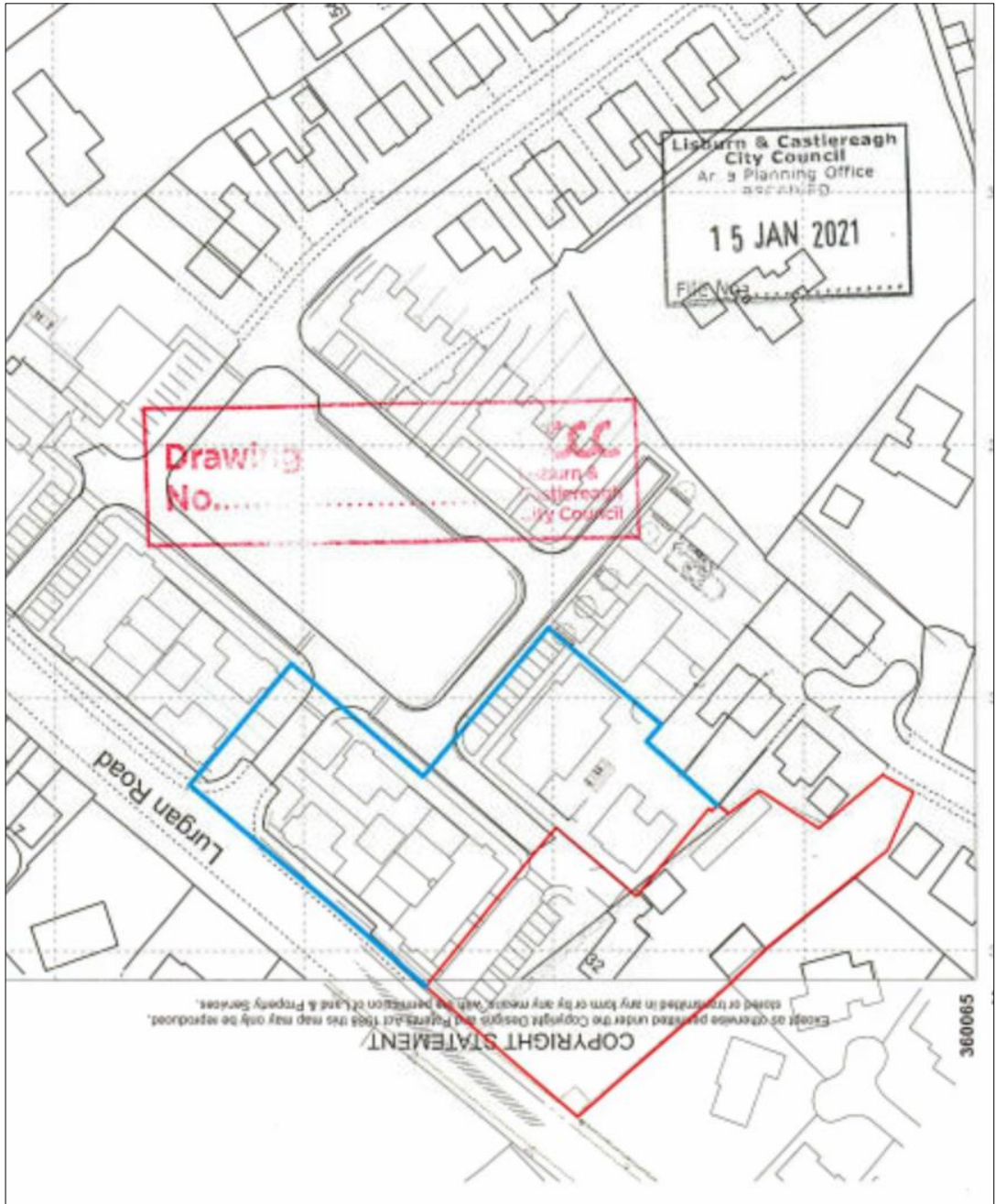
Conclusions

9. The planning advice provided previously that planning permission should be approved is not changed. It remains subject to a Section 76 planning agreement for the same reasons detailed in the main report.
10. The information contained in this addendum should also be read in conjunction with the main officer's report presented to Committee on 04 December 2023 which is provided as part of the papers for this meeting.

Recommendations

11. It is recommended that planning permission is approved subject to a section 76 agreement to secure the delivery of a minimum of 20% affordable housing at this location.

Site location Plan – LA05/2020/0303/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	04 December 2023
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2020/0303/F
Date of Application	07 April 2020
District Electoral Area	Downshire West
Proposal Description	Demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping
Location	32 Lurgan Road Moira and adjacent lands north west at Linen Fields Lurgan Road Moira
Representations	Twenty-five
Case Officer	Brenda Ferguson
Recommendation	APPROVAL

Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

Planning (Local Development Plan) Regulations (NI) 2015.

The schedule to the 2015 regulations provides as follows:

Departmental development plan and plan strategy as local development plan

[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—

- (a) *a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*
- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

Discontinuance of departmental development plan on adoption of local development plan

[4] Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.

Strategic Planning Policy

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

[1.11] Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

4. In accordance with Regulation 3 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Plan Strategy applies to all applications.
5. The existing suite of planning policy statements retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

Summary of Recommendation

6. 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 section 76 agreement to secure the delivery of affordable housing.
7. It is considered that the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of policies HOU1, HOU3 and HOU4 of the Plan Strategy and when the buildings are constructed, they will not adversely impact on the character of the area or have a detrimental impact on the amenity of existing residents in properties adjoining the site.

8. Furthermore, the 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.
9. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that it has been demonstrated that provision is to be made for affordable housing within the site.
10. The proposal complies with policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of natural heritage importance.
11. The proposed complies with policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
12. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the extension of the existing 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.
13. The proposal is 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.
14. The proposal also complies with policy TRA8 in that it promotes public transport, cycling and walking as an alternative to the use of the car.
15. The proposed development complies with policy tests set out in policies FLD 1 and FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site

16. The proposed site is located to the east of the existing development at Linen Fields, and Waringfield Park, Moira. The site is irregular in shape, however becomes narrower towards the rear where it abuts the development at Waringfield Park. There is an existing detached single storey white rendered

dwelling, 32 Lurgan Road, a garage and an outbuilding within the site fronting onto the Lurgan Road.

17. Boundaries consist of hedging to the north and west, tall conifers to the east and an agricultural gate to the south which backs onto Waringfield.

Surroundings

18. Residential development surrounds the site. There is a mix of two-storey detached, semi-detached and terraced dwellings. Linen fields has two-storey semi-detached and terraced cream rendered properties and Waringfield contains 1.5 and two-storey red/brown brick dwellings.

Proposed Development

19. The application is for full planning permission for the demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2018/0399 /F	Proposed change of house type from extant planning approval: S/2008/0177 to include sunrooms and garages at sites 5,6,7,8,56,57,58,59,66,67,68,69, 82 & 83 (Postal numbers 4,2,1,3,89,91,93,95,97,99,101,103,16 & 14 respectively) Linen Fields, Lurgan Road, Moira	Postal numbers 4,2,1,3,89,91, 93,95,97,99, 101, 103 16 & 14 (site numbers 5,6,7,8,56,57, 58,59, 66, 67, 68, 69, 82 & 83) Linen Fields, Lurgan Road, Moira	Permission granted 08/08/18
LA05/2016/0183 /F	Proposed housing development of 28 units comprising 4 detached, 16 town houses & 8 apartments, site works and landscaping. Substitution for 30 Apartments and 4 townhouses on sites 1-28 and 76-81 of permission S/2008/0177/F.	2-28 Lurgan Road Moira	Permission granted 02/08/17
S/2008/0177/F	Residential Development - Erection of 82 units to include 52 dwellings and 30 apartments, car parking, open space, landscaping and associated works.	2-28 Lurgan Road Moira	
S/1991/0809	Housing Development (155)	'WARINGFIELD' SOUTH OF 32 LURGAN ROAD MOIRA	Permission granted 25/02/92
S/1990/1079	Housing Development (27 Detached Dwellings)	LANDS SOUTH OF NO 32 LURGAN ROAD MOIRA	Permission granted 30/01/91
S/1989/0841	Housing development 220 units	SOUTH OF NO 32 LURGAN ROAD MOIRA	Permission granted 27/09/1990

Consultations

21. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
Natural Heritage	No Objection
DAERA Water Management Unit	No Objection

Representations

22. Twenty-five representations in opposition to the proposal have been submitted. The following issues are raised:

- Concerns in relation to proposed entrance onto Waringfield Park
- Drawing 05/214/500 misrepresents the existing turning head and roadway
- Concern in relation to location of bin stores
- Objection to proposed access for parking and location of garages to serve apartments
- Lack of details in relation to boundary treatments, security measures and control of pedestrian access to prevent a public thoroughfare
- Concerns relating to the bin collection arrangement and number of bins
- Concern that garage openings onto Waringfield Park could lead to a thoroughfare for pedestrians
- Concern regarding assigned parking to front of property at Linen Fields.
- Lands to the rear of semi-detached properties not clearly identified on plan as being garden areas

23. These issues are considered as part of the assessment below.

Local Development Plan

Local Development Plan Context

24. 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

25. 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.

26. In accordance with the transitional arrangements the existing Lisburn Area Plan 2001 and draft BMAP remain material considerations.
27. In both the statutory development plan and the draft BMAP, the application site is identified as being within the defined Settlement Development Limit of Moira.
28. The policies in the BUAP were superseded by the incremental introduction of regional policy over time. There are equivalent policies in the Plan Strategy to the regional policies described in draft BMAP.
29. Housing is proposed. 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.

30. 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.

31. 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.

32. 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.

33. More than five dwellings are proposed and 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.*

34. 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.*

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

Housing in Settlements

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

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

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

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

37. 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.

38. 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.*

39. 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.

40. 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.

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

Where the need for Affordable Housing is identified, through the Housing Needs Assessment on sites of more than 0.5 hectares or comprising of 5 residential units

or more, proposals will only be permitted where provision is made for a minimum 20% of all units to be affordable. This provision will be secured and agreed through a Section 76 Planning Agreement.

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

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

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

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

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

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

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

42. The Justification and Amplification states that:

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

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

Affordable Housing – 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

44. Given there are existing buildings on site to be demolished, the potential impact on the natural environment is considered.

45. Policy NH2 - Species Protected by Law states that:

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

a) there are no alternative solutions

b) it is required for imperative reasons of overriding public interest; and there is no detriment to the maintenance of the population of the species at a favourable conservation status

c) compensatory measures are agreed and fully secured.

46. In relation to National Protected Species the policy states that:

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.

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 involves the continuation of an existing access that leads to units within the Linen Fields development. 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, there 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 TRA7 - Car parking and Servicing Arrangements in New Development states that:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in the Local Development Plan.

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. Pedestrian access and cycling is already taken account of in the design of the wider development within Linen Fields. Policy TRA 8 – 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. The drainage for the scale of development proposed must be designed to take account of the impact on flooding elsewhere.
- 54. 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.

Regional Policy and Guidance

Regional Policy

55. 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.

56. 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.

57. 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 proposal involves the erection of dwellings. 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 meters 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

Policy HOU1 New Residential Development

68. This application is for two semi-detached dwellings and 4 terraced dwellings. The site lies within the Moira Settlement limit and is a brownfield site with an existing dwelling in-situ. Housing lies to the east within the Linen Fields development and to the south and west within the Waringfield Park and Waringfield Drive developments. As the proposed development is located on brownfield land within an established residential area in a settlement the policy tests associated with policy HOU1 are considered to be met.

Policy HOU3 Site Context and Characteristics of New Residential Development

69. The application site fronts onto the Lurgan Road, Moira and backs onto Waringfield Park. The eastern boundary immediately abuts the Linen Fields housing development and the layout proposed will be read as a continuation of this with the terraced houses reflecting the same footprint, design and materials to the ones opposite (sites 1-4 Linen Fields).
70. The area is characterised by a mixture of house types including two-storey cream rendered detached, semi-detached and terraced properties and red/brown brick 1.5 and two-storey detached properties within the Waringfield developments.
71. Car parking for the four terraced properties is assigned to the front and in-curtilage parking is provided for the semi-detached dwellings with private driveways to the side of each.
72. The proposed dwellings are two-storey in height with a maximum ridge height of 9.1 metres in keeping with the area.
73. For the reasons outlined above, the proposed development 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 dwellings, landscaped and hard surfaced areas. Criteria (a) is considered to be met.
74. No archaeological, historic environment or landscape characteristics/features have been identified that require to be integrated into the overall design/layout. Criteria (b) is considered to be met.

Policy HOU4 - Design in New Residential Development

75. The layout as shown on the proposed drawing 02/d dated 05 October 2022 demonstrates that there are two house types proposed.
76. Units 89-90 relate to the semi-detached plots and units 94-97 are for the terraced dwellings. Floor plans for the terraces include a living room and kitchen/dining room at ground floor level and bedrooms/bathroom/ensuite at first floor level. The semi-detached dwellings have a similar layout with a single storey sunroom at the rear.
77. The ridge height of the semi-detached dwellings are 8.15 metres and the terraced units measure at 8.2 metres in height.
78. Finishes for the semi-detached dwellings consist of a natural slate roof, smooth painted rendered external walls, uPVC sash windows with concrete sills and painted timber external doors.
79. Finishes for the terraces are the same.
80. In terms of layout, the detail associated with the proposed layout ensures that the building lines within the Linen Fields development are respected. The terraced units sit opposite the units 1-4 and replicate their design, scale, massing, footprint and materials. The semi-detached units at the rear continue from units 82 -83 Linen Fields and again reflect the design, scale, massing, height and material of these semi-detached dwellings.
81. The dwellings are orientated to face the access road and unit 97 within the block of terraces is double fronted so that the elevation facing onto the Lurgan Road is visually acceptable. Private rear amenity space is provided for all units.
82. The detail of the proposed layout demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity.
83. Externally, site 97 is the closest dwelling to the common boundary with neighbouring dwellings however maintains a suitable separation distance of 10.5 metres to the rear of 8 Waringfield Drive. These separation distances are considered to be acceptable in line with guidance stipulated in the Department's Creating Places document.
84. 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.
85. The proposed dwellings are considered to have a modern design which complements the surrounding built form. 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.

86. For the reasons outlined above, criteria (a), (e), (f) and (i) are considered to be met.
87. Detail submitted with the application demonstrates that the provision of private amenity space varies from 60 square metres minimum to a maximum of 360 square metres. As an average, 131 square metres is provided across the site which is in excess of the standards contained with Creating Places for a medium density housing development made up of three and four bedroom dwellings.
88. The site layout illustrates that the existing fencing and hedging will be retained to all sides of the site (except where required to facilitate the development) and the agricultural gate to the rear will be replaced with a 1.8 metres high boarded timber fence so as to close off access onto Waringfield Park.
89. For the reasons outlined above, criteria (b) is considered to be met.
90. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, it is noted that the development is within suitable walking distance of the local facilities within Moira.
91. 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.
92. 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 and shared surface parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
93. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
94. Provision can be made for householder waste storage within the driveways for each 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 in Settlement

95. A letter has been provided by the agent from Co-ownership company indicating the developer's intention to offer site 95 (within the terraced units) as intermediate housing for sale.
96. It is considered that the agent has demonstrated that provision will be made within the site for affordable housing in line with the policy requirement of a

minimum of 20% and as such, the policy test associated with HOU10 can be met subject to section 76 agreement.

Access and Transport

97. The P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use. The access proposed will be a continuation of the Linen Fields internal access road and no new access will be created onto the Lurgan Road.

TRA1 – Creating an Accessible Environment

98. Detail associated with the application shows that the vehicular access and internal road layout has been designed to an adoptable standard in accordance with the Private Streets Determination drawing.
99. The drawings submit with the application indicates that none of the dwellings will have garages but that all will have appropriate car parking provision in line with current standards.
100. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and have approved the PSD drawings.
101. For the reasons outlined above, the tests associated with TRA1 are capable of being met.

TRA2 Access to Public Roads

102. The detail submitted demonstrates that the continuation and extension of use of the existing access for 6 additional dwellings will not prejudice road safety or significantly inconvenience the flow of traffic.
103. 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.

TRA7 Car Parking and Servicing Arrangements

104. For the reasons outlined earlier in the report, the detail demonstrates that adequate provision for both in-curtilage and shared surface car parking as a continuation of the existing arrangements and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic. The tests associated with Policy TRA7 are capable of being met.

TRA8 Active Travel Networks and Infrastructure Provision

105. The proposal also complies with policy TRA8 in that the proposal as an extension of Linen Fields promotes public transport, walking and cycling as part of the wider residential scheme. A Transport Assessment/Travel Plan was not required in this instance.

Natural Heritage

106. A biodiversity checklist and Bat Roost Potential Survey has been submitted in support of the application. The BRPS has been carried out by qualified ecologists and concludes that both the buildings and trees within the site present negligible potential for bat roosts and no additional surveys are required.
107. A number of trees are required to be felled along the western boundary that currently abuts the Linen Fields development. All trees were considered to have negligible bat roost potential and it is concluded that the development proposal is not likely to harm a European protected species.
108. For the reasons outlined above, it is considered that the proposal complies with the SPPS and Policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, protected species or features of Natural Heritage Importance.

Flooding

109. In consideration of Policy FLD1 the site does not lie within the 1 in 100 year fluvial or surface water floodplain. A Flood Risk Assessment is therefore not required on this occasion.
110. With regard to Policy FLD 3, the proposal does not meet the criteria for the submission of a Drainage Assessment and therefore no conflict arises with this policy.
111. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received Water Management Unit has also considered the impacts of the proposal and in a response received on 19 May 2020 refer the Planning Authority to DAERA Standing Advice.
112. NI Water has identified in their response that there is available capacity at the Moira Waste Water Treatment Works to serve the site. In relation to foul sewer connection they have advised that developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed

development and / or obtain approval from Rivers Agency for discharge to a watercourse.

113. In relation to surface water sewer connection the developer is required to consult with NIW and may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse.
114. 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 contained within the Plan Strategy.

Consideration of Representations

115. Consideration of the issues raised by way of third-party representations are set out in the paragraphs below:

Concerns in relation to proposed entrance onto Waringfield Park

116. The plans have since been amended and there is now no proposed access onto Waringfield Park

Drawing 05/214/500 misrepresents the existing turning head and roadway

117. The latest site plan bearing the Council date stamp 7th July 2022 and referenced as drawing no. 02C have been amended to reflect the latest proposals and what is currently on the ground.

Concern in relation to location of bin stores

118. Apartments are no longer proposed as part of the revised scheme therefore the bin storage areas have been removed altogether and a service management plan is no longer required.

Objection to proposed access for parking and location of garages to serve apartments

119. As above, the apartments have been removed altogether from the scheme and replaced with semi-detached dwellings which have incurtilage parking. No access onto Waringfield Park is proposed.

Lack of details in relation to boundary treatments, security measures and control of pedestrian access to prevent a public thoroughfare

120. There is no access proposed onto Waringfield Park and the existing boundary treatments are to remain unchanged. A landscaping plan has been submitted identifying existing and proposed planting and/or fencing.

Concerns relating to the bin collection arrangement and number of bins provided

121. There is no longer proposed bin store areas and the semi-detached dwellings will be accessed through Linen Fields therefore bins will be collected via this route. DFI Roads are satisfied with the arrangements shown on the site layout.

Concern that garage openings onto Waringfield Park could lead to a thoroughfare for pedestrians.

122. This has been amended and there is no longer a proposed access leading onto Waringfield Park.

Concern regarding assigned parking to front of property at Linen Fields.

123. The development proposes a public footway and access road leading into the site as a continuation of the Linen Fields Development. DFI Roads are content with these arrangements and have not identified any concerns. The previous approval LA05/2016/0183/F which included 14 Linen Fields (site 83) does not clearly identify the area in question as parking spaces. The issue is a civil matter and one which cannot be dealt with through the remit of this application.

Lands to the rear of semi-detached properties not clearly identified on plan as being garden areas.

124. A landscaping plan has been submitted identifying the rear of the semidetached properties as private garden areas. The layout arrangements as proposed are considered to be acceptable.

Conclusions

125. For the reasons outlined above and subject to section 76 Agreement, the proposal is considered to comply with the SPPS and policies HOU1, HOU3, HOU4 and HOU10 of the Plan Strategy.
126. It is also considered to comply with policies NH2, NH 5, TRA1, TRA2, TRA7, and TRA8 of the Plan Strategy.

Recommendations

127. It is recommended that planning permission is approved subject to a section 76 agreement to secure the delivery of affordable housing at this location.

Conditions

128. The following conditions are recommended:

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

Reason: Time limit

2. The 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. 20-156-A10f bearing the Area Planning Office date stamp 05 May 2023 and the Department for Infrastructure Determination date stamp of 15 May 2023.

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

3. All hard and soft landscape works shall be carried out in accordance with Drawing 02/d, bearing the Council date stamped 5th October 2022 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

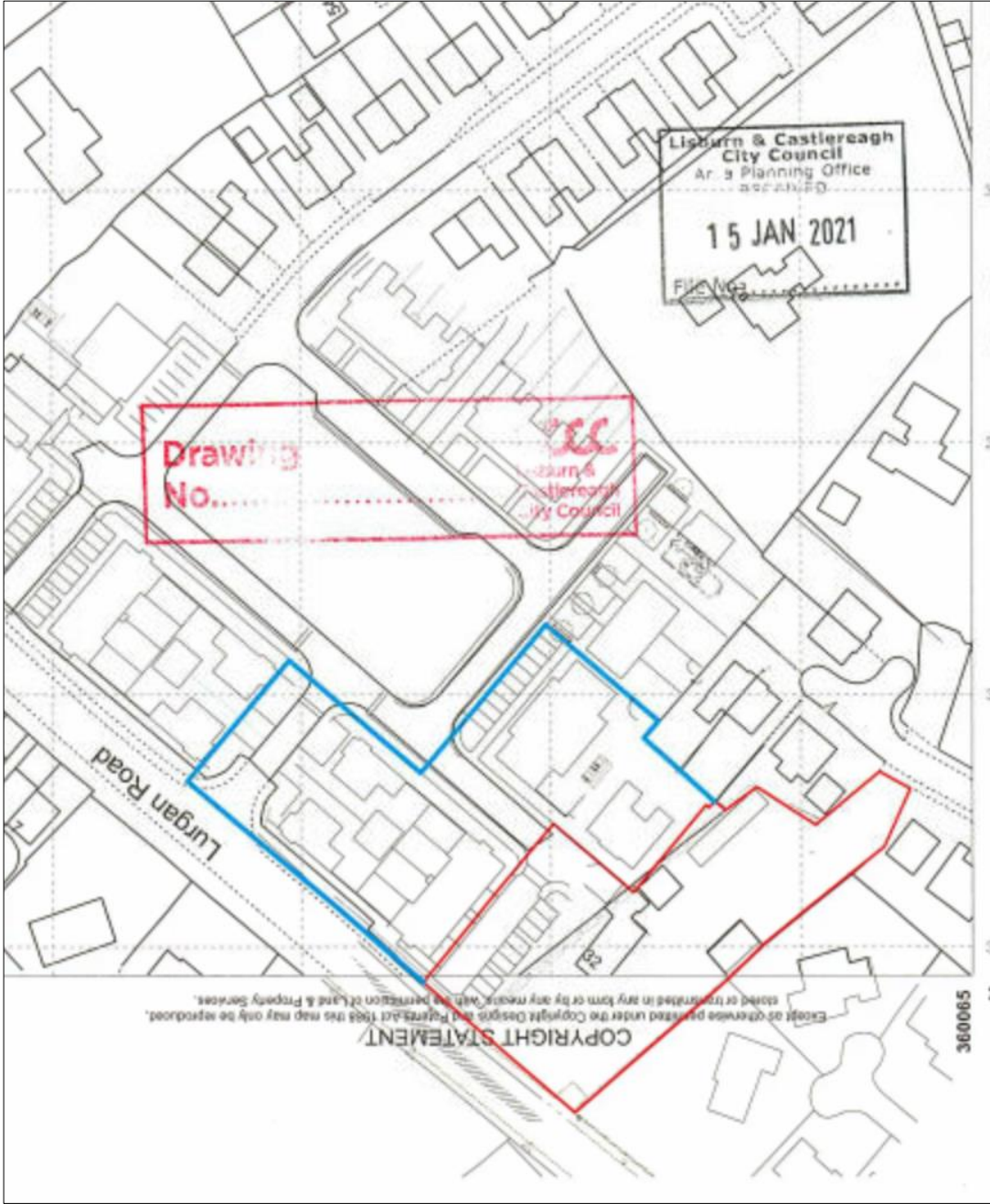
4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that 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.

5. No retained tree shall be cut down, uprooted or destroyed or have its roots damaged. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees

Site location Plan – LA05/2020/0303/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	08 January 2024
Committee Interest	Local Application [Called In] - Addendum
Application Reference	LA05/2022/0883/O
Date of Application	26 September 2022
District Electoral Area	Downshire West
Proposal Description	Proposed replacement dwelling
Location	49c Waterloo Road, Lisburn
Representations	Two
Case Officer	Laura McCausland
Recommendation	Refusal

Background

1. The application was presented to the Planning Committee in December 2023 with a recommendation to refuse as contrary to policies COU1 and COU3 of the Plan Strategy in that it is not considered to be an acceptable form of development in the countryside and that the alternative siting outside the curtilage of the existing building was not appropriate.
2. In addition, Members were advised that the proposal was contrary to policy COU15 and COU16 of the Plan Strategy in that a dwelling if approved would be a prominent feature in the landscape nor would it be sited to cluster with an established group of buildings. Furthermore the site lacks long established natural boundaries is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition the development relies primarily on the use of new landscaping for integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a back drop.
3. Prior to the application being presented it was agreed to defer consideration of the application to allow for a site visit to take place and to enable the Members to view the site and in its context.

4. A site visit was facilitated on Monday 18 December 2023. A separate note of the meeting is available and appended to the application files and should be read alongside the main reports.

Further Consideration

5. At the site visit, members were reminded that site visit provided an opportunity to observe:
 - The building identified to be replaced and the alternative site identified within the application;
 - The extent of the curtilage associated with the existing dwelling; and
 - the extent of the alternative location for the dwelling and the impact of siting the building in an alternative location.
6. Members were advised that the redline was so restricted that there was no opportunity to consider siting the new dwelling within the curtilage of the existing building.

Conclusions

7. The planning advice previously offered that planning permission should be refused is not changed.
8. The information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee on 04 December 2023 and site visit report both of which are provided as part of the papers for this meeting.

Recommendations

9. It is recommended that planning permission is refused.

Refusal Reasons

10. The following refusal reasons are recommended:
 - The proposal is contrary to the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
 - The proposal is contrary to policy COU3 (a)(i) of the Lisburn and Castlereagh City Council Plan Strategy in that the curtilage is not

considered so restricted that it could not reasonably accommodate a modest sized dwelling.

- The proposal is contrary to policy COU3(a)(ii) of the Lisburn and Castlereagh City Council Plan Strategy in that the applicant has not demonstrate that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is contrary to COU3 (b) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would have a visual impact significantly greater than the existing building.
- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would be a prominent feature in the landscape nor would it be sited to cluster with an established group of buildings. The site lacks long established natural boundaries being unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The development would rely primarily on the use of new landscaping for integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a back drop.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape. The development is not sited to cluster with an established group of buildings and fails to respect the pattern of settlement exhibited in that specific location and as such would result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/0883/O



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 2.30 pm on Monday, 18 December 2023 at Waterloo Road, Lisburn****PRESENT:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

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

- LA05/2022/0883/O – Proposed replacement dwelling at 49c Waterloo Road, Lisburn

This application had been presented for determination at the meeting of the Planning Committee on 4 December 2023. The Committee had agreed to defer consideration to allow for a site visit to take place.

Members and Officers met at the site. The Head of Planning & Capital Development indicated which building was proposed for replacement and the field where the new building was proposed to be located. With the aid of a site location plan, the Principal Planning Officer showed Members the building to be replaced and the location of the alternative siting.

Members were advised that the existing building did benefit from a CLEUD as it had been occupied for more than 5 years and, therefore, was immune from enforcement.

Members took time to walk around and observe the site, its context. Following queries by Members, Officers:

- reiterated the reasons for refusal, as contained with the DM officer report;
- explained what 'curtilage' meant in the meaning of the policy and described the area around the building which is considered to be the curtilage;
- advised that as the property at 49c was located within what may have been the front garden of number 49, what constituted the curtilage of 49c was a matter of planning judgement. It was noted that 49c did have a garden to its rear, provision for two parking spaces and an area of decking;
- confirmed that residents of 49 and 49b had not objected to the planning application;

- advised that the reason submitted on behalf of the applicant that the existing curtilage was restricted due to existing mature trees was not a material consideration of significant weight as no information was supplied to justify this conclusion;
- stated the view that there was adequate space at the site of the existing building for a replacement dwelling of a modest size to be located within the curtilage without harming the tree; and
- stated that there was no flexibility within the outline plan submitted for an alternative location to be suggested.

There being no further business, the site visit was terminated at 2.45 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	04 December 2023
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/0883/O
Date of Application	26 th September 2022
District Electoral Area	Downshire West
Proposal Description	Proposed replacement dwelling
Location	49c Waterloo Road, Lisburn
Representations	Two
Case Officer	Laura McCausland
Recommendation	Refusal

Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

Planning (Local Development Plan) Regulations (NI) 2015.

The schedule to the 2015 regulations provides as follows:

Departmental development plan and plan strategy as local development plan

[3] Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—

- (a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and*

- (b) *any conflict between a policy contained in a departmental development plan and those of the plan strategy must be resolved in favour of the plan strategy.*

Discontinuance of departmental development plan on adoption of local development plan

- [4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

Strategic Planning Policy

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

- [1.11] *Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.*

4. Therefore under both the regulations and policy, the Plan Strategy applies to all applications and the existing policies retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

Summary of Recommendation

5. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
6. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
7. The proposal is contrary to criteria (a)(i) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the curtilage is not so restricted that it could not reasonably accommodate a modest sized dwelling.
8. The proposal is contrary to criteria (a)(ii) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the applicant has not been demonstrated that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

9. The proposal is contrary to criteria (b) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would have a visual impact significantly greater than the existing building.
10. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would be a prominent feature in the landscape nor would it be sited to cluster with an established group of buildings. Furthermore the site lacks long established natural boundaries is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. In addition the development relies primarily on the use of new landscaping for integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a back drop.
11. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape. Furthermore, the development is not sited to cluster with an established group of buildings and it fails to respect the pattern of settlement exhibited in that area and as such would result in an adverse impact to and further erode the rural character of the area.

Description of Site and Surroundings

Site

12. This site is irregular in shape and located at 49C Waterloo Road. A modest, rectangular, single storey property with white painted rendered walls, pitch corrugated roof, white uPVC windows and door to the rear elevation is located on site. All external walls and roof are intact.
13. During the site inspection the property was vacant but undergoing extensive internal renovation works.
14. There is a large garden area to the rear of the property with hardstanding to the front. A decked area with hot tub has been erected to the southern side of the property. Parking is available to the southern side of the property. Access is via a shared laneway from the Waterloo Road.
15. The site is relatively flat across the site where the existing building is located. The agricultural lands identified within the balance of the site to the north west of the dwelling slopes downwards from the access lane to the rear of the site in an east to west direction.
16. The application site encompasses the dwelling, shared laneway and agricultural lands to the northwest of the property. The northern boundary is undefined, the southern boundary is in part undefined and defined in part by hedgerow, the western boundary is largely undefined with sparse tree cover the

northern direction boundary is undefined and the eastern boundary is comprised of tall mature vegetation.

Surroundings

17. The character of the immediate area is predominately rural in nature and the land is mainly in agricultural use. There is a build-up of development in the locality of the site comprised of predominantly single storey properties and outbuildings.
18. The site is in close proximity to the Ravernet Road and Ballynahinch Road.

Proposed Development

19. Outline permission is sought for a replacement dwelling. A Design Access Statement and two Addendums, Biodiversity checklist and Bat Roost Potential [BRP] Report accompany the application.

Relevant Planning History

20. The planning history associated with the building to be replaced is set out in the table below:

Reference Number	Location	Description	Decision
S/2015/0207/LDE	Opposite 49 Waterloo Road	Dwelling	Not certified 25 th July 2016
LA05/2021/1265/LDE	49c Waterloo Road	Existing single storey dwelling	Certified 18 th March 2022

21. The planning history is a material consideration in the assessment of this application.
22. A plan submitted and certified within the in application LA05/2021/1265/LDE identified the curtilage associated with the dwelling at 49c Waterloo Road. This curtilage is significantly different to that associated with the red line boundary submitted in association with the current application.
23. The proposed curtilage/amenity area around the dwelling to be replaced has been significantly altered. The curtilage as certified has been reduced to include dwelling footprint but also extended to include two agricultural fields located north west and south west of the dwelling.

24. These agricultural lands are physically separated from the certified dwelling and curtilage by the shared laneway and the preferred off-site location is now shown to be sited on agriculture land.
25. On 23 June 2023 the initial (original) red line was reduced to exclude an agricultural field located to the south western of the existing dwelling. The now preferred alternative off site location is sited in the agricultural field north west of the existing dwelling. This alternative siting is considered later in the report.

Consultations

26. The following consultations were carried out:

Consultee	Response
NI Water	No objection
Water Management Unit	No objection
Environmental Health	No objection
DfI Roads	No objection
NED	No objection
DFI Rivers	No objection
Shared Environmental Services	No objection

Representations

27. Two representations were received from the owner/occupies of 53 Waterloo Road and 53a Waterloo Road, Lisburn. These representations are available to view on the Planning Portal via the following link.

<https://planningregister.planningsystemni.gov.uk>

28. In summary, the following issues are raised:
 - Detrimental impact on current rural nature
 - Light pollution create detrimental impact on local wildlife

- Proposed site not in current location but significantly west of the current site in a rural location
- The proposed dwelling is substantially larger than current small structure.
- Previously no building where dwelling to be located.
- Detrimental impact on wildlife
- Detrimental impact on surface run off and drainage in the surrounding area.

Local Development Plan

29. 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

30. 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.

31. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
32. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

33. In draft BMAP (2004) this site is also identified as being located in the open countryside. The Plan Strategy document states that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remains material considerations until superseded by PPS's.

34. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that: *The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.*

35. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment to sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

36. There is equivalent policy provision contained in the Plan Strategy to those regional policies described in LAP and draft BMAP.

37. This application is for new housing in the open countryside. The Plan Strategy 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.*

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

39. The proposal is for a replacement dwelling. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

40. As explained this is an application for a replacement dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16 of the Plan Strategy.

Replacement Dwellings

41. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Integration and Design of Buildings in the Countryside

42. 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

43. 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

- 44. As the existing building is being replaced consideration is given to the potential for any adverse impact or damage which could be caused to priority species such as bats. Supporting ecological reports are submitted in conjunction with the application.
- 45. 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

- 46. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need

for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

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

Access and Transport

47. The proposal involves the alteration of an existing access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

48. 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

49. This is a large site and drainage must be designed to take account of the impact on potential flooding elsewhere.

50. 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.

51. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

52. 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.

53. 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

54. This proposal is for replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states that:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

55. 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

56. Whilst not policy, the following guidance document remains a material consideration:

Building on Tradition

57. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

58. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

59. 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).
60. 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.
61. With regards to waste water treatment, Building on Tradition [page 131] states that

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

drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Assessment

Replacement Dwellings

62. The first part of the policy requires the applicant to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.
63. Following examination of the building during site inspection it is accepted that the building to be replaced exhibits the essential characteristics of a dwelling in that; all four walls are substantially intact, and window and door openings are of domestic scale.
64. No chimney or internal fireplace were not present however despite internal extensive renovation works internal walls clearly defined individual rooms within the building consistent with its occupation as a dwelling.
65. It is therefore accepted that building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact and that this part of the policy is met.
66. Turning to the balance of the policy tests associated with COU3, criteria as (a) – (c) the following assessment is made.
67. Details associated with the application including those of the biodiversity checklist and BRP Report clarify that the existing building/dwelling is to be demolished and an alternative position is sought on agricultural lands northwest of that existing dwelling.
68. The existing curtilage of dwelling to be replaced was inspected and the reflects the drawings relating to the domestic curtilage of CLUD application LA05/2021/1265/LDE in March 2022.
69. There appears to be no physical change having occurred to restrict the certified curtilage associated with the dwelling at this time. The proposal red line submitted with this application does not accurately reflect the previous certified drawings and domestic curtilage associated with the dwelling to be replaced.
70. It is considered that within the boundaries of the previously certified dwelling and associated curtilage that a modern single storey dwelling with sufficient

amenity space could be accommodated without the need to consider an alternative site.

71. The red line as presented gives the impression that the existing curtilage is restricted. The existing parking area and the associated amenity area has been excluded to satisfy policy criteria a(i).
72. It is considered that the site provides sufficient space for a modern dwelling to be erected and for adequate amenity space to be provided. Criteria a(i) is not met.
73. Detail provided within the submitted Design Access Statement suggests that an offsite location for the replacement dwelling to an alternative position would result in demonstrable amenity benefits.
74. The use of the shared lane and shared hard standing area to the front of existing dwelling both pose a potential treat to pedestrian injury by vehicular traffic and the preferred location at an alternative site would help alleviate this concern. This would also increase the actual and visual separation distance between the proposed dwelling and the neighbouring property 49 creating a perceived amenity benefit.
75. Currently both properties have individual private amenity space to the side and rear of the properties. The dwelling to be replaced currently has amenity space located to the side and rear of the property. The property at 49 also from visual inspection has considerable private amenity space located to the rear of the property and an area of hard standing and garden to the side of the property.
76. The design and access statement states that the building at the centre of this application was erected in its current location without the benefit of seeking planning permission, that was later certified through a CLUD.
77. At that time there was no issue regarding the separation distances to any of the neighbouring dwellings. It is noted that the applicant in recent years has installed an unscreened decked area including a hot tub to the southern side of the property.
78. It would however appear that the applicant does not have any concerns in relation to the existing separation distances impacting upon his own or other associated residential amenity at this location. These actions would appear to be at odds with the view expressed by the Agent that an alternative site is required to provide private amenity space.
79. Due to the scale and design of the dwellings and associated site layout at this location it is considered that there is no demonstrable harm to any residential amenity at this location created by existing separation distance provided. The amenity space of neighbouring dwellings is predominantly set to the rear and as a result is private in nature.

80. Having considered the available site and surrounding properties it is considered that there is sufficient private amenity space at the current location to serve a new dwelling while retaining the private amenity space of the neighbouring properties.
81. It is also considered that the separation distances are not likely to be altered significantly and that a replacement within the existing curtilage can be provided without negatively impacting upon the residential amenity in terms of overlooking or loss of privacy within the existing curtilage without the requirement of an alternative site.
82. Vehicular traffic accessing any property at this location will avail of the joint laneway this will not be significantly altered by relocating the dwelling to the preferred location.
83. The case advanced by the agent that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits is not accepted for the reasons outlined in the following paragraphs.
84. The preferred location is sited within an existing agricultural field, lacking established boundary treatments. The information submitted in support of the application does not clarify to any extent what other landscape benefits this preferred location may offer.
85. The Addendum to Design Access Statement considers there to be landscape benefits in retaining three trees within the existing curtilage of the dwelling to be replaced and that further development within proximity to these trees would damage their roots as identified by the agent. Within the submitted ecology report no importance or ecological significance is attached to any of 3 trees identified by the agent in the amended statement.
86. The potential for the existing dwelling to impact on the root system of the trees identified were considered by the Councils tree officer. Advice received confirms that a TPO is not attached to any identified trees and removal of such would be acceptable if required.
87. For reasons set out above it is deemed that the curtilage is not so restricted that it could not reasonably accommodate a modest sized dwelling. It has subsequently not been shown that an alternative position nearby would result in demonstrable landscape, access or amenity benefits therefore the proposed development is not in accordance with COU3 (a)(i) and (ii) and an alternative location is not acceptable in principle.
88. With regard to criteria (b) of COU3 and without prejudice to the view already expressed above, it is considered that a single storey dwelling could be sited and designed within the existing curtilage so as not to have had a visual impact significantly greater than the existing building.
89. Development within the alternative site as proposed would be considered to have a visual impact significantly greater than existing building as the site when

viewed from long and short distances from the south western approach critical views from the Ravernet Road, despite some degree of screening any development at this location will have an increased visual impact in the landscape than the existing building.

90. Even a single storey dwelling at the alternative site when viewed from critical long approach northern views along the lane will have a significantly greater visual impact than the existing building as the existing dwelling to be replaced is completely concealed from all vantage points on this approach due to tall mature trees, but the alternative location is not afforded the same degree of screening. Criteria (b) has not been met.

COU15 Integration and Design of Buildings in the Countryside

91. Having regard to the topography and the existing vegetation, it is considered that a dwelling cannot be sited and designed so as not to present as prominent feature within the local landscape. Criteria (a) is not met.
92. Details submitted indicates that the proposed dwelling will be positioned outside of the footprint of the existing dwelling at an alternative site within an agricultural field that does not contain any other development. The dwelling to be replaced is one building and does not relate to any other building located at the preferred of site location. For these reasons, the proposed replacement dwelling is not shown to be sited with an established group of buildings. Criteria (b) has not been met.
93. With regard to criteria (c), topography of the alternative site slopes from the front of the site to the rear of the site, as per the proposed red line, the site lacks natural features, buildings and landscaping to provide a suitable backdrop therefore the development is not capable of being sited so as to blend into the landscape. Criteria © is not met.
94. Whilst the site lacks long established natural boundaries as per the proposed redline, the presence of a degree of sporadic tree and hedging planting is insufficient and significant additional planting would be required to provide a suitable degree of enclosure for an appropriately designed dwelling. For this reasons, criteria (d) and (e) are not capable of being met.
95. The application is an outline application and as such, no design details are submitted. That said,
96. and without prejudice to the view expressed in relation to the principle of the proposed development, it is considered that ancillary works given the nature of the site in respect of its topography would be minimal. Whilst an exact preferred siting area has not been provided it is considered that criteria (g) is capable of being met.

COU16 Rural Character and other criteria

97. The alternative site does not provide any buildings for the proposed dwelling to cluster with. The site is physically divorced from the existing dwelling that is to be demolished by laneway and tall screening. When viewed from long and short northern approaches all existing development is completely hidden and therefore the alternative site does not read to cluster with the established group of buildings and any development on the alternative site would be regarded to be unduly prominent. These matters are dealt with in the preceding section and for the same reasons criteria (a) and (b) have not been met.
98. The proposed dwelling seeks to be located at an alternative site to the opposite side of the access lane to the existing dwelling and neighbouring properties. The proposed plot size is significantly larger than that of existing plot and the offsite location does not respect the established pattern of settlement and criteria (c) has not been met.
99. This site lies within the open countryside and does not abut any settlement limit. The proposed alternative site would result in urban sprawl into the surrounding countryside that would result in an adverse impact on the rural character of the area thus criteria (d) and (e) has not been met.
100. Due to the proposed location no adverse impact on existing residential amenity occurs. Criteria (f) has been met.
101. During site inspection and detail provided on the application form confirm that criteria (g) and (h) can be met in that all of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created, nor will any ancillary works harm the rural character at this location.
102. Criteria (i) has been satisfied as the detail demonstrates that a safe access can be provided. DFI Roads offer no objection to the proposed development.

Policy WM2 - Waste Management

103. LCCC Environmental Health and Water Management Unit were consulted and offer no objections in principle offer standing advice.
104. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

Access and Transport

105. Detail submitted with the application indicates that permission is sought for a replacement dwelling with unaltered access to a public road to serve to an existing access for both vehicular and pedestrian use.
106. DfI Roads have been consulted and offer no objection subject to standard conditions. Therefore, it is considered that the proposed development is in accordance with Policy TRA2 and will not prejudice road safety or significantly inconvenience the flow of vehicles.

Natural Heritage

107. A Biodiversity checklist and BRP Report carried out by an ecologist has been submitted in support of the application. Survey information relates to all lands included within initially proposed and revised redlines.
108. Natural Environment Division and Water Management Unit have been consulted and offer no objection subject to conditions should approval be recommended.
109. It is considered that the proposed development complies with Policy NH5 of the Plan Strategy and that the development will not result in an unacceptable adverse impact on or damage to habitats, species or features of Natural Heritage Importance.

Flooding

110. Considering Policy FLD 1 - DfI Rivers are satisfied that the applicant has submitted a revised site layout showing the finish floor level should be a minimum of 600mm above the 1 in 100 year fluvial flood plain.
111. With regard to Policy FLD 2 -DfI Rivers requested a working strip of appropriate width is retained to enable riparian landowners to fulfil their statutory obligations/responsibilities. The applicant has demonstrated that they are leaving a minimum working strip of 5 metres along the watercourse to facilitate future maintenance. DfI Rivers are satisfied with this proposal in relation to FLD 2.
112. With regard to Policy FLD 4 DfI Rivers advises artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for Planning NI. Any culverting approved by Planning Service will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973 and are dependent on each other.
113. On consideration of the information provided DFI Rivers, Water Management Unit and NI Water offer no objection to the proposed development.
114. Therefore the proposed development it is considered to be in accordance with policies FLD 1, 2, and ,4 of the Plan Strategy

Consideration of Representations

115. Consideration of the 2 representations are as noted below;

Proposal will have a detrimental impact on the rural area

116. The proposal development is contrary to planning policy and it has been determined that it will have an adverse impact on the character of this rural area.

Proposal will create light pollution

117. No evidence to support this view has been submitted. A refusal on this basis could be substantiated.

Proposal location is not on site of original building

118. The proposed replacement is not in-situ and is considered off site, The location is not appropriate and is contrary to policy and therefore unacceptable.

The proposal is much larger than the original building

119. While this is an outline application it is acknowledged in one of the refusal reasons is that the proposal will have a significantly greater visual impact due to its proposed location and is therefore unacceptable.

Impact on wildlife

120. No evidence *has been put forward to substantiate this*.

Conclusions

121. For the reasons outlined above, the proposal fails to meet the requirements of policies COU1, COU3, COU15 and COU16 of the Plan Strategy.

Recommendations

122. It is recommended that planning permission is refused.

Refusal Reasons

123. The following refusal reasons as recommended:

- The proposal is contrary to the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
- The proposal is contrary to policy COU3 (a)(i) of the Lisburn and Castlereagh City Council Plan Strategy in that the curtilage is not considered so restricted that it could not reasonably accommodate a modest sized dwelling.
- The proposal is contrary to policy COU3(a)(ii) of the Lisburn and Castlereagh City Council Plan Strategy in that the applicant has not demonstrate that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- The proposal is contrary to COU3 (b) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would have a visual impact significantly greater than the existing building.
- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would be a prominent feature in the landscape nor would it be sited to cluster with an established group of buildings. The site lacks long established natural boundaries being unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The development would rely primarily on the use of new landscaping for integration and it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a back drop.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape. The development is not sited to cluster with an established group of buildings and fails to respect the pattern of settlement exhibited in that specific location and as such would result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/0883/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	08 January 2024
Committee Interest	Local Application [Exceptions Apply] - Addendum
Application Reference	LA05/2022/0106/O
Date of Application	31 January 2022
District Electoral Area	Downshire East
Proposal Description	Demolition of all structures on site and erection of 10 detached dwellings and associated site works
Location	Lands at 17 Glebe Manor, Annahilt
Representations	Fourteen
Case Officer	Catherine Gray
Recommendation	Refusal

Background

1. The application was presented to the Planning Committee in December 2023 with a recommendation to refuse as contrary to policy COU1 of the Plan Strategy in that it is not considered to be an acceptable form of development in the countryside.
2. Advice was also provided that the proposal was contrary to policy COU15 and COU16 of the Plan Strategy, in that the development is not sited to cluster with an established group of buildings it does not respect the traditional pattern of settlement exhibited in the area and that if permitted would mar the distinction between the defined settlement limit of Annahilt and the surrounding countryside, result in urban sprawl and have an adverse impact on the rural character of the area.
3. Following the presentation and consideration of representations, it was agreed to defer consideration of the application to allow for a site visit to take place and to enable the Members to view the site and in its context.
4. A site visit was facilitated on 18 December 2023. A separate note of the meeting is available and appended to the application files and should be read

alongside the main reports.

Further Consideration

5. At the site visit, members were reminded that site visit provided an opportunity to observe:
 - The existing buildings on the site.
 - The remains of poultry houses.
 - The site boundaries in the context of the settlement limit; and
 - How the proposed development related to the existing settlement.
6. In response to queries Members were advised that they were required to consider the principle of the proposed development and whether the proposed development constituted a rounding off opportunity or consolidation of development.
7. The need for the policy requirements of COU15 and COU16 also explained in the context of the setting of the settlement.

Conclusions

8. The planning advice previously offered that planning permission should be refused is not changed.
9. The information contained in this addendum should be read in conjunction with the main officer's reports previously presented to the Committee in December 2023 and site visit report all of which are provided as part of the papers for this meeting.

Recommendations

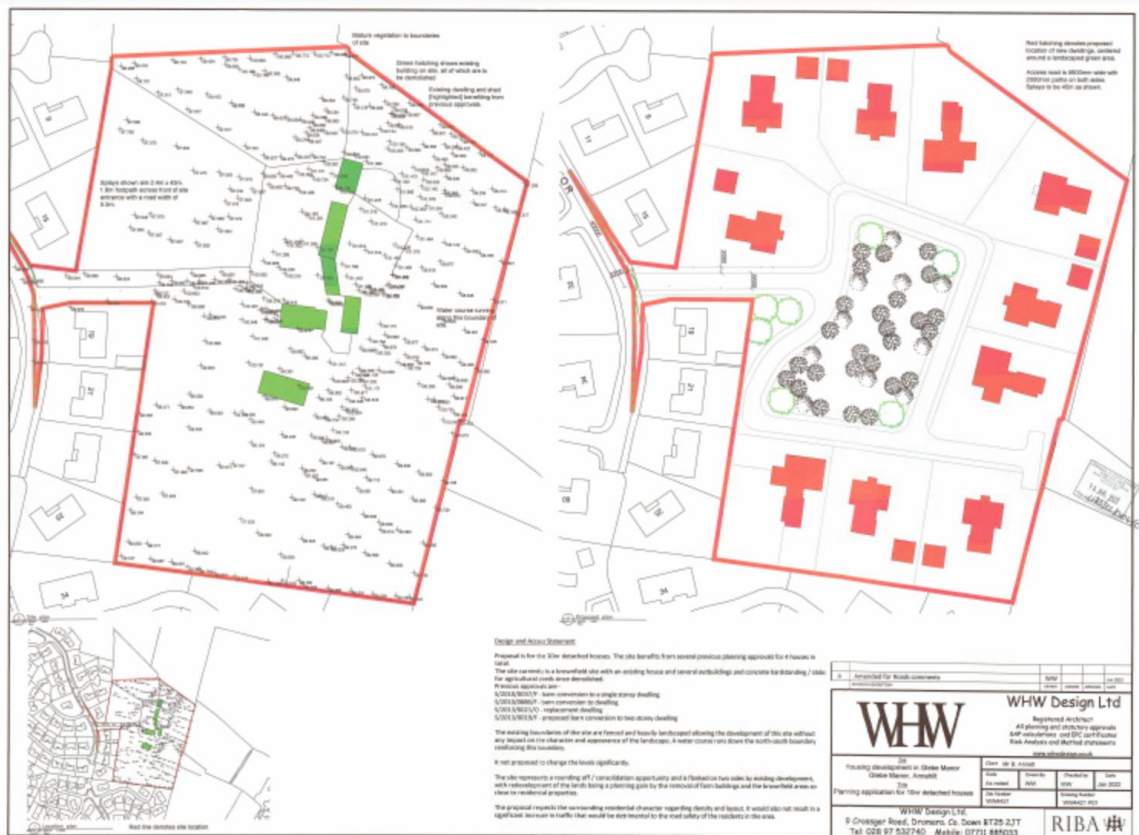
10. It is recommended that planning permission is refused.

Refusal Reasons

11. The following refusal reasons are recommended:
 - The proposal is contrary policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of residential development which is acceptable in principle in the countryside.

- The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings, it does not respect the traditional pattern of settlement exhibited in the area, if permitted would mar the distinction between the defined settlement limit of Annahilt and the surrounding countryside, result in urban sprawl and have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/0106/O



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 3.00 pm on Monday, 18 December 2023 at Glebe Manor, Annahilt****PRESENT:**

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Head of Planning & Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (CR)

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

- LA05/2022/0106/O – Demolition of all structures on site and erection of 10 detached dwellings and associated site works at lands at 17 Glebe Manor, Annahilt

This application had been presented for determination at the meeting of the Planning Committee on 4 December 2023. The Committee had agreed to defer consideration to allow for a site visit to take place.

Members and Officers met at the site. The Head of Planning & Capital Development indicated where a number of poultry houses had been located on site. He also advised that there had been a previous history of planning permission on the site for the replacement and conversion of buildings; however, the planning permissions were now time-expired and there had been some deterioration of the fabric of the buildings in the intervening period.

With the aid of a site layout drawing, Members were advised as to the extent of the settlement limit boundary. Members are required to consider whether the proposed development was rounding off or consolidation of previously developed land.

At the Planning Committee meeting, reference had been made by the agent to previous appeal decisions. However, the Members were reminded of the detail of the officer's report and that this case was different in that, with the exception of access, this proposed development was entirely in the countryside. With the appeal decision referred to, part of the development had been located within the countryside.

In response to queries, the Head of Planning & Capital Development confirmed that:

- the numbering of existing properties had no bearing on the application; and

- even if the application was deemed to be the rounding-off of previously developed land, it would still require to be considered against the requirements of policy COU15 and COU16.

There being no further business, the site visit was terminated at 3.15 pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee	04 December 2023
Committee Interest	Local Application [Exceptions Apply]
Application Reference	LA05/2022/0106/O
Date of Application	31 January 2022
District Electoral Area	Downshire East
Proposal Description	Demolition of all structures on site and erection of 10 detached dwellings and associated site works
Location	Lands at 17 Glebe Manor, Annahilt.
Representations	Fourteen
Case Officer	Catherine Gray
Recommendation	Refusal

Adoption of Plan Strategy

1. The Plan Strategy was adopted by resolution of the Council on 26 September 2023.
2. The key statutory and policy provisions are as follows:

Planning (Local Development Plan) Regulations (NI) 2015.

The schedule to the 2015 regulations provides as follows:

Departmental development plan and plan strategy as local development plan

[3] *Where a plan strategy is adopted by a council or approved by the Department in accordance with Part 2 of the 2011 Act—*

(a) a reference to the local development plan in the 2011 Act or any enactment relating to planning is a reference to the departmental development plan and the plan strategy read together; and

(b) any conflict between a policy contained in a departmental

development plan and those of the plan strategy must be resolved in favour of the plan strategy.

Discontinuance of departmental development plan on adoption of local development plan

[4] *Where a council adopts a local policies plan for its district (or the Department approves a local policies plan for that district) so much of the departmental development plan as relates to that area shall cease to have effect.*

Strategic Planning Policy

3. The Strategic Planning Policy Statement for Northern Ireland (the SPPS) provides at paragraph 1.11:

[1.11] Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

4. In accordance with Regulation 3 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Plan Strategy applies to all applications.
5. The existing suite of planning policy statements retained under the transitional arrangements in the SPPS cease to have effect, regardless of the date of the planning application being received.

Summary of Recommendation

6. This is a local application. The application is presented to the Planning Committee in accordance with the Scheme of Delegation in that the proposal relates to an application for five or more dwellings in a rural location.
5. The proposal is contrary to Paragraph 6.73 of the SPPS and policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
6. The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.
7. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings, it does not respect the traditional pattern of

settlement exhibited in the area, if permitted would mar the distinction between the defined settlement limit of Annahilt and the surrounding countryside, result in urban sprawl and have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

8. The application site comprises a two storey dwelling (17 Glebe Manor), its associated outbuildings (a mixture of single and two-storey) and surrounding lands adjacent (rough grazing land and a section that currently has rubble deposited on it).
9. The site is accessed via a short laneway off Glebe Manor, situated between 15 and 19 Glebe Manor.
10. The site partially runs along the settlement development limit of Annahilt, and partially along existing field boundaries. West and south of the site is existing housing development which has an urban context being located within the boundary of the settlement.
11. Within the site there is evidence of removal of planting including trees cut down, within the southern portion of the site.

Surroundings

12. North and east of the application site there is open countryside with other farms and residential properties in the distance.
13. Directly adjacent and south of the application site is Rocklands housing development consisting of detached dwellings on medium sized plots.
14. Directly adjacent and west of the application site is Glebe Manor housing development consisting of detached dwellings on medium sized plots.

Proposed Development

15. This is an outline application for the demolition of all structures on site and erection of ten detached dwellings and associated site works.
16. Supporting Information provided within this application included the following;
 - Design and Access Statement on the proposed layout plan received 31 January 2022 which has been superseded by a design and access statement on the proposed layout plan received 14 July 2022.
 - Drainage Assessment (JKB Consulting) received 27 April 2022.
 - Bat Roost Potential Survey (Willow Environmental) received 15 March 2023.

- Bat Activity Survey (Willow Environmental) received 15 March 2023.
- Biodiversity checklist (Willow Environmental) received 19 July 2023.

Relevant Planning History

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

Planning Reference	Proposal	Decision
S/2009/0714/O	Replacement of existing dwelling	Permission Granted 03/11/2009
S/2010/0037/F	Proposed barn conversion to single storey dwelling	Permission Granted 10/06/2010
S/2010/0686/F	Proposed barn conversion to dwelling	Permission Refused 26/11/2011 Appeal Upheld 30/11/2012
S/2013/0019/F	Proposed barn conversion to 2 storey dwelling	Permission Granted 29/08/2013
S/2013/0021/O	Replacement dwelling	Permission Granted 03/09/2013

Consultations

18. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Roads	No objection

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
LCCC Environmental Health	No objection
DfI Rivers Agency	No objection
DAERA Natural Environment Division (NED)	No objection
Historic Environment Division (HED): Historic Buildings	No objection
Historic Environment Division (HED): Historic Monuments	No objection

Representations

19. Fourteen letters of representation in opposition to the proposal have been received. The following issues were raised:
- Outside the development limit of Annahilt / Local Development Plan
 - Refusal or delay until the Lisburn Castlereagh 2032 Area Plan is adopted
 - Negative impact on the character of the area
 - Impact on natural heritage
 - Increased traffic and road infrastructure
 - Sewerage
 - Drainage/Flooding
 - Infrastructure
 - Impact on adjacent archaeological site
 - Lack of information
 - Land ownership

Local Development Plan

20. 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

21. 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.

22. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
23. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

24. In draft BMAP (2004) this site is also identified as being located in the open countryside. The Plan Strategy document states that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

25. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that: *The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.*
26. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment to sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

27. There are equivalent policies in the Plan Strategy of the Lisburn and Castlereagh City Council Plan 2032 to the regional policies described in LAP and draft BMAP.
28. This application is for ten houses 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.*

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

Development in the Countryside

30. The proposal is for the demolition of existing buildings (one dwelling associated outbuildings) with 10no. detached dwellings in the open countryside.
31. 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.

32. As explained this is an application for 10 dwellings in the open countryside. It does not engage policies COU2, COU3, COU4, COU6, COU7, COU8, COU9 and COU10. The application is not made by a registered housing association or the NIHE to meet an identified affordable housing need. The requirements of policy COU5 is also not engaged.
33. As the proposal does not fit within the categories of acceptable residential development it remains to be considered if there are any material consideration to weigh to support the proposal being treated as an exception to policy COU 1. The proposal is also to be considered against the general planning criteria of policies COU15 and COU16 of the Plan Strategy.

Integration and Design of Buildings in the Countryside

34. 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 be 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

35. 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.*

Natural Heritage

- 36. As existing buildings are being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.
- 37. 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.

38. 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

39. The proposal involves use of an upgraded existing access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

Flooding

40. The size of the site and scale of development proposed gives rise to consideration of drainage and flooding. 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 hardsurfacing 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

41. The site is located in the setting of a B1 listed building and has the potential to impact on below ground archaeological features.
42. Policy HE2 The Preservation of Archaeological remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance of 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 HE9 Development affecting the Setting of a Listed Building states:

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

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment

b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building

c) the nature of the use proposed respects the character of the setting of the building.

Regional Policy and Guidance

Regional Policy

44. 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.

45. 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.

46. 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.

47. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at.

Retained Regional Guidance

48. Whilst not policy, the following guidance document remains a material consideration:

Building on Tradition

49. Paragraph 1.3.0 states that this document will guide you towards high quality sustainable building practices and architectural design in the countryside.

50. 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*
- *Avoid 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).*

51. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

53. The application seeks the demolition of all structures on site and erection of 10 detached dwellings and associated site works.

Development in the Countryside

54. Policy COU1 Development in the Countryside makes provision for a range of acceptable types of residential development proposals, as set out in policies COU 2 to COU10. None of these policies are engaged.

55. No supporting information is presented other than an appeal history by the applicant to justify why the proposed development should be treated as an exception to policy.
56. In correspondence from the agent dated 22 December 2022, reference is made to appeal 2009/A0245 in the Commission grant planning permission for a proposal as an exception to policy as rounding off of the settlement limit.
57. The case is presented that this appeal is comparable to the proposed development in that the appeal site, like the application site, is flanked by development on two sides and is previously developed land.
58. In consideration of this appeal decision, it is noted that the proposal was for the erection of 12 terraced and semi-detached houses on lands adjoining the rear boundaries of 32, 33, 42 to 47 Ardgrange, Grangemore Park, Londonderry.
59. The appeal site is not considered to be directly comparable to the application site or indeed the proposal as the appeal site was small in scale with part of the site falling within the statutory development limit for the City. The appeal proposal saw a small extension to the edge of the development limit.
60. The decision of the Commission reported that the development limit at that time did not follow along any physical boundaries and taking the physical boundaries alongside other material factors it was considered that the appeal proposal would result in a logical rounding off of the settlement limit.
61. In comparison, with the exception of the access, this application site is wholly outside the Settlement Development Limit of Annahilt and would if approved lead to urban sprawl and mar the distinction between the countryside and the settlement development limit of Annahilt.
62. The requirements of policy COU1 are not met and this is not a rounding off opportunity as the site is not all previously developed land lying into the settlement limit with development adjacent on two boundaries. The scale of development is excessive and the settlement limit is drawn at this location to constrain development rather than promote it.

Policy COU15 - Integration and Design of Buildings in the Countryside

73. In terms of policy COU15, it is considered that the proposal would not be a prominent feature in the landscape due to the levels and its surrounding topography and landscape. Criteria (a) is capable of being met.
74. The proposal seeks to demolish all the existing buildings on the site and to replace them with 10 dwellings. The proposal would not be sited to cluster with an established group of buildings, in the countryside. The existing adjacent housing development are discounted as they are within a different policy context. Criteria (b) is not met.

75. It is considered that the proposal would blend with the landform and the existing boundary treatments and existing natural boundary features would provide a backdrop when viewed from public viewpoints. Criteria (c) and (d) are met.
76. It is considered that new landscaping would not be relied on to integrate the proposed new buildings into the landscape. Criteria (e) can be met.
77. The outline application seeks to establish the principle of development only and as such, no design details have been provided. That said, dwellings could be sited and designed to be appropriate to the site and its locality. Such detail would be further considered at reserved matters stage. Criteria (f) is capable of being met.
78. The nature and scale of ancillary works required to service 10 dwellings at this location are not likely to present any issues in relation to integration. Criteria (g) is capable of being met.

Policy COU16 - Rural Character and Other Criteria

79. In terms of policy COU16, it is considered that the proposal would not be unduly prominent in the landscape due to the levels and its surrounding topography and landscape. Criteria (a) is capable of being met.
80. The proposal would not be sited to cluster with an established group of buildings in the countryside. The existing adjacent housing development are discounted as they are within a different policy context. Criteria (b) is not met.
81. The proposal would not respect the traditional pattern of settlement exhibited in the area as the proposal is for 10 dwellings in the open countryside, in a rural area that is mainly characterised by single dwellings set in their own curtilage along the roadside and farm complexes set back along farm lanes. Criteria (c) is not met.
82. The proposal is adjacent to Annahilt with the western and southern boundaries having a common boundary with the settlement development limit. The site is not enclosed whilst it is previously developed it is not so intensively developed that it is part of the character of the settlement. The existing buildings do not lie into the settlement limit with development on two sides. Given the scale of development proposed if developed this would mar the distinction between the settlement limit of Annahilt and the surrounding countryside and result in urban sprawl. Criteria (d) is not met.
83. The proposal would result in urban sprawl by virtue of build-up of development which in turn has an adverse impact on the rural character of the area by reason of urban sprawl. Criteria (e) is not met.
84. It is considered that adequate separation distances can be provided between the proposed dwellings and neighbouring dwellings and as such, no issues of

concern would arise from the development as proposed in respect of neighbouring residential amenity. Criteria (f) is capable of being met.

85. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines nearby or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works would not harm the character of the area as they are already a feature of the landscape at this location.
86. In respect of criteria (i) for the reasons set out in the following paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Access and Transport

116. The proposed access is via the existing laneway to be upgraded for both vehicular and pedestrian use.
117. DfI Roads have been consulted and offer no objections subject to conditions in relation to the provision access arrangements and car parking at reserved matter stage.
118. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that a new access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the Plan Strategy are met in full.

Natural Heritage

119. The application site is not within or adjacent to any designated areas such as and there are no watercourses or streams within or adjacent to the site that would give rise to any natural heritage considerations.
120. The existing buildings on the site are proposed for demolition in order to accommodate the proposal.
121. A biodiversity checklist completed by Willow Environmental has been submitted for consideration which gave rise to the requirement for species survey. A bat roost potential survey and a bat survey was also completed by Willow Environmental and submitted for consideration.
122. Natural Environment Division have been consulted and advise that they have no Natural Heritage objections to the proposed development.
123. Taking the above into account, it is accepted that the proposal would not result in demonstrable harm being caused to any feature of natural heritage importance and as such the requirements of policies NH2 and NH5 are considered to be met.

Flooding

124. The proposal meets the threshold for a drainage assessment, and one has been submitted for consideration, completed by JKB Consulting Engineers.
125. DfI Rivers Agency have been consulted and have raised no objections to the proposal and provided one standard condition.
126. Based on the information submitted it is considered that the proposal would not cause or exacerbate flooding and that the proposal complies with the requirements of policy FLD3.

Historic Environment and Archaeology

127. The application site is within a buffer zone surrounding a ListedB1 Alms houses at 236-240 Ballynahinch Road, Annahilt.
128. HED Historic Buildings have been consulted on the proposal and advise that they consider the listed building is sufficiently removed from the application site and the setting will remain unaffected by the development.
129. The application site is also within a buffer zone surrounding an archaeological site and monument.
130. HED Historic Monuments have been consulted and advise that they have assessed the application on the basis of the information provided and is content that the proposal will not harm any features of the monument or any buried archaeological remains.
131. Based on the advice from HED and the information submitted it is considered that the proposal would not harm the historic environment or any sites of archaeological significance. The proposal is in accordance with and policies HE2 and HE9 of the Plan Strategy.

Consideration of Representations

132. Consideration of the issues raised by way of third party representation are set out below.

Outside the development limit of Annahilt / Local Development Plan

133. Concerns have been raised about the proposal being outside the development limit of Annahilt. The view is expressed that there is already land available within the Annahilt area to meet the housing need of the area until a new area plan is adopted. Objectors also states that there are no overriding reasons to support an extension of the development limit to accommodate the planning application. Consideration needs to be undertaken sympathetically and

carefully. The current plan is consistent with decisions taken by the Planning Appeals Commission.

134. It is agreed that the proposal is outside the settlement development limit of Annahilt and is within the countryside. The proposal is unacceptable in principle and does not comply with the policies in the Local Development Plan.

Refusal or delay until the Lisburn Castlereagh 2032 Area Plan is adopted

135. The view is expressed that the planning application should be refused, or at the very least, delayed until the Lisburn Castlereagh 2032 Area Plan is adopted.
136. A recommendation has been made and the determination of the application would not be held until both parts of the Local Development Plan is adopted in full. There is an established policy context against which this proposal can be assessed.

Negative impact on the character of the area

137. Concern has been raised about the impact of the proposal on the character of the area and its negative impact.
138. It is agreed that the proposal would have a negative impact on the rural character of the area and that the development would result in urban sprawl. The reasons for this are detailed above.

Impact on natural heritage

139. Concern is raised about the wilful destruction of trees, hedges and habitats within the application site. The view is expressed that this was for agricultural purposes and that are horrified to discover that the natural habitats have been sacrificed that in order that a building application could be made without hindrance.
140. It is acknowledged that there has been some recent changes to the site. Trees are cut back and hedgerow is removed. This was before the application was submitted and there is no history of the landscape features being protected. The impact of the proposal on the remaining natural heritage features has been assessed as part of this planning application.

Increased traffic and road infrastructure

141. The view is expressed that the homes in Glebe Manor would suffer through increased traffic passing existing houses. Also the view is expressed that the increase in traffic would increase the likelihood of an accident with pedestrians and cyclists particularly children. The view is expressed that there is a lack of information on transportation issues and that no visibility splays are shown on the plans.

142. On the basis of the information submitted, it is considered that a safe access to the proposed could be accommodated. DfI Roads have no objection to the proposal in terms of road safety or traffic impact. Officers have no reason to disagree with the advice of DfI Roads. The requirement for the access to be constructed to an adopted standard and for the visibility splays to be provided to the correct standard can be subject to condition.

Sewerage

143. Concern is raised that NI Water have not raised issues with existing capacity of Annahilt Sewerage system.
144. NI Water and Water Management Unit have raised no objections or concerns regarding sewerage.

Drainage/Flooding

145. Concern has been that there has been no drainage assessment to consider the impact of the development and concern is raised about the submitted drainage assessment. The view is expressed that policy FLD 5 is also of relevance given the nearby location of Lough Erne.
146. A drainage assessment has been submitted for consideration with the application. DfI Rivers Agency have been consulted on the proposal. They have reviewed the drainage assessment and have raised no objections and provided a standard condition to be placed on the decision if the proposal is approved. Rivers Agency confirm that policy FLD 5 is not relevant to this proposal.

Infrastructure

147. Concerns has been raised that local facilities and utilities may not be sufficient to support an increase in the number of residents without further investment.
148. DfI Rivers, NIW and DAERA have all been consulted as part of the application process and have raised no objections to the proposal. Officers have no reason to disagree with the advice of the relevant consultees.

Impact on adjacent archaeological site

149. Concern is raised about the impact of the proposal on an adjacent archaeological site.
150. Historic Environment Division have been consulted on the proposal and advise that on the basis of the information provided that no feature of built heritage is impacted. The reasons for this are set out above.

Lack of information

151. The view is expressed that whilst only seeking outline approval, they find that the application to be incomplete and invalid.
152. The application is valid and through the processing of the application additional information has been submitted to allow a complete assessment of the proposal.

Land ownership

153. The view is expressed that from the site location plan the access arrangement adjacent to no's 15 and 19 Glebe Manor appears to fall out with the applicants ownership.
154. It is the responsibility of the applicant/developer to ensure that they have ownership or control of all lands.

Conclusions

155. For the reasons outlined above, the proposal is contrary to policies COU1, COU15 and COU16 of the Plan Strategy.

Recommendations

156. It is recommended that planning permission is refused.

Refusal Reasons

157. The following refusal reasons are recommended:
- The proposal is contrary policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of residential development which is acceptable in principle in the countryside.
 - The proposal is contrary to policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.
 - The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings, it does not respect the traditional pattern of settlement exhibited in the area, if permitted would mar the distinction between the defined settlement limit of Annahilt and the surrounding countryside, result in urban sprawl and have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/0106/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0345/F
District Electoral Area	Downshire West
Proposal Description	Proposed new public access path from Lagan Towpath to Navigation House adjacent to Blaris Road, Lisburn
Location	Lands to rear of 148 Hillsborough Road, Lisburn and 2 Blaris Court and 5 Blaris Court, Lisburn. The site extends along the Lagan Towpath starting at the access point on Blaris Road and finishing on a line to the rear of Navigation House, 148 Hillsborough Road, Lisburn
Representations	None
Case Officer	Laura McCausland
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 Council is the applicant.
2. It is recommended that planning permission is approved as the proposal is in accordance with the requirements of policies is in accordance with policies HE1 and HE9 of the Plan Strategy.
3. The proposed complies with policy of TRA1 and TRA2 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points to provide better connectivity to surrounding land without creating any prejudice to road safety or significantly inconvenience the flow of vehicles.
4. The application is also considered to be in compliance with policies FLD1-5 in that the detail submitted demonstrates that it will not have a detrimental impact or any adverse flood or drainage issues.

5. The proposal complies with policy NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage.

Description of Site and Surroundings

Site Context

6. The application site is approximately 0.13 hectare in size, irregular in shape and located on part on Lagan Towpath immediately adjacent to and at the rear of Navigation House within the settlement limit of Lisburn.
7. The site encompasses an existing asphalt path and the adjacent grass verge and embankment. The eastern boundary is defined by tall mature planting, the northern boundary is undefined. The western is tree lined and the southern boundary is defined by a timber post and rail gate and fence. The topography is relatively flat across the site with land rising slightly in a northern to southerly direction.

Surrounding Context

8. The immediate area is predominantly residential in character, as the site lies within the settlement limits of Lisburn. The site is adjacent to Navigation House which is a Grade B Listed Building (HB19/08011).

Proposed Development

9. The application seeks full permission for a proposed new public access path from the Lagan Towpath to Navigation House.
10. The following supporting documents accompany the application:
 - Preliminary Ecological Assessment
 - Planning Supporting Statement Part A, B and C.
 - Bat Report
 - Design Assessment Statement
 - Application for Scheduled Monument Consent
 - Tree Impact Drawing
 - Landscape Plan

Relevant Planning History

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

Reference	Description	Status
S/2014/0655/F	Temporary change of use (3 years) from residential use to offices for the Lagan Canal Trust and provision of services for work on the nearby locks as well as the demolition of modern return and reinstatement of original openings.	Approved
S/2014/0670/LBC	temporary change of use (3 years) from residential use to offices for the Lagan Canal Trust and provision of services for work on the nearby locks as well as the demolition of modern return and reinstatement of original openings	Approved
LA05/2017/1299/LBC	The partial restoration of Navigation House, restoration and two storey extension to the stable block and construction of a single storey structure within the existing enclosed courtyard	Approved
LA05/2018/0507/F	The refurbishment and extension of the stable block to Navigation House to provide educational workshop & classroom space as well as the proposed construction of a new structure to cover the existing courtyard to provide lobby / flexible working space. The planning permission also included a proposed change of use to Navigation House to provide office accommodation with the provision of disabled parking.	Approved
LA05/2018/1209/LBC	The partial restoration of Navigation House, restoration and extension to the stable block and construction of a single storey structure within the existing enclosed courtyard.	Approved

Consultations

12. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
Natural Heritage	No Objection

Consultee	Response
Dfl River Agency	No Objection

Representations

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

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

16. In accordance with the transitional arrangements the existing designations in the LAP and draft BMAP remain material considerations.
17. The LAP identifies the application site as being located within the settlement limit of Lisburn.
18. In draft BMAP the site is located within the settlement limit of Lisburn an Area of Constraint on Mineral Development and within the Lagan Valley Regional Park.

19. This proposal links Navigation House to the Lagan towpath. Strategic Policy 02 states that in terms of improving health and wellbeing:

The Plan will support development proposals that contribute positively to the provision of quality open space; age-friendly environments; quality design; enhanced connectivity (physical and digital); integration between land use and transport; and green and blue infrastructure. Noise and air quality should also be taken into account when designing schemes, recognising their impact on health and well-being.

20. This proposal links an historic building to a scheduled monument and the Lagan Valley Regional Park. Strategic Policy 06 states that in terms of protecting and enhancing the environment:

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.

21. This proposal impacts on natural and built heritage features. Strategic Policy 19 states that in terms of protecting and enhancing natural heritage:

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

22. This proposal links a building to the pedestrian and cycle network. Strategic Policy 20 states that in terms of transport infrastructure:

The Plan will support development proposals that: a) provide or improve an integrated transport network servicing the needs of our community and future growth b) deliver sustainable patterns of development, including safe and accessible environments c) encourage a modal shift from private car dependency through integration of transport and land use d) facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.

23. Assessment of the proposed development against the relevant operational policies contained within Part 2 of the Plan Strategy are as follows.

Transport and Access

24. This is a new pedestrian link to the Lagan towpath. Policy TRA1 Creating an Accessible Environment states:

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 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)32 and a Design and Access Statement may also be required to accompanying development proposals

25. 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.

Historic Environment and Archaeology

26. This proposal impacts on a scheduled monument. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings states:

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

27. Navigation House is a listed building. Policy HE9 Development affecting the Setting of a Listed Building states:

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

- a) the detailed design respects the listed building in terms of scale, height, massing and alignment*
- b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building*
- c) the nature of the use proposed respects the character of the setting of the building.*

Natural Heritage

28. The works have the potential to impact on the natural environment. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

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

- 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.

Flooding

29. This is a large site and the proposed drainage must be designed to take account of any potential impact on flooding elsewhere.

30. 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.

31. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

33. Paragraph 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.

34. 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.

35. 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.

36. 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.
37. This application seeks to provide an Environmental Improvement Scheme including new public access path from Lagan Towpath to Navigation House which is deemed to be acceptable principle subject to all other material considerations.

Assessment

38. This application seeks to provide environmental improvements including the provision of new public access path from Lagan Towpath to Navigation House.
39. Navigation House is a Grade 2 Listed Building that is owned by Lisburn & Castlereagh City Council. The building is occupied by Stepping Stones a social enterprise, Lagan Navigation Trust and The Waterways Community.
40. Historically there were steps from the Navigation House site through a gate down to the tow path. Following the completion of the restoration works at Navigation House it was proposed to reopen access from the site to the Lagan tow path and to make the building which was designed to deliver innovative initiatives, social enterprise opportunities, health and wellbeing opportunities such as healthy eating and horticulture, keeping sight of the heritage surrounding Navigation House more accessible.
41. In addition, the recently installed car park at Blaris Road will promote use of green travel by pedestrians and cyclists who may utilise Navigation House by supplementing parking facilities off site and by offering the opportunity to walk/cycle to the site.
42. The path will be accessible during office hours. A secure gate and fence is used to secure the site and this will be closed off at night.
43. Detail provided on Landscaping Plan 03A denotes that the existing fence line that runs adjacent to the existing asphalt path is to be retained but augmented to meet the proposed ground level as indicated on the plan. As identified on the plan a portion of existing native trees are to be removed to accommodate proposed development and existing trees to be retained have been clearly identified.

44. The proposed works include a new asphalt path with concrete pin kerb to path edge 56.8 metres in length with a 1.8 metre high paladin fence with gate of material finish; double leaf powered coated galvanised gate is to be provided at the end of path the to create access to the rear boundary of Navigation House site as indicated on proposed boundary elevation drawing 04.
45. A 0.8 metre high brick retaining wall is constructed along the eastern boundary of the proposed path. Hedge planting has been provided to create a buffer between the path and the embankment as shown on Section A on drawing 03A.
46. Root protection fencing is to be constructed for the duration of the building works. The location will be agreed with the retained Arboricultural consultant prior to work commencing and will aim to preserve and protect the root systems of retained trees for the duration of the works.
47. Due to the nature of this site root protection fencing is required to allow for pedestrian movement. Protective barriers are to be erected prior to the commencement of site works including, soil stripping or movement, bringing onto the site materials, supplies or machinery as shown on drawing 05A.
48. The principle of the proposed development is considered to be acceptable in accordance with Strategic Policies 02, 06, 09 and 20 subject to all other planning and environmental considerations being met.

Historic Environment and Archaeology

49. The proposed development will run over and along the existing canal embankment within a scheduled area. A separate application for Scheduled Monument Consent [SMC] has been made by the applicant.
50. HED where consulted in respect of the application. In a response received on 08 December 2023, they advise that the application site is located within the scheduled area associated with the Lagan Navigation Canal, Reach 10 (DOW 009:500) and that this is a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.
51. Having regard to the advice received from HED Monuments Branch it is accepted that the requirements of policy HE1 of the Plan Strategy is met. The advice made reference to the need for SMC to be granted prior to any decision being issued.
52. The proposed development has the potential to impact on the setting of a listed building. Based on the advice received from HED listed buildings branch and in consideration of the policy requirement of HE9. The engineering works will adversely impact on the setting of the listed building as the alignment of the footpath takes account of the previous pedestrian link to the towpath and steps down through the levels to ensure the setting of the building is not impacted. Red brick is a suitable material to retain the embankment as this is a material currently used in the building. The fence and gate will have the largest impact

on the setting but the muted green colour blends the fence into the landscape in the backdrop. Criteria (a), (b) and (c) are met.

Natural Heritage

53. A Preliminary Ecological Appraisal and Assessment carried out by DRYAS Ecology in February 2023 is submitted in support of the application.
54. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works.
55. The purpose of the PEA was to:
 - Assess the ecological value of the site;
 - Identify any likely ecological factors which may act as a constraint to agricultural operations or any potential changes in land use;
 - Identify the presence/absence of invasive non-native plant species, particularly those listed in Schedule 9 of the Wildlife (NI) Order 1985 (as amended), such as Himalayan Balsam (*Impatiens glandulifera*), Japanese Knotweed (*Fallopia japonica*) and Giant Hogweed (*Heracleum mantegazzianum*).
 - Assess the need for further, specialist ecological surveys; and
 - Provide a series of recommendations which will improve the biodiversity value of the site alongside continued agricultural operations.
56. NIEA (NED) responded on 10 August 2023 acknowledging receipt of Bat Roost Activity Survey (BRAS) May 2023 which confirmed the absence of bat roosts within trees on the site and that on the basis of the information provided and provided no objection.
57. The proposed development is considered not to create significant adverse effects on habitats or species of ecological or nature conservation value and is unlikely to result in any cumulative impact upon the above when measured with other development within the vicinity.
58. The LCCC bio-diversity officer was consulted and offered no objection to the proposed development therefore it is deemed that the proposal will not result in the unacceptable adverse impact on priority habitats, species or features of natural importance.
59. The proposed development is considered to fully comply with Policy NH5 of the Plan Strategy in that the proposed development will not impact on or cause damage to any identified habitat, species or landscape feature.

Transport and Access

60. The proposed development is considered to provide a footpath through provision of dropped kerbs with removal of unnecessary obstruction to promote a friendly

accessible convenient movement that prioritises pedestrian movement and connection between surrounding land uses. The proposed development will enhance attractiveness and connectivity at this location whilst promoting green.

61. The proposed development is in accordance with policy TRA1 of the Plan Strategy.
62. DfI Roads have been consulted and offer no objection to the proposed development and as such, it is accepted that the development will not prejudice road safety or significantly inconvenience the flow and to be in accordance with TRA2 of the Plan Strategy.

Flooding

63. Given the proximity of the site to the River Lagan Rivers Agency were consulted. None of the relevant policy requirement apply however and the proposal is not considered against any of the FLD policies in Part 2 of the Plan Strategy.

Conclusions

64. For the reasons outlined this proposal links Navigation House to the Lagan towpath improves accessibility to a listed building which is used to promote health and wellbeing. It is in accordance with a number of strategic policies in Part 1 and TRA1, TRA2, HE1, HE9 and NH5, of Part 2 of the Plan Strategy.

Recommendation

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

Conditions

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

Reason: Time limit
 2. No retained tree shall be uprooted or have its roots damaged within the root protection area nor shall arboriculture work or tree surgery take place on any retained tree other than in accordance with the Tree Survey Report by Andrew Boe bearing Council published 20th April 2023, without the written consent of the Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998:2010.
Recommendations for Tree Work.

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

3. All trees and planting within the site shall be retained unless shown on the Tree Development Impact Drawing (published 17th May 2023) as being removed. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

4. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified on the Tree Development Impact Drawing (published 17th May 2023) and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

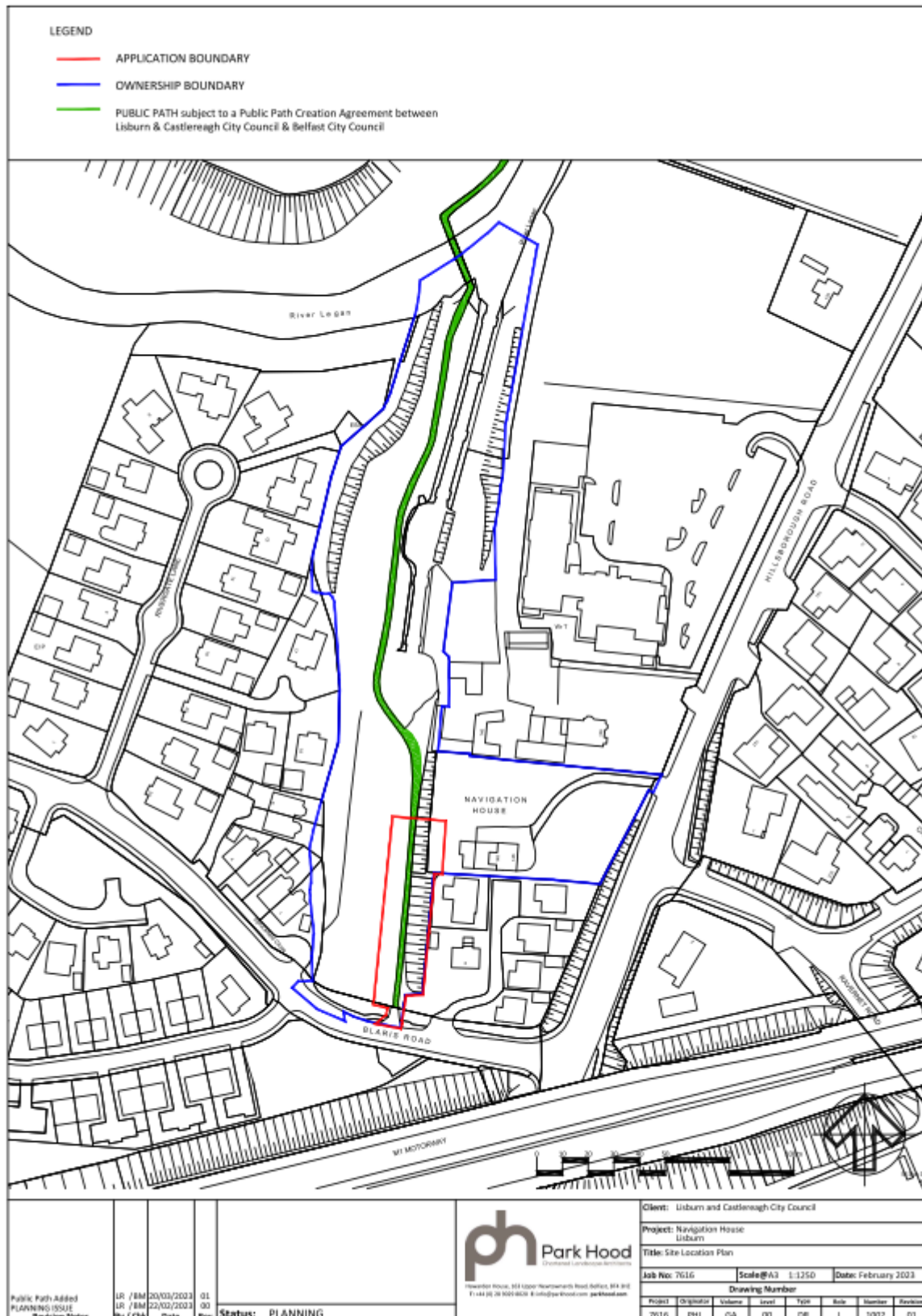
5. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA of existing trees to be retained.

6. Should any construction works be required by necessity within the Root Protection Area of any tree that is to be retained, works shall be carried out using hand dig methods of construction only.

Reason: To ensure damage is not caused to protected trees by the development hereby approved.

Site Location Plan – LA05/2023/0345/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0078/F
District Electoral Area	Downshire East
Proposal Description	Public realm scheme to resurface all bituminous public footways between the addresses provided on Ballynahinch Road, Annahilt. New roads kerbs to be laid, where applicable. Provision of a puffin crossing adjacent to Annahilt Primary School. Construction of two public use 'on street' contiguous parking bays adjacent to 255 Annahilt Road, Ballynahinch. Provision of new, council maintained, litter and dog foul bins.
Location	241 Ballynahinch Road (241-277), Annahilt, BT26 6NX
Representations	None
Case Officer	Kevin Maguire
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Scheme of Delegation as an exception as it is an application submitted by the Council.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of the Policy TRA1 of the Plan Strategy in that the detailed layout and design of the proposed public realm scheme will assist in creating an accessible environment.
3. The proposal is also considered to comply with Policy TRA8 in that provision is made for public transport, walking and cycling.

4. It also complies with Policy HE9 of the Plan Strategy in that the information submitted demonstrates that the development will not adversely affect the setting of a listed building.

Description of Site and Surroundings

Site Context

5. The application site approximately 0.6 kilometres in length extending through the village of Annahilt from Glebe Road and Magherconluce Road in the north-west to Kernaghan Park to the south.
6. site mainly follows the line of the carriageway and verge of the Ballynahinch Road and the adjoining footway which extends into a number of the side roads.
7. The topography of the site varies along its length however there is a more significant decline in level to the south-east of the junction with Rocklands. There is a layby for pickup/drop-off outside Annahilt Primary school along the southern side of the application site.
8. There are a variety of street signs and furniture located along and within the extent of the application site boundary, including directional signage, other warning signs, electricity poles, benches, flower containers, bins, telephone box, trees and other vegetation, telecommunication cabinets.

Surrounding Context

9. There is a mix of uses adjacent to and accessing on to the road where the environmental improvement works are proposed including residential, commercial and other community buildings including the Scout Hall and Annahilt Primary school.

Proposed Development

10. The proposed development comprises public realm works to resurface all bituminous public footways between the addresses provided on Ballynahinch Road, Annahilt. New roads kerbs to be laid, where applicable. Provision of a puffin crossing adjacent to Annahilt Primary School. Construction of two public use 'on street' contiguous parking bays adjacent to 255 Anahilt Road, Ballynahinch. Provision of new, council maintained, litter and dog foul bins.

Relevant Planning History

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

Reference	Description	Status
LA05/2021/0522/F	Residential development of 9 two storey dwellings with detached garages and associated works (Amended plans)	Ongoing
LA05/2023/0439/O	Site for a dwelling and garage with associated site works	Ongoing

12. The above referenced applications are only listed as they are current applications taken account of as potential developments that could alter the scope and nature of the environmental improvement works.

Consultations

13. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
Historic Environmental Division (HED)	No Objection

Representations

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

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 the determination of applications 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 Lisburn Area Plan and draft BMAP remain material considerations.
18. The LAP identifies the application site as being located inside the settlement limit of Annahilt. In draft BMAP the site is located within the settlement limit of Annahilt or within any other zoning or designation.
19. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy.
20. This proposal is to enhance the quality of the built environment in the village. 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.

21. 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.

22. Strategic Policy 18 - Protecting and Enhancing the Historic Environment and Archaeological Remains states that

the plan will support development proposals that:

- a) protect and enhance the Conservation Areas, Areas of Townscape Character and Areas of Village Character*
- b) protect, conserve and, where possible, enhance and restore our built heritage assets including our historic parks, gardens and demesnes, listed buildings, archaeological remains and areas of archaeological potential*
- c) promote the highest quality of design for any new development affecting our historic environment.*

23. The proposal includes works to the public road. Strategic Policy 20 – Transportation Infrastructure states that:

the plan will support development proposals that:

- a) provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) deliver sustainable patterns of development, including safe and accessible environments*
- c) encourage a modal shift from private car dependency through integration of transport and land use*
- d) facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move to towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

24. There are a number of other operation policies associated with Part 2 of the Plan Strategy that are relevant to this assessment.

Access and Transport

25. The application proposes a public realm scheme that includes the resurfacing of a number of footways along Ballynahinch Road in Annahilt, new road kerbs, provision of a puffin crossing and two public use parking bays. In addition further street furniture is proposed including litter and dog fouling bins.

26. 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.

27. Policy TRA 8 – Active Travel Networks and Infrastructure Provision states:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal. A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

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

28. The justification and amplification of the policy states that:

Active travel can help to mitigate and adapt to climate change, improve connectivity and promote more sustainable patterns of transport and travel that reduce the need for motorised transport. In accordance with the Strategic Planning Policy Statement (SPPS) the Council will, through its Local Development Plan encourage active travel networks, primarily focused on cycling and walking.

Proposals should also demonstrate safe and convenient access arrangements to the public transport network.

The Bicycle Strategy for Northern Ireland, published by the former Department of Regional Development in 2015, now the Department for Infrastructure, sets out how Northern Ireland can be transformed into a place where travelling by bicycle is a healthy, every day activity. It seeks to achieve this through the building of a comprehensive bicycle network, supporting those who choose to travel by bicycle and promoting it as an alternative mode of transport for everyday use.

Like walking, cycling is healthy, pollution free and makes relatively small demands on land. Walking and cycling have the potential to replace the car for short journeys and to form part of a longer journey when linked to onward travel by sustainable public transport.

This policy supports active travel by promoting the provision of safe, and convenient linkages to and from development proposals to wider sustainable transport networks.

Secure cycle parking should be available in town and district centres, employment sites, educational institutions and public transport interchanges, including Park and Ride and Park and Share sites.

Secure, weather protected parking will normally be required for employee cycle parking. Weather protection will also be required for visitor parking where space for cycles is provided or in cases where medium to long-term cycle parking is required, for instance at public transport interchanges.

Historic Environment and Archaeology

29. The proposed works have the potential to impact on identified sites of below ground archaeology. Policy HE2 – The Preservation of Archaeological Remains of Local Importance and their Settings 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.

30. The justification and amplification of the policy states that

the Council will consult with DfC and will consider a number of factors in assessing the local significance of archaeological sites and monuments. These factors should be viewed as indicators which contribute to a wider judgement based on the individual circumstances of a case and may include one or more of the following:

- *Appearance: distinctive features in the landscape/townscape or local landmarks*
- *Quality: well-preserved or extensive buried remains*
- *Folklore/historical interest: association with a person or event in local tradition or legend*
- *Group value: one of a number of locally important sites*
- *Rarity: a locally rare example.*

In cases where development proposals affect archaeological sites and monuments or their settings which are not of regional or local importance the Council will still have regard to the desirability of preserving such remains and their setting. Where it is decided that development may proceed this will be conditional on appropriate archaeological mitigation measures.

31. The proposed works are in the setting of a listed building. Policy HE9 - Development affecting the Setting of a Listed Building states that:

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.*

32. The justification and amplification of the policy states that

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

34. Paragraph 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.

35. 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

36. 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.

37. 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.

38. 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.

39. While the SPPS does not specifically reference policies relating to public realm or environmental improvement schemes it does include a number of statements which would generally refer to important elements of such schemes. Paragraph 3.5 states that it is:

important to successfully integrate transport and land use generally in order to improve connectivity and promote more sustainable patterns of transport and travel.

40. Paragraph 3.6 of the SPPS states:

When place-making, 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.

41. Paragraph 4.15 of the SPSS states:

Planning authorities should utilise development planning, regeneration and development management powers to contribute to the creation of an environment that: is accessible to all and enhances opportunities for shared communities; has a high standard of connectivity, and supports shared use of public realm.

42. Paragraph 4.26 of the SPSS states:

Design is an important material consideration in the assessment of all proposals and good design should be the aim of all those involved in the planning process and must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas, Areas of Townscape Character and Areas of Special Archaeological Interest.

43. Paragraph 4.33 of the SPSS states:

Successful place-making also acknowledges the need for quality, place specific, contextual design, whilst at the same time making responsible use of limited resources. Successful place-making promotes accessibility and inclusivity for all, acknowledges the importance of creating hospitable and safe places, and emphasises the contribution that vibrancy, adaptability, and diversity of use can make to the viability of place and how it will endure into the future.

44. Paragraph 4.34 of the SPSS states:

Key to successful place-making is the relationship between different buildings; the relationship between buildings and streets, squares, parks, waterways and other spaces; the nature and quality of the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity that are thereby established. The compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area, are important considerations.

45. Paragraph 4.36 of the SPSS states:

Planning authorities must also ensure that, where relevant, the planning process takes account of the 10 qualities of urban stewardship and design set out in the 'Living Places Urban Stewardship and Design Guide' for Northern Ireland, and planning guidance contained within 'Building on Tradition: a Sustainable Design Guide for the Northern Ireland Countryside'.

Retained Regional Guidance

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

[Living Places Urban Stewardship and Design Guide' for Northern Ireland](#)

47. The guide is structured around 10 qualities that are advocated for those involved in shaping our urban environment and include the following: Collaborative, Responsible, Hospitable, Crafted, Visionary, Contextual, Accessible, Vibrant and Diverse, Viable and Enduring.
48. Through this the guide provides a number of examples of when these qualities have been demonstrated through schemes that have engaged with the planning process. Some of these cases have involved the provision of public realm works which is being proposed as part of this application.
49. The guide does state that:

a renewal of the public realm of a street should be coordinated with upgrading of its underground utilities, thereby resulting in a single construction period without the need for multiple revisits.

Assessment

Access and Transport

Policy TRA1 - Creating an Accessible Environment

50. The application proposes a public realm scheme involving the resurfacing of footways along Ballynahinch Road in Annahilt, new road kerbs, provision of a puffin crossing and two public use parking bays.
51. With regards to Criterion a) of the policy it is contended that the proposals would enhance accessibility by providing dropped kerbs and tactile paving at crossing points and level surfaces along footpaths that are resurfaced. Whilst the proposal also incorporates additional street furniture it is not considered that this will lead to any obstructions for pedestrians and DfI Roads has offered no objection.
52. It is also contended that the proposed layout and surfaces of the scheme would be user friendly and provide for an unhindered approach to buildings. Criteria b) is met.
53. In relation to Criteria c) the proposed changes to the public realm provides a more pedestrian friendly environment for users and while it does not incorporate cycle lanes the improved surfacing will support cycling movements between spaces and places within the village.
54. It is noted that no provision is made for additional car/bus parking along this stretch of the Ballynahinch Road however provision is made for a parking bay along the front of Annahilt Primary school for drop-off/pick-up and this extends further to the northwest on the southern side of the carriageway to the Annahilt Residential Home with a yellow box to the front of its entrance to avoid parked vehicles blocking access. Criteria d) is met.

Policy TRA 8 – Active Travel Networks and Infrastructure Provision

55. As explained, application is for a public realm scheme which proposes improvements to existing footpaths and street furniture.
56. While there are no dedicated cycle lanes as the scale of the works and size and nature of the settlement does not support the requirement for dedicated cycle lanes. The general improvements to the carriageway and footpaths do however still promote walking and cycling within the village instead of using the car.
57. The inclusion of a puffin crossing at a point between the primary school and Annahilt Residential Home will also assist in creating a safer pedestrian environment. Criteria a) is met.
58. In terms of criterion b), the proposed finishes include tactile paving at controlled and uncontrolled crossing areas. The puffin crossing to be incorporated close to school entrance and is to be provided as per 'Traffic Signs Manual Traffic Control – Chapter 6. DfI Roads has offered no objection in principle and the detailed design of the crossing is subject to the normal licencing process outside of the planning application process.
59. The proposal is not part of a privately funded development and does not involve any buildings or businesses, therefore no cycle parking has been included as part of the scheme.
60. Furthermore, the proposal does not represent a major employment generating development and as such, shower and changing facilities are not required to be provided.

Historic Environment and Archaeology

HE2 – Preservation of Archaeological Remains of Local Importance and their settings

61. Despite the extensive length of this application site there are no known archaeological recorded sites within close proximity of the site.
62. On this basis, and due to its scale and nature, Historic Environment Division is content with the proposal subject to archaeological policy requirements. No further assessment was required.

HE9 - Development affecting the Setting of a Listed Building

63. The proposed site is adjacent to Annahilt Almshouses at 236-240 Ballynahinch Road and is a Grade B1 listed building.
64. Historic Environment Division [HED] advise that this building is a: *detached multi-bay single-storey former almshouses, built c.1835, on the west side of Ballynahinch Road, Annahilt. Restored by Hearth Housing Association in 1987, the former nine houses were renovated to form three*

dwellings. The careful restoration is evident from the wealth of external fabric such as natural slate to the roof, white-washed walls, original and good replacement sheeted timber doors and the original latticed iron windows. While the interiors have been largely reconfigured, the retention of the original vertically sheeted doors gives an authentic touch while providing modern accommodation, adding to the character and appeal of the composition on this prominent village site. The main block is enhanced by the boundary railings, walling and gates as well as the outhouses to the rear.

65. HED advise that the railings are an important part of this listing and are Protected. Further information was requested regarding levels, cross sections of the path in relation to the railings and the boundary of the Alms Houses with advice provided that these levels must not increase in front of the railings as this would have an adverse impact on the railings and the setting of the houses.
66. A method statement outlining how the railings will be protected during the works and how the resurfacing will be sympathetic to the future lifespan of the railings was requested.
67. Further information including amended drawings and supporting statement was submitted. The statement submitted in relation to concerns expressed by HED noted that Clanmil Housing Association owns the Alms Houses and is overseeing the railing replacement scheme which is anticipated that the railing project 'shall predate the commencement of the works associated with this planning application (public real scheme)'.
68. In addition, amended cross sections were submitted in support and the statement noted that the current back of footway levels are not to be altered through the footway resurfacing works.
69. The statement further advises that:

'the eventual contractor for scheme will be responsible for any construction method statements relating to protection of the railings and as planning is yet to be approved, the contractor for the scheme has not yet been selected

Furthermore, the contract signed must stipulate that the contractor must produce a site specific 'method statement' relating to the protection of the railings through the works.
70. HED subsequently acknowledged that the applicant has liaised with owners of the Alms houses as requested in their previous response which was subject to refurbishment under LA05/2022/0021/LBC which has since been determined as an approval.
71. Based on the most recent information submitted HED is therefore content with the proposals subject to conditions requiring that the existing kerb level and top of the pavement and not adversely alter the listed railings. Officers have no reason to disagree with the advice of the consultee and it is advised that the works will not impact adversely on the setting of the listed building. The requirement of policy HE9 are met in full.

72. A further condition is recommended requiring the contactor, when appointed, to provide a method statement outlining how the railings will be protected during the works and how the resurfacing will be sympathetic to the listed structure.

Conclusions

73. For the reasons outlined above this proposal is in accordance with the requirements of policies TRA1 and TRA8, and HE9 of the Plan Strategy.

Recommendation

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

Conditions

75. The following conditions are recommended:

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

Reason: Time limit

2. No development shall take place until drawings necessary to enable a determination to be made in accordance with Article 3 of the Private Streets (Northern Ireland) Order 1980 have been submitted to, and approved by, the Council.

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

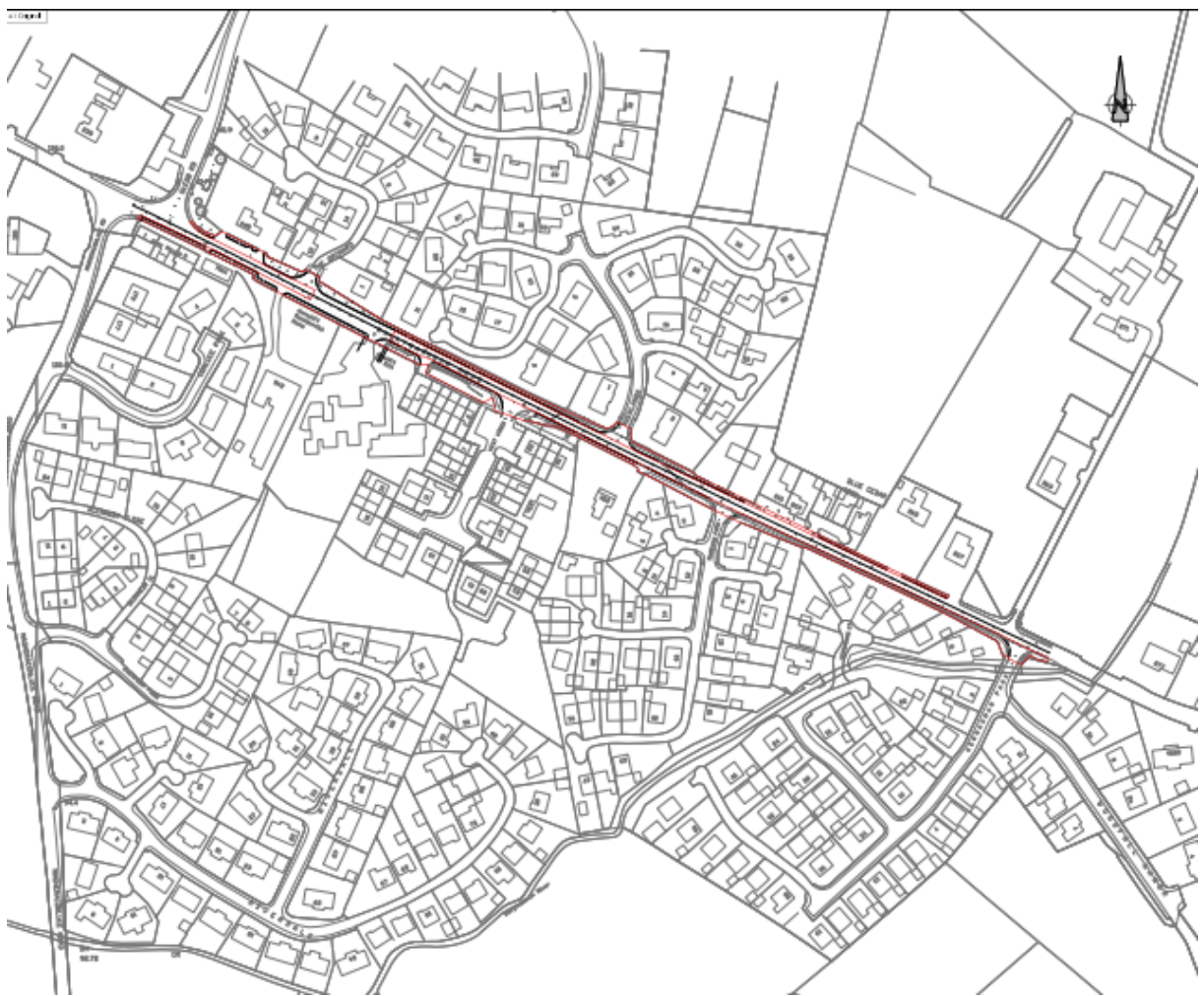
3. The existing kerb and level of the top of the pavement will remain and will not adversely affect the listed railings.

Reason: To ensure that setting of the adjacent listed railings is protected.

4. No development shall take place until a method statement has been submitted to and agreed in writing by the Council, outlining how the listed railings will be protected during the works and how the resurfacing will be sympathetic to the future lifespan of the railings.

Reason: To ensure that listed railings and their setting is protected during the construction of development the adjacent is protected.

Site Location Plan – LA05/2023/0078/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	08 January 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2022/1081/O
Date of Application	16 November 2022
District Electoral Area	Killtulagh
Proposal Description	Dwelling and garage
Location	Between 15 and 15a Crumlin Road, Upper Ballinderry
Representations	One
Case Officer	Richard McMullan
Recommendation	Refusal

Summary of Recommendation

1. This is a local application presented to 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 site is not a substantial and continuous built-up frontage; the site is not of sufficient size to accommodate two dwellings and the development would if permitted fail to respect the existing pattern of development in terms of plot size adding to a ribbon of development.
4. The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would if permitted fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area due to urban sprawl.

Description of Site and Surroundings

Site

5. The application site is located on the western side of the Crumlin Road between two existing properties at 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn.
6. The application site is 0.82 hectare. It comprises an access to 15a which transverses the site from west to east. Two stone pillars mark this access point.
7. Another new access is formed towards the northern side of the site which extends to the west connecting with another access that runs parallel to the Crumlin Road.
8. The eastern roadside boundary is undefined. The northern boundary adjacent to 15a Crumlin Road is defined in part by mature trees. The boundary to the south, is defined by a post and wire fence. The western boundary to the internal laneway is defined by hedgerow interspersed with trees.

Surroundings

9. The site is located within a rural location and the land is mainly in agricultural use. There is evidence of a local build-up of development with a number of detached dwellings located along the roadside and on lanes behind.

Proposed Development

10. The application seeks outline planning permission is sought for a dwelling and garage.

Planning History

11. The following planning history linked to the site is set out in the table below:

Reference	Description of Development	Location	Decision
LA05/2020/0231/O	Site for infill dwelling	Between 15 and 15a Crumlin Road Upper Ballinderry	Withdrawn
LA05/2022/0083/F	Section 54 application to vary	5c Crumlin Road	Under Consideration

Reference	Description of Development	Location	Decision
	Condition 02 of Planning Approval LA05/2017/1292/F	Ballinderry Upper Lisburn BT28 2JU	
LA05/2022/0085/F	Section 54 application for Variation of Condition 04 of planning application S/2004/1133/F. (amended proposal description)	15a Crumlin Road Ballinderry Upper Lisburn BT28 2JU	Under Consideration
LA05/2022/0090/F	Proposed new entrance to serve replacement dwelling	Land at 15a Crumlin Road Upper Ballinderry Lisburn	Approved

12. The applicant raises an issue of administrative fairness stating that the Council had committed to approve a dwelling at this location following withdrawal of application LA05/2020/0231/F. This issue is addressed later in the report.
13. Applications LA05/2022/0083/F, LA05/2022/0085/F and LA05/2022/0090/F are also a relevant material consideration as these applications were linked to the engagement with the applicant and his agent at the time the first application was withdrawn.

Consultations

14. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC EHO	No objection
NI Water	No objection
NIEA NED	No objection

Representations

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

Local Development Plan

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

Plan Strategy 2032

17. 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.

18. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

19. The site is located in the Green Belt in LAP and at page 49 it states:

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.

20. In draft BMAP (2004) this site was in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

21. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in A Planning Strategy for Rural Northern Ireland, except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

22. There are equivalent policies in the Plan Strategy to the regional policies described in LAP and draft BMAP.

23. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside 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.*

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

Development in the Countryside

25. This is an application for a single dwelling in the open countryside. 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.

26. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

27. Policy COU8 – Infill/Ribbon Development states:

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

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

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

28. The justification and amplification of Policy COU8 states:

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. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

Integration and Design of Buildings in the Countryside

29. 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

30. 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.*

Waste Management

31. 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

32. A new access is proposed to the public road and 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.

33. The justification and amplification states:

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

Natural Heritage

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

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

- 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.

35. The justification and amplification states:

Priority habitats and species may fall within and beyond designated sites. They include both European (as identified under Annex I and II of the Habitats Directive and Annex I of the Birds Directive) and/or Northern Ireland priority habitats and species, identified through the Northern Ireland Biodiversity Strategy (NIBS) (in pursuance of the statutory duties under the Wildlife and Natural Environment (NI) Act 2011.)

'Other' natural heritage features worthy of importance are most likely to include those located along green and blue infrastructure, trees and woodland which do not fall under the priority habitat or long-established woodland categories but are

in themselves important for local biodiversity. Certain other features which make a significant contribution to biodiversity may also be included.

To ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, the habitats, species and features mentioned above are material considerations in the determination of planning applications.

It is recommended that all development proposals be accompanied by a Biodiversity checklist, further details of which can be obtained at www.daera-ni.gov.uk.

Regional Policy and Guidance

36. 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.

37. 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

38. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development

39. 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.

40. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

Consideration of the Courts:

41. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.
42. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) *Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) *In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the*

strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.

- (iv) *Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
 - (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
 - (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement."*
43. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development. However the plan strategy contains new interpretation of relevant buildings that are important new considerations.

Retained Regional Guidance

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

Building on Tradition

45. Whilst not policy, and a guidance document, the SPPS states:
- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
 - *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*

- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
 - *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
 - *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*
46. It also notes that:
- 4.5.0 *There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.*
- 4.5.1 *As a general rule of thumb, gap sites within a continuous built-up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.*
47. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.
48. It includes infill principles with examples that have been considered as part of the assessment:
- *Follow the established grain of the neighbouring buildings.*
 - *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
 - *Design in scale and form with surrounding buildings*
 - *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
 - *Use a palette of materials that reflect the local area*
49. With regards to the provision of waste treatment facilities on the site, 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.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

51. As the Courts have noted in the Glassdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the regional policy in PPS21 CTY8 is restricted and that any infill application is an exception to the prohibition on ribbon development. The same approach applies to COU8, however COU8 contains a new and significant definition of the buildings to be taken into account.
52. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:
- 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. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.*
53. Officers are satisfied that the proposal does engage ribbon development. There are two dwellings either side of the application site, namely 15 and 15a Crumlin Road. The application site is located between these buildings.

54. The property at 15 Crumlin Road comprises a modest single storey roadside dwelling. This dwelling is set below the road. There are a number of other buildings within the curtilage of 15 Crumlin Road including:
- two single-storey agricultural buildings which extend into the site along the northern boundary;
 - A larger agricultural building to the rear; and
 - A domestic outbuilding to the southern side of the site access.
55. The property at 15a Crumlin Road comprises a one and a half storey dwelling with a double detached garage and a stone cladded porch projection. This dwelling is set back from the road by approximately 2 metres.
56. The buildings are visually linked when travelling along the Crumlin. This is sufficient to conclude that the proposal does engage ribbon development.

The issue of exception

57. The next step is to consider whether the proposal comes within the exception set out in the policy.
58. The first step is to consider whether there is a substantial and continuously built-up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
59. Whilst no concept plan is submitted in support of the application, a proposed site layout plan assists with the identification of the following buildings:
- A dwelling at 15a Crumlin Road
 - A dwelling at 15 Crumlin Road
60. The agricultural buildings by virtue of their orientation and location within the site to the rear are not counted as forming part of the substantial and continuously built-up frontage. The shed to the south is also discounted as being a domestic ancillary building.
61. For the reasons outlined, this first part of the policy test is not considered to be met.
62. Without prejudice to the view expressed above and in consideration of whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development pattern officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.
63. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.

64. In a previous application it was concluded that no gap existed as the site was on top of the access to a dwelling to the rear of 15 Crumlin Road and behind the access to 15a Crumlin Road.
65. The approval and implementation in part of application LA05/2022/0090/F creates a gap between the buildings at 15 and 15a Crumlin Road which is measured to be 44 metres.
66. The frontage width of 15 Crumlin Road measures 40 metres and the frontage of number 15a Crumlin Road 65 metres. The frontage width of the application site is 35 metres. This provides for an average road frontage of approximately 46 metres.
67. Having regard to these plot frontage measurements, the gap is not considered to be a small gap sufficient to accommodate two dwellings whilst respecting the established pattern of development.
68. Two sites would have widths of 17.5 metres. This is much smaller than the average frontage of 46 metres.
69. The policy also requires that the dwellings 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.
70. Using the site location map submitted with the application, the following plot sizes are measured:
 - 15 Crumlin Road has a plot area of 3052.4 metres squared
 - 15a Crumlin Road has a plot area of 1678.1 metres squared
 - The application site has a plot area of 2334.5 metres squared
71. The average plot size measures approximately 2355 metres squared. To provide for two dwellings, this plot would need to be subdivided into two resulting in a plot size of approximately 1177.5 metres squared.
72. This would be significantly less than the average plot size and not in keeping with the established pattern of development.
73. The Building on Tradition document is written with a different policy in mind and the guidance contained at 4.4.0 and 4.4.1 and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
74. That said, the general criteria at 4.5.0 and 4.5.1 still apply and for the reasons outlined above, the site is not a small gap capable of accommodating two dwellings whilst respecting the existing pattern of development.
75. Whilst it is noted that the application form is not amended to two dwellings regard is also given to a notional layout drawing submitted informally by the Agent on 22

August 2023 for two dwellings within the gap. This drawing does not address the concern expressed in relation to there not being a line of four or more buildings along the frontage nor are access arrangements explained.

76. Furthermore, the drawing simply presents a concept of three equal sized plots with no regard given to the characteristics of the actual plot associated with 15a currently – a plot that currently has a frontage of 65 metres and a plot size of 1678.1 metres squared is now presented as having a frontage of approximately 22 metres. No weight is attached to the drawing and the application is assessed on the basis of what is applied for which is a single dwelling.

Integration and Design of Buildings in the Countryside

77. Without prejudice to the view expressed that the proposed development is not an exception to Policy COU8, a dwelling of appropriate size and scale would also be a prominent feature within the local landscape given the absence of a back drop and the limited vegetation to roadside boundary when viewed from surrounding vantage points. Criteria (a) is not met.
78. Any dwelling would be able to be sited so as to cluster with the existing buildings to the north and south. Criteria (b) is capable of being met.
79. That said, there is no existing vegetation along the eastern boundary with the Crumlin Road and very limited existing vegetation along the southern boundary with 15 Crumlin Road and only partial existing vegetation along the boundary with 15a Crumlin Road. In addition, there are no natural features to provide a backdrop or help the development blend into the landform. Criteria (c) is not met.
80. The site also lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
81. With the exception of the western boundary and part of the boundary to the north, all other boundaries are not defined with any established natural boundaries and as such, the development if approved would rely on the use of new landscaping for integration.
82. For the reasons outlined, criteria (d) and (e) are not considered to be met.
83. As this application seeks outline approval only, no detailed design details have been provided for consideration apart from a proposed site layout. That said, it is accepted that a dwelling of an appropriate rural design could be presented at reserved matters stage. Criteria (f) is capable of being met.
84. Given the nature of the site it is considered that required ancillary works associated with the access and any other infrastructure above or below ground could be designed so as to integrate into the surroundings without harm to the rural character. Criteria (g) is capable of being met.

Rural Character and other criteria

85. For the reasons outlined above, a new building would be prominent in the landscape. Criteria (a) is not met.
86. For the reasons outlined within the context of policy COU8 a new dwelling would not respect the traditional pattern of settlement exhibited in the area. Criteria (c) is not met.
87. Whilst the proposal does not mar the distinction between a settlement and surrounding countryside, it does result in urban sprawl by adding to a ribbon of development which in turn has an adverse impact on the rural character of the area. Criteria (d) and (e) are not met.
88. In relation to criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity levels. This criteria is capable of being met.
89. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead 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.
90. In respect of criteria (i) for the reasons set out in the following paragraphs, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Access and Transport

91. Detail submitted with the application indicates that the proposal involves the use of an existing unaltered access to a public road for both pedestrians and vehicles to use. This relates to the new access approved within the context of planning application LA05/2022/0090/F.
92. DfI Roads have been consulted and offer no objections subject to conditions in relation to the provision of access arrangements and car parking at reserved matter stage.
93. Based upon a review of the information provided and the advice from statutory consultees, it is accepted that a new access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of policy TRA2 of the Plan Strategy are met in full.

Waste Management

94. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soak away and foul via septic tank. A treatment plant and soak away are shown to the rear of the site.
95. LCCC Environmental Health were consulted and offer no objection.
96. 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.
97. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soak-away designed to an appropriate standard. No flood risk is identified.
98. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of policy WM2 of the Plan Strategy are met in full.

NIE Infrastructure

99. The site layout drawing shows that an electric pole is to be relocated to the perimeter of the site.

The issue of administrative fairness

100. At a meeting with the applicant in respect of application LA05/2020/0231/O officers advised that that the application was going to be recommended for refusal as no gap existed at this part of the Crumlin Road as the site did not have frontage to the road.
101. The site where the dwelling was proposed was behind and partly on top of the access for an existing dwelling behind 15 Crumlin Road and the proposed access for 15a Crumlin Road not fully implemented in accordance with the condition attached to this permission. The drawings submitted with the application also showed works to construct a lane and an access not included as part of the application description and outside of the application site.
102. It was confirmed that no weight would be given in the decision making process to potential alternative means of access were no planning permission was granted to vary or not comply with the conditions of an earlier approval. This application did not seek to modify those permissions and no alternative means of access (following the grant of planning permission) had been constructed to justify this site having frontage to the Crumlin Road and being considered an exception to the infill policy.

103. The option to withdraw the application was one of number of options discussed and the advice offered must be considered in the context of a meeting that was arranged to explain the reasons why officers of the Council were recommending the application for refusal. It is acknowledged that the option to withdraw was made time limited to allow the officer to conclude her assessment. It was not binding on the applicant withdraw the application.
104. Officers did answer the question in the meeting that if a gap existed would the other requirements of policy be met. Without prejudice to any application process that might follow it was accepted there were sufficient buildings within the meaning of policy to demonstrate there was a substantial and continuous built up frontage and that if a house was propose in the gap seemed to be broadly consistent with the established pattern of development.
105. No advice was offered on how and when the applications should be submitted. Three applications followed to regularise the access arrangements and one of those applications (LA05/2022/0090/F) was approved in October 2022. This application was not delayed. The initial submission was not agreed to by DfI Roads and was subject to amendment. The other two applications are not decided but show the same access arrangements.
106. The application for the dwelling was not submitted until November 2022 approximately 12 months after the meeting in respect of application LA05/2020/0231/F took place. The advice offered two years ago is not binding on the Council and must be considered for what it is - advice offered to an applicant framed in the context of a discussion about a refusal of permission for an infill dwelling and the reasons offered as to why the proposed access arrangements could not be afforded weight in the decision-making process. It is not accepted that any administrative unfairness occurred.
107. As the application remains undecided and as the circumstances are changed in the intervening period the Council is required to determine this application on the basis of the policy that is now adopted.

Conclusion and Recommendation

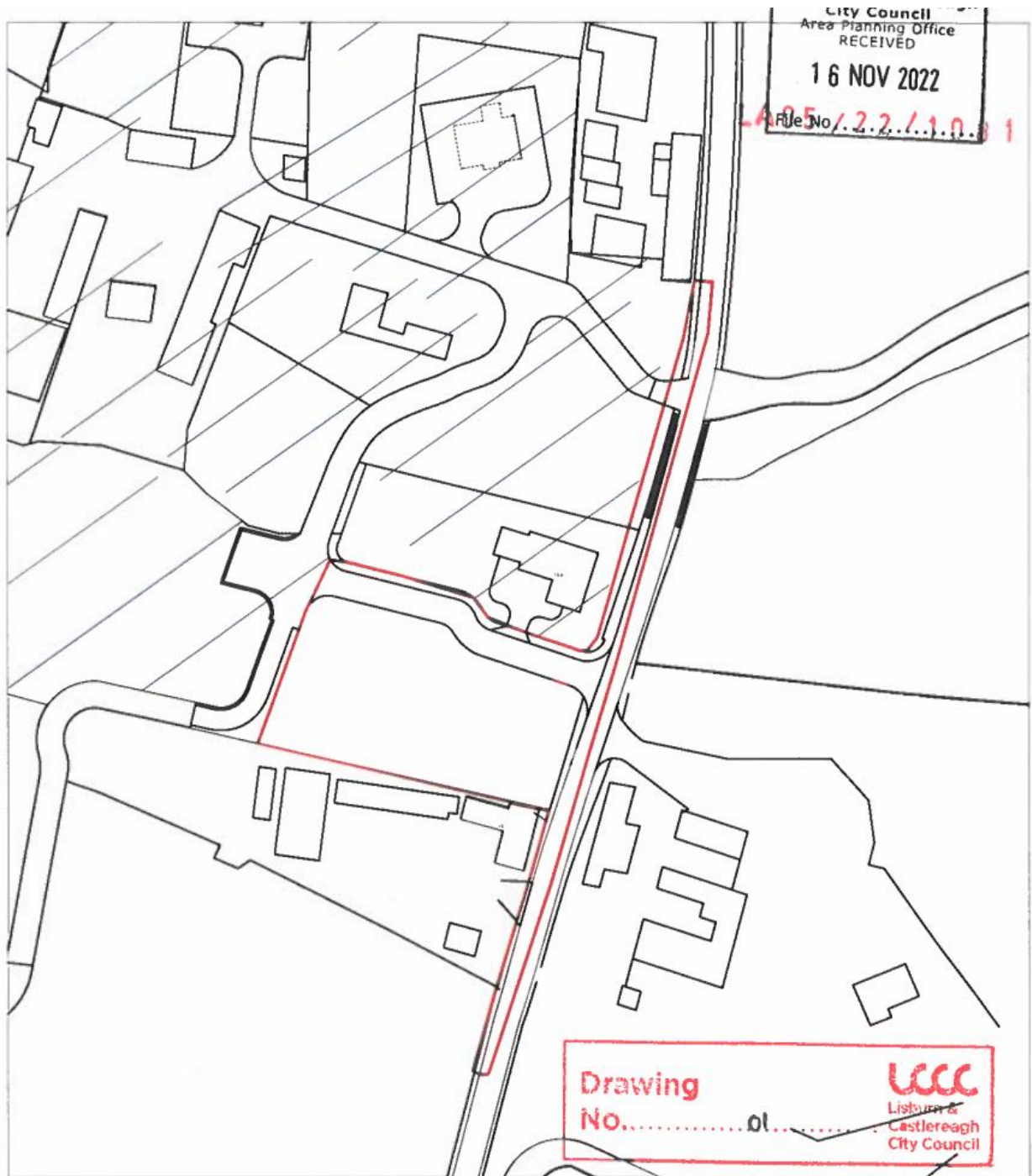
108. For the reasons outlined, the application is considered to be contrary to policies COU1, COU8 and COU16 of the Plan Strategy.

Refusal Reasons

109. The following reasons for refusal are proposed:
- 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 site is not a substantial and continuous built up frontage; the site is not of sufficient size to accommodate two dwellings and the development would if permitted fail to respect the existing pattern of development in terms of plot size adding to a ribbon of development.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development would if permitted fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area due to urban sprawl.

Site Location Plan – LA05/2021/1081/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	08 January 2024
Committee Interest	Local Application [Exception Applies]
Application Reference	LA05/2021/0099/F
Date of Application	25 January 2021
District Electoral Area	Castlereagh South
Proposal Description	Replacement dwelling, detached garage and retention of existing structure as store
Location	30 metres northwest of 730 Saintfield Road Carryduff BT8 8BY
Representations	One
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. The application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the recommendation to approve is subject to a Section 76 planning agreement.
2. The application is presented with a recommendation to approve as the proposal is considered to comply with the policies COU1 and COU3 of the Plan Strategy in that the proposal for an off-site replacement and retention of existing building as a store is considered to meet all the relevant policy tests.
3. In addition, it is considered that the proposal will also comply with policies COU15 and COU16 in that the development can be visually integrated into the surrounding landscape and it will not cause detrimental change to or further erode the rural character of the area.

Background

4. By decision notice dated 6 October 2021 planning permission was granted for a replacement dwelling and detached garage and retention of existing structure as a store at the abovementioned site.
5. A Pre-Action Protocol letter (“PAPL”) from Mr G. Duff indicating an intention to challenge the decision of the Council was received on 24 November 2021.
6. There were a number of planning grounds of challenge outlined in the PAPL, one of which related to the now withdrawn Planning Advice Note on the Implementation of Regional Policy for Development in the Countryside, issued on 2 August 2021 by the Department for Infrastructure.
7. Upon receipt of the PAPL the Council reviewed the decision and thereafter issued judicial review proceedings in the name of its Chief Executive on the 21 December 2021 to seek to have the decision quashed on the grounds that no weight was given to the PAN, which was a material consideration at the time the decision was made. A copy of those proceedings were served on Mr. Duff on the 22 December 2021.
8. Thereafter Mr. Duff issued judicial review proceedings on 5 January 2022 seeking to have the decision quashed on several planning grounds.
9. The decision of the Council to grant planning permission was subsequently quashed by Scofield J. on the application of the Chief Executive of the Council on the grounds that no weight was given to the PAN.
10. When quashing the decision, on the Council’s application, Scofield J stated as follows in his judgment (*Re Burns’ and Duff’s Applications* [2022] NIQB 10) at paragraph 9:

The Council has also indicated that, in the course of its reconsideration, it will take into account the points which have been raised by [name redacted] in his pre-action correspondence and/or in any proceedings he has issued challenging the permission and treat those as points which have been made by [name redacted] as an objector in the course of the planning process.
11. The issues raised in Mr. Duff’s PAPL and subsequent proceedings have been considered as part of the assessment of this application.
12. As noted above, the Planning Advice Note issued on 2nd August 2021 was withdrawn by the Department. That occurred on 15 October 2021. It is no longer required to be considered.

Description of Site and Surroundings

Site

13. The proposed site is comprised of part of an agricultural field immediately adjacent to and west of 730 Saintfield Road Carryduff and a building behind and to the north of the same address.
14. The two parts of the site are connected by a small sliver of land at the north western corner of an occupied dwelling at this address.
15. The building located in the part of the site behind 730 Saintfield Road is a single storey dwelling with intact white rendered walls on all four elevations and a slate pitched roof.
16. Windows are located on the front and rear of the dwelling on the ground floor and in the gable elevations at the first floor. There is a door opening in the front elevation of the building.
17. An internal inspection exhibited two rooms with chimney breasts evident on the gable walls internally. There was also an upper floor loft being used for storage.
18. The building sits adjacent to the private garden of the occupied dwelling and has no defined curtilage or separate boundary.
19. It is proposed to replace the building off-site into the agricultural field to the west of 730 Saintfield Road, Carryduff.
20. The northern and eastern boundaries of the agricultural field are comprised of hedgerow interspersed with trees. The other two boundaries are open. Access to this part of the site is from a private lane through an existing field gate set back approximately 400 metres from the Saintfield Road.

Surroundings

21. The surrounding area is rural in character and the lands are mainly in agricultural use.

Proposed Development

22. The proposal is for an off-site replacement dwelling and detached garage and the retention of the former dwelling as a store.

Relevant Planning History

23. The planning history associated with this site is set out in the table below:

Reference	Site Address	Proposal	Decision
LA05/2019/1156/O	30m North West of 730 Saintfield Road, Carryduff, Belfast BT8 8BY	Proposed new dwelling and retention of existing structure	Approved 27.05.2020
LA05/2016/0906/RM	30m North West of 730 Saintfield Road Carryduff	Proposed replacement dwelling house with retention of existing structure as an integrated garage and store	Withdrawn 22.02.2018
LA05/2016/0842/RM	Site adjacent to 730 Saintfield Road Killinure, Carryduff Belfast BT8 8BY	Farm dwelling garage/ store	Approved 31.08.2017
LA05/2016/0201/O	South East of 730 Saintfield Road Carryduff BT8 8BY	Replacement dwelling and garage	Withdrawn 04.08.2016
LA05/2016/0188/O	50m South East of 730 Saintfield Road Carryduff	Renewal of planning approval Y/2013/0066/O for a dwelling on a farm	Approved 26.04.2016
Y/2013/0270/O	Approximately 200m North of 736 Saintfield Road Carryduff	Site for a dwelling on a farm	Refused 28.07.2014
Y/2013/0182/O	30m North West of 730 Saintfield Road Carryduff	Replacement Dwelling with retention of existing structure (with alterations) as an outbuilding	Approved 21.01.2014
Y/2013/0066/O	50m South East of 730 Saintfield Road. Carryduff	Site for new dwelling on a farm	Approved 02.05.2013

24. As set out above, the principle of a replacement dwelling with retention of existing structure was confirmed with the grant of outline planning permission in May 2020 under application LA05/2019/1156/O.
25. The period for submission of an application for approval of reserved matters expired on 27 May 2023 and no such application was made.
26. The differences between the detail of the full application and the last outline grant of planning permission are:
 - the proposed building at 7 metres is 0.05 metres higher than the conditioned 6.95 metres which is made up of a 6.5 metre ridge height and 0.45 metres of under build; and
 - part of the proposed building is outside the pink shaded area that it was to be located within.
27. However, no weight is attached to the planning history now as the ability to apply for approval of reserved matters is lapsed. The matter is considered afresh.

Consultations

28. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
Environmental Health	No Objection
Water Management Unit	No objection
NI Water	No Objection

Representations

29. No representations were received in the processing of this application.
30. As indicated above, following the decision dated 06 October 2021, a PAPL was received from Mr. Duff and that was followed by proceedings seeking leave to apply for judicial review.
31. The planning issues raised by Mr Duff in those proceedings are engaged with and considered in this redetermination in a separate section below entitled "Consideration of Representations".

32. A late representation is received on 17 September 2023 from Mr Duff and then followed up with a second letter on 03 October 2023.

Planning Policy Context

Local Development Plan Context

33. 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

34. 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.

35. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
36. This site was located in the Belfast Urban Area Green Belt in the BUAP.
37. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt.
38. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed.

39. This is an application for a new house in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.

40. Strategic Policy 09 Housing in the Countryside 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.*

41. The new dwelling is proposed as replacement of an existing dwelling that is to be retained as a store. The proposed dwelling is to be located off-site and outside the existing curtilage.

42. 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.

43. As explained this is an application for a replacement dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16.

Replacement Dwellings

44. Policy COU3 – Replacement Dwellings states:

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and

as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.

In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.

Non-Listed Vernacular Buildings

The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.

In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.

Replacement of Non-Residential Buildings

Favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.

In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.

Integration and Design of Buildings in the Countryside

45. 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

46. 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.*

Waste Management

47. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

Development proposals to provide mains sewage Wastewater Treatment Works (WwTWs) will be permitted where it is demonstrated to the Council there is a need

for new or extended capacity requirements and the new facilities comply with the requirements of Policy WM1.

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

Access and Transport

48. The proposal involves the construction of a new access on a private lane. No alteration is required to the access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

49. The justification and amplification states:

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

Regional Policy and Guidance

Regional Policy

50. 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.

51. 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

52. This proposal is for replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states that:

provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.

53. 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

54. Whilst not policy, the following guidance document remains a material consideration:

Building on Tradition

55. Paragraph 5.1.3 of Building on Tradition states that:

Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape. Renewing development on these sites reinforces the historic rural settlement pattern.

56. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.

The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.

The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.

Use is made of recycled building materials in the new proposal.

57. 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).
58. 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.
59. With regards to waste water treatment, Building on Tradition [page 131] states that
- If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from*

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

Assessment

Replacement Dwelling

60. The first step of policy COU3 is to consider whether the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.
61. First, it is a single storey rectangular block of random stone and brick construction with rendered walls painted white and a slate pitched roof. All the external walls are substantially intact consistent with the policy minimum requirement.
62. Second, there are windows on the front and rear elevation of the building which are vertical in emphasis with sliding sash windows typical of a dwelling. This is considered to be an essential characteristic of a dwelling as opposed to an outbuilding. Additionally, the windows in the gable at first floor level are consistent with an upstairs bedroom and there is part of the original internal first floor and timber ceiling remaining intact.
63. Third, there is a door opening in the front elevation towards the middle of the wall. The position and dimensions of the opening are considered to be an essential characteristic of and consistent with a typical two-room dwelling.
64. Fourth, the chimney breasts are still obvious on both internal gable walls consistent with the layout of a two-room dwelling. This is an essential characteristic of a dwelling.
65. Regard has been had to the fact that the chimney was removed in or about August 2021. Whilst that does alter the external appearance of the building, it does not but do so to the extent that an understanding that the building exhibits the essential characteristics of a dwelling is lost.

66. Given the above analysis, including that all four external walls are substantially intact, there is a slate pitch roof, the pattern and type of fenestration and the position and dimensions of the door opening are typical of a domestic dwelling and the internal features including the chimney breasts and part of the first floor remain is all evidence that the building still exhibits the essential characteristics of a dwelling.
67. The first part of the policy test is met. It is stated that the retention and sympathetic refurbishment, with adaptation, if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement.
68. The justification and amplification of policy COU3 describes non-listed vernacular buildings as reflecting the folk tradition and a common building in a particular locality generally from before 1925.
69. The list of the characteristics from the 'Sense of Loss' report and remain a material consideration in assessing whether this dwelling was a vernacular building.
70. The building to be replaced is linear in plan and restricted to one room depth. The walls are random stone and considered sufficient to be load bearing as exhibited in the depth of the window reveals. The chimneys were located on the gable at the ridgeline before they were removed but two hearths and chimney breasts remain on the inside of the two gable walls. The door is on the long wall and the window openings were on the front and rear elevations. Most of the primary characteristics of a non-listed vernacular dwelling can be identified.
71. However, the window openings have symmetry and regularity in both the front and rear elevation. The height of the wall plate would also indicate a non-traditional roof form and there are no load bearing internal transverse walls or internal longitudinal walls. None of the secondary characteristics of a non-listed vernacular dwelling could be identified.
72. For these reasons this is not considered to be a dwelling of the folk tradition and is not a non-listed vernacular dwelling. There is no requirement to further consider this proposal against policies COU4 and HE13 for the reasons outlined above.
73. The next step is to consider whether the building has been replaced before and is not eligible for replacement for one of the stated reasons in the policy.
74. The earliest planning history linked to the dwelling proposed for replacement in this application is Y/2013/0066/O. This planning permission was never implemented as the subsequent application for approval of reserved matters was withdrawn.

75. The planning report for application Y/2013/0066/O is available on the planning portal. There is no record of any previous application for a replacement dwelling before July 2013.
76. An application submitted under application reference LA05/2019/1156/O to renew the Y/2013/0066/O planning permission was approved in May 2020. No application for approval of reserved matters was ever submitted. The period for submission of an application is now time expired.
77. There is no evidence to confirm that the dwelling had been replaced before, was subject to a demolition condition or immune from enforcement because a condition was not complied with. This building is eligible for replacement and this part of the policy test is met.
78. The next step is to consider the balance of the policy criteria that is applied in all replacement cases. In respect of each of the criteria listed:
79. With regard to criteria (a) the building being replaced is located adjacent to and approximately 10 metres to the rear of an existing dwelling at 730 Saintfield Road. The new dwelling is replaced outside of the curtilage of the existing building.
80. Curtilage is defined in the justification and amplification of the policy as the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.
81. In respect of the dwelling proposed for replacement the rear elevation of this building shares a common boundary with the dwelling at 730 Saintfield Road and has no curtilage to the rear. To the northern gable elevation the curtilage is defined by hedgerow and fencing approximately 3 metres from the edge of the building. To the northeast front elevation the he curtilage is so restricted by the other dwelling that it could not accommodate a modest sized dwelling. Is it not practicable to replace a dwelling at this location and the exception at criteria (a)(i) applies.
82. With regard to criteria (b), the new dwelling is larger in both scale and mass but not so large to have a significant visual impact. The building is set back from the lane behind a substantial hedgerow, grouped with other buildings and the hedgerow and trees in the backdrop provides enclosure. It will integrate into the landscape for these reasons. This criteria is met.
83. In relation to criteria (c), the design is discussed in detail below within the context of policy COU15, however in summary for the same reasons as outlined below the proposal is of high quality and appropriate to its rural setting.
84. The existing dwelling is retained as a store as part of the proposed development and is not eligible for replacement a second time. As the applicant is not in control of the building a Section 76 planning agreement is required to ensure this requirement of the policy is met.

85. The applicant has confirmed no objection to enter into this agreement and his solicitor has provided supporting evidence of the covenants attached to the sale of the land that will allow him to enter into the agreement.

Integration and Design of Buildings in the Countryside

86. A dwelling can be visually integrated into the surrounding landscape in accordance with the requirements of policy COU15 due to the distance of set back from the Saintfield Road and the backdrop and enclosure provided by the rising land to the north west and the hedgerow and trees on this boundary.
87. The ridge of the proposed dwelling is 6.9 metres above the existing ground level and the retained boundary vegetation and additional proposed landscaping will also ensure that the dwelling is not a prominent feature in the landscape. The requirements of criteria (a) is met.
88. The proposed dwelling is also sited to cluster with the existing buildings east of the site. The proposed garage is sited adjacent to the gable of the dwelling at 730 Saintfield Road and the proposed dwelling is designed in a I-shaped arrangement to be visually linked to the garage, the neighbouring dwelling and the former dwelling retained as a store.
89. It does not extend the built form into the open countryside by any significant degree and the existing topography (in terms of providing backdrop) and landscaping (in terms of providing enclosure on two sides) is used into integrate the buildings into the landscape. The reason for off-site replacement is addressed above and consideration and the general rules for replacement set out at paragraphs 5.2.0 to the 5.2.2 of the Building on Tradition document are followed in the design process to ensure visual integration. The requirement of criteria (b) is met.
90. Backdrop and enclosure is provided for by the rising land to the north west and the hedgerow and trees on this boundary. The finished floor level is set to take account of the sloping ground in the backdrop. The hedgerow and trees in the foreground and to the edge of the existing lane to the neighbouring dwellings breaks up the massing of the block in this view and assists in integrating the building into the landscape. The requirements of criteria (c) are met.
91. New landscaping is proposed mainly to define the curtilage for the new dwelling. All the established boundary vegetation to the larger field is not impacted by the proposal other than to create an entrance to the site and for a gap to be created to install the septic tank and soakaway. This landscaping is not relied on to integrate the building into the site and the requirements of criteria (d) and (e) are met.
92. The building is an appropriate size and scale for the site and arranged around a courtyard to break up the massing of the blocks. The dwelling is also oriented so the narrow gable elevation to the public view at the entrance to emphasise the simplicity of the vernacular design.

93. The design of the proposed new dwelling is of simple rural vernacular form with a two story linear block which comprises most of the cellular accommodation and a single storey double height projection which is an open plan living room and kitchen. The double height single storey projection is the modern living element of the design.
94. The linear plan has a single room and corridor depth taking its design reference from the building it is replacing. The finishes are appropriate and resonant of the existing building with smooth painted render to the walls and non-profiled black concrete tiles on the roof. There is a strong solid to void ratio between the walls and window opening also typical of the building that is being replaced. Account is taken of the guidance at paragraph 4.5.1 of Building on Tradition and the form of the new building is appropriate to its location in the open countryside.
95. It is considered that the use of simple rural vernacular form and a limited palette of materials and finishes is appropriate for the site and its locality and the new building will blend in with the existing landform, trees and landscaping features which provide a backdrop. The requirements of criteria (f) is met.
96. In terms of ancillary works an existing private lane is used. Forty metres distant from the private lane serving the other dwellings a field gate is removed and the entrance widened to facilitate access to the new dwelling. Approximately 5 metres of hedgerow is removed and the proposed lane to the dwelling runs parallel and to the inside of a retained hedgerow. The impact of the new access is confined to the immediate context of the site and the works are sensitively designed to have the least impact on integrating the proposed development into its surroundings.
97. No significant cut and fill operations are proposed that require the construction of retaining walls and the remainder of the ancillary works are fencing and below ground engineering works to install a septic tank and soakaway. None of these works will impact on the ability of the dwelling to be integrated into its surroundings. The requirements of criteria (g) are met.

Rural Character and Other Criteria

98. The proposed development is not considered to be unduly prominent in the landscape for the reasons outlined in the preceding paragraphs. Criteria (a) is met.
99. Views of the new building replaced off-site are limited to the immediate context and the development is sensitively designed to cluster with the existing buildings for the same reasons outlined above. Criteria (b) is met.
100. The development respects the pattern of development by grouping the buildings on the same private land set back from the public road. This is the closest location for the new building and this is reflected in the courtyard layout. The requirements of criteria (c) is met.

101. The site is not located close enough to the settlement of Carryduff to mar the distinction between the settlement and the open countryside. It does not result in a suburban style build-up of development given the distance of set back and the use of topography and existing landscape features to assist in integrating the buildings into the landscape. Criteria (d) is met.
102. The rural character of the area is not adversely impacted by the proposed development for all the reasons detailed in the preceding paragraphs. The site is not prominent, and the buildings are arranged to cluster with the existing buildings. This is not a suburban style build-up of development and the building is carefully designed to ensure it integrates into the landscape. Criteria (e) is met.
103. The buildings are arranged on the site, so the garage is between the proposed dwelling and the existing dwelling at 730 Saintfield Road. There is no window in the new building looking directly into the existing closest neighbouring dwelling that would result in a loss of amenity by reason of overlooking. Criteria (f) is met.
104. All of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created. The only ancillary works are to construct the driveway and this is designed to run adjacent to and behind an existing hedgerow. These ancillary works will not harm the rural character of the area. Criteria (g) and (h) are met.
105. No new access is created to the public road. The existing access is not considered to be substandard. The advice of DfI Roads was sought in terms of the access onto the private lane. It is designed to a suitable standard and will not lead to a road safety issue for other users of the lane. Criteria (i) is met.

Development Relying on Non-Mains Sewerage

106. The P1 form indicates that surface water will be disposed of via soakaways and that foul sewage will be disposed of via a sewage treatment plant and soakaway both of which are located to the northeast of the proposed buildings.
107. No existing pollution problem is identified at the site or on the surrounding lands. The advice offered from the Environmental Health Unit of the Council, NIEA Water Management Unit and NI Water is that they have no objection subject to the necessary consents being granted and that no pollution problem is created by the proposed development. No discharge of treated effluent is proposed to a watercourse.
108. Based on an assessment of the detail and the advice received, it is considered that the applicant has demonstrated that the proposal will not create or add to a pollution problem and that the scheme is in accordance with policy WM2.

109. A negative condition requiring the details of the proposed sewage treatment plant and its siting are to be agreed in writing with the Council before the dwelling is occupied.

Access and Transport

110. The proposal involves the use of an unaltered access onto the Saintfield Road which is a protected route. A replacement dwelling is a category of development which is allowed access onto a protected route using an existing access in policy TRA3. The requirements of criteria (b) of policy TRA2 are also met.
111. DfI Roads do not request any alterations or improvement to the access onto the Saintfield Road. From an inspection of the site the access is shared with a lay-by and has a good standard of visibility for approximately 200 metres in either direction.
112. DfI Roads has no objection to the access arrangement from the site onto the private lane. It is also observed from the site visit that the existing field gate is removed and the entrance widened to allow for improved visibility when entering and leaving the site and to address any road safety of traffic impact concerns that might arise with other users of the private lane.
113. Based on a review of the detail of the access arrangement and taking account of the advice from DfI Roads, it is considered that the application is in accordance with the requirements of criteria (a) of policy TRA2. The proposed access onto the private lane will not prejudice road safety or significantly inconvenience the flow of traffic.

Consideration of Representations

114. In a late representation dated 17 September 2023 Mr Duff raises an objection to the proposed development on the grounds that building being replaced is not in the ownership of the applicant and part of a different planning unit. He raises a P2 challenge.
115. In a further letter dated 03 October 2023 he states that the new dwelling and store must be part of the same planning unit to avoid abuse of policy COU3.
116. In correspondence with the applicant it is clarified that the dwelling being replaced is in the ownership of another party and evidence of this is provided by his solicitor. The P2 is updated to reflect this.
117. To ensure that no abuse of the policy occurs the recommendation of the application is subject to approval of a Section 76 planning agreement to ensure the works are carried out to the building to make it a store and that it is not eligible for replacement again,

118. He also sets out that the same concerns as set out in his earlier correspondence with the Council still apply. The new policies in the Plan Strategy are not engaged with in his objection.
119. Having assessed the proposal against the relevant policies and an assessment of the other third-party representation as part of the planning application process are considered below:

The new building has a visual impact greater than the existing and this is not in accordance with the Building on Tradition document

120. The proposal is in accordance with the guidance in Building on Tradition as the proposed dwelling when added to the group comprised of an existing large dwelling at 730 Saintfield Road, its sizable outbuildings and barns and a newly built farm dwelling it appears as part of the cluster and is not too big for the site or out of scale and proportion with the other buildings in the group. No harm is caused to the rural character of this part of the open countryside as a consequence of the proposed development.
121. As outlined earlier in the report the guidance set out in Building on Tradition deals with off-site replacement and states that:
- “circumstances may arise where there are good planning reasons for a replacement dwelling to depart from the site of the original dwelling.”*
122. Within this context of this proposal must meet the test of policy COU3 that the overall size of the new dwelling must not be significantly greater than the existing building.
123. As demonstrated above, consideration is given to the extent of the existing curtilage. It is so restricted that it could not reasonably accommodate a modest sized dwelling.
124. A site is proposed immediately adjacent to the existing building and the dwelling is carefully designed to ensure that it does not have a visual impact significantly greater than the existing building. The reasons why this part of the
125. In terms of design, guidance set out in Building on Tradition encourages good rural design in the form of long and low buildings; few add-ons such as dormers, bay windows or roof lights, vertical emphasis to gables, narrow plan and 35-55 degree roof pitch.
126. The design of the proposed dwelling as described above is of a relatively simple rural form with a long narrow main section and few add-ons. It is also without fussy fenestration. The gables are considered to have vertical emphasis and the plan is narrow consistent with design principles set out in Building on Tradition.

127. It is also considered that the proposed new dwelling will integrate with the existing group of rural buildings being only 33 metres from the former dwelling which is being replaced.
128. As detailed within the report all existing hedges and trees are to be retained with the exception of a small widening of the existing field gate access and a gap to facilitate the construction of the sewage treatment plant and soakaway. It is therefore considered that the new dwelling will integrate adequately into the surroundings.

The dwelling being replaced is a vernacular building worthy of retention

129. Mr Duff has provided maps dated 1920-21 and one dated 1972 which is stated to confirm the building is over 100 years old, of traditional style in vernacular materials and in apparent good repair, this building represents a part of our rural heritage that is worthy of retention. A link is then made between the dwelling's small size and how and why it came to be sited to the rear of the more modern dwelling at 730 Saintfield Road.
130. The existing building is assessed not to be a non-listed vernacular building for the reasons set out earlier in the report. It is not to be assessed against the requirements of policy COU4 and HE13.

The dwelling was replaced before

131. Mr Duff also asserts that the Council failed to show how it considered that the dwelling was replaced in the past:

“The Council proposed respondent failed to show how it has considered the possibility that the dwelling to be replaced has already been replaced in the past. Not considering this is a very serious neglect in its assessment and as the proposed Respondent Council did not consider this material consideration then the impugned decision is unlawful.”

132. Mr Duff has furnished a series of Ordnance Survey maps from 1920 onwards and Mr Duff concludes that:

‘at some stage the farm building section has been removed and the house now known as number 730 Saintfield Road was built to the front of the original old farm house. It is likely that this was a replacement dwelling as the old dwelling was crammed into a restricted site behind the new dwelling. That would not have been the layout if the farming family simply wanted a second house. That was the arrangement because number 730 was a replacement house and the best portion of the original building (the dwelling portion) was retained as a store.’

133. A check of the planning history does not return any record of a previous application for replacement. Mr Duff's assertion that the dwelling being replaced in this application is a store is at odds with observations from the site visit. The building has the characteristics of the dwelling.

134. The criteria of the policy are assessed and officers are satisfied that there is no evidence to support the assertion that the building is not replaced for a second time.

Integration and rural character

135. Mr Duff also states that:

“The proposal will occupy an elevated position at the end of a ribbon and read as a suburban style build up in the countryside and falls foul of CTY14, the SPPS and BOT.”

136. The new dwelling does not occupy an elevated position or create a suburban style build up of development for the reasons set out above and in consideration of the requirements of policy COU16.
137. As previously stated the proposed dwelling is also sited to cluster with the existing buildings east of the site. The proposed garage is sited adjacent to the gable of the dwelling at 730 Saintfield Road and the proposed dwelling is designed in a I-shaped arrangement to be visually linked to the garage, the neighbouring dwelling and the former dwelling retained as a store.
138. It does not extend the built form into the open countryside by any significant degree and the existing topography (in terms of providing backdrop) and landscaping (in terms of providing enclosure on two sides) is used to integrate the buildings into the landscape.
139. Backdrop and enclosure is provided by the rising land to the north west and the hedgerow and trees on this boundary. The finished floor level is set to take account of the sloping ground in the backdrop. The hedgerow and trees in the foreground and to the edge of the existing lane to the neighbouring dwellings breaks up the massing of the block in this view and assists in integrating the building into the landscape.
140. This is not a suburban style build up of development. The building is carefully designed to ensure it integrates into the landscape.

Fails to take account of the PAN

141. As stated earlier in the report, the Planning Advice Note issued by the Department for Infrastructure in August 2021 has been withdrawn and as such, it is not required to be considered.

Planning history

142. Mr. Duff further contended in his affidavit that the planning officer when reaching the impugned decision *“relied too heavily on the previous flawed decision LA05/2019/1156/O”*. His grounds for saying the previous decision were flawed overlap with those in contending that the later decision was flawed

and the response to those points can be found above. No weight is attached to the planning history the matter has been considered afresh.

Conclusions

143. The application is presented with a recommendation to approve as the proposal is considered to comply with the policies COU1 and COU3 of the Plan Strategy in that the proposal for an off-site replacement and retention of existing building as a store is considered to meet all the relevant policy tests.

144. In addition, it is considered that the proposal will also comply with policies COU15 and COU16 in that the development can be visually integrated into the surrounding landscape and it will not cause detrimental change to or further erode the rural character of the area.

Recommendations

145. It is recommended that planning permission be approved subject to a Section 76 planning agreement that requires:

- The new dwelling not be occupied until the building works required to render the building no longer capable of occupation.
- The building shall no longer be used or adapted for the purpose of human habitation and only used as a store.

Conditions

146. The following conditions are recommended:

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

Reason: Time Limit.

2. The dwelling shall not be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 02, bearing date stamp 25 January 2021 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.

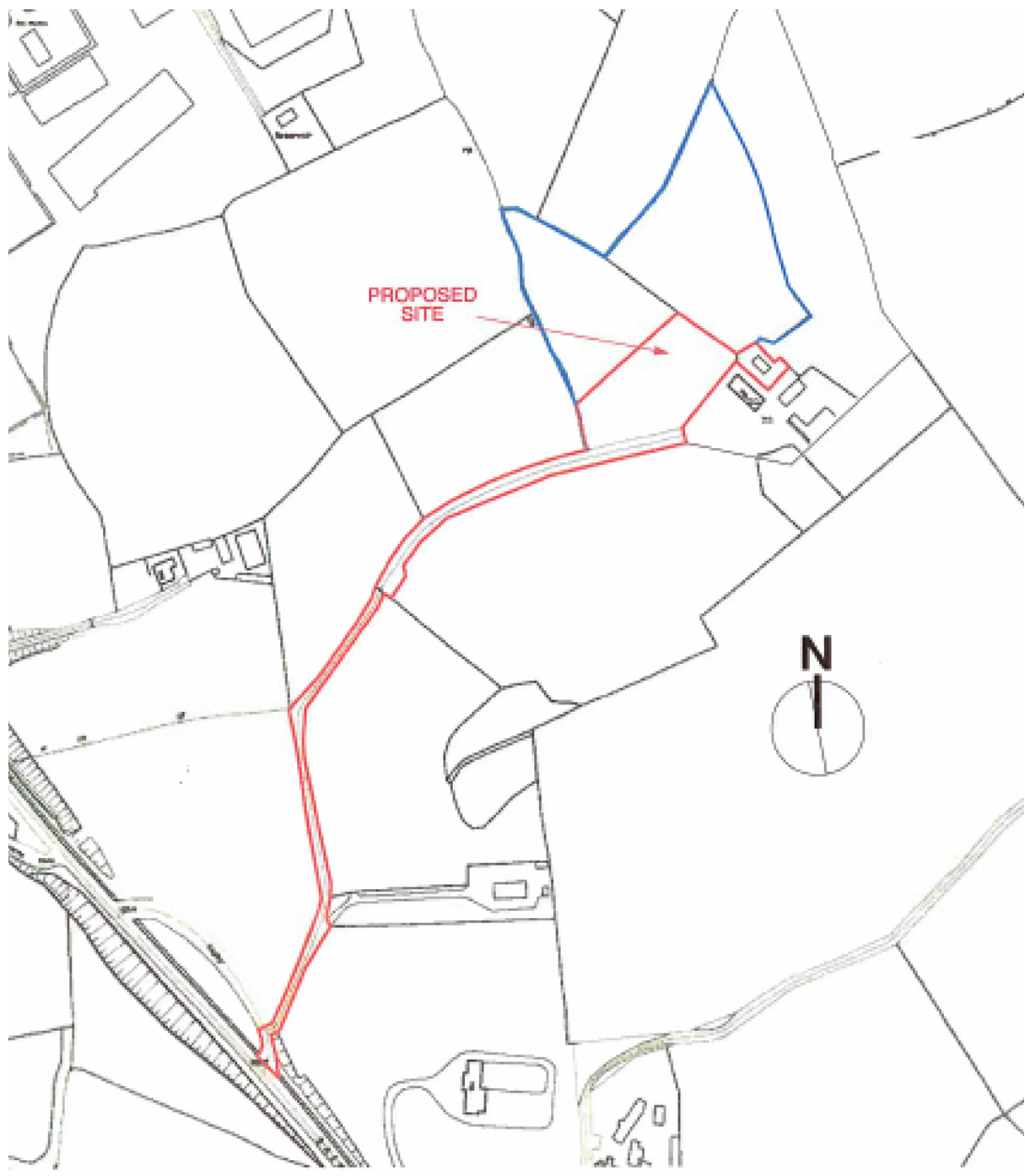
3. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

4. The landscaping of the site shall be undertaken in accordance with the details indicated on Drawing 02A bearing the Planning date stamp 19 August 2021 within the first planting season following the occupation of the dwelling. All planting shall be of a native species. Any trees, hedges and shrubs dying, diseased removed or seriously damaged within a period of 5 years from the date of first occupation of the dwelling shall be replaced the next planting season with specimen of the same type, unless the Planning Authority agrees otherwise in writing.

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

Site Location Plan – LA05/2021/0099/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	08 January 2024
Committee Interest	Local Application
Application Reference	LA05/2019/1062/F
Date of Application	17 October 2019
District Electoral Area	Killultagh
Proposal Description	Proposed demolition of existing dwelling (104) and erection of residential development comprised of 10 semi-detached dwellings (2 House Types - A&B), new access, car parking, landscaping and all associated site works.
Location	104 Pond Park Road, Lisburn
Representations	Thirty-Six
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 as a section 76 agreement is required to secure the delivery of affordable housing in accordance with policy HOU10 of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy).
2. The proposal is also considered against the requirements of policies HOU1, HOU3 and HOU4 and of Part 2: Operational Policies of the Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area.
3. 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.

4. Furthermore, the 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.
5. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that it has been demonstrated that the applicant has confirmed that 20% of the total units will be affordable houses.
6. The proposal complies with policy NH5 of the Plan Strategy in that it is demonstrated that the development is not likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.
7. 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 footways and pedestrian paths.
8. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. 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.
9. The proposal is 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. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
10. The proposed development complies with policy tests set out in policies FLD 1 and FLD 3 of the Plan Strategy in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste water treatment works to services the development.

Description of Site and Surroundings

Site

11. The site is comprised of the buildings and curtilage of a residential dwelling at 104 Pond Park Road. The dwelling is a large two storey, detached, red brick

building with a hipped roof two storey at one end and a single storey pitched roof at the other end.

12. There are two vehicular accesses to the north-west and south-east of the western boundary.
13. The driveway extends into the site from the road and wraps around the eastern side of the dwelling to a yard between the northern and eastern boundary.
14. The yard area to the north and north east of the site consists of a flat, hard cored area on which there is a small portacabin, a shipping container, vehicles and building materials.
15. The balance of the lands within the site are mature gardens. These gardens are mostly grassed, with vegetation growing throughout. There are also mature trees located within the garden and along some of the boundaries, notably the southern and western boundaries where they range in height from 8 to 15 metres. The eastern boundary consists of a 2 metre close board fence, as does part of the northern boundary, with the remainder consisting of a 2.5 metres wall.

Surroundings

16. The site is surrounded by housing on all sides, with higher density housing to the rear of the site at Linen Green and lower density development opposite along the Pond Park Road.

Proposed Development

17. The application is for full planning permission for the proposed demolition of existing dwelling (104) and erection of a residential development comprised of 10 semi-detached dwellings (2 house types - A&B), new access, car parking, landscaping and all associated site works.
18. The following documents are submitted in support of the application:
 - Design and Access Statement
 - Biodiversity Checklist
 - Preliminary Bat Roost Assessment
 - Bat Report
 - Drainage Assessment

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2006/0709/O	10 dwellings with integral garages	104 Pond Park Road, Lisburn,	Permission Granted 08 March 2003

Consultations

20. 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

Representations

21. Thirty-six letters of representation have been submitted in opposition to the proposal. The following issues are raised.

- Access needed to car port on adjacent property
- Loss of sunlight
- Loss of privacy
- Traffic congestion/noise/safety
- Border treatment
- Effects on wildlife, removal of trees,
- Density/overdevelopment
- Insufficient parking
- Apartments are inappropriate
- Site access
- Sewer capacity
- Overlooking

- Effect on property values
- Boundary line dispute
- Development to front of building line
- Increased water run-off/flood risk
- Requirements of LD4 are not met
- TPO trees
- Rear boundary hedge should not be interfered with
- All trees in site should be protected
- Noise and nuisance of development
- Neighbour notification
- Sunshine reduced to solar panels
- Community consultation
- Inaccurate plans
- Growth of proposed trees
- Removal of electric pole
- Effects on foundations of tree removal
- Debris from trees

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 LAP and draft BMAP remain material considerations.
25. Within the Lisburn Area Plan (2001), the subject site is located within the settlement development limits of Lisburn.
26. In draft BMAP, the site also lies within the settlement limits of Lisburn City.
27. In both plans, the site is located on white lands. The strategic policy for development inside settlement is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

28. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places further states that:

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

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

29. Strategic Policy 05 – Good Design and Positive Place Making states that:

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

30. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

31. Strategic Policy 07 – Section 76 Agreements states that:

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

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

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

32. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

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

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

Housing in Settlements

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

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

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

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

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

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

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

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

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

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

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

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

37. The Justification and Amplification states that :

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

38. It also states that:

Accessible Accommodation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41. The Justification and Amplification states that:

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

42. The glossary at 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 is a relatively large mature site, with a dwelling on it, the potential impact on the natural environment is considered.
44. Policy NH2 – Species Protected by Law

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.

Access and Transport

46. The P1 Form indicates that access arrangements for this development involve the construction of a new access to a public road for both pedestrian and vehicular use.
47. As a new access is proposed onto Pond Park 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, there 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. 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

51. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.

52. 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.

53. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

54. 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.

55. 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.

56. 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

57. 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.

58. 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.

59. 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.

60. 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

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

Creating Places

62. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.

63. 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.

64. 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.

65. 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

66. 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

67. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed development of this site for the demolition of existing dwelling (104) and erection of residential development consisting of 10 semi-detached dwellings (2 House Types), new access, car parking, landscaping and all associated site works as last amended.

Housing in Settlements

Policy HOU 1 – New Residential Development

68. This application is for 10 residential units within the settlement limit of Lisburn City. The site associated with the application is a brown field site located on white land. The application therefore complies with two of the criterion in Policy HOU1, namely criteria (b) and (c) and as such, the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

69. The application site consists of a large, detached two storey dwelling. It is set within a relatively large plot between Pond Park Road East and the Derriagh Road. The surrounding area is characterised with a mixture of house types including bungalows, two and two and a half storey detached and semi-detached located within developments and also along this section of the Pond Park Road.
70. Car parking is mainly in curtilage with private driveways evident to the front and side of the majority of properties.
71. This proposal is for the demolition of the existing property at 104 Pond Park Road and for the erection 10 semi-detached dwellings in its place.
72. The proposed dwellings are all two storey in height, all with a ridge height of 8 metres. An elevational drawing provided with the application provides an outline of the dwellings to the rear of the site in Linen Green (noted as terraced development). These dwellings are two and a half storey with a ridge height of approximately 10 metres, and thus are shown to sit above the ridges of the dwellings proposed.
73. Having regard to this context, the proposed development will not appear incongruous within its surrounds but is instead reflective of the development within the immediate context of the site.
74. Furthermore and 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. Car parking is shown to be in curtilage.
75. 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 dwellings, landscaped and hard surfaced areas.
76. With regard to criteria (b), no archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development.

Policy HOU4 - Design in New Residential Development

77. The layout as shown on the proposed drawing [02/7] published to the Planning Portal on 04 December 2023 demonstrates that there are two different house types proposed, though it is noted that the main difference between them are slight elevational changes to the front in terms of fenestration and upper floor front projections. The internal layout for both house types are the same.

78. House type A consists of a pair of handed dwellings that are located on either end of the terrace and in the middle, with 6 dwellings in total having this house type. It comprises a living room and kitchen/dining/family area at ground floor. There is also a ground floor WC. At first floor there are three bedrooms, one with en-suite and a larger family bathroom.
79. The front elevation of this house type has a small projection from the living room and larger bedroom 01 above. This projection has a small pitched roof extending from the eaves. The windows in this projection consist of a pair of elongated, conjoined windows in both the living room and bedroom. There are windows shown at ground floor level on the gable of the WC, on both House Types A1 and A6, at either end of the block.
80. House types B, are similar to house type A, consisting of a pair of handed dwellings. They have the same internal layout as house type A. The front elevation differs in that the small projection is at ground floor only, and does not extend to the bedroom above. This projection has a flat roof. In terms of the fenestration, the windows on the bedroom to the front at the first floor, are also different in that they are not conjoined, but rather two separate elongated windows. The rear elevations are the same in both house types. There are 4 dwellings of this house type, sandwiched between the house type A pairs, with none on the gables.
81. Both house types benefit from the same finishes, having concrete interlocking roof tiles; brickwork to the front elevation, smooth sand/cement render painted to the side and rear elevations; white uPVC windows and rainwater goods to be seamless aluminium black.
82. The dwellings are arranged in pairs, forming five pairs of semi-detached dwellings, however the house type B dwellings are set slightly back from the main building line to create a staggered effect. All the dwellings have a ridge height of 8 metres from FFL to ridge.
83. The layout is not dissimilar to the plans approved under the previous application, S/2009/0709/O, as above. This outline application was approved for 10 dwellings. Considerable detail was provided at this outline stage, with the layout plan showing a terrace of 10 dwellings, set in approximately the same position as the current application. No elevations were stamped approved with this application, however the plans do show floor plans indicating that the dwellings were two and a half storey as they had an integrated garage at ground floor level, and a further two storeys of accommodation above (a similar house type now seen in the development to the rear at Linen Green).
84. Whilst it noted that this application has expired having been approved in March 2007, and no subsequent Reserved Matters application was made, the similarity of the layout in this application and also the dwellings to the rear in Linen Green is acknowledged.

85. There is no definitive building line along this side of the Pond Park Road, however all the buildings within the context of the site are positioned at a somewhat similar distance from the road within their own plots. The positioning of the proposed dwellings is no different, whereby although they are set back slightly further in the site, they are not set back so significantly as to be at odds with the development on either side.
86. The detail associated with this layout show a new access is to be created at the mid-point of the western boundary. From this there is a small drive leading to an area of hardstanding to the front the dwellings, all of which are front facing onto the road. This is a shared drive, off which there is assigned parking to the front of each dwelling, sufficient to allow for the parking of two vehicles. There are no gardens proposed to the front of the dwellings with all amenity provision located to the rear in private gardens.
87. The detail of the proposed layout demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings to the sides and rear of the site so as not to have an adverse impact on residential amenity. The distances from the rear elevation of the proposed dwellings to the common boundary at the rear of Linen Green varies from a minimum of 9.3m to a maximum of 10.5 metres. Equally the dwelling at 106 Pond Park Road to the north is separated from the nearest proposed dwelling by 4.7 metres and to the south, the boundary to the rear of the dwelling of 1 Linen Mews is separated from the closest proposed dwelling by 7.2 metres.
88. These separation distances are considered to be acceptable in line with guidance stipulated in the Department's Creating Places document.
89. 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.
90. The proposed house types are considered to have a modern design which complements the surrounding built form, the variation of material finishes of brick and smooth render adds to streetscape. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
91. For the reasons outlined above, criteria (a), (e) and (f) are considered to be met.
92. With regard to criteria (b) detail submitted with the application demonstrates that the provision of private amenity space varies from 60 sqm to approximately 160sqm. Both dwellings at the end of the proposed development, House Types A1 and A6, have private amenity provision of approximately 94sqm and 160sqm respectively. The remaining dwellings have amenity provision between 65sqm to 78sqm, with the exception of House Type B1 which has 60sqm.

93. As an average, 79 sqm is provided across the site which is in excess of the standards contained with Creating Places for a medium density housing development made up of three and four bedroom dwellings. It is also noted that there is a communal area of open space to the front of the dwellings, between the shared drive and the road.
94. The site layout indicates that a new 1.8 metre close board fence is to be erected along the rear boundary and along part of the northern and southern boundaries. The remaining boundaries consist of an existing wall and vegetation and trees. There is a new boundary wall proposed to be located along the front boundary.
95. 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.
96. 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.
97. The internal road layout provides for safe and convenient access through the site and the provision of tactile paving crossing points will also serve to meet the needs of mobility impaired persons. A proposed speed platform is to be provided at the access point, which will allow for speed control measures to ensure road safety standards are met. 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.
98. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
99. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles.
100. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy as modified. 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.

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

101. The design of the buildings draws upon the characteristics of 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.
102. 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.
103. In consideration of the above, the proposal complies with Policy HOU8.

Policy HOU10 – Affordable housing in settlement

104. Correspondence has been submitted by the agent stating that the house designs included within this application would fall within the affordable housing bracket being relatively small 3 bedroom dwellings that are arranged in a semi-detached layout.
105. The applicant/agent has confirmed that the policy test associated with HOU10 will be met with at least two units made available. A section 76 Planning Agreement will however be required to secure the delivery of these units consistent with policy.

Access and Transport

106. Detail associated with the P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use.
107. Detail associated with the application shows that the vehicular access and internal road layout has been designed to an adoptable standard in accordance with the Private Streets Determination drawing.
108. 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 traffic calming measures.
109. 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 new access for 10 dwellings 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.

110. The proposal is also considered to comply with the SPPS and TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for in-curtilage car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Natural Heritage

111. A biodiversity checklist has been submitted in support of the application along with an Ecological Statement and Preliminary Bat Roost Assessment. The ecologist considered potential impacts on priority species and habitats as a result of the proposed development and found there to be no priority habitats present within the application site. There also was no evidence of protected/priority species found within or surrounding the application site, however vegetation on site had the potential to support breeding/nesting birds.
112. Following consultation with NED, they confirmed that they were content that impacts on priority or protected habitats were not considered likely. A condition has been provided restricting vegetation removal outside of the bird breeding season in order to avoid any significant impact on breeding/nesting birds.
113. They also stated that the preliminary bat roost assessment was carried out on the existing dwelling to be demolished, as well as on other various structures and trees on site. All buildings, structures and trees assessed for bat roosting potential were found to have negligible potential.
114. Furthermore, the retention of natural boundaries where possible and the provision fences and walls will not detract from the character of the area, the quality of the landscape, heritage and wildlife. Additional soft landscaping is also proposed along the rear boundary and intermittently throughout the remainder of the site.
115. 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.

Flooding and Drainage

116. Following consultation with DFf Rivers, it was confirmed that there are no watercourses which are designated under the terms of the Drainage

within this site. A Drainage Assessment was however required as the proposal consists of residential development comprising of 10 or more dwelling units in accordance with the requirements of Policy FLD3.

117. A Drainage Assessment was submitted and sent to DFI Roads for comment.
118. With regard to Policy FLD 3, DfI Rivers accepts its logic and has no reason to disagree with its conclusions. They provided a condition for a final Drainage Assessment to be submitted prior to the commencement of any of the proposed development on site to safeguard against flood risk to the development and elsewhere.

Consideration of Representations

119. Consideration of the issues raised by way of third party representation are set out in the paragraphs below:

Direct impact on adjacent property at No. 106 Pond Park Road – maintenance access to a car port is required via No. 104. – the position of the new buildings will inhibit this access and create health and safety hazard

120. The plans show the closest dwelling is 3.6 metres away from this common boundary. This leaves sufficient for any maintenance to be carried out. However, any access to this property from the site cannot be agreed through the processing of this application as it is a civil matter dealt with outside of the planning process.

Loss of sunlight from 3 storey dwelling, particularly in the late afternoons and evenings

121. The scheme has been assessed against the provisions of Policy HOU4 and guidance contained within Creating Places. The proposed dwellings are two storey and most of the separation distances exceed the minimum standards stipulated. Four dwellings just under this 10 metres separation distance outlined in the guidance, being just 0.7 metre short of this. Within the overall scheme this slight shortfall is deemed acceptable as it is minimal, and the 10 metres is noted as being guidance. No adverse impact on the amenity of neighbouring residents by virtue of loss light will be created as the separation distances are acceptable.

Loss of privacy – dwellings built 10m from boundary fence. Negative impact on the row of townhouses (Nos. 36-46 Linen Green) adjacent to the development. The properties should be brought forward towards Pond Park Road to increase separation distances

122. The scheme has been assessed against the provisions of Policy HOU4 and guidance contained within Creating Places. The separation distances have been deemed acceptable, with four units just minimally below the 10 metre as stipulated in guidance. Therefore, no adverse impact on the amenity of neighbouring residents by virtue of loss of privacy created by overlooking will be created.

Traffic congestion – the amount of traffic using Upper Pond Park Rd especially in the morning is getting severe and adding more properties will make it worse. Generate more traffic – cars go past too fast as if - speed bumps should be considered. No traffic impact report. Lack of safe crossing points at Boomers Way - the additional traffic will exacerbate this. A set of pedestrian lights need to be installed. There is a 50mph speed limit already – this is unsafe for the proposed volume of traffic associated with the new housing development. Traffic noise is already severe. Child welfare as a result of increased traffic.

123. DFI Roads were engaged in extensive consultation throughout the processing of this application and no objection is offered.

What kind of border fencing is planned.

124. A 1.8 metre high close boarded timber fence is proposed along the rear boundary and extending partly around the northern and southern boundaries to the sides.

Wildlife – removal of mature trees and hedging on site will have an adverse effect of the habitat of the wildlife that use the trees – significant impact on squirrels and bat. Impact on bats habitat. Risk of wind damage from the loss of trees. Risks to frogs, newts and foxes.

125. A biodiversity checklist, an Ecological Statement and Preliminary Bat Roost Assessment were all submitted with the application and sent for consultation with NIEA NED. They found there to be no concerns relating to natural heritage interests on the basis of the information provided.

Density - 12 units on site is inappropriate esp in consideration of the nature of the houses directly opposite – detached properties. The application is in excess of the previous plans submitted in 2006 for this site. Overdevelopment of the site.

126. The proposal has been reduced to 10 units throughout the processing of the application. The site size is 0.35ha and having assessed the proposal against the relevant policy provisions, it has been found that 10 units on this site meets all the required standards without resulting in the overdevelopment of the site.

Parking spaces – there is not enough parking spaces on the site resulting in an overspill around the development and possibly on the main road

127. Two in curtilage parking spaces are provided for each dwelling within the application, and 4 visitor spaces. DfI Roads have found the parking provision acceptable and in line with current standards

House types – apartments blocks are out of keeping with the nature of the rest of the properties along the Pond Park Road which are predominantly detached or semi-detached. Apartment blocks are out of character and contradict PPS7

128. The application has been amended from apartments to 10 dwelling units, resulting in no apartments as part of these proposals.

The entrance is opposite my house – potential for accidents

129. DfI Roads have assessed all parts of the applications, including the access and have found it to be acceptable and in accordance with their standards.

Sewage – is sewer capacity sufficient

130. NIW were consulted with the application and in their response they stated that there was available capacity at the nearest Waste Water Treatment Works. No issues are identified on the network connecting the site to the treatment works.

The apartments are close to our back fence - Overlooking from the apartments and blocking a pleasant view – negative impact on the property values.

131. The proposal has been amended and no longer contains apartments. The proposal complies with the relevant policy and most units are in excess of the distance set out in the guidance in terms of separation distance, with those below falling just slightly under the 10 metres. While the consideration of a view and property values are material considerations in the assessment of an application, they are not given determining weight.

Dispute between boundary lines of adjacent dwelling

132. This issue was raised with the agent who has stated that they have not seen any evidence to substantiate this claim. Land ownership issues are outside the remit of the Planning Unit. The applicant must be in control of all the lands required to carry out the development.

Further pressure on the broadband capacity in the area

133. The broadband capacity in an area is not a planning consideration and is not a criterion to be considered in any assessment.

House type C is built in front of the current and established building line

134. Following the submission of amended plans, House Type C has been removed from the proposals, with no built development ahead of any perceived building line.

Water run off and flood risk - the site is at a greater elevation to the Linen Green properties and replacing the grounds with concrete and tarmac would cause increased water run off into gardens which currently have drainage issues.

135. DfI Rivers and NIW were both consulted with the proposals and both found to have no concerns in this regard.

The proposal doesn't meet the requirements of zoning LD 4 of the LAP including the provision of adequate open space, landscaping, and internal groups of trees of appropriate species to break up the housing mass and reduce the visual impact.

136. The application site does not fall within Zoning LD4 of the LAP.

Several trees have TPOs in the area.

137. The tree officer has been consulted with the application and have provided advice accordingly with regard to the Root Protection Areas.

The red line includes a neighbouring hedge to the rear of their boundary – this hedge has been fenced off as a wildlife zone and it should not be interfered with nor give the impression that the hedge belongs to them.

138. This issue was raised with the agent who has stated that they have not seen any evidence to substantiate this claim. Land ownership issues area outside the remit of the Planning Unit. The applicant must be in control of all the lands required to carry out the development.

The trees within the site should be protected as other trees in the site are.

139. NIEA NED have been consulted on the application and have no objection to the removal of trees to facilitate the development as per the details outlined in the Ecological Statement.

Noise and nuisance cause by the development - it would take a considerable time to build

140. Noise created during the development phase of the project is anticipated but not considered to be an enduring impact of significant material weight.

Not Neighbour Notified at No. 64 Linen Green

141. The neighbouring properties directing abutting the red line of the proposed development were notified of the proposal in line with legislative requirements. . They were also re-notified throughout the processing of the application when further information/amendments were received.
142. Furthermore, the application was advertised in the Belfast Telegraph on 25th October 2019. It is therefore considered that the neighbour notification carried out was in line with statutory legislative requirements. Due process in relation to notification has been adhered to. The dwelling at No. 64 Linen Green does not abut the red line of the proposed development. However this address was notified on receipt of amended plans on the 14th March 2023 and again on the 4th December 2023.

The apartment blocks would block sunshine to solar panels, and reduce the incentive for further properties to install solar panels.

143. The proposal no longer includes apartment development.

No consultation or discussion with neighbouring properties in the local community prior to submitting the application

144. The application is a local application and the applicant is not required to formally engage in Pre-Application Community consultation.

Dimensions on drawing No. 15/1 date stamped 26th May 2021 are meaningless. Request for amended plans to show the line of the section from this drawing to resolve concerns regarding a boundary hedge being included in the red line A slope shown on the section does not exist. Sections need to be accurate showing site levels on both sides of the boundary and height difference on each side of the boundary.

145. An amended plan showing sections was received on the 27th November 2023 (drawing No. 15/3) and re-neighbour notified accordingly.

Wild cherry tree to be planted in the back garden can grow 18-25m tall and will overhang our property. I have well established fruit trees which would be adversely affected should larger trees be planted adjacent to them.

146. The maintenance of planting falls to the landowner and the management of the landscaping scheme is controlled by planning condition.

The removal of the existing electric pole will create problems with no electric supply, potential digging of property that is not wanted and potential overhead cable being moved to go straight across the front of our property

147. The removal of any of the associated infrastructure as above should be reported to the appropriate related authority. Planning permission is generally not need for digging to occur at a residential property.

Trees that are marked out will eventually cause structural issues by cracking the founds of our existing wall and the trees may overhang the property.

148. Any damage caused to another property by the removal of trees cannot be dealt with through the planning process. It is a civil matter beyond the scope of this application process.

Debris from trees causing additional maintenance

149. Any debris arising from the planting of trees should be managed in accordance with landscape management plan and maintenance schedule.

A new fence is to be erected with further planting in the south eastern boundary of the site.

150. The site layout indicates that there will be a new 1.8m closed boarded timber fence erected along the rear boundary, part of the south-eastern boundary and part of the northern boundary. The plans also show planting of trees along these areas.

Conclusions

151. For the reasons outlined above, the proposal development of this land for 10 dwellings is considered to comply with t policies HOU1, HOU3, HOU4 and HOU10 of the Plan Strategy for the reasons detailed above.
152. The requirements of policies NH 2, NH 5, TRA1, TRA2 TRA7, FLD1 and FLD3 of the Plan Strategy are also considered and the proposal is also in accordance with those policies.

Recommendations

153. The application is presented with a recommendation to approve subject to the Section 76 planning agreement require the developer to provide two of the proposed units as affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

154. 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 vehicular accesses, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing [insert number] bearing the date [insert date], prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- The access gradient 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 or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

- 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. 12B, bearing the DFI determination date stamp 26th June 2023.

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

- No dwelling shall not be occupied until hard surfaced areas have been constructed in accordance with approved drawing [insert number], bearing the date stamp [insert date] 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.

- 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.

- No dwelling(s) 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 / the development).

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

- All hard and soft landscape works shall be carried out in accordance with Drawing 02/7 bearing the Council date stamped 27th November 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.

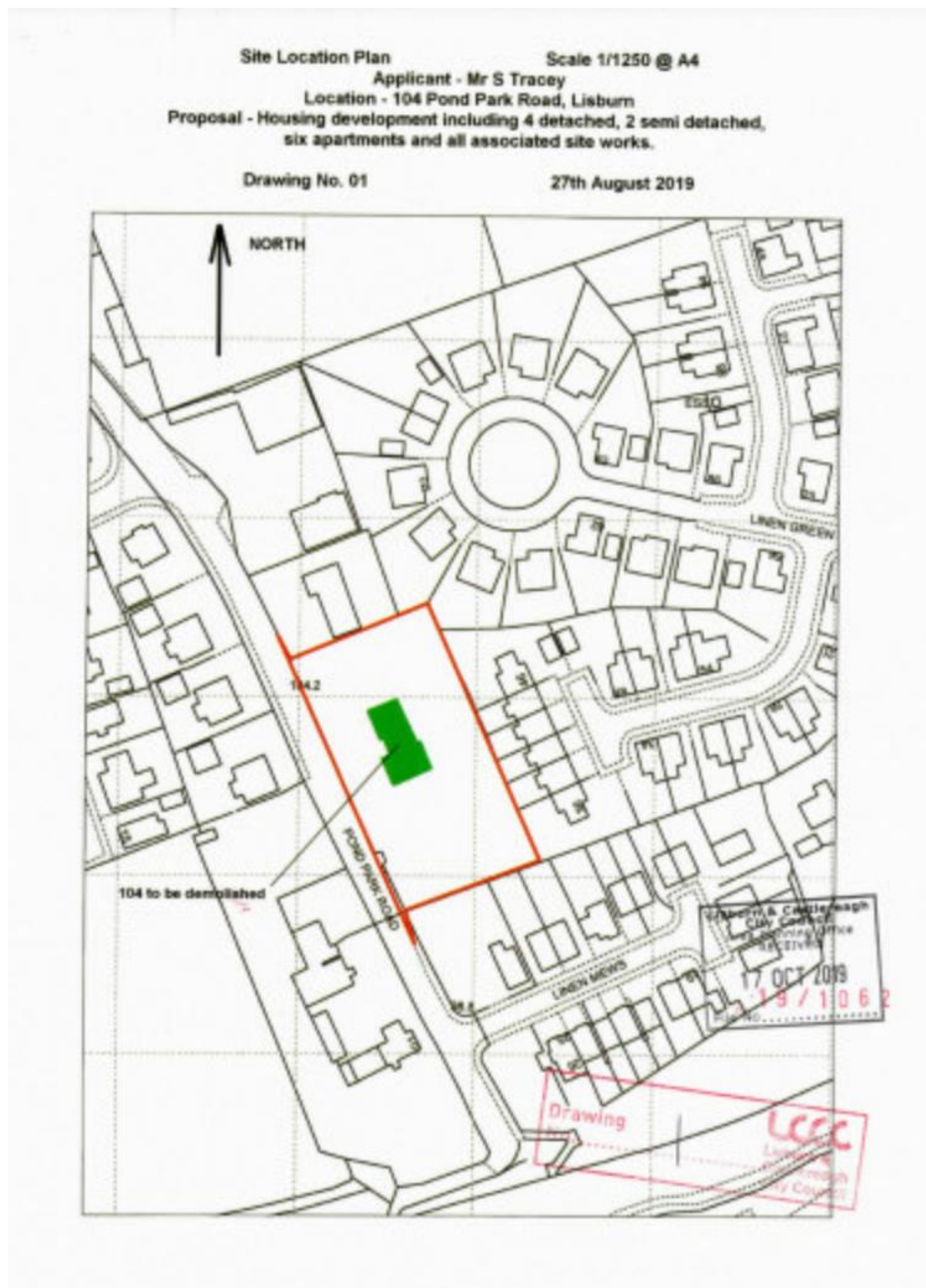
- No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds

- Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and satisfaction.

Reason: To safeguard against flood risk to the development and elsewhere.

Site location Plan – LA05/2019/1062/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	08 January 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2021/0582/F
Date of Application	24 May 2021
District Electoral Area	Killultagh
Proposal Description	Development of infill dwelling
Location	Lands between 12 and 14 Ballinderry Road, Aghalee
Representations	None
Case Officer	Cara Breen
Recommendation	Refuse

Summary of Recommendation

1. This is 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, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
3. The proposal is contrary to the SPPS and Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Ballinderry Road. The gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development and being appropriate to the existing plot size and width.
4. The proposal is also considered to be contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area and as such would, if permitted, result in an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

5. The application site is located at lands between 12 and 14 Ballinderry Road, Aghalee. The land appears to be currently in use as a paddock and there is a small wooden stable towards the southern boundary.
6. The site is currently accessed via a field gate from 12a Ballinderry Road and the land within is relatively flat throughout.
7. The eastern boundary to the roadside is defined by a 1.2-metre-high post and rail timber fence with some trees planted to the inside. The southern boundary is defined by a tiered dashed render wall with coping stones to top. The northern and western boundary to the rear is defined by a 1.2 metre post and rail timber fence with gates.

Surroundings

8. The area is rural in character and the land predominantly agricultural in use, characterised by drumlin topography.

Proposed Development

9. Full planning permission is sought for an infill dwelling.

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2010/0331/O	Development of infill dwelling and garage using existing laneway.	Lands between 12 and 14 Ballinderry Road, Aghalee	Permission Granted

Consultations

11. The following consultations were carried out:

Consultee	Response
Water Management Unit	No Objection
LCCC Environmental Health	No objection
DfI Roads	No Objection
NI Water	No Objection

Representations

- 12. No representations have been received in opposition to the proposed development.

Local Development Plan

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

Plan Strategy 2032

- 14. 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 states 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.'

15. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
16. The site is located within Green Belt in the Lisburn Area Plan (2001). In draft BMAP (2004), the application site is located in the open countryside, out with any defined settlement limit.
17. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
18. Strategic Policy 09 Housing in the Countryside 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.*

Development in the Countryside

19. This is an application for a single dwelling in the open countryside. Policy COU1 – 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.'

Infill/Ribbon Development

20. This is an application for an infill dwelling. Policy COU8 – Infill/Ribbon Development states:

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

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

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

21. The Justification and Amplification of Policy COU8 states:

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. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

Integration and Design of Buildings in the Countryside

22. 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

23. 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.'*

Waste Management

24. Policy WM2 - 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

25. 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.

Regional Policy and Guidance

26. 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.

27. Paragraph 3.8 of the SPPS states:

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.

28. With regards to infill development. Paragraph 6.73 of the SPPS states:

Provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.

29. 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.

30. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

Consideration of the Courts:

31. On 24th May 2022 Mr Justice Scoffield delivered judgment in relation to Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.
32. That case involved Policy CTY 8 and at Paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY 8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) *Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) *In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*

- (iv) *Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
- (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
- (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement."*
33. It is acknowledged that the policy in COU8 of the Lisburn and Castlereagh City Council Plan Strategy is similarly restricted, akin to Policy CTY8, and that any infill application is an exception to the prohibition on ribbon development. However, the Plan Strategy contains revised criteria with regards to the exceptions test to include the interpretation of relevant buildings that are important new considerations.
34. The following retained regional guidance documents remain material considerations:

Building on Tradition

35. Building on Tradition guidance notes:
- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
 - *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
 - *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
 - *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing*

property is not acceptable under CTY 8 if this extends the extremities of the ribbon.

- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

36. It also notes that:

4.5.0 There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.

4.5.1 As a general rule of thumb, gap sites within a continuous built up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.

37. Building on Tradition includes infill principles with examples:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

Development Control Advice Note 15 – Vehicular Access Standards

38. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It states (Paragraph 1.1);

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

Assessment

39. As the Courts have noted in the Glassdrumman Road, Ballynahinch Judicial Review, and for the reasons described above, it is acknowledged that the regional policy in PPS 21 Policy CTY8 is restricted and that any infill application is an

exception to the prohibition on ribbon development. The same approach applies to Policy COU8, however it is noted that COU8 contains new criteria, to include a definition of the buildings to be taken into account.

40. The first step is to consider whether the proposal would create or add to a ribbon of development. The Justification and Amplification text of Policy COU8 describes a ribbon as:

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. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

41. The buildings at 12 Ballinderry Road are located directly to the south of the application site. The buildings comprise a single storey dwelling along large agricultural buildings to the rear.
42. The building at 10 Ballinderry Road is also located to the south of the application site. The building is a residential dwelling.
43. The buildings at 8 Ballinderry Road lie to the southernmost point of the ribbon of development. These comprise a dwelling and some domestic ancillary buildings. There are also agricultural buildings to the rear.
44. A newly constructed dwelling to the west of 8 Ballinderry Road does not present a frontage to the Road. It is only the vehicular access that extends to the road. It is not counted as part of the substantial and continuously built-up frontage.
45. To the north of the application site is a two-storey dwelling and agricultural buildings at 14 Ballinderry Road and beyond this, another two-storey newly constructed dwelling at 14A Ballinderry Road.
46. Further north, there is a residential dwelling at 16 Ballinderry Road and beyond this, the residential dwelling and domestic ancillary building at 18 Ballinderry Road to the northern part of the ribbon.
47. It is considered that the dwellings at 8, 10, 12, 14, 14A and 18 all share a common frontage to the Ballinderry Road as does the agricultural building at 14 Ballinderry Road.
48. Taking this into account, officers are satisfied that the proposal does engage ribbon development.

The issue of exception

49. The next step is to consider whether the proposal comes within the exception set out in the policy.

50. The first step is to consider whether there is a substantial and continuously built up frontage. This is described in policy as a line of four or more buildings, of which at least two must be dwellings (excluding domestic ancillary buildings such as; garages, sheds and greenhouses) adjacent to a public road or private laneway.
51. The associated Justification and Amplification text of Policy COU8 notes that for the purposes of this policy, a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.
52. The dwellings at 8, 10, 12, 14, 14A, 16 and 18 Ballinderry Road and the agricultural building associated with 14 Ballinderry Road form a substantial and continuously built up frontage for the purposes of Policy COU8. This part of the policy test is met.
53. The next is to consider whether a small gap exists sufficient to accommodate two dwellings.
54. In considering whether a small gap exists, whilst the policy test and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development, officers have not assumed that any site of that size is necessarily a small gap within the meaning of the policy.
55. Officers remain mindful that the issue is one of planning judgement and one which should be approached bearing in mind the over arching restrictive purpose of the policy.
56. The gap is measured between the two closest buildings at 12 Ballinderry Road and the existing agricultural building adjacent to the southern boundary of 14 Ballinderry Road. This gap measures 59 metres.
57. Having regard to the guidance set out in Building on Tradition the average existing frontage width of those buildings in the frontage at 8, 10, 12, 14, 14A, 16 and 18 Ballinderry Road is approximately 54 metres.
58. A gap of 59 metres whilst broadly comparable with the average frontage for the other single dwellings adjacent to and either side of the site but would not be sufficient to accommodate two dwellings. This part of the policy test is not met.
59. Within this context, the Justification and Amplification text associated with COU8 also states:

Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.

60. It is noted that the buildings identified as forming part of the substantial and continuously built-up frontage, comprise a mix of roadside dwellings/buildings some of which are set back from the road further than others.
61. The site plan shows the proposed location of a dwelling with the site. It is sited to respect the building line of the dwelling to the south.
62. The existing dwellings range from traditional two storey farmhouse style rural dwellings to 1.5 storey more modern type dwellings (one of traditional rural style and the other more contemporary in style) and a single storey bungalow.
63. The proposed dwelling is 1.5 storey and of linear in form, with vertical emphasis window openings and a chimney stack positioned to the ridge line with traditional render and flat tile/slate external finish.
64. With the exception of the three dormers to the front elevation, the proposed dwelling is on balance considered to be of rural form and is therefore considered to be acceptable.
65. The proposed dwelling would occupy an approximate footprint of 146 metres squared. In terms of footprint size/scale, it is acknowledged that the existing dwellings range from 108 metres squared [8 Ballinderry Road] to 301 metres squared at 10 Ballinderry Road.
66. Taking this into account, it is considered that the dwelling as designed would be characteristic of the built form found locally and would be acceptable in the context of the existing pattern of development.
67. However, with regards to plot size, the existing plot sizes are:
 - No. 8 – 0.69 hectares
 - No. 10 – 0.84 hectares
 - No. 12 – 1.14 hectares
 - No. 14 – 0.22 hectares
 - No. 14A – 0.21 hectares
 - No. 16 – 0.34 hectares
 - No. 18 – 0.27 hectares
68. The average plot size is 0.53 hectares. It is therefore considered that the proposed plot size of 0.15 hectare would not be acceptable in the context of the average plot size in the existing frontage for two dwellings and still be consistent with the pattern of development.
69. In terms of width of existing plots are:
 - No. 8 – 136 metres
 - No. 10 – 44 metres
 - No. 12 – 50 metres

No. 14 – 36 metres
No. 14A – 26 metres
No. 16 – 25 metres
No. 18 – 59 metres

70. This equates to an average existing frontage width of 54 metres. It is considered that the development of a proposed frontage width of 35 metres for two dwellings would be at odds with the average frontage width and would therefore not respect the existing pattern of development within the existing substantial and continuously built-up frontage.
71. Taking the above into account, it is therefore contended that the proposal would not meet the third component of the exceptions test, in that the proposal would not respect the existing pattern of development by way of plot size and width.
72. The fourth and final element of the exceptions test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked. The buildings in the frontage are visually linked and this part of the test is met.
73. As the exception test of Policy COU8 is not Met for the reasons set out above this proposal would add to a ribbon of development along Ballinderry Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

74. As explained above, the proposed dwelling is linear in plan and is of simple rural form. The proposed dwelling would occupy a footprint of 146 metres squared and would present a ridge height of approximately 7 metres above finished floor level (FFL).
75. A single storey storm porch centrally positioned projects from the front elevation of the proposed dwelling. A chimney stack would project from the ridgeline of the dual pitched roof and the proposed window openings would predominantly be vertical in emphasis. Three dormer windows would project from the front roof profile.
76. The proposed schedule of external finishes includes smooth painted render for the external walls, selected flat tiles/slates for the roof, dark grey UPVC double glazed doors and window units and aluminum rainwater goods.
77. Given the proximity and number of buildings to the north, south and west of the application site and taking into account the scale and massing of the proposed building account, it is considered that the proposal dwelling would not be a prominent feature in the landscape. Criteria (a) is met.
78. The proposed dwelling would cluster with the established existing buildings which are in close proximity to the north, south and west of the application site. Criteria (b) is met.

79. It is considered that the proposed dwelling (taking its scale into account) would blend with the existing buildings in situ to north, south and west of the application site. Criteria (c) is met.
80. The Site Plan states that all existing trees and shrubs are to be retained where possible and augmented with additional indigenous species. However, the legend would indicate that there will be new landscaping to the boundaries. Nonetheless, it is considered that the close proximity of existing neighbouring buildings to the north, south and west would provide a suitable degree of enclosure for the building to integrate into the landscape. Criteria (d) is met.
81. Taking the above into account, it is considered that the proposal would not rely primarily on new landscaping for the purposes of integration. Criteria (e) is met.
82. Aside from the proposed three dormers to the front roof profile, the proposed dwelling is contended to largely be in accordance with Building on Tradition guidance and therefore, on balance, it is considered to be appropriate for the site and the rural locality. Criteria (f) is met.
83. In terms of ancillary works, it is noted that a long sweeping suburban style driveway has not been proposed. The existing ground levels are relatively level in gradient throughout. Taking the existing and proposed ground levels into account, it is not perceived that any large retaining wall(s) would be required and no details of any retaining walls have been submitted as part of the application. It is also not considered that unacceptable cut and fill (excavation) would be required to accommodate the proposal. The proposed ancillary works have been considered against Building on Tradition guidance and are considered to be acceptable. It is considered that the same features which would aid with the integration of the proposed dwelling would also aid with the integration of ancillary works.
84. Taking all of the above into account, that the requirements of policy COU15 are met.

Policy COU16 - Rural Character

85. For the reasons outlined above within the context of COU15 considerations, it is not considered that the proposed dwelling would be unduly prominent in the landscape.
86. For the reasons outlined above within the context of COU15 considerations, it is considered that the proposed dwelling would cluster with an established group of buildings.
87. For the reasons outlined earlier in the report within the context of Policy COU8, it the proposal would not respect the traditional pattern of settlement exhibited in the area, in that it would add to a ribbon of development by reason of the existing plot width and size.
88. The application site is located wholly within the open countryside, outwith any designated settlement limit. It is not considered that the proposed scheme would

mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl.

89. By virtue of adding to a ribbon of development (as detailed under the assessment of Policy COU8 above), it is considered that the proposal would have an adverse impact on the rural character of the area.
90. In relation to residential amenity, it is acknowledged that the only first floor windows which are proposed are the three dormer units to the front of the proposed dwelling (excluding the skylight units to the rear roof profile). The remaining window units are all ground floor.
91. Taking the proposed FFL in relation to surrounding/neighbouring ground levels, orientation of neighbouring dwellings and proposed boundary treatments into account, there are no concerns with regards to potential overlooking/loss of privacy to any neighbouring property to an unreasonable degree. It is noted that the building directly to the north of the application site (No. 14) is a large agricultural building and therefore there are no concerns with regards to potential overshadowing/loss of light to it.
92. No. 12A, which is also within the applicant's ownership (as per the blue line), is located directly to the west of the application site. It is noted that the front projection of it (closest to the proposed dwelling) accommodates an integral domestic garage, which is not considered to be a habitable room.
93. Taking this and the proposed siting and scale of the dwelling into account (in the context of the siting of the dwelling at 12A), there are no concerns with regards to potential overshadowing/loss of light to No. 12A to an unreasonable degree. No. 12 is located immediately (beyond an agricultural access) to the south of the application site. As per the submitted Site Plan, the proposed dwelling would follow a similar building line to the existing dwelling in situ at No. 12. Taking this, in addition to the siting of the existing detached domestic garage in situ at No. 12, it is not perceived that the proposed dwelling would cause overshadowing/loss of light to No. 12 to an unreasonable degree.
94. It is acknowledged that LCCC Environmental Health unit note (in their consultation response of 17th June 2021) that the proposed dwelling would have a shared boundary with a large pig farm which has previously been the subject of odour complaints.
95. They advise that if development is permitted in close proximity to a farm where odour, noise and insects cause a loss in amenity then future development and sustainability of the farm could be affected by future statutory nuisance action. As a result, Environmental Health recommend that the proposal is unsuitable.
96. It is acknowledged that the existing dwelling in situ at No. 12A (which is also within ownership of the applicant) is closer in proximity to the pig farm than the application site. It is not accepted therefore that a refusal reason on the grounds of loss of amenity could be sustained. If the application were to be approved, an informative would be applied which would make any potential buyer/developer aware of the potential risk of odour from the operation of the farm.

97. Taking the above into account, it is not considered that the proposal would adversely impact on residential amenity.
98. LCCC Environmental Health, DfI Roads, DAERA Water Management Unit and NI Water were consulted as part of the processing of the application. All consultees are largely content with regards to services, subject to the inclusion of stipulated conditions with any approval. Therefore, there are no concerns with regards to necessary services. Criteria (g) is met.
99. The proposed ancillary works would integrate with the surrounding landscape. Therefore, there are no concerns with regards to the impact of the proposed ancillary works on rural character. Criteria (h) is met.
100. A new vehicular access to/from Ballinderry Road is proposed as part of the scheme. DfI Roads were consulted as part of the processing of the application and subsequently responded with no concerns, subject to the inclusion of stipulated conditions with any approval. Therefore, there are no concerns with regards to vehicular access to the public road. Criteria (i) is met.
101. For the reasons outlined above it is contended that the proposed scheme would not respect the traditional pattern of settlement exhibited in the area and it would, if permitted, have an adverse impact on the on the rural character of the area.

Access and Transport

Policy TRA2 - Access to Public Roads

102. As explained above, a new vehicular access is proposed to serve the development. This new access would be relatively centrally positioned to the roadside boundary of the application site and would provide access to/from Ballinderry Road which is not a protected route.
103. Visibility splays of 2.4m x 93m have been proposed in both directions and in-curtilage parking/turning has been depicted on the submitted Site Plan.
104. DfI Roads having considered the detail of the application offer no objection. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, there are no concerns with regards to the proposed scheme insofar as it pertains to Policy TRA2 of the draft Plan Strategy.

Waste Management

105. The detail submitted with the application (Application Form and Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by soakaways and foul sewage is to be disposed of via mains.

106. Environmental Health, NI Water and Water Management Unit having considered the detail of the application and offer not objection.
107. Consideration of flood risk is included as a criteria for assessment in Policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
108. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Waste Water.

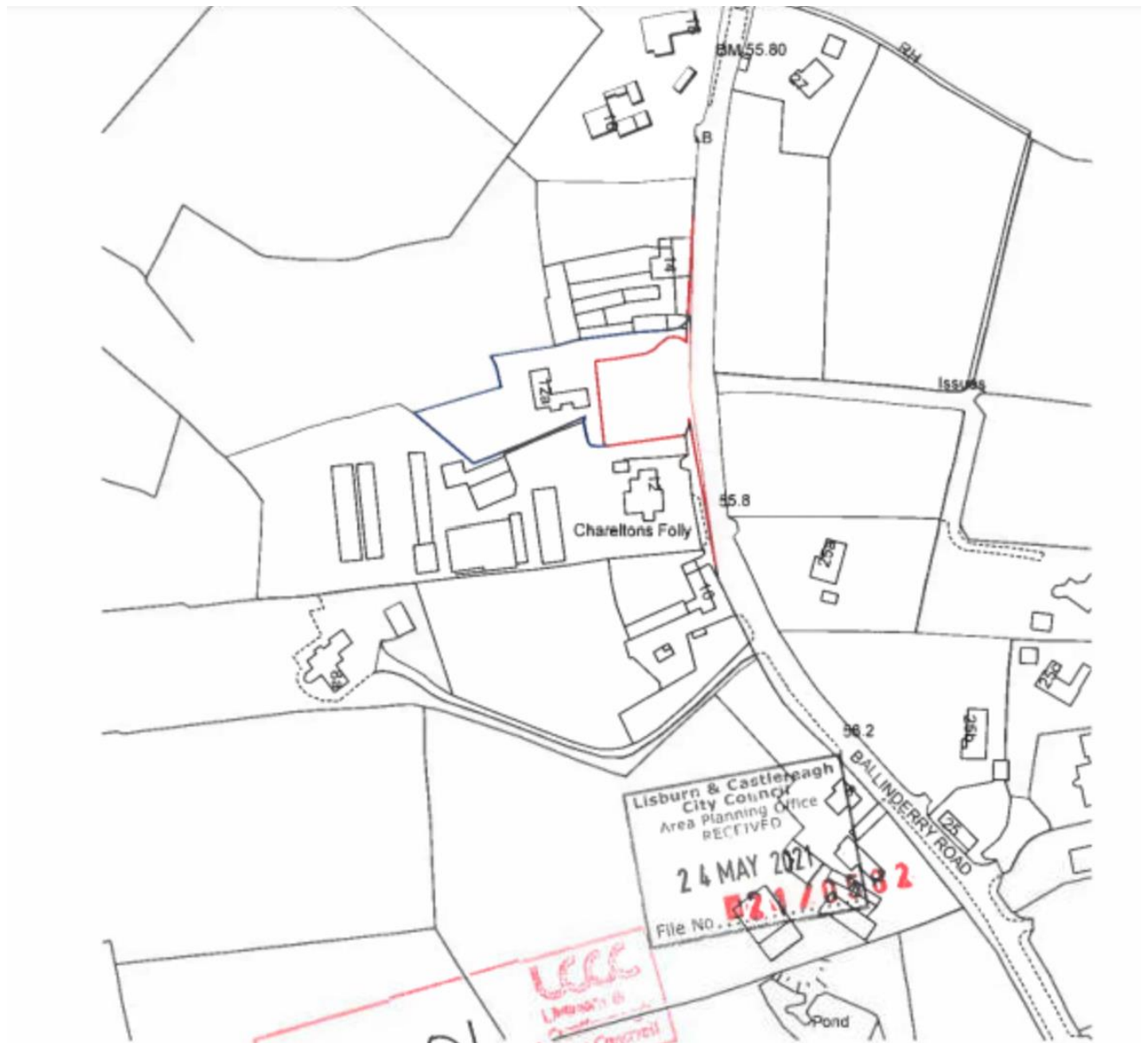
Conclusions and Recommendation

109. The recommendation is to refuse Planning permission as the proposal is not in accordance with the requirements of Paragraph 6.73 of the SPPS and Policies COU1, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

110. The following refusal reasons are recommended:
 - The proposal is contrary to Paragraph 6.73 of the SPPS and Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to bullet point 5 of Paragraph 6.73 of the SPPS and Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along Ballinderry Road. The gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development and being appropriate to the existing plot size and width.
 - The proposal is contrary to the SPPS and Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area and as such would, if permitted, result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2021/0582/F



Committee:	Planning Committee
Date:	08 January 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Noting report in relation to Planning Application LA05/2022/0861/F

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> In October 2023, Members agreed with a recommendation to approve planning permission for the erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works. Policy HOU10 of the Plan Strategy states: <p><i>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.</i></p> Paragraph 121 – 123 of the related DM Officer report advised that apartments had been identified in the adjacent Millmount Village development and that eight of these apartments will be offered as intermediate housing from the sale of Co-Ownership. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The recommendation presented to Members referred to an agreement being made as a deed of variation to a Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy. The purpose of this noting report is to advise Members that this is not being processed as a deed of variation to an existing agreement but as a Section 76 planning agreement. The recommendation in the planning officer's report is not changed.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the decision to grant planning permission subject to an agreement to an affordable housing contribution is not changed. Only the mechanism for securing and processing the agreement is altered.</p>

3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
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 noting report in relation to a decision taken by the Committee in October 2023 regarding a planning application. EQIA not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
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 noting report in relation to a decision taken by the Committee in October 2023 regarding a planning application. RNIA not required.</p>	

<p>Appendices:</p>	<p>Appendix 2 – DM officer Report in relation to LA05/2022/861/F</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	02 October 2023
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2022/0861/F
Date of Application	2 October 2023
District Electoral Area	Castlereagh East
Proposal Description	Erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works
Location	Lands 300 metres to the south east of 206 Millmount Road and 1-8 Millmount Chase, Dundonald
Representations	One
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of policies HOU1, HOU3 and HOU4 of the draft Plan Strategy (as modified by the Direction of the Department) and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.
3. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the draft Plan Strategy (as modified by the Direction of the Department) in that adequate provision is made for affordable housing as an integral part of the development.

4. The proposal complies with the SPPS and Policy NH 5 of the draft Plan Strategy as modified in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
5. The proposed complies with policy of TRA1 the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points to the wider neighbourhood.
6. It is also considered that the development complies with policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. 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 draft Plan Strategy as modified in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policies FLD 1 and FLD 3 of the draft Plan Strategy as modified in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

9. The application site is approximately 1.9 hectares in size and is comprised primarily of rough grassland. The topography of the site is relatively flat throughout,
10. The Comber Greenway and a former railway line runs along the sites north eastern boundary and Billy Neil playing fields are located to the southeast of the site. An open water course crosses the site in its northern section and the Enler River runs parallel with the Comber Greenway on its northern side.

Surrounding Context

11. In the surrounding area lands to the north and northeast are zoned for residential development with Millmount village currently under construction. Lands to the southeast and west of the site are primarily rural in character and in agricultural use with the occasional of dwelling dispersed throughout the landscape.

Proposed Development

12. The proposed development comprises the erection of 38 dwellings (including a change of house type to sites 89-119 of planning approval LA05/2017/1153/F) with associated car parking, detached garages, landscaping and access arrangements and associated site works
13. The following documents are submitted in support of the application:
- Generic Quantitative Risk Assessment Report
 - Remediation Strategy, Implementation and Verification Plan
 - Bio Diversity Checklist.
 - Ecological Impact Assessment
 - Landscape Management Plan

Relevant Planning History

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

Y/2002/0297/O	Site for residential development and ancillary works	Withdrawn May 2004
Y/2010/0081/O	Proposed key local employment site comprising light industry, storage/distribution call centre and research/development uses, formation of two new access points from Comber Road.	Deemed Refusal July 2014
Y/2010/0504/F	Access arrangements to proposed employment site	Application withdrawn October 2012
LA05/2016/0002/O	Development of site for residential purposes (housing), public open space, street network to include pedestrian and cycle provision and access to Comber greenway and Billy Neill Soccer Centre, vehicular access onto Comber Road, landscaping and any other necessary works.	Application withdrawn July 2017
LA05/2016/0985/F	Erection of 7 detached dwellings, with car-parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald.	Granted at appeal August 2021
LA05/2017/1153/F	Proposed mixed use development comprising housing (119 units) and 18 no. industrial units (Class B1b/B1c and B2 employment uses) with associated public open space, related access improvements, parking and ancillary site works.	Granted September 2020

15. The planning history granted in September 2020 is a relevant material consideration. The lands is zoned for employment use in the plan but this proposal is for a modification to an approved mixed use development granted under application reference LA05/2017/1153/F.

Consultations

16. The following consultations were carried out:

Consultee	Response
Dfl Roads	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
Natural Heritage	No Objection
Dfl River Agency	No Objection

Representations

17. One representation has been received in respect of the application. The following issue are raised:
 - Site numbers are not as previously approved under LA05/2017/1153/F
 - Discharge Consent

Environmental Impact Assessment (EIA)

18. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
19. An EIA determination was carried out and it was concluded given the scale and nature of the proposal that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.
20. A preliminary ecological assessment provided in support of the application addressed a link between the drainage from the site and the River Enler that flows into designated sites at Strangford. No significant impact was identified to

the various designations in the discrete report. This was weighed in the assessment of whether a statement was required.

Planning Policy Context

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.

LCCC - Draft Plan Strategy 2032

26. On 28 June 2023 the Department for Infrastructure issued a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
27. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
28. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
29. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
30. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

31. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.

32. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the test of soundness was met in full.
33. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above, there is a strong likelihood that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
34. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

35. It is stated at page 16 of Part 1 of the draft 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.

36. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
37. The BUAP identifies the application site as being located outside the settlement limit of Metropolitan Castlereagh.
38. In draft BMAP the site is located within the settlement limit of Metropolitan Castlereagh and zoned for employment use within the context of designation MCH08 where the following draft KSR's are identified:
 - Development shall only include light industrial uses as currently specified in Use Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; and storage or distribution uses as currently specified in Use Class 11 of the same Order;
 - Development of the site shall only be permitted in accordance with a masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site:

- Access shall be from the proposed Millmount Link Road;
 - A transport Assessment will be required as well as detailed consultation with Roads service in the north west corner as affected by the protection line corridor for the Quarry Corner – East link Road (Ref:MCH16)
 - Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;
 - A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department.
 - Positive long-term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site.
39. As mentioned above the lands are zoned for employment use in the plan and this proposal is for a modification to an approved mixed use development granted under application reference LA05/2017/1153/F
40. The strategic policy for Sustainable Development is set out at page 42 of the draft 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.*
41. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out at page 43 of the draft 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.*
42. The strategic policy for Supporting Sustainable Economic Growth is set out at page 43 of the draft Plan Strategy. Strategic Policy 04 – Supporting Sustainable Economic Growth states that:
- 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.*
43. The strategic policy for Good Design and Positive Place Making is set out at page 44 of the draft 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.

44. The strategic policy for Protecting and Enhancing the Environment is set out at page 44 of the draft 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.

45. The strategic policy for Section 76 Agreements is set out at page 45 of the draft 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.*

46. The strategic policy for Economic Development in Settlement Limits is set out at page 76 of the draft Plan Strategy. Strategic Policy 11 Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area,*

- to help provide opportunities for a range of economic needs and businesses*
- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

47. The strategic policy for Housing in Settlement Limits is set out at page 57 of the draft 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.*

Economic Development

48. As the proposal comprises in part development of the land for economic use Policy ED 1 - Economic Development in Cities and Towns of the draft plan strategy states that:

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

- (a) *in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park;*
- (b) *elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part*
 - (a) *applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered*
- (c) *on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).*

Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution

A development proposal for Class B2, B3 and B4 use will be permitted:

- a) *on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.*

Elsewhere in cities and towns such proposals will be determined on their individual merits.

49. As part of the employment designation is redevelopment for the mixed uses including housing Policy ED7 - Retention of Zoned Land and Economic Development states that:

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) the proposal is compatible with the predominant economic use*
- b) it is of a scale, nature and form appropriate to the location*
- c) the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

Unzoned Land in Settlements

*On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, **or land last used for these purposes**, will only be permitted where it is demonstrated that:*

- a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy*
- b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use*
- c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location*
- d) the present use has a significant adverse impact on the character or amenities of the surrounding area*
- e) the site is unsuitable for modern employment/economic, storage or distribution purposes*
- f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not*
- g) there is a definite proposal to replicate existing economic benefits on an alternative site in the vicinity.*

A development proposal for the reuse or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

50. As the site is located adjacent to existing employment land Policy ED8 - Development Incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

Housing in Settlements

51. 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).

(text in bold is modified by the Direction)

52. 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.

53. 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.*

54. The Justification and Amplification is modified to include the following paragraph:

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

55. The following paragraph is also modified:

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.*

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

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

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

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

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

HOU11) where a commensurate level of private communal open space is being provided.

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

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

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

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

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

57. The following paragraph in the Justification and Amplification is modified as follows:

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

(text in bold is modified by the Direction)

58. 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.

59. The Justification and Amplification is modified to include the following paragraph:

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.

60. The Glossary associated with Part 2 of the draft 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

61. Given this is a large site the impact on the natural environment is considered.
62. 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

63. A new access is proposed to Millmount 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.

64. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.

65. 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.

66. The following paragraph in the justification and amplification is modified as follows:

*For development proposals involving a replacement dwelling in the countryside, there 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.*

67. 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

68. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere.

69. 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.

70. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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.

(text in bold is modified by the Direction)

The approach to the Development Plan and Regional Policy

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

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

72. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

73. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
74. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
75. 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.
76. 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

77. 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.

78. 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.

79. 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.
80. As previously outlined this is a mixed use proposal and part of the employment designation will be developed for housing. At paragraph 6.89 of the SPPS it is stated that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

81. It is further stated at paragraph 6.90 that:

Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro-organisms may be incompatible with industrial enterprises requiring a particularly clean and contaminant free environment. Examples of the latter include pharmaceuticals, medical products, food products and research and development. Often, an individual enterprise engaged in one of these sectors will offer employment in specialised jobs and of significant importance to the local or regional economy. Accordingly, it is in the public interest to ensure that their operations are not unduly compromised through incompatible development. In other cases, incompatibility could arise when new residential development is approved in proximity to an existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance. Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application. However, it is incumbent on the planning authority to explore all reasonable means of mitigation with the developer and the established enterprise prior to determining the application.

82. At paragraph 6.91 it is also stated that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

83. The site is also proposed to be developed for housing as part of an earlier mixed use 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.

84. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

Regional Policy Context

85. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Planning and Economic Development

86. There is no distinguishable difference between the policy contained at paragraphs 6.89 to 6.91 of the SPPS and the retained policies in PPS 4 - Planning and Economic Development which set out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.
87. The PPS seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development.
88. Paragraph 3.1 states that the objectives of the PPS are:
- *to promote sustainable economic development in an environmentally sensitive manner;*
 - *to tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality, size and location;*
 - *to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;*
 - *to support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;*
 - *to promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and*
 - *to ensure a high standard of quality and design for new economic development.*
89. As this site is located in a settlement Policy PED 1 – Economic Development in settlements is a consideration and it states:

Cities and Towns

Class B1 Business Use

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

In addition, a development proposal for a Class B1(b) use as a call centre or B1(c) use for research and development proposals will be permitted within an existing or proposed industrial/employment area. Class B1(a) office use will only be permitted in an industrial/employment area when specified in a development plan.

Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

- (a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;*
- (b) it is a firm rather than a speculative development proposal for business use; and*
- (c) the proposal would make a substantial contribution to the economy of the urban area.*

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

Class B2 Light Industrial Use and Class B3 General Industrial Use

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

Class B4 Storage or Distribution Use

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan.

In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

90. The site is also existing zoned employment land and policy PED 7 – Retention of Zoned Land and Economic Development uses states that:

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses. An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or*
- (b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or*
- (c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or*
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or*
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or*
- (f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or*
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.*

A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

91. The site is also adjacent to existing employment land and Policy PED 8 – Development incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

92. Policy PED 9 - General Criteria for Economic Development is considered and it states that:

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;*
- (b) it does not harm the amenities of nearby residents;*
- (c) it does not adversely affect features of the natural or built heritage;*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*
- (e) it does not create a noise nuisance;*
- (f) it is capable of dealing satisfactorily with any emission or effluent;*
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*
- (h) adequate access arrangements, parking and manoeuvring areas are provided;*
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*
- (l) is designed to deter crime and promote personal safety; and*
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

Natural Heritage

93. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
94. Paragraph 3.1 of PPS 2 states:

The objectives of this Planning Policy Statement are:

- to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;*
- to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*

- *to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;*
- *to protect and enhance biodiversity, geodiversity and the environment; and*
- *to take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

Habitats, Species or Features of Natural Heritage Importance

95. Policy NH5 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:

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

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

Access, Movement and Parking

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

97. Paragraph 3.1 of PPS 3 states that:

The main objectives of this Statement are to:

- *promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;*
- *restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes;*
- *make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;*

- *ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;*
- *ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;*
- *promote the provision of adequate facilities for cyclists in new development; promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and*
- *protect routes required for new transport schemes including disused transport routes with potential for future reuse.*

Creating an Accessible Environment

98. Policy AMP 1 – Creating an Accessible Environment states that:

The Department's aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development. Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- *facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;*
- *convenient movement along pathways and an unhindered approach to buildings;*
- *pedestrian priority to facilitate pedestrian movement within and between land uses; and*
- *ease of access to reserved car parking, public transport facilities and taxi ranks.*

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Access to Public Roads

99. Policy AMP 2 - Access to Public Roads states that:

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

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

100. The policy also states that:

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- *the nature and scale of the development;*
- *the character of existing development;*
- *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
- *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.*

Car Parking and Servicing Arrangements

101. Policy AMP 7 - Car Parking and Servicing Arrangements states that:

Development proposals will be required to 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 the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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

- *where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or*
- *where the development is in a highly accessible location well served by public transport; or*
- *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or*
- *where shared car parking is a viable option; or*
- *where the exercise of flexibility would assist in the conservation of the built or natural heritage, 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 or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. 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.

Cycle provision

102. Policy AMP 8 - Cycle Provision states that:

Planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- (a) safe and convenient cycle access;*
- (b) safe, convenient and secure cycle parking having regard to the Department's published standards; and*
- (c) safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.*

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

Design of Car Parking

103. Policy AMP 9 Design of Car Parking states:

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;*
- (b) it will not adversely affect visual amenity; and*
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

Development Control Advice Note 15 – Vehicular Access Standards

104. The guidance for Vehicular Access Standards are set out in Development Control Advice Note 15 and it stated at paragraph 1.1 that:

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

Parking Standards

105. The Parking Standards document provides relevant guidance for the parking requirement for the non-residential component of the proposed development sets out the parking standards that the Department will have regard to in assessing proposals for new development.

106. Paragraph 3 of the document states that the:

The principle objective of the parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of wider government policy aimed at promoting modal shift to more sustainable forms of transport.

107. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to these standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Quality Residential Environments

108. PPS 7 sets out the Department's planning policies for achieving quality in new residential development and is the proposal is considered against the requirements of this policy document.

109. Policy QD 1 Quality in New Residential Development states that:

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

110. Within Policy QD 1 all proposals for residential development will be expected to conform to all of the following criteria:

- (a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
- (b) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
- (c) *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along*

- site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
- (d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
 - (e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
 - (f) *adequate and appropriate provision is made for parking;*
 - (g) *the design of the development draws upon the best local traditions of form, materials and detailing;*
 - (h) *the design and layout will 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; and*
 - (i) *the development is designed to deter crime and promote personal safety.*

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.

Creating Places

111. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments’ (May 2000) to also be considered.
112. 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.
113. 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.*
114. 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.*

Open Space, Sport and Outdoor Recreation

115. PPS 8 sets out the Department's planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

116. Policy OS2 set out the requirement for public open space in new residential development and states that:

planning authorities will only permit proposals for permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided.

An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.

Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following:

- (i) A normal expectation will be at least 10% of the total site area;*
- (ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and*
- (iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:*
 - is located within a town or city centre; or*
 - is close to and would benefit from ease of access to areas of existing public open space; or*
 - provides accommodation for special groups, such as the elderly or people with disabilities; or*
 - incorporates the 'Home Zone' concept.*

For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The Department will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.

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

- *it is designed in a comprehensive and linked way as an integral part of the development;*
- *it is of demonstrable recreational or amenity value; • it is designed, wherever possible, to be multi-functional;*
- *it provides easy and safe access for the residents of the dwellings that it is designed to serve;*
- *its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and*
- *it retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.*

Planning permission will not be granted until the developer has satisfied the Department that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy. Arrangements acceptable to the Department include:

- (a) *a legal agreement transferring ownership of and responsibility for the open space to the local district council; or*
- (b) *a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or*
- (c) *a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.*

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

Planning and Flooding Risk

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

118. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that the

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

119. Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

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

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.*

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

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

Other Considerations – Supplementary Guidance

120. A Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses was published by the Department and last updated in November 2019.
121. The purpose of this advice note was to ensure an effective and consistent approach to implementing regional planning policy when determining planning applications, and to assist with local development plan preparation, in relation to:
 - a) *sites zoned for economic development use in a local development plan; and*
 - b) *planning applications on unzoned land that is currently used (or was last used) for economic development purposes 3. This advice note is an amplification of existing planning policy and supplementary planning guidance.*
122. It is stated that the advice note does not add to or change existing policy or guidance that is considered appropriate for assessing applications for economic development proposals and preparing local development plans.
123. Paragraph 21 states that:

When making balanced judgements on the merits of a particular case or the potential loss of economic development land, planning officers should consider matters such as:

 - *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*

- *Accessibility to the regional transportation network and a variety of transport modes;*
 - *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
 - *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
 - *Why a site is no longer required or considered suitable for continued economic development use;*
 - *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*
 - *Compatibility with neighbouring land uses;*
 - *The views of relevant statutory and non-statutory consultees; and*
 - *The availability of adequate services and infrastructure such as water and sewerage.*
124. The PAN was drafted not only in the context of the retained regional policy in PPS 4 but with regard to the overarching policy requirements of the RDS and the SPPS. It provides context for the consideration of other material considerations.
125. As the policies in the draft Plan Strategy are written to take account of the regional policies in the RDS and the SPPS the PAN remains a material consideration to be taken account of in the assessment of this proposal.

Assessment

Loss of employment land

126. This proposal seeks to amend the layout and arrangement of the buildings previously approved as part of the mixed use development of the site for housing and employment.
127. The proposed housing does not encroach into the part of the site that is to be developed for the employment use and the developer remains committed to delivering this as a mixed use proposal. The obligations to do so are protected by a Section 76 planning agreement.
128. None of the reasons for granting planning permission for the mixed use development of this land need to be revisited and significant weight is still attributed to the earlier grant of planning permission referenced LA05/2017/1153/F.

Housing in Settlements

Policy HOU 1 – New Residential Development

129. This application is for 38 residential units within the settlement limit of Castlereaigh. The site associated with the application has an extant permission for housing as part of a mixed use development and this application is proposing a change of house type

and as such, the little weight is attached to the employment designation and the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

130. The lands to the north and northeast at Millmount village are currently under construction for housing. The development comprises a mix of detached, semi-detached and terrace housing along with a number of apartment blocks. The dwellings are set in medium sized plots with in-curtilage and communal off street parking. Areas of public open space and two playparks are also provided as part of the overall scheme.
131. The scheme comprises thirty-eight detached dwellings. The dwellings are of different size and design typical of a suburban residential scheme.
132. The form and general arrangement of the buildings is considered to be characteristic of those built and currently under construction in the adjacent Millmount Village to the northeast.
133. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
134. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development and it is considered that the established residential character of the area would not be harmed.
135. 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. The buildings are not dominant or overbearing and no loss of light would be caused.
136. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the SPG published with the draft Plan Strategy equivalent to the Creating Place document and that criteria (a) of policy HOU 3 met.
137. With regard to criteria (b) no archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

138. There are number of different house types of varying size from 110 square metres to 191 square metres.
139. A sample description of the some of the dwellings is outlined below.

140. House type H is a detached 3 bedroom linear dwelling measuring approximately 111 square metres in floor area. This dwelling will have a ridge height of approximately 8 metres.
141. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
142. House type G3 is a large detached six bedroom dwelling measuring approximately 192 square metres in floor area and will have a ridge height of approximately 10 metres.
143. The materials proposed for the dwelling include smooth self-coloured render with select stone wall details and timber cladding, concrete interlocking roof tiles, with blue/black coloured ridge tiles, solid hard wood doors to main front entrance, double glazed uPVC windows and dark grey uPVC gutters and downpipes.
144. The residential dwellings are designed to current building controls standards and to be as energy efficient as possible.
145. The finishes considered to be acceptable and in keeping with the established character of this area and will ensure that the units are as energy efficient as possible.
146. The variety of house types provided are accessible capable of providing accommodation that is wheelchair accessible for those with impaired mobility.
147. The provision of private amenity space varies from plot to plot ranging from a minimum of 65 square metres up to 250 square metres. The average provided across the site is generally consistent with the guidance in the SPG document for a medium density housing development.
148. For the reasons outlined above, criteria (a), (d) (e) and (f) of policy HOU 4 are considered to be met.
149. A landscape management plan dated 10 March 2023 was submitted in support of the application. It outlines the strategy and approach for the future long term management and maintenance of the external public spaces associated with the proposed development.
150. It details that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.
151. The landscape plan demonstrates how the existing tree group to the north east of the site are to be retained and protected during construction. The management plans also sets out how the proposal will be complemented by additional tree planting to increase the screening effect of the boundary planting supplemented where necessary on all other boundaries.

152. It is considered that this written management plan, in association with the detailed planting plan, is sufficient to ensure integration of and maintenance of external public spaces and that the implementation of planting works should be conditioned to be carried out in the first available planting season prior to the occupation of that phase of the development.
153. For the reasons outlined above, criteria (b) of policy HOU 4 is considered to be met.
154. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is on the Comber Road and accessible to shops and other neighbourhood facilities currently under construction at the village centre at Coopers Mill. . Criteria (c) of policy HOU 4 is considered to be met.
155. 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. No on street car parking is provided or required as part of the proposal. Criteria (g) and (h) of policy HOU 4 are considered to be met.
156. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.

Policy HOU 5 - Public Open Space in New Residential Development

157. Detail submitted with the application indicates that the site exceeds one hectare and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
158. The application provides for a change of house type for 38 detached dwellings. As previously indicated this site is part of a wider planning approval (LA05/2017/1153).
159. Detail submitted with the above application demonstrated that areas of open space were provided throughout the site.
160. The areas of open space are designed to protect the watercourse running through the northern portion of the site and space was also reserved to create potential future linkages from the development to the Comber Greenway.
161. More than 100 dwellings were proposed as part of this development therefore an equipped children's play park was also required in line with the then Policy OS2 of PPS8. An equipped children's play area is proposed as part of the wider development and is located centrally within the site. No additional open space is required and the existing approved open space does not need to be reconfigured.

162. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met. Suitably worded conditions were attached to the earlier grant of planning permission to ensure the open space and play was delivered early in the scheme and not at the end.

Policy HOU10 - Affordable Housing

163. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 8 dwellings. The applicant has confirmed that they have identified apartment units in the adjacent Millmount Village development with extant planning permission under LA05/2018/0512/F.
164. It is proposed that eight of these apartment units will be offered as intermediate housing from sale through Co-ownership.
165. The affordable housing tests associated with Policy HOU10 of the draft plan strategy is capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

166. A Preliminary Ecological Appraisal and Assessment carried out by RPS in October 2022 is submitted in support of the application.
167. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works.
168. The purpose of the PEA is to:
- Identify and categorise all habitats present within the site and any area immediately outside of the site where there may be potential or direct effects.
 - Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
 - Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
 - Provide a map showing the habitats identified on site and location of identified ecological constraints.
169. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.
- Desktop Study
 - Designated
 - Data Requests
 - Historical Mapping

- Extended Phase 1 Habitat Survey
 - Phase 1 Habitats
 - Invasive Species
 - Potential to support protected species
 - Aerial photographs
170. Section 4.2 explains that the site of the proposed project is not located within the boundary of statutory or non-statutory designated sites of international, national or local nature conservation.
171. Section 5.12 states that the closest designated sites are Strangford Lough SAC, Strangford SPA and the Strangford Ramsar which are located 5.7 km east from the site and 6.2 hydrologically linked to the site via a drain that flows into the River Enler. There are two designated sites that are hydrologically linked to the site via River Enler, Outer Ards SPA and Outer Ards Ramsar. It is stated that if pollutants entered the drain during construction or operational phase the water quality could be impacted upon.
172. To mitigate against the potential for the water quality to impact upon a Construction Environmental Management Plan (CEMP) will be produced for the site and will be submitted prior to the commencement of construction works. The CEMP will outline how construction will avoid, minimise and/or mitigate effects on the environment and surrounding area.
173. In relation to species, the assessment identified Bats, Otters, Badgers and Birds.
174. With regard to Otters, consultations and surveys identified two historical records of otter *Lutra lutra* within 1 km of the site. The phase 1 Habitat Survey was extended to include further information on the potential for Otters within the site.
175. No otter underground Holts above ground couches or any other evidence of otter recorded within the site or within 20 metres of the site. A pre-construction protected species survey for otter will be undertaken by an Ecological Clerk of works to provide the most up to date information and to ensure the continued absence of otter immediately prior to construction works.
176. With regards to bats paragraph 5.3.1.2 states that there are no structures on site and no trees with potential roost features (PRF's) on site that could provide suitable roosting habitat for bats. The development has been designed to avoid the loss of trees that have potential foraging opportunities along the Comber Greenway for bats. The report concludes that the proposal will have no significant negative impacts on bats subject to mitigation measures.
177. Paragraph 5.3.3.2. of the PEA states that there were no badger setts or evidence of badgers recorded within the site or within 25 metres of the boundary of the site. A pre-construction protected species survey for badgers undertaken by an Ecological Clerk of works to provide the most up to date information and to update the status of Badger Setts recorded on site immediately prior to construction works.
178. With regards to birds section 5.3.4.2 states that the proposal has been designed to avoid to avoid where possible the loss of existing woodland and trees along

the northern boundary of the site. Scrub vegetation across the semi-improved grassland part of the site has been removed to accommodate the project.

179. A response from Natural Environment Division dated 24 January 2023 confirmed that it had considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to informatives to ensure compliance with wildlife order.
180. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as Policy NH5 of the draft Plan Strategy (as modified by Direction of the Department) is capable of being met.

Access Movement and Parking

181. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
182. Under the previous approval LA05/2017/1153/F a further additional access was approved onto the Comber Road. Whilst this portion of the site does not include the access point onto the Comber Road it does form part of the wider overall approval and once the whole scheme is built out the site will avail of two access points onto the Millmount Road and Comber Road.
183. Detailed roads information was submitted with the original application including a Transport Assessment, Road Safety Audit and Travel Plan. Given that this application is for a change of house type only it is not considered necessary to submit that level of information again with this submission.
184. The detail associated with the application indicates that all dwellings will have garages and in curtilage car parking.
185. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been returned with appropriate conditions.
186. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
187. It is also considered that the development complies with policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. 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.

188. The proposal is also considered to comply with policy TRA7 of the draft Plan Strategy as modified in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Planning and Flood Risk

189. As previously stated above all drainage issues were dealt with through the previous application LA05/2017/1153/F and the site still has a valid Schedule 6 from DfI Rivers which runs until June 2024.
190. However for completeness the applicant has submitted an amended Drainage Assessment (DA) for this portion of the site.
191. The DA concludes that the NI Flood maps indicate no fluvial or coastal flood plain within the proposed site and that there is marginal pluvial flooding estimated in lower lying areas. It further states that there is no recorded historical flooding and it is not estimated to be in the inundation zone of a reservoir.
192. The statement confirms that it is proposed to construct new storm sewers to serve the development and that discharge will be limited to equivalent greenfield rate of 21.3l/s. This is achieved through use of a flow control device and attenuation in the form of oversized infrastructure providing 300m³ of storage volume. Schedule 6 consent has been secured to discharge to the adjacent watercourse.
193. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 10 November 2022 advised that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided, they were content with the proposal.
194. NI Water in a response received on 4 October 2022 confirmed that there was available capacity at the Waste Water Treatment Works and that there was a public foul sewer within 20 metres of the proposed development boundary which can adequately service these proposals.
195. Based on a review of the information provided and the advice received from DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 2 and 3 of the draft Plan Strategy as modified by the Direction of the Department).

Contaminated Land/Human Health

196. An updated Generic Quantitative Risk Assessment (GQRA) has been provided by RSK Ireland Ltd dated September 2022 in support of this planning application. The GQRA is informed by site investigations and environmental monitoring data from three rounds of investigations in 2015, 2017 and 2020.

197. A Remediation strategy dated December October 2022 is also submitted in support of the application.
198. The PRA & GQRA are undertaken to identify potential contamination sources on the site and to assist the client in identifying potential environmental liabilities that may be present which will have consequences for the future commercial development of the site
199. The report describes the ground conditions in relation to Geology, Ground Gas, and Radon, Hydrology in relation to aquifer characteristics and groundwater vulnerability and Groundwater abstractions and Hydrology in terms of surface watercourses and flooding.
200. A summary of potential contaminant sources is provided for in table 4 in relation to on site and off site sources. Sensitive receptors and plausible pathways where potential contamination could come into contact with receptors are outlined at paragraphs 4.1.2 and 4.1.3.
201. Section 8 makes reference to the findings of the risk assessment that was undertaken.
202. With regard to Human Health considerations, exceedance for several PAH compounds were returned within proposed soft landscaping areas. Asbestos was also identified in several soil samples.
203. Section 8.2 makes reference to Ground Gas and recommends gas protection measures within all proposed buildings.
204. Section 8.3 makes reference to Controlled Waters and confirms that the PRA identified potential risks to shallow groundwater and the controlled water receptors associated with potentially reduced quality made ground. It was concluded that the site does not pose an unacceptable risk to controlled water receptors.
205. By way of remediation, the following measures are recommended in the Remediation Strategy:
 - A physical barrier in the form of a capping layer to the proposed gardens and landscaped areas due to localised reduced quality shallow soil identified in the soil samples across the site.
 - Works in relation to capping must be supervised by an appropriately qualified person to ensure capping layer is installed with appropriate material and works verified.
 - Gas protection measures should be incorporated into the proposed development buildings and should comprise two or more of the following three types
 - structural barrier of the floor slab
 - ventilation measures
 - gas resistant membrane

206. Advice received from the Regulation Unit within the Department for Agriculture, Environment and Rural Affairs [DAERA] dated 10 November 2022 confirms that they have no objection to the proposal subject to conditions aimed at ensuring the protection of environmental receptors to ensure the site is suitable for us.
207. Advice is also received from the Councils Environmental Health Unit in relation to gas protection measures and soil capping layer that has been proposed. EHO have commented that a clean cover system is to be installed to form an encapsulation layer above the contaminated soils.
208. The clean cover system shall be installed in the gardens, soft landscaped areas and communal areas as detailed in the Remediation Strategy received by the Council 24 October 2022. A minimum capping system of 700mm shall be provided within private gardens, soft landscaped areas and communal areas to include 500mm of subsoil and 200mm of clean material.
209. In relation to contamination and in receipt of the reports mentioned above and also commented upon by Regulation Unit, Environmental Health were content subject to the conditions recommended.

Consideration of Representations

210. One letter of objection has been received in relation to the proposal. Consideration of the issues raised are set out in the below:

The site numbers associated with this application are not near the position of them on the original application.

211. The objection states that the site numbers are different to those approved under planning reference LA05/2017/1153/F. This application is for a portion of the site previously approved and whilst the site numbers may be different there is no increase in the numbers of dwellings and the proposed units are in a similar position and of a similar design to those previously approved.

Conditions associated with the original application have not yet been discharged and this is piecemeal development.

212. The objection states that conditions associated with the previous approval have not been discharged and this proposal represents piecemeal development.
213. A number of conditions associated with the previous approval have been discharged including the submission of a piling assessment and a construction management plan.
214. That said it is not a requisite that relevant conditions are required to be discharged before an application to amend a proposal can be submitted for consideration. A proposal to amend the design of 38 dwellings previously approved does not represent piecemeal development.

Conclusions

215. For the reasons outlined above this proposal is to alter a previously approved housing layout. The mixed use development of the land is still protected through a Section 76 agreement and the scheme as amended meets all other policy requirements of the Plan.

Recommendation

216. The application is presented with a recommendation to approve subject to conditions and deed of variation to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the draft Plan Strategy.

Conditions

217. The following conditions are recommended:

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

Reason: Time limit

2. The 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: P262/R30c bearing the Council date stamp 11 May 2023 and the Department for Infrastructure Determination date stamp of 16 May 2023.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: P262/R30c bearing the Council date stamp 11 May 202 and the Department for Infrastructure Determination date stamp of 16 May 2023, 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.

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

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

4. The gradient of the access road shall not exceed 2.5% (1 in 33) over the first 20m outside the road boundary.

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

5. 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 P262/R30c bearing the Council date stamp 11 May 2023 and the Department for Infrastructure Determination date stamp 16 May 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.

6. 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.

7. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no walls, gates, pillars or fencing, or hedges, formal rows of trees grown in (verges/service strips) shall be erected in relation to the development hereby permitted without the grant of a separate planning permission from the Council.

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.

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

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

9. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no P262/R30c bearing the Council date stamp 11 May 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.

10. 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.

11. All hard and soft landscape works shall be carried out in accordance with Drawing 22-034 L201 bearing the Council date stamped 16^h September 2022 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

12. Prior to the occupation of the first dwelling, a phasing plan for the landscaping works shall be submitted to and agreed in writing with the Council.

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

13. Prior to the occupation of the first dwelling the hard and soft landscaping works shall be carried out in accordance with the agreed phasing plan and maintained and managed thereafter, in accordance with the approved Plan by a suitably constituted management company.

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

14. 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.

15. No retained tree as identified on Drawing 22-034 L201 bearing the Council date stamped 16^h September 2022 shall be cut down, uprooted or destroyed or have its roots damaged nor shall arboriculture work or tree surgery take place on any retained tree without the written consent of the Council. Any retained tree that is removed, uprooted or destroyed shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees

16. No development shall commence until the Council has received in writing and agreed a suitable groundwater and surface water monitoring plan which should include monitoring of borehole BHCO2 and the surface water monitoring points SW1 and SW2 as a minimum. The plan shall include a schedule for monitoring prior, during and post development; include the substances and parameters for monitoring and the limits of detection for each substance and parameter. These works are required ensure the land will be in a condition suitable for the proposed development. Any significant change to the water quality monitored shall be investigated through the provisions of Conditions 19 and 20 for unforeseen contamination or risks and verification of any remedial works.

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

17. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at:

<https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

18. After completing the remediation works under Condition 19; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report will include the monitoring data required by Condition 1, and should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

19. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Council. The methodology is available at:

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

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

20. The proposal is in close proximity to a busy road and proposed industrial units and the applicant should ensure there is sufficient sound insulation, including acoustic glazing and ventilation, to ensure compliance with 'BS8233:2014 - Sound insulation and noise reduction for buildings'. Therefore, internal ambient noise level should not exceed LAeq(16hr) 35dB(A) daytime in habitable rooms (including bedrooms) and LAeq(8hr) 30dB(A) night time in bedrooms.

Reason: To provide internal noise levels in line with within BS8233.

21. The development shall not be occupied until the remediation measures as described in the Remediation Strategy received by the Council 21 October 2022 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

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

22. A clean cover system shall be installed to form an encapsulation layer above the contaminated soils. The clean cover system shall be installed in the gardens, soft landscaped areas and communal areas as detailed in the Remediation Strategy received by the Council 21 October 2022. A minimum capping system of 700mm shall be provided within private gardens, soft landscaped areas and communal areas to include 500mm of subsoil and 200mm of clean material

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

23. Prior to occupancy of the development a validation report containing full details of the selected cover system, the sampling methodology and results must be submitted to the Council. The clean cover system shall be validated in accordance with Liverpool City Council Guidance – Verification Requirements for the remediation of Contaminated Land Cover Systems. Installation of the clean cover system must be overseen and validated by a suitably qualified environmental consultant.

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

24. The development shall not be occupied until the preferred ground gas protection measures in line with Wilson and Card Classification – Characteristic Situation 2 classification, as detailed in the Remediation Strategy received by the Council 21 October 2022, have been implemented.

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

25. Prior to occupancy of the development a validation report containing full details of the selected gas protection system must be submitted to the Council. Verification of the gas protection measures shall be carried out by a suitably qualified person.

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

26. Prior to any piling work on site a piling risk assessment shall be submitted to and agreed with the Council.

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

27. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the site shall cease. The Council shall be advised and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination – CLR11) that details the nature of the risks and any necessary mitigation measures shall be submitted for approval by the Council.

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

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

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

29. Prior to construction work commencing on site a Construction Environmental Management Plan shall be submitted to and agreed with the Council. This plan should include the proposed hours for piling activity (in accordance with BS 5228), details of the wheel wash and details of the other dust mitigation measures.

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

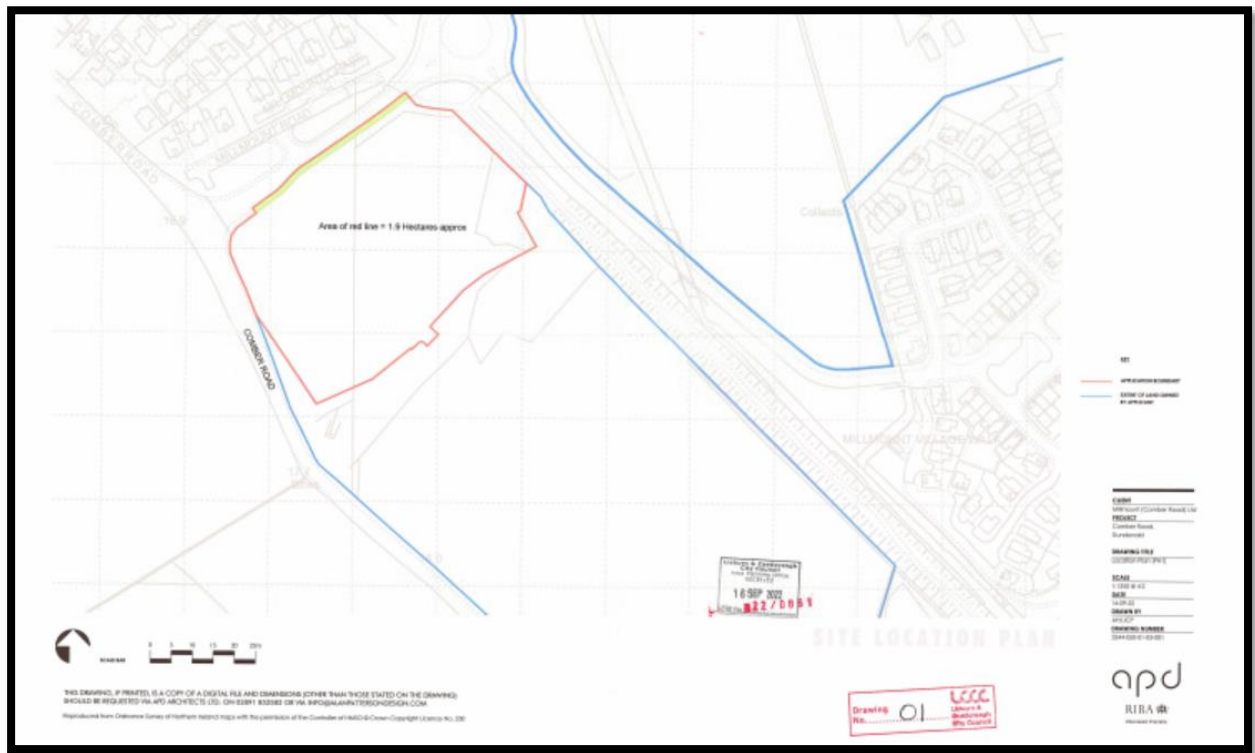
30. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development.

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

31. A 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.

Site Location Plan – LA05/2022/0861/F



Committee:	Planning Committee
Date:	08 January 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2018/0655/F

1.0 **Background**

1. An application for an agricultural shed for the purpose of storing agricultural plant and livestock at Peartree Hill was refused planning permission on 07 July 2020.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received in October 2020.
3. No explanation is provided for the delay in processing the appeal and in the intervening period, the Council adopted the Plan Strategy of its Local Development Plan on 26 September 2023.
4. In a letter dated 09 October 2023, the Commission asked for updated refusal reasons specific to the changed policy position following adoption of the Plan Strategy.
5. The procedure followed in this instance was written representations and the Commissioner visited the site on 07 November 2023.
6. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside, result in the creation of ribbon development; be visually prominent and adversely impact on the rural character of the area; and adversely impact natural heritage.
7. A decision received on 17 November 2023 confirmed that the appeal was dismissed.

Key Issues

1. The Commissioner's consideration as to whether agricultural business was currently active and established is set out at paragraphs 19 – 25 of the decision report. The Commissioner noted that from the evidence submitted, the appellant appeared to own a single field. The decision report further noted that this holding had been let in conacre subject to agreement.
2. In consideration of the evidence submitted to demonstrate ongoing agricultural activity, the Commissioner concluded that whilst some of the invoices could be linked to the farm and demonstrated as the delivery that the farmland had been maintained in good agricultural condition this activity was largely associated with another farm business.

3. At paragraphs 24 – 25, the Commissioner made reference to the appellant withdrawing from conacre agreement in November 2019 and to farming activity which is now claimed under a separate business ID. The view was expressed that whilst this evidence demonstrates that the appellant's business is currently active, it did not serve to demonstrate that it had been active *and* established for six years as required by policy.
4. In consideration of the argument advanced by the appellant that the shed was essential for continuous agricultural use as it was needed for testing and isolating of cattle, the Commissioner expressed the view that the farm had been successfully operated since 2018 without the need for a building. The Commissioner highlighted at paragraph 28 that the requirement for a shed related to a future use on the farm holding.
5. In consideration of the argument advanced that the farm business would not be viable without the shed, the Commissioner expressed the view that the evidence presented did not provide sufficient evidence to demonstrate what was required to maintain the land in good agricultural condition. There was a disparity in the numbers presented. The figures were based on keeping 26 cattle despite other evidence indicating that only 12 cattle would be kept.
6. In relation to the case advanced that the shed was required for testing and isolation of cattle, the Commissioner noted that there were no cattle present on the appeal site and as such, the exceptional test of Policy COU12 was not considered to be met.
7. Ribbon development, visual integration and rural character were also considered at paragraphs 40 – 52 of the decision. The Commissioner notes the reference made to the Council to the judgement of Mr Justice Scoffield [Glassdrumman] and that the case related to the interpretation of Policy CTY8 of PPS21 which is no longer a relevant policy consideration.
8. For the reasons outlined at paragraph 42 of the decision report, the Council's third reason for refusal is not sustained as Policy COU8 was not considered to be engaged. The Commissioner did not consider there to be a ribbon in accordance with the requirement of policy and that this building would create a ribbon of development. It was too distant from the neighbouring dwelling for there to be a tendency to ribboning.
9. The Commissioner agreed at paragraphs 44 – 46 of the decision report and for the reasons outlined that the site is unable to provide a suitable degree of enclosure for the building to integrate and that it would primarily rely on new landscaping for integration.
10. At paragraph 51 of the decision report, the Commissioner makes the point that the Council does not define what they consider the traditional pattern of settlement to be. The Commissioner having regard to the appeal site's location, well removed from any settlement limit, was not persuaded that the proposal offended criteria (c) of Policy COU16. That said the Commissioner did consider that the proposal would have an adverse impact on rural character as the building was isolated from others and was not appropriate to the location because of its scale.
11. Paragraphs 53 – 57 of the decision report deals with Natural Heritage considerations. For the reasons outlined and in the absence of the Council providing

	<p>substantive evidence to counter conclusions reached by the appellant’s expert witness, the Commission was not persuaded that the proposal would harm a protected species, have a significant adverse impact on sites of national or local conservation value or have an adverse impact on priority habitats or species of natural heritage importance.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
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 updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
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>	

<p>Appendices:</p>	<p>Appendix 3 – Appeal Decision – LA05/2018/0665/O</p>
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Appeal Decision

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Appeal Reference:	2020/A0078
Appeal by:	Rosemary McMinnis
Appeal against:	The refusal of full planning permission
Proposed Development:	Agricultural shed for purposes of agriculture plant and livestock
Location:	Peartree Hill, Belfast, 80m east of road junction with Gransha Road and Peartree Hill
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2018/0655/F
Procedure:	Written representations and Commissioner's site visit on 7 th November 2023
Decision by:	Commissioner Trudy Harbinson, dated 17 th November 2023

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal in its decision notice were framed upon the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) and Planning Policy Statement 2 Natural Heritage (PPS2).
3. Following the adoption of the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) in September 2023 the Commission wrote to all parties to the appeal to invite any comments in relation to the PS insofar as they related to the appeal proposal.
4. The Council provided revised reasons for refusal to take account of the recently adopted PS and the relevant corresponding policies. The Appellant and third party have provided comment on the PS in their response so no prejudice arises. This appeal decision is therefore based on the revised reasons for refusal.
5. The Council stated that the Biodiversity Checklist provided in the Appellant's Statement of Case at appeal cannot be considered by the Commission given the provisions of Section 59 of the Planning (Northern Ireland) Act 2011 (the Act). Section 59(1) of the Act states that a party to the proceedings is not to raise any matter which was not before the council at the time the decision appealed against was made unless that party can demonstrate to the satisfaction of the Planning Appeals Commission — (a) that the matter could not have been raised before that

time, or (b) that its not being raised before that time was a consequence of exceptional circumstances.

6. The Council's evidence states that the Appellant was aware of the issues raised by Department of Agriculture, Environment and Rural Affairs (DAERA) in their consultation response dated 3rd September 2018 and that no additional information was submitted to address this. The application was subsequently refused. One of the reasons for refusal was related to insufficient information to demonstrate that the proposal would not harm natural heritage interests. The Appellant in their evidence say the Council made no request for a Biodiversity Checklist however they wrote to the Council in response to the DAERA consultation on 2nd October 2018 and received no response. The DAERA request for the information during the course of the planning application and the Appellant's response at that time demonstrates that this was a matter before the Council at the time of the application. Therefore, it is not a new matter and the Biodiversity Checklist, which was submitted with the appeal papers, is admissible in the context of this appeal.
7. The Council and third party were provided with a copy of the Biodiversity Checklist during the exchange of Statements of Case and had sufficient opportunity to consider and comment on its contents. Therefore, there has been no prejudice or disadvantage by the submission of the Biodiversity Checklist at appeal stage.

Reasons

8. The main issues in the appeal are whether or not the proposed development would: -
 - be acceptable in principle the countryside;
 - result in the creation of ribbon development;
 - be visually prominent and adversely impact on the rural character of the area; and
 - adversely impact natural heritage.

Policy context

9. Section 45(1) of the Planning Act (NI) 2011 (the Act) states 'where an application is made for planning permission, the council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, 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 must be made in accordance with the plan unless material considerations indicate otherwise.
10. On 26th September 2023, the Council adopted the Plan Strategy entitled 'Lisburn and Castlereagh Local Development Plan 2032' (PS). The purpose of the PS is to provide the strategic policy framework for the plan area as a whole.
11. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the Belfast Urban Area Plan 2001 (BUAP) is the relevant DDP. In that plan the site was located outside any settlement and within the Belfast Urban Area Green Belt. In accordance with the

subject legislation, any conflict between a policy contained in the BUAP and those of the PS must be resolved in favour of the latter. There are no other policies raised by the parties in the BUAP that are pertinent to this proposal. While the Draft Belfast Metropolitan Area Plan 2004 (dBMAP) is not a DDP as it was never adopted, it could still be a potential material consideration in certain cases. Within dBMAP the Council stated the appeal site is located in the open countryside and Belfast Metropolitan Green Belt. It is not material in this appeal however, as there are no policies within it that are pertinent to the proposal. Further, as the Council has now adopted the PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs) have now ceased to have effect within this Council area.

12. The Council refer to corresponding paragraphs of the SPPS in their updated reasons for refusal however, 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 consider the relevant policies in the PS.
13. The Council consider that the appeal development is contrary to Policies COU1 and COU12 of the PS in that it did not consider the agricultural business to be currently active and established, nor that the building is necessary for the efficient use of the holding, or essential for efficient functioning of the business. It also raised objections pertaining to visual integration of the proposed building and potential adverse impact on the natural environment. Furthermore, objections were raised under Policy COU 8, COU15 and COU16 of the PS as the proposal would create a ribbon of development, lack integration and have an adverse impact on the rural character of the area. Policies NH2, NH4 and NH5 are also cited as reasons for refusal as the Council consider that it has not been demonstrated that there would be no harm caused to matters of natural heritage importance.

The appeal development

14. The appeal site is a plot cut out of a larger field which sits at the junction of Peartree Hill and Gransha Road. The field sits north of and below the Peartree Hill roadside and generally dips to a level centre and then rises again towards its northern boundary. The field has mature hedges and trees along its boundaries with the exception of a post and wire fence at the corner of the Gransha Road and Peartree Hill.
15. The proposal is for a shed finished in dark green corrugated profile roofing and sheeting measuring 10m by 6.6m with a mono-pitch roof rising from 3.28m to 4m. It would be positioned 80m east of the junction with Gransha Road and 6m back from Peartree Hill. Given the fall in topography it would sit 2.2m below the Peartree Hill road with the land behind rising to its mature roadside vegetation. As the appeal site is set within a wider field its remaining boundaries are open.
16. There are no buildings within the site. There is a two storey dwelling with a single storey garage at 87 Peartree Hill some 90m to the east of the appeal site. The dwelling sits next to the field's access gate. The surrounding land is rural in character with agricultural land interspersed with groups of dwellings and farm buildings. A landscape nursery lies to the south of Peartree Hill.

The principle of development

17. Policy COU 1 is entitled 'Development in the Countryside' and states that there are a range of types of development which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. It advises that details of operational policies relating to acceptable non-residential development proposals in the countryside are set out in policies COU11 to COU14 and that any proposal for development in the countryside will also be required to meet all the general criteria set out in policies COU15-COU16.
18. Policy COU12 is entitled 'Agricultural and Forestry Development'. It states that planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that six criteria are met. The Council's concerns fall under criteria (a) to (e).
19. Criterion (a) requires that the agricultural business is currently active and established (for a minimum of 6 years). The justification and amplification text (J&A) advises that the criteria for an active and established business is set out under Policy COU10. Policy COU10 requires that 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. The J&A text clarifies that for the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition.
20. Whilst the planning application form cited one field as the extent of the holding, from the evidence submitted the Appellant appears to own the single field, which comprises the appeal site, and a triangular parcel of land on the opposite side of Gransha Road. The Appellant inherited this land from James McDowell in October 2012. A 2005 Department of Agriculture and Rural Development (DARD) farm map, submitted with the application, shows the extent of Mr James McDowell's holding which was registered to 316 Gilnahirk Road. It comprised a number of fields around numbers 316 and 318 Gilnahirk Road and two fields (fields 11 and 14) separated from the others, one of which is the appeal site (field 11) and the field opposite (field 14) that are now in the Appellant's ownership. A letter from Mr D McDowell dated 29th April 2020 advises that he inherited Oakleigh House Farm at 316 Gilnahirk Road and is the sole owner of that farm of which he farms part and lets the rest in conacre. He states that with the exception of the land let in conacre he has no association with any other farm business.
21. Since the Appellant's inheritance, their holding was let in conacre to Mr John McDowell of 25 Eden Road Gilnahirk up until 30th November 2019. Conacre Licence Agreements dated 31/01/2019, 31/01/2018, 28/01/2017, 29/01/2016, 28/01/2015, 21/01/2014 are included. They are agreements between the appellant and Mr John McDowell for fields 11 and 14 for a period of 9 months in each year. The Appellant refers to a clause in the contract that allows the licensor (the Appellant) full access to the land at all reasonable times to carry out such agricultural activity as is required to keep the land in good agricultural and environmental condition for grazing and cultivation purposes.

22. The Appellant has submitted a range of evidence to demonstrate ongoing agricultural activity by them on the holding, this includes: -
- Invoices from John McDowell made out to the Appellant to top and roll fields and spread fertiliser at the appeal site. All are typed word documents, dated annually between 2014 and 2020;
 - A signed letter from John McDowell confirming a 9 month conacre licence agreement from March 2013 renewed each year and terminated in November 2019. It also stated they were paid each year to roll and top grass, spread fertiliser provided by the Appellant and spray weeds. They cut silage three times a year. In all this work amounted to 10-12 man days each year. It further stated that the Appellant carried out agricultural activity as required to keep the land in good agricultural and environmental condition and that E McMinnis cleaned sheughs annually, drained land, levelled and recontoured areas proving difficult to cut, repaired fences and replaced a farm gate. Mr McMinnis carried out this work as they own and drive a JCB track machine excavator;
 - Invoices for hedge cutting, one annually from 2014 to 2019. These are all from Dave Young and are made out to the Appellant. They are identical word documents. Whilst two have days and dates that do not match, the Appellant stated that these were collated quickly and they include a signed letter from Mr Young confirming employment by the Appellant to cut hedges at the appeal site from 2012 to 2019;
 - Six statements, one annually between 2104 and 2019, of various works carried out at the appeal site by Belvoir Construction Co. of 318 Gilnahirk Road. This is the Appellant's address;
 - A letter from Eric McMinnis of 318 Gilnahirk Road advising that since 2012 they have installed drains, cleaned out sheughs and repaired fences and gates annually;
 - Eight invoices from Old Manor Mill, mostly for fertiliser. Two are made out to the Appellant with a delivery address to appeal site and are dated 27/02/2015 and 04/03/2014. Another is made out to the Appellant but has no direct connection to appeal site. The remainder have no direct connection to the appeal site and are made out to Mr E McMinnis;
 - Two invoices from Green Grass made out to the Appellant for works to trees at the appeal site. Both are word documents and the Council highlighted an incorrect telephone number. A signed letter from Mr Huddleson of Green Grass is included in the Appellant's rebuttal confirming that they were employed by the Appellant to carry out works to trees at the appeal site on two occasions as per the dates on the word document invoices (12/02/2019 and 24/01/2014);
 - Two invoices from Haldane Fisher for delivery of clean stone to the appeal site on 25/01/2019 and 15/02/2017; and
 - Four invoices from Murdock Builders Merchant Ltd. Three of these have no direct connection to the appeal site however are made out to the E McMinnis. One has the appeal site address, it is for building sand, cement and stone and is dated 14/02/2014.
23. Whilst not all the invoices can be directly linked to appeal site those made out to the Appellant with the appeal site as a delivery address serve to demonstrate that the farmland has been maintained in good agricultural condition. However, that activity is largely associated with another farm business. The proposed shed is to

be used in conjunction with the Appellant's business and policy requires consideration as to whether that business is currently active and established.

24. I note a clause in the conacre agreements with respect to the basic payment scheme. It states that the parties agree that the licensee and not the licensor shall be the only party entitled to include land within any application for payment entitlements or within any claim for basic payment. The DAERA consultation response to the Council confirmed that the Appellant's business ID was allocated on 24th April 2018 and is registered to 318 Gilnahirk Road. It is a Category 3 business ID to enable keepers of a small number of animals to operate a herd. It further advises that a category 3 business cannot submit claims for payment. It goes on to state that the appeal site is located on land associated with another farm business. This would align with the conacre agreements that let the lands to Mr J McDowell, who farms the appeal site under his business. Single farm payment forms were contained in the background papers and include the appeal site field for each year from 2012 to 2017, these related to a different business number than the Appellants and to 'Messrs WD & J McDowell'.
25. Policy allows for development on a holding where the business is currently active and established (for a minimum of 6 years). Since the initial consultation response from DAERA the Appellant claimed a single application basic payment on 29/04/2020, was granted a temporary Category 4 DAERA Business Number on 06/05/2020 which was subsequently upgraded to a Category 1 DAERA Business Number on 02/09/2020. On 23/10/20 they were advised their application for the basic payment scheme was successful with a payment due for the 2020 scheme year. In their most recent submission the Appellant advise that single farm payments have now been received for 2020, 2021, 2022 and 2023. It would appear therefore that the Appellant, upon cessation of the conacre agreements with Mr J McDowell in November 2019, now operate the holding under their own business ID. Whilst this evidence demonstrates that the Appellant's business is currently active it does not serve to demonstrate it has been active *and* (my emphasis) established for six years as required by policy. The evidence demonstrates the holding has been actively farmed over a sustained period. However the majority of that activity did not relate to the Appellant's business, under which permission is being sought, with the Appellant's business being registered on 24th April 2018. As such the appeal development does not meet criterion (a) of Policy COU12.
26. Criterion (b) of Policy COU12 requires that the development is necessary for the efficient use of the agricultural holding. The Appellant alleges that the Council, when considering criterion (b) in their procedures, did not complete a rural needs assessment under the Rural Needs Act (Northern Ireland) 2016 which is statutory. I note that the PS is accompanied by a Rural Needs Impact Assessment. The PS policy under which individual applications are assessed has been informed by that Rural Needs Impact Assessment. Policy COU12 includes provision to consider the need for a proposed agricultural development.
27. The Appellant's evidence advises that they are semi-retired and have decided to go back into farming. Their intention is to rear special beef as a small enterprise on the farm land they own. The Appellant argues that the shed is essential for continuous agricultural use, as it is needed for testing and isolating protection of cattle as a legal requirement of the Welfare of Animals Act (Northern Ireland)

2011. She had applied to DAERA for a herd number in April 2019 and received a letter of rejection in June 2019 as they had no facilities for testing or isolating cattle. The Appellant advised that the proposed shed is to be used for minimal agricultural storage and basic equipment to facilitate testing, dosing of sick animals, vet visits and safe storage of feedstuff.
28. The Appellant's evidence shows that her holding has been let in conacre for 9 months of each year up until November 2019. When that arrangement ended she began to receive single farm payments under their own agricultural business. Given that the Appellant has successfully farmed their business since 2018 I am not persuaded that they could not continue to do so in the absence of a shed on this holding. The requirement for a shed relates to a future use of the farm holding. The proposal fails the second criterion of Policy COU12.
 29. The policy text goes on to state that sufficient information should be provided to confirm three further measures. No issue was raised with the design and materials of the proposed shed. The objectors point to the Appellant's own dwelling at 318 Gilnahirk Road and Mr McDowell's farm holding at 316 Gilnahirk Road containing buildings that could be used or a new building could cluster with. However, that farm complex is not part of the Appellant's holding. As this is the first farm shed proposed on the Appellant's holding there are no existing buildings that can be used, nor can it be sited alongside any existing buildings. The proposal therefore satisfies the first and second additional requirements, however fails to satisfy the third as it is not sited beside existing farm buildings.
 30. The policy allows that an exception may be given to an alternative site away from existing farm buildings, provided there are no other sites available at another group of buildings on the holding and where one of two scenarios are met. The Appellant argues that the proposal meets the policy exception as it is essential for the efficient functioning of the business.
 31. The Appellant considers that without the shed the farm business will not be viable. She states that if the land is let for silage an earning of £1300 would not cover the maintenance to the standard of Good Agricultural and Environmental Conditions. They provide an example of cattle being farmed resulting in a net profit of £3700 and claim this would provide enough income to retain and maintain the farm in good condition. Whilst the invoices provided give an indication of the annual costs incurred by the Appellant, I was not provided with a definitive amount required to maintain the land in good agricultural and environmental condition. I note that the figures provided were calculated on the basis of keeping 26 cattle whereas the Appellant has indicated elsewhere in their evidence that only 12 cattle would be kept. Nevertheless, even if the Appellant's projected profits were achieved, that would not in itself outweigh the proposals failure to comply with Policy COU 12 criteria (a) and (b) and I am not persuaded that this demonstrates the appeal development is essential for the efficient functioning of the business.
 32. The Appellant also argues that the shed is required for the testing and isolation of cattle as a legal requirement. Whilst I accept there may be such a requirement where cattle are farmed, there are no cattle present on the appeal site. Other than a general reference to the Welfare of Animals Act (Northern Ireland) 2011, I have not been provided with any evidence that there is a demonstrable health and

safety reason for provision of the proposed shed at the appeal site. I find that the exceptional test of Policy COU12 is not met.

33. The Appellant refers to Policy ED3 of the PS which is entitled 'Expansion of an Established Economic Development Use in the Countryside'. However, notwithstanding the Appellant's farm business, which is an agricultural business, Policy ED3 relates to other forms of economic development, excluding agricultural businesses, otherwise the PS would not need to make separate policy provision for farm businesses. A footnote to the economic development policy states that for the purposes of policies ED1 to ED9 economic development is defined by those uses set out in Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (UCO). Part B 'Industrial and Business Uses' of the UCO includes Class B1 Business (a) as an office, (b) as a call centre or (c) for research and development, Class B2 Light Industrial, Class B3 General Industrial and Class B4 Storage or distribution. For the purposes of Policy ED3 there is no established economic development use on the appeal site and as such this policy is not relevant to the appeal consideration.
34. The Appellant highlighted references in the PS and its Technical Supplements to sustainable economic growth and rural diversification including Policy COU11 Farm Diversification. A farm diversification proposal is for another use to run in conjunction with the agricultural operations on the farm. Whilst the Appellant hopes to expand their farming practices the site would remain in agricultural use and the keeping of cattle in itself is not a farm diversification proposal for the purposes of the policy. As such Policy COU11 is not relevant to the appeal consideration. The Planning Strategy for Rural Northern Ireland (PSRNI) has been superseded and is also of no relevance to this appeal consideration.
35. The Appellant refers to a Minister's letter of 14 August 2013. A full copy of this letter was not provided to me, however, I note from the quoted extract provided by the Appellant that it relates to PPS21, which has now been superseded by the PS. The Appellant says the letter urged flexibility in the application of policy and that farmers having to sell livestock due to no suitable buildings on a holding would be contrary to policy objectives. The Appellant does not presently own any livestock and she states that she will have to sell the land if permission is refused. However, given the Appellant has been operating the holding for some time without any of her own animals on it, this does not necessarily follow and the viability argument would not in itself outweigh the proposal's failure to comply with Policy COU 12 criteria (a) and (b).
36. The Appellant in their further comments refer to planning appeal 2021/A0087, 40m east of 268 Rathfriland Road Dromara, which they say accepted that two businesses, the landlord and tenant, could operate simultaneously. That appeal was for a dwelling and garage on a farm and there was no dispute that the agricultural business under which the proposal had been made had been established for the required period. The consideration was confined to whether there had been activity under that farm business for a six year period so that it was both active and established. As such it is not directly comparable with this appeal proposal. The Appellant was of the view that if this appeal had been determined prior to the adoption of the PS the decision made under 2021/A0087 would have had a bearing in considering the appeal development. However, this is not the

case, as the issue of the farm business under that appeal and the current appeal differ, thus I cannot agree with the Appellant's assertion.

37. The Appellant also referred to a number of appeal decisions in her evidence which she considered set a precedent for the proposal. However, no details were provided as to what they considered the similarities to be. The third party and Council provided me with a copy of two of the appeal decisions the Appellant relied upon within their evidence. Appeal 2013/A0066, lands adjacent to 6a Carragh Road Bushmills, raised issues of administrative fairness against the then Department of Environment. In appeal 2014/A0056, on lands approximately 215m North West of 41 Divis Road Lisburn, there was no dispute that the agricultural business had been active and established for a minimum of six years. As such I am not persuaded that the examples provided and the appeal before me are on all fours. Furthermore, I cannot conclude with any certainty if there were similarities between the others referenced and the appeal proposal. In any event each case falls to be assessed on its own merits.
38. The Appellant also referred to planning permission for a shed (application LA04/2015/1519/F), but no details were provided as to how it was similar to the appeal development. The Council advised that this permission was granted by another planning authority on a farm holding which had an active and established business and the proposal was considered to be necessary for the efficient functioning of the farm. This does not assist the Appellant's case.
39. The proposal fails criteria (a) and (b) of Policy COU12 and the Council's first reason for refusal, as amended, and the objectors' related concern is sustained insofar as stated. The proposal fails the exception test as contained within Policy COU12. The Council's second reason for refusal, as amended, and the objectors' related concern is sustained.

Ribbon development, visual integration and rural character

40. The Council in their supplementary comments refer to a judgement by Mr Justice Scofield in an application for judicial review by Mr G Duff. Full details of that judgement were not provided, however the Council's summary indicates that the case related to the interpretation of Policy CTY8 of Planning Policy Statement 21 where permission is sought on the basis of the infill housing exception. Given the Council has now adopted its PS, PPS21 and the policies contained therein are no longer a relevant policy consideration. However, the Council go on to consider whether the proposal will create or add to a ribbon within the relevant policy context now provided by Policy COU8 'Infill/Ribbon Development' of the PS and conclude that the proposed shed would create a ribbon of development.
41. Planning permission will be refused under Policy COU 8 for a building that creates or adds to a ribbon of development. An exception is provided to develop a small gap sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage. A substantial and continuously built up frontage is defined as 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.
42. The Council refer to the J&A text which they say describes a ribbon. The J&A states that a ribbon 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. Taking the policy text of COU8 and its definition of a substantial and continuously built-up frontage, the dwelling and garage at 87 Peartree Hill is the only building with a frontage to the road. There is no existing ribbon of development. The proposed shed would sit approximately 90m to the west of 87 Peartree Hill. Whilst it would be adjacent to the public road and would result in a second building along the frontage, the appeal shed would not be sited beside 87 Peartree Hill. The introduction of a building at the appeal site would not create or add to a ribbon and Policy COU8 is not engaged. The Council's third reason for refusal as amended and the objectors' concern in that regard is not sustained.

43. The Council consider that the proposal would offend criteria (c) and (d) of Policy COU12. Criterion (c) requires that in terms of character and scale the development is appropriate to its location. The proposed shed is modest in scale and is of an agricultural design common to rural areas. In terms of character the proposed building is not objectionable in its own right, however, given its siting, isolated from any other buildings, it would nevertheless not be appropriate in terms of its scale to its location. The appeal development does not fully comply with criterion (c).
44. Criterion (d) of Policy COU12 requires the development visually integrates into the local landscape and additional landscaping is provided as necessary. Similarly, the Council find that the proposal would offend criteria (d) and (e) of Policy COU15. Policy COU15 is entitled 'Integration and Design of Buildings in the Countryside'. Criterion (d) states a new building will not be permitted where 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. Criterion (e) states a new building will not be permitted where it relies on the use of new landscaping for integration.
45. The rise in landform provides a natural backdrop to the appeal site's southern boundary, the remaining boundaries are open. Given the proposed shed's lowered position within the field there are limited views available. There is a view into the site from approach along the Gilnahirk Road to Gransha Road, at the junction of Gransha Road and Peartree Hill and at the other gate into the host field when driving south along Gransha Road. The Appellant offers to replant a hedge that had been removed at the junction of Peartree Hill and Gransha Road and I agree that would assist in screening the view from that particular junction. However, it would not overcome the overall failure of the shed to integrate given its open position within the wider host field.
46. Notwithstanding any advice that may have been given to the Appellant with respect to the optimum position for a shed within the field, with the exception of the southern roadside boundary and the natural backdrop provided by its slope, the appeal site is undefined on three of its sides. The effect of this is that the appeal site is unable to provide a suitable degree of enclosure for the building to integrate and would primarily rely on new landscaping for integration. For the reasons given above it would offend criterion (d) of Policy COU12 and criteria (d) and (e) of Policy COU15.
47. The Council also consider that the appeal development offends criteria (a) and (b) of Policy COU15. Criterion (a) states that a new building will not be permitted if it is a prominent feature in the landscape and criterion (b) where it is not sited to

cluster with an established group of buildings. Similarly, the Council considers that the proposal fails to satisfy criteria (a) and (b) of Policy COU16. Policy COU16 is entitled 'Rural Character and other Criteria'. Criterion (a) states that a new development proposal would be unacceptable where it is unduly prominent in the landscape and criterion (b) it is not sited to cluster with an established group of buildings.

48. The shed would sit some 2.2m below the road level of Peartree Hill and project to an overall height of 4m. Whilst there would be some limited views, and without prejudice to my earlier conclusions on overall visual integration, given its modest scale and the rolling topography of the site and surroundings I do not agree that it would in itself be a prominent feature in the landscape. The proposal would satisfy criterion (a) of Policy COU15 and criterion (a) of Policy COU16.
49. The nearest building is at 87 Peartree Hill some 90m east. The proposed shed therefore would not cluster with an established group of buildings and offends criterion (b) of Policy COU15 and criterion (b) of Policy COU16.
50. The Council also consider the proposal to be contrary to Policy COU16 criteria (c) and (e). It states that a new development proposal will be unacceptable where, criterion (c) it does not respect the traditional pattern of settlement exhibited in the that area and criterion (e) it has an adverse impact on the rural character of the area.
51. The Council do not define what they consider the traditional pattern of settlement in the area to be. In their refusal reason they refer to the proposal resulting in urban sprawl by virtue of build up. The J&A advises that the principle of drawing a settlement limit is partly to promote and partly to contain new development within the settlement limit to maintain that distinction. It states proposals that mar this distinction or cause urban sprawl will be considered unacceptable. Given the appeal site's location, well removed from any settlement limit, the concern with respect to urban sprawl has no merit. I have not been persuaded that the proposal would offend criterion (c). Given my conclusions above with respect to integration and the absence of any established buildings with which to cluster I consider that the proposal would however have an adverse impact on the rural character of the area and offend criteria (e).
52. The proposal fails Policies COU12, COU 15 and 16 insofar as stated. The Council's first, fourth and fifth reasons for refusal, as amended, and the objectors' related concerns are sustained insofar as specified above.

Consideration of Natural Heritage

53. The Council state that the proposal offends criterion (e) of Policy COU12 as it has not been demonstrated that it will not have an adverse impact on natural heritage, Policies NH2 'Species protected by Law', NH4 'Sites of Nature Conservation Importance – Local' and NH5 'Habitats, Species or Features of Natural Heritage importance' of the PS. They refer to a consultation response from DAERA Natural Heritage which advises that Northern Ireland Environment Agency (NIEA) Natural Environment Division (NED) as the statutory nature conservation body are unable to provide specific advice given the lack of information.

54. NED state that the site is within 7.5km of designated sites of Strangford Lough SAC/SPA/Ramsar, ASSI (part 1), ASSI (part 3), Inner Belfast Lough ASSI, Craigtantlet Woods ASSI, Scrabo ASSI and Belvoir ASSI. They state that there is no hydrological connection to any designated site. They advise of potential for nitrogen emissions to negatively impact habitat and supporting species of designated sites. They say it is unknown if the shed will be used to house livestock or machinery. They advise that if livestock are to be housed within the proposed shed further information would be required.
55. The Appellant responded to the NED consultation response in a letter to the Council dated 2 October 2018 and confirmed that it was not their client's intention to accommodate livestock in the appeal building. DAERA were not reconsulted with the clarification provided. Notwithstanding that the Appellant initially indicated on the Form P1C that accompanied their planning application that the shed would house cattle overwinter they went on to clarify that they wish to keep cattle from the beginning of March to the end of November. The proposed plans detail the sheds division in two to accommodate tools and equipment on one side and testing for animals on the other. Given the overall design of the appeal building I am satisfied that it would not be suited to the accommodation of livestock.
56. I note that NED only required the further information as detailed in their response in the event livestock were to be housed within the proposed shed. Notwithstanding that, the Appellant submitted a biodiversity checklist undertaken by a qualified ecologist. Their Ecological Statement (ES) considers the provision for livestock housing but clarifies that it is not an intensive unit, nor is it intended for overwintering of livestock and that it is to be used for animal testing. They consider that if this had been made clear within the planning application, a request for a Habitats Regulations Assessment and for the modelling of ammoniacal nitrogen would not have been made. The ES found no obvious signs of protected species, no priority or protected habitats or habitats of high ecological interest that would be impacted by the construction or use of the shed.
57. The Council and third parties did not provide any substantive evidence to counter the conclusions of the Appellant's expert witness. It is for the Council to defend their objections which they have failed to do on this issue. In the particular evidential context before me I am not persuaded that the proposal would harm a protected species, have a significant adverse impact on sites of national or local conservation value or have an adverse impact on priority habitats or species of natural heritage importance. Policies NH2, NH4 and NH5 and criterion (e) of Policy COU12 are not offended. The sixth reason for refusal and the objectors' concerns in that regard are not sustained.
58. The third party raised failure of the proposal to comply with Policy COU16 criterion (f) in that it would adversely impact on residential amenity. I am not persuaded, given the modest size of the shed, its intended purpose and the separation distance between it and the dwelling at 87 Peartree Hill that it would have an adverse impact on the residential amenity of its occupants. I am reinforced in that view given the lack of objection from Environmental Health to the proposal. The concerns with respect to residential amenity are not sustained.
59. Irrespective of any early advice that may have been given to the Appellant by officers, the final decision of the Council is determining. The Appellant's

dissatisfaction with the local planning authority's processing of the planning application is a matter between the Appellant and Council.

60. The proposal fails Policies COU12, COU 15 and 16 insofar as stated and is not acceptable in principle in the countryside offending Policy COU1. The Council's first, second, fourth and fifth reasons for refusal, as amended, and the objectors' concerns are sustained insofar as stated. The appeal must fail.

The decision is based on the following: Drawing 01 date stamped received by Council on 18 June 2018, Drawing 02a and Drawing 03 date stamped received by Council on 12 August 2019

COMMISSIONER TRUDY HARBINSON

List of Documents

Planning Authority:-	“A” Statement of Case (Lisburn and Castlereagh City Council) “A1” Rebuttal (Lisburn and Castlereagh City Council) “A2” Comments on PS (Lisburn and Castlereagh City Council)
Appellant:-	“B” Statement of Case (Ballantyne Hollinger Ltd) “B1” Rebuttal (Ballantyne Hollinger Ltd) “B2” Comments on PS (Ballantyne Hollinger Ltd)
Third Pary: -	“C” Statement of Case (Gary Davidson and Kim Burns, and Victoria Fraser) “C1” Comments on PS (Gary Davidson and Kim Burns, and Victoria Fraser)

Committee:	Planning Committee
Date:	08 January 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – 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 two operators, Openreach and Clarke Telecom, of their intention to utilise permitted development rights at ten locations within the Council area to install communications apparatus. The installations consist of fixed line apparatus, upgrades to existing radio base stations and replacement of headframe and 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 the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 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	<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 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 4 – Notifications from an Operator in respect of intention to utilise permitted development rights
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Committee:	Planning Committee
Date:	08 January 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Update Report in relation to Older Applications

1.0 **Background**

1. A report in relation to older applications was presented to Members at the meeting in July 2023. The report provided a breakdown of the live applications by duration still under consideration by the Unit.
2. Members were advised that a higher than average proportion of older applications in the planning system has had a direct impact on the ability of the Unit to achieve good performance against the statutory targets of 15 weeks for local applications and 30 weeks for major applications.
3. Members were also advised that applications can remain in the planning system for longer than expected for a variety of reasons such as:
 - Quality of application submitted
 - Inadequate surveys/technical reports or requests for additional reports
 - Change in personnel
 - Deferrals to allow for further information to be submitted
 - Further information requests from statutory consultees
 - Requests by applicants/agents to hold applications
 - Legal implications [Judicial Reviews/Section 76 Agreements]
 - Introduction of new IT Systems
4. It was agreed that a further update on progress made would be provided in 6 months.

Key Issues

1. In the period June to December 2023, 23 recommendations in relation to older applications were presented to the weekly delegated list for consideration by Members. Of these, 11 were Called-In to the Committee for determination.
2. In the same period, 21 older applications were presented to Committee for determination. Of these, 5 were deferred to allow for additional information to be provided and for site visits to take place.
3. The number of decisions issued in relation to older applications in this period is set out in the table below:

Month	June	July	Aug	Sept	Oct	Nov	Total
Number decided	11	2	11	5	8	17	53

4. The number of live applications broken down by year is set out in the table below with comparative information provided in December 2022 included for convenience and ease of reference.

Year	2017	2018	2019	2020	2021	Total
End Dec 2022	1	2	11	39	153	206
End Nov 2023	1	0	8	27	94	130

5. Live cases lists are continuously kept under review and officers within the Development Management team continue to actively progress older applications in tandem with more recent submissions. The balance of older applications are factored into officer workstreams to be concluded in so far as possible before the end of the business year.
6. Additional resources from the Local Development Plan and Enforcement teams continue to provide support and additional resources have now been secured as part of the efficiency review process. It is anticipated that this resource will be available to the Development Management Team in early new year.

2.0 **Recommendation**

It is recommended that Members note the progress made in relation to older planning applications.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

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

4.1 Has an equality and good relations screening been carried out? No

4.2 Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out

This is a report providing an update in relation to older planning applications. EQIA not required.

4.3 Has a Rural Needs Impact Assessment (RNIA) been completed? No

4.4 Brief summary of the key issues identified and proposed mitigating actions **or** rationale why the screening was not carried out.

This is a report providing an update in relation to older planning applications. RNIA not required.

Appendices:	N/A
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