



December 1st, 2022

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 5th December 2022 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

Refreshments shall be served in Lighters at 9.30 am.

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 7 November, 2022

📄 *PC 07.11.2022- 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

📄 *Item 1 - Schedule of Applications -December - Final.pdf*

Page 9

- (i) LA05/2021/1034/F - Proposed social and affordable residential development comprising a mix of 103 no dwelling houses and 17 no apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Ballinderry Road (120 no units in total) on lands 40 metres south of 27-37 Crescent Business Park west of 11-17 Iniscarn Close and east of Enterprise Crescent Ballinderry Road, Lisburn

📄 *Appendix 1(a) - FINAL DM Officer Report - LA0520211034F- Ballinderry Roa...pdf*

Page 14

- (ii) LA05/2022/0749/F - Construction of 1no. general industrial unit (class B3) and 1no industrial unit with offices (Class B1 and B3) with associated access and parking facilities along with other ancillary works on a site 50m south west of 4 Ferguson Drive, Knockmore Hill Industrial Estate

📄 *Appendix 1(b) FINAL DM report 2022.0749.F - Ferguson Drive MCON.pdf*

Page 47

- (iii) LA05/2021/1358/O – Proposed dwelling and garage on lands Between 21 and 25 Mill Road West, Belfast

📄 *Appendix 1(c)(i) - FINAL DM Officer Report - LA0520211358 Mill Road Wes...pdf*

Page 68

📄 *Appendix 1(c)(ii) Report of Site Meeting - 17.11.2022 - Mill Road West.pdf*

Page 74

📄 *Appendix 1(c)(iii) - FINAL DM Officer Report - LA0520211358 Mill Road W...pdf*

Page 76

(iv)	LA05/2021/0947/O - Site for dwelling and garage site 2 immediately west of 161 Ballynahinch Road Hillsborough	<ul style="list-style-type: none"> ▢ <i>Appendix 1(d) - FINAL DM Officer Report - LA05.2021.0947.O - Immediately...pdf</i> Page 104
(v)	LA05/2021/0948/O - Site for dwelling and garage at site 1 approximately 80m West of 161 Ballynahinch Road	<ul style="list-style-type: none"> ▢ <i>Appendix 1(e) - FINAL DM Officer Report - LA0520210948O - 80m west of ...pdf</i> Page 127
(vi)	LA05/2020/1039/O - Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21) Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn	<ul style="list-style-type: none"> ▢ <i>Appendix 1(f) - FINAL DM Officer Report - LA05.2020.1039.O - Crewe Road....pdf</i> Page 150
(vii)	LA05/2021/0017/F - Proposed stable block (domestic) including tack room/feed store, approximately 40m from 33 Glen Road Hillsborough	<ul style="list-style-type: none"> ▢ <i>Appendix 1(g)(i) - FINAL DM Officer Report -LA0520210017F - Glen Road st...pdf</i> Page 183 ▢ <i>Appendix 1(g)(ii) - FINAL DM Officer Report -LA0520210017F - Glen Road s...pdf</i> Page 188
4.2	Statutory Performance Indicators - October 2022	<ul style="list-style-type: none"> ▢ <i>Item 2 - Statutory Performance Indicators - October.pdf</i> Page 210 ▢ <i>Appendix 2 - Lisburn_Castlereagh_Oct_Monthly_MI.PDF</i> Page 214
4.3	Submission of Pre-Application Notice (PAN) for Environmental Improvement Works throughout Hillsborough Village comprising footpath, resurfacing, street lighting upgrade and tree and shrub planting with the rationalisation of on-street village centre car parking	<ul style="list-style-type: none"> ▢ <i>Item 3 - LA0520221007PAN - Hillsborough.pdf</i> Page 215 ▢ <i>Appendix 3(a) - Report in relation to LA0520221077PAN - Hillsborough Vil...pdf</i> Page 218 ▢ <i>Appendix 3(b) - LA0520221007PAN - Hillsborough - PAN Form.pdf</i> Page 221 ▢ <i>Appendix 3(c) - LA0520221007PAN - Hillsborough -Site location plan.pdf</i> Page 224
4.4	Submission of Pre-Application Notice (PAN) for a residential development comprising 81 dwellings including open space and landscaping and all associated site and access works south of Mealough Road west of	

Saintfield Road to the rear and west of No. 615 Saintfield Road and c.200 metres north of Blenheim Park Carryduff (amendment to previously approved application Y/2009/0114/F)

Item 4 - LA0520221055PAN - Mealough -.pdf	Page 226
Appendix 4(a) - Report in relation to LA0520221055PAN - Mealough Road.pdf	Page 229
Appendix 4(b) - LA0520221055PAN - PAN Form.pdf	Page 232
Appendix 4(c) - LA0520221055PAN - Site location.pdf	Page 235
4.5 Submission of Pre-Application Notice (PAN) for proposed industrial buildings, storage yard, landscaping and ancillary site works on land approximately 130 metres north east of 20 Glenavy Road, Moira	
Item 5 - LA0520221079PAN - Glenavy Road.pdf	Page 236
Appendix 5(a) - Report in relation to LA0520221079PAN - Glenavy Road.pdf	Page 239
Appendix 5(b) - LA0520221079PAN - Glenavy Road - PAN Form.pdf	Page 242
Appendix 5(c) - LA0520221079PAN - Glenavy Road - Site location plan.pdf	Page 248
4.6 Consultation on Review of Permitted Development Rights	
Item 6 - Consultation on Review of Permitted Development Rights.pdf	Page 249
4.7 Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022	
Item 7 - Consultation - Draft Planning Fees (Deemed Planning Applicatio...pdf	Page 253
4.8 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights	
Item 8 - Notification by telecommunication operator(s) of intention.pdf	Page 257
Appendix 8 -List of Notification of Intention to utilise PD December 202...pdf	Page 260
4.9 Replacement of the Northern Ireland Planning Portal - Newsletter	
Item 9 - Replacement of the Northern Ireland Planning Portal -.pdf	Page 261
Appendix 9 - NI Planning Portal - Newsletter - November 2022.pdf	Page 265

5.0 Confidential Business

5.1 Planning Application Fees Uplift

Confidential due to containing information relating to the financial or business affairs of any particular person (including the Council holding that information)

6.0 Any Other Business

PC 07.11.2022

LISBURN & CASTLEREAGH CITY COUNCIL

1

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 7 November 2022 at 10.00 am**PRESENT IN CHAMBER:**

Alderman J Tinsley (Chairman)
 Aldermen W J Dillon MBE, D Drysdale and O Gawith
 Councillors D J Craig, M Gregg, U Mackin and A Swan

PRESENT IN REMOTE LOCATION:

Councillor John Palmer (Vice-Chairman)
 Alderman A Grehan
 Councillor J McCarthy

IN ATTENDANCE IN CHAMBER:

Director of Service Transformation
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officers (RT and MB)
 Member Services Officers
 Technician
 IT Officer

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

IN ATTENDANCE IN REMOTE LOCATION:

Mr S Masterson (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman J Tinsley, welcomed those present to the Planning Committee. The Chairman pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded.

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

The Head of Planning & Capital Development advised on housekeeping and evacuation procedures.

1. Apologies

There were no apologies.

PC 07.11.2022

2

2. Declarations of Interest

At this point, declarations of interest were made as follows:

- Alderman D Drysdale in respect of item 4.1 (iv) Planning Application LA05/2022/0133/F, as he had met with both parties involved and did express an opinion; and
- Alderman A Grehan in respect of item 4.1 (v) Planning Application LA05/2021/0067/F as she had been involved in this matter through the Northern Ireland Housing Executive.

The Chairman, Alderman J Tinsley, pointed out that all Members of the Planning Committee would have an interest in Planning Applications LA05/2022/0290/F and LA05/2022/0598/F. However, section 6.6 of the Northern Ireland Local Government Code of Conduct for Councillors provided dispensation for Members to speak, and vote on, these applications.

During the meeting, the following further declaration of interest was made:

- Councillor D J Craig in respect of item 4.4, Submission of Pre-Application Notice (PAN) for the erection of new post primary school, primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches at Forthill, given that he was a member of the Education Authority Board.

3. Minutes of Meeting of Planning Committee held on 3 October, 2022

It agreed that the minutes of the meeting of Committee held on 3 October, 2022 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

4.1.1 Applications to be Determined

The Head of Planning & Capital Development advised that, at the request of the Northern Ireland Environment Agency, Water Management Unit, Planning Application LA05/2020/0998/F had been removed from the schedule as further information was required.

Councillor John Palmer joined the meeting at this point, as did Councillor S Mullholland (10.10 am).

The Legal Advisor, Mr S Masterson, 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.

PC 07.11.2022

3

- (i) LA05/2021/0206/O – Demolition of existing building and construction of 4 detached two-storey dwellings with garages at 14a Feumore Road, Ballinderry Upper, Lisburn (00:09:50)

Councillor S Mulholland left the meeting during consideration of this item of business (11.20 am).

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

The Chairman, Alderman J Tinsley, put on record his thanks to the residents of 14g Feumore Road for permitting Members attending the recent site visit to come onto their property to allow full examination of the site.

The Committee received the following speakers, who responded to a number of queries raised by Members:

- Mr P Donnelly – against the application
- Councillor R T Beckett – against the application
- Mr D Donaldson (accompanied by Mr J Caithness and Mr J Mairs for the purpose of answering questions) – in support of the application

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

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve the application, the voting being 6 in favour and 5 against.

Mr S Masterson, Legal Advisor, left the meeting and Mr B Martyn, Legal Advisor, arrived to the meeting at this point (11.24 am).

- (ii) LA05/2021/0836/F – Proposed infill dwelling on site adjacent to 113 Belfast Road, Saintfield (01:18:30)

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

The Committee received Mr G Rolston to the meeting in order to speak in support of the application and he responded to a number of queries raised by Members.

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

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to refuse the application, the voting being 8 in favour and 3 against.

PC 07.11.2022

4

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (12.34 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (12.42 pm).

- (iii) LA05/2022/0598/F – Change of use of a loading bay to a parklet adjacent to The Cardan, Lisburn, at The Cardan Bar & Grill, 41 Railway Street, Lisburn (02:29:15)

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

No requests for speaking rights had been received in respect of this application and there were no queries raised with Planning Officers.

Vote

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

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for lunch (12.48 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (1.30 pm).

- (iv) LA05/2022/0290/F – Proposed replacement of an existing all weather astro turf pitch and existing grass pitch with a new 3G pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works at Lough Moss Leisure Centre, Hillsborough Road, Carryduff BT8 8HR (02:35:44)

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

The Committee received Mr A Gibson and Mr B Courtney (Head of Sports Services) in order to speak in support of the application and they address a number of Members' queries.

In response to a query by Councillor M Gregg, Mr Gibson stated that the specification for lighting had not been approved and the provision of redshift led eco-friendly lighting could be looked at as part of the proposed condition relating to lighting.

PC 07.11.2022

5

- (iv) LA05/2022/0290/F – Proposed replacement of an existing all weather astro turf pitch and existing grass pitch with a new 3G pitch, additional car parking spaces, floodlighting, fencing, ball catching netting, pedestrian and vehicle access gates, retaining walls, and access path and all associated site works at Lough Moss Leisure Centre, Hillsborough Road, Carryduff BT8 8HR (Contd)

The Chairman, Alderman J Tinsley, stated that Mr B Courtney should respond directly to Councillor John Palmer in respect of his query regarding wind turbines.

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

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.

- (v) LA05/2021/0067/F – Residential development comprising 90 dwellings in a mix of apartments, detached and semi-detached dwellings, bungalows and townhouses with associated car parking and landscaping at lands at 49-51 Hillsborough Old Road, Lisburn, BT27 5EW (03:18:11)

Having declared an interest in this item of business, Alderman A Grehan left the meeting during its consideration.

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

No requests for speaking rights had been received in respect of this application.

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

During discussion, the following was agreed:

- Condition 12 should read "Prior to construction of the first dwelling commencing, the detailed drainage design shall be submitted to and agreed in writing with the Council;
- a planning condition would be included stipulating that the play park should be constructed in the location indicated in the plans and prospective residents should acquaint themselves with those drawings; and
- the wording of condition 5 be strengthened to ensure provision of the play park at an earlier stage.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve the application, the voting being 9 in favour and 1 against.

PC 07.11.2022

6

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (3.17 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (3.26 pm).

Alderman A Grehan had returned to the meeting.

- (vi) LA05/2021/1358/O – Proposed dwelling and garage between 21 and 25 Mill Road West, Belfast (04:19:15)

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

The Committee received the following speakers, who responded to a number of queries raised by Members:

- Ms C Millar – for the application and against the recommendation
- Councillor N Anderson – for the application and against the recommendation

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

Following discussion, it was proposed by Alderman O Gawith, seconded by Alderman D Drysdale and, on a vote being taken, agreed that this application be deferred for a site visit, the voting being 6 in favour and 5 against.

- (vii) LA05/2022/0133/F – Car port with decking over and a 900mm balustrade (retrospective) at 8 Robbs Road, Dundonald, BT16 2NA (5:10:20)

Having declared an interest in this item business, Alderman D Drysdale left the meeting at this point (4.17 pm).

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

The Committee received Mrs McMillen in order to speak in support of the application.

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

Vote

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

PC 07.11.2022

7

- (viii) LA05/2020/0998/F – Planning application for the retention of an existing on-farm (500KW) Anaerobic Digestion Facility (to include provision for 1 Digestate Storage Tank, 1 covered Digestate Tank, 2 Agricultural Feedstock Storage Clamps, Biogas Feeder System, Associated CHP, pump room and office building, Emergency Backup Generator Container, Containerised Pressure Relief Container, Underground Pre-Reception Tank, 5 erected Lighting Columns, associated retaining walls and existing hard standing area and access laneway, together with the proposed erection of a portal roof covering over the existing feedstock storage clamps, proposed new solid separator clamp and feedstock building, weighbridge, ancillary works and associated landscaping at lands approximately 175 meters west of Lisleen Road East, Comber, BT5 7TG

As advised at the start of the meeting, this application was withdrawn from the schedule.

4.2 Statutory Performance Indicators – September 2022 (05:48:03)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the Statutory Performance Indicators for September 2022, together with the explanatory narrative in this regard, be noted.

4.3 Planning Statistics for Quarter 1 (April – June 2022) (05:51:27)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the planning statistics for Quarter 1 (April – June 2022) be noted.

4.4 Submission of Pre-Application Notice (PAN) for the erection of new post primary school, primary school and nursery unit with associated works including car park, bus drop-off area and playing pitches at Forthill, Lisburn (05:53:08)

Having declared an interest in this item of business, Councillor D J Craig took no part in its consideration.

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

4.5 Submission of Pre-Application Notice (PAN) for the proposed erection of 8 industrial units, related access improvements, parking and ancillary site works at Comber Road, Dundonald (05:53:51)

The Head of Planning & Capital Development advised that the above application was in fact for 9 industrial units. The applicant had erred in the submission.

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

PC 07.11.2022

8

- 4.6 Submission of Pre-Application Notice (PAN) for the erection of discount food store, provision of accesses, car parking, landscaping and associated site works at Sprucefield Park, Lisburn (05:55:26)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the Pre-Application Notice in relation to the above application be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.7 Replacement of the Northern Ireland Planning Portal (05:56:13)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the current position in relation to the implementation of the new Planning Portal System be noted.

- 4.8 Planning Publication Policy (05:59:50)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed to note information in relation to the Planning Publication Policy.

- 4.9 Abandonment at Quay Street, Lisburn (05:59:35)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed to note correspondence for the Department for Infrastructure and to progress on the abandonment of land at Quay Street, Lisburn.

- 4.10 Cost Award Appeal Decision in respect of Planning Application LA05/2017/0882/F (06:00:38)

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed to note the decision of the Planning Appeals Commission in respect of the above planning application and that Officers pursue costs with the applicant.

5. Any Other Business

- 5.1 January 2023 Committee Meeting (06:01:25)
Chairman, Alderman J Tinsley

The Chairman, Alderman J Tinsley, advised that, in light of the first Monday in January being a Bank Holiday, the Planning Committee meeting would take place on Monday, 9 January, 2023.

There being no further business, the meeting was terminated at 5.09 pm.

Chairman/Mayor



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Decision

TITLE: Item 1 - Schedule of Planning Applications to be determined

Background and Key Issues:

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 two major application, five local applications all of which were Called in. One local was previously deferred and another had previously been presented to the committee.
2. The following applications will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.
 - (a) LA05/2021/1034/F - Proposed social and affordable residential development comprising a mix of 103 no dwelling houses and 17 no apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Ballinderry Road (120 no units in total) on lands 40 metres south of 27-37 Crescent Business Park west of 11-17 Iniscarn Close and east of Enterprise Crescent Ballinderry Road, Lisburn
Recommendation - Approval
 - (b) LA05/2022/0749/F - Construction of 1no. general industrial unit (class B3) and 1no industrial unit with offices (Class B1 and B3) with associated access and parking facilities along with other ancillary works on a site 50m south west of 4 Ferguson Drive, Knockmore Hill Industrial Estate
Recommendation - Approval
 - (c) LA05/2021/1358/O – Proposed dwelling and garage on lands Between 21 and 25 Mill Road West, Belfast
Recommendation – Refusal
 - (d) LA05/2021/0947/O - Site for dwelling and garage site 2 immediately west of 161 Ballynahinch Road Hillsborough
Recommendation – Refusal
 - (e) LA05/2021/0948/O - Site for dwelling and garage at site 1 approximately 80m West of 161 Ballynahinch Road
Recommendation – Refusal
 - (f) LA05/2020/1039/O - Site for a dwelling, garage and associated site works (infill opportunity as per CTY 8 of PP S21) Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn
Recommendation – Approval
 - (g) LA05/2021/0017/F - Proposed stable block (domestic) including tack room/feed store, approximately 40m from 33 Glen Road Hillsborough
Recommendation – Refusal

Recommendation:

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

Finance and Resource Implications:

Decisions may be subject to:

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

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

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

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

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.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

Has a Rural Needs Impact Assessment (RNIA) template been completed?

If no, please given explanation/rationale for why it was not considered necessary:

The policies against which each planning application is considered have been subject to screening and/or assessment. There is no requirement to repeat this for the advice that comes forward on each of the appended reports.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- APPENDIX 1(a) - LA05/2021/1034/F
- APPENDIX 1(b) – LA05/2022/0749/F
- APPENDIX 1(c)i - LA05/2021/1358/O
- APPENDIX 1(c)ii - LA05/2021/1358/O – Site Visit
- APPENDIX 1(c)iii - LA05/2021/1358/O – Initial Report [November 2022]
- APPENDIX 1(d) – LA05/2021/0947/O
- APPENDIX 1(e) - LA05/2021/0948/O
- APPENDIX 1(f) - LA05/2020/1039/O
- APPENDIX 1(g)i - LA05/2021/0017/F
- APPENDIX 1(g)ii – LA05/2021/0017/F – Initial Report [July 2022]

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 December 2022
Committee Interest	Major Application
Application Reference	LA05/2021/1034/F
Date of Application	21 September 2021
District Electoral Area	Lisburn South
Proposal Description	Proposed social and affordable residential development comprising a mix of 103 dwelling houses and 17 apartments with public open space, children's play park, landscaping, car parking, associated site works and infrastructure and access arrangements from Ballinderry Road (120 units in total).
Location	Lands 40 metres south of 27-37 Crescent Business Park west of 11-17 Iniscarn Close and east of Enterprise Crescent, Ballinderry Road
Representations	0
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 development comprises more than 50 residential units.
2. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.

3. It is also considered that the buildings when constructed 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 by reason of overlooking or being dominant or over-bearing.
4. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.
5. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP 2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment, in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.
6. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, and 3 of PPS 15 in that the detail associated with the Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.
7. It is considered that the proposal is compliant with the requirements of PED 8 of PPS 4 in that it is compatible with adjoining land uses.
8. Finally it is considered whilst limited weight is afforded to the requirements of draft policies ENV 2 and ENV 3 of draft BMAP they are still material considerations to be weighed in the decision making process. It is accepted that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of the proposed Causeway End East Site of Local Nature Conservation Importance (SLNCI).

Description of Site and Surroundings

Site

9. The site is located to the north of Ballinderry Road in West Lisburn on lands immediately east of Enterprise Crescent, west of Iniscairn Close and south of Causeway Coast Meadows.
10. The site measures approximately 4.3 hectares in size and the topography of the site is relatively flat throughout with the exception of immediate boundary with the Ballinderry Road where the ground falls-off quite steeply.

11. The land is undeveloped and appears to have no use. A small watercourse traverses the eastern boundary. The boundaries to the north, east, and west consist mainly of existing mature planting

Surroundings

12. The immediate context is mixed use in character with employment uses beyond the boundaries of the site to the west and northwest and housing to the northeast and east. The Belfast to Dublin rail line passes the south eastern corner of the site.

Proposed Development

- 15 The application is for a residential development comprising 120 dwellings in a mix of apartments, semi-detached dwellings, bungalows and townhouses with associated car parking, landscaping and areas of open space including a play park,
- 16 The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that it involves the development of more than 50 dwellings.
- 17 On this basis the applicant was required to engage in pre-application community consultation (PACC).
- 18 A Pre-Application Community Consultation report [dated September 2021] submitted in support of the application provides a record of the consultation that had taken place to inform interested parties of the details of the proposed development.
- 19 The format of the report is in accordance with the Practice Note and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design of the proposed scheme.
- 20 The following issues were raised through the PACC process:
 - Traffic
 - Flooding
 - Green Space and Environmental concerns
 - Anti-Social behaviour
- 15 The application was also supported with the following technical assessments and other reports:
 - Comprehensive Concept Design and Access Statement
 - Landscape Management and Maintenance Report
 - Flood Risk Assessment
 - Preliminary Ecological Appraisal

- Transport Assessment Report
- Parking Statement
- Drainage Assessment
- Noise Assessment

Relevant Planning History

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

Reference Number	Description	Location	Decision
S/2008/0321/O	Proposed Residential Development	Lands at Ballinderry Road Industrial Estate, Lisburn, BT28	Granted
S/2010/0354/F	Proposed residential development including 87 dwellings and 42 apartments along with associated roads and site works.	Lands at Ballinderry Road Industrial Estate Lisburn BT28.	Granted

Consultations

22 The following consultations were carried out:

Consultee	Response
LCCC Environmental Health	No objection
NI Water	No objection
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division (NED)	No Objection
DfI Roads	No Objection

Representations

23. No Letters of objection have been submitted in respect of the proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

- 23 The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 3 (Clarification): Access, Movement and Parking
 - Planning Policy Statement 4 (PPS 4) – Planning and Economic Development
 - Planning Policy Statement 7 (PPS 7) – Quality Residential Environments
 - Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas
 - Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
- 24 The relevant guidance is:
- Creating Places – Achieving Quality in Residential Developments
 - Development Control Advice Note 15 - Vehicular Access Standards

Environmental Impact Assessment (EIA)

27. 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 2015.
28. An EIA determination was carried out and it was concluded 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

Local Development Plan Context

29. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Area Plan (BMAP) 2015 had in its entirety not been lawfully adopted.
30. As a consequence of this decision, the Lisburn Area Plan (LAP) is the statutory development plan for the area, however, draft BMAP and BMAP remain a material consideration.
31. Within the Lisburn Area Plan, the subject site is zoned for industry and subsequently the land was zoned for employment use in draft BMAP.
32. An objection (2095) to the zoning was made through the BMAP Public Inquiry process. The Planning Appeals Committee (PAC) subsequently upheld the objection and recommended that the land should be zoned for housing as planning permission for housing had been granted on the land (See history table at paragraph 21).
33. This recommendation was adopted and the land designated for residential development LC 03/02 in BMAP.
34. In a recent publication the Chief Planner for Northern Ireland advised that for those planning authorities subject to draft BMAP, that the draft plan along with representations received to the draft plan and the PAC inquiry report **remains as material considerations** to be weighed by the decision-maker.
35. Whilst the adopted Plan remains unlawful the Council cannot ignore the advice of the PAC up to the stage just before the Plan was adopted. Significant weight is attached to the findings of the PAC and this is consistent with the advice of the Chief Planner.
36. In respect of draft BMAP, page 16 states that:

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to

Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

37. Draft policy ENV 2 of draft BMAP Sites of Local Nature Conservation Importance states that:

Planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated Site of Local Nature Conservation Importance.

Regional Policy Context

38. The SPPS states that:

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

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

39. In the case of proposals for residential development within settlements no conflict arises between the provisions of the Strategic Planning Policy Statement (2015) and the retained policy. Consequently, the retained planning policy provides the relevant policy context in this instance.

40. 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.

41. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

42. 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.

43. 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.
44. 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.
45. 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.

46. 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.
47. Paragraph 6.81 of the SPPS states that:

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

Quality Residential Environments

48. PPS 7 – Quality Residential Environments sets out the Department’s planning policies for achieving quality in new residential development and advises on the treatment of this issue in development plans. It embodies the Government’s commitment to sustainable development and the Quality Initiative.
49. 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.

50. 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

51. Creating Places – Achieving Quality in Residential Developments' (May 2000) is the principal guide for developers in the design of all new housing areas. 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.

Open Space, Sport and Outdoor Recreation

52. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the Department's planning policies for the protection 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.
53. The Council will only 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.
54. 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.
55. 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) *(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.*
56. 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.
57. The Council 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.

58. 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.*
59. Planning permission will not be granted until the developer has satisfied the Council 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.
60. Arrangements acceptable to the Council in line with the policy 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.*
61. In all cases developers will be responsible for the laying out and landscaping of public open space required under this policy.

Natural Heritage

62. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
63. Policy NH 1 – European and Ramsar Sites states:
- that Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:*
- *a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or*
 - *a listed or proposed Ramsar Site.*

64. The policy also states that:

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

65. Policy NH 2 – 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:-

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

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.

66. 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:

- 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.

67. The policy also states that:

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

68. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.

69. 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.

Development Control Advice Note 15 – Vehicular Access Standards

70. Development Control Advice Note 15 – Vehicular Access Standards states 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.

PPS 15 – Planning and Flood Risk

71. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that:

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

72. 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 hard surfacing 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.

PPS 6- Archaeology and the Built Heritage

73. PPS 6 – Archaeology and the Built Heritage sets out planning policies for the protection and conservation of archaeological remains and features of the built heritage.
74. Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings states:

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

PPS 4 – Planning and Economic Development

75. PPS 4 sets out policy PED 8 for development which is incompatible with economic uses. PED 8 states:

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.

Assessment

76. Within the context of the planning policy tests outlined above, the following assessment is made relative to proposed redevelopment of this site for ninety dwellings.

Quality Residential Environments

Impact on the Character of Area

77. The area is predominantly made up of a mix of high/medium density housing comprised of semi-detached and terraced dwellings set in small to medium sized plots. Car Parking is also a mix of on-street and in-curtilage parking.
78. The scheme comprises 120 units with a range and mix of apartments, semi-detached dwellings, bungalows and townhouses. The form and general arrangement of the buildings is characteristic of those built in adjacent developments at Inisclairn Park to the east and Ballycreen Park to the south.
79. The density equates to 27 dwellings per hectare which is considered to be at the lower end of medium density as described in Annex 1 of PPS 12 - Housing in Settlements.
80. 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 development and it is considered that the established residential character of the area would not be harmed.

Layout/Design/Material and Impact on Residential Amenity

81. There are number of different house types proposed with sizes varying from 75 square metres to 162 square metres in size. The 17 apartments proposed are

located over a number of blocks and range in size from 52 square metres to 89 square metres. A sample description of the some of the dwellings is outlined below.

82. House type A1.1 is a semi-detached three person two bedroom dwelling measuring approximately 80 square metres in floor area. This dwelling will have a ridge height of 8.0 metres.
83. The materials proposed for the dwelling include a mix of buff colour facing brick, and off white coloured render with concrete interlocking roof tiles, grey double glazed uPVC doors, and powder coated aluminium gutters and uPVC downpipes.
84. House type C 2 is a detached 6 person four bedroom dwelling measuring approximately 162 square metres in floor area. This dwelling will have a ridge height of approximately 8.9 metres.
85. The materials proposed for the dwelling include a mix of buff colour facing brick, and off white coloured render with concrete interlocking roof tiles, grey double glazed uPVC doors, and powder coated aluminium gutters and uPVC downpipes.
86. The block of apartments located at the entrance of the site with Ballinderry Road will be three storeys, with a ridge height of 13 metres and contain 9 apartments. The size of the apartments range from approximately 63 square metres to 69 square metres in floor area.
87. The materials proposed for the apartments include a mix of buff colour facing brick, grey render and fibre cement cladding with grey roof tiles, dark grey powder coated aluminium windows and doors, dark grey UPVC windows and powder coated aluminium gutters and uPVC down pipes
88. The finishes proposed to the dwellings and apartments are considered to be acceptable and in keeping with the established character of this area.
89. No garages are proposed for any of the dwellings.
90. The proposed layout is designed to ensure that there is appropriate separation distances between the proposed dwellings. The design and access statement confirms that the development has been designed to ensure that there is no adverse impact caused to the amenity of future resident as a consequence of overlooking between the proposed dwellings.
91. The relationship between the buildings in each plot has been checked and it is considered that the guidance contained in the Creating Places is met.
92. The layout of the rooms in each of the units, the position of the windows and separation distances have been designed to ensure that there is no overlooking into the private amenity space of the neighbouring properties.

93. The buildings are not dominant or overbearing and no loss of light would be caused.

Residential Amenity

94. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal access Road.
95. The design of the dwellings along with the separation distances and boundary treatments ensures that no overlooking would be caused into any neighbour's private amenity space.
96. The separation distances between the rear of the new houses at sites 87-88 and the rear of the existing dwellings in Causeway Meadows, ranges from 19 metres at the narrowest point to 20 metres at its largest distance.
97. It should also be noted that the ground level in Causeway Meadows is approximately 2 metres higher than that of the application site.
98. The smallest back to back separation distance between the proposed dwellings at sites 94-95 and the existing dwellings in Iniscarn Close is measured at approximately 35 metres.
99. The separation distances are in accordance with the requirements of the Creating Places document.
100. There is a varied type of boundary treatments proposed (discussed below) and this along with the levels also ensures no overlooking.
101. It is considered that the proposal will not create conflict or result in unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Provision of Open Space / Landscaping

102. The provision of private amenity space varies from plot to plot ranging from a minimum of 53 square metres up to a maximum of 278 square metres per unit. As an average 83 square metres is provided across all the dwellings in the site
103. The communal garden area surrounding the apartments extends to approximately 500 square metres which translates to an average of approximately 30 square metres per apartment.
104. These figures are consistent with the guidance in the Creating Places document for detached/semi-detached suburban style housing developments made up of two, three and four bedroom units and apartment units.

105. All of the apartments located in building Type H will have private terraces and they will also have access to the communal gardens located adjacent to the blocks and throughout the development.
106. Given that the area of the proposed development exceeds one hectare and more than twenty-five units open space must be provided as an integral part of this development. The detail associated with the site layout demonstrates that public areas of open space are to be provided as part of the proposal.
107. Two areas of open space are proposed, one is located at the front portion of the site and a further area is located towards the rear of the site. These areas combined equated to 10.5% of the overall site which is in line with policy requirements.
108. A landscape management plan dated 21 September 2022 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.
109. It also details the maintenance programmes proposed to allow the proposal to visually integrate the development with its surroundings and develop a quality planting scheme that will reduce visual intrusion and enhance the development as a whole.
110. The management plan explains that the aim of the landscape proposal is to create a comprehensive planting scheme that will enhance the environment of the proposed development ensuring its integration into the wider landscape/townscape setting.
111. It explains that the objectives are to introduce new tree, shrub and hedge planting of sizes and species to provide both age and species diversity.
112. The landscape plan demonstrates existing trees along the boundaries are to be retained as possible and supplement where necessary with native planting along with standard and heavy standard trees. A 1.8 metre close boarded fence is also proposed around the boundary of the site and the proposed open spaces would be grassed with trees planted within.
113. It is considered 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 prior to the occupation of that phase of the development.

Design Concept Statement, Concept Master Plans and Comprehensive Planning

114. The SPPS states that a design concept sought from and agreed with the developer incorporating sustainable elements such as good linkage of housing

with schools, community facilities and public transport; provision for cycling; adequate provision of open space and landscaping integrated with broader green and blue infrastructure systems; energy efficient design of housing units and use of sustainable drainage systems, where appropriate.

115. Policy QD 2 - Design Concept Statement, Concept Master Plans and Comprehensive Planning states that planning authorities will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.
116. The Policy directs that a Concept Master Plan will be required for planning applications involving:
 - (a) 300 dwellings or more; or
 - (b) The development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or
 - (c) Housing development on any other site of 15 hectares or more.
117. It advises that in the case of proposals for the partial development of a site zoned for housing the Concept Master Plan will be expected to demonstrate how the comprehensive planning of the entire zoned areas is to be undertaken.
118. Whilst the subject proposal itself would not meet the threshold for a CMP the Design and Access statement dated September 2021 explains at sections 4 – 5 how the scheme has been designed to take into account previous histories of the site, current developments to the north and east of the site, and the character of the wider setting.
119. Based on the information provided, it is accepted that the proposed development is in accordance with Policy QD 2 in that the development proposal contributes to the comprehensive development of the zoning and the immediate area.

Access, Movement and Parking

120. A Transport Assessment (TA) form prepared by AECOM was submitted with the application.
121. The TA confirmed that the proposal for 120 units will generate slightly less trips than the previous approval S/2010//0354/RM.
122. The TA also confirms that vehicular access to and from the proposed residential development will be via a new access point onto the Ballinderry Road. The new access will be designed in accordance with DCAN 15 with the provision of a right turn ghost island.
123. The junction layout proposed will be the same as the previously approved development on the site.

124. Based on the current parking standards and guidance in Creating Places the development requires a total of 245 parking spaces. These guidelines are applicable to both private housing and affordable/social housing.
125. The proposed development provides a total of 210 spaces which is less than the required standard for a location outside an area of parking constraint. However the agent has demonstrated through the submission of a parking statement that the reduction is due to the applicant's experience of managing other similar developments whereby a lesser provision has been observed to be required.
126. The parking statement concluded that in line with current policy in Creating Places the development would qualify for reduced parking as car ownership will be below average and the site is highly accessible, is located only 1.5 km out of Lisburn City Centre and has bus stops located within 400 metres of the site access.
127. This is one of the exceptions provided for in policy AMP 7 and there is no reason to disagree with the findings of the parking assessment.
128. Detail submitted with the application demonstrated how the internal layout of the proposed development is designed to DfI Roads requirements and that there will be no impact to traffic on the existing public road network (Ballinderry Road) adjacent to the site.
129. The detail also demonstrates that parking is provided either in curtilage or communally for each of the one hundred and three dwellings and seventeen apartments.
130. The new development will provide a continuous footway link through the proposed development to the existing public network on the Ballinderry Road providing a safe and separate route for pedestrians.
131. DfI Roads has confirmed that it has no objection to the general layout and arrangement of the roads within the proposed development on the grounds of roads safety or traffic impact.
132. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and requested that final PSD drawings be prepared. The road layout will not change and will not affect the layout of the proposed buildings.
133. Based on advice from DfI Roads it is considered that the proposed development will not prejudice the safety and convenience of road users and that it complies with the relevant policy tests set out in policies AMP2 and AMP 7 of PPS 3 for the reasons specified above.

Public Open Space

134. The detail submitted with the application shows that there are two areas of open space to be provided throughout the site.
135. These areas of open space are positioned so that all properties can access the areas easily. The agent has also demonstrated that more than 10% of the total site is comprised of accessible open space.
136. More than 100 dwellings are proposed as part of this development therefore an equipped children's play park is also required in line with policy OS2 of PPS8.
137. An equipped children's play areas is proposed as part of the development. It is to be located in the north east portion of the site.
138. It is recommended that a condition is attached to any decision to ensure that the detail of the proposed equipment, any means of enclosure and changes in ground level is submitted and agreed in writing with the Council prior to the commencement of any works. The park shall be erected before the occupation of the seventy fifth dwelling in the scheme. This is earlier than envisaged by the policy but takes account of the fact the developed is likely to be phased and come of the dwellings occupied earlier.

Natural Heritage

139. A Preliminary Ecological Appraisal and Assessment dated September 2021 carried out by AECOM is submitted in support of the application.
140. Paragraph 3.21 indicates that the method adopted for the field survey work followed the standard Phase 1 Habitats Survey methodology development by the Joint Nature Conservation Committee (JNCC).
141. The document further advises at paragraph 3.21 that the entire application site and immediate environs were surveyed for evidence of protected species.
142. An assessment of the following species and habitat features was conducted:
 - Badger Surveys
 - Birds
 - Bat Roost Potential
 - Habitats
143. Natural Environment Division (NED), whilst having no objection in principle, made a number of comments in relation to the proposal and the reports that were submitted in support of the application.
144. NED stated that:

The ecologist notes that there is no roosting opportunities for bats within the site, as all trees have been classified as either negligible or low suitability for roosting bats, NED are therefore content that the proposal is unlikely to lead to significant impacts on roosting opportunities for bats. NED support the ecologists recommendations for bat mitigation as outlined in section 6 Bat Mitigation (Pages 15 – 16 of the PEA).

NED are content that no evidence of badger or badger activity was identified during surveying, however records obtained from sources such as CEDaR indicate badger activity in the wider environment, therefore NED recommend the applicant adheres to mitigation measures as noted within section 5.2.3.2 Badger (Page 13 of the PEA).

NED consider it likely that breeding/nesting birds would utilise vegetation within and surrounding the application site, therefore NED agree with the ecologists recommendation for any necessary vegetation removal to be completed outside of the bird breeding season

(1st March – 31st August inclusive) where possible. If this is not possible, an ecologist may undertake a check for active birds' nests prior to vegetation removal and provide mitigation/protection where necessary.

NED are content that the retention of marshy grassland, hedgerows and proposed landscaping incorporating NI native species and wildflower mixes will assist in providing appropriate habitat compensation for invertebrates, providing refuge, commuting and foraging opportunities.

145. In Summary NIEA, Natural Environment Division (NED) concluded that it had considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions.
146. In terms of other Natural Heritage considerations it is acknowledged that the site is lies within Causeway End East Site of Local Nature Conservation Importance (SLNCI) which is designated for wet grassland habitat under local area plans.
147. AECOM in their PEA recommended that the area must be retained and protected. They suggested that a Habitats Management Plan (HMP) should be provided detailing measures for safeguarding and managing the habitat during construction and operation of the proposed development.
148. NED in their consultation reply dated December 2021 stated that

NED agree with the ecologist's recommendation that a Habitat Management Plan (HMP) be produced for the appropriate management of the marshy grassland SLNCI habitat to be retained on site.
149. Should the application be approved a suitably worded condition will be attached to any decision notice to protect the Site of Local Nature Conservation Importance.

150. On the basis of the information submitted the advice of NED is accepted and it is considered that the proposal meets the policy tests associated with policies NH 1, NH2 and NH 5 of PPS 2 and that no unacceptable impact on natural heritage features will arise.

Flooding and Drainage

151. A Drainage Assessments dated September 2022 by Mc Cloy consulting was submitted in support of the application.
152. With regard to Policy FLD 1 – Development in Flood Plains DfI Rivers have advised that this policy does not apply.
153. With regard to Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure considerations, DfI Rivers have advised that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
154. They went on to say that the site is bounded at the east by an undesignated watercourse and at the north-west by an undesignated watercourse. The site may be affected by undesignated watercourses of which we have no record.
155. DfI Rivers requested that it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker. They stated that the working strip should have a minimum width of 5 metres, but up to 10 metres where considered necessary, and be provided with clear access and egress at all times.
156. DfI Rivers concluded that Figure 4-1 of the Drainage Assessment appears to comply with this requirement.
157. In relation to Policy FLD 3 – Development and Surface Water, DfI Rivers commented that the drainage assessment advises that the applicant has submitted adequate drainage drawings and calculations to support their proposals.
158. DfI Rivers PAMU have reviewed the Drainage Assessment by McCloy Consulting and our comments are as follows:

DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.

The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained within the attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event.

Further assessment of the drainage network will be made by NI Water prior to adoption. However, in order to ensure compliance with PPS 15, therefore DfI Rivers have requested that the Council includes a condition as part of its planning permission if granted. In order to safeguard against surface water flood risk

159. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on advised that they were content with the proposal as long as NI Water had capacity to take the extra load and subject to conditions and relevant statutory permissions being obtained.
160. Based on a review of the information provided the advice received from both DfI Rivers and Water Management Unit is accepted and it is considered that the proposed development is being carried out in accordance with the requirements of policies FLD 1, 2, and 3 of PPS 15.

Archaeology and the Built Heritage

161. The application site is in close proximity to a former level crossing and milepost associated with the Great Northern Railway, sites that are entered in the Historic Environment Division's Industrial Heritage Record (IHR00062:189,190). Within the wider vicinity of the site, previous excavations, namely under licenses AE/07/33 and AE/06/24, have uncovered a wide range of prehistoric and historic below-ground remains, with every era represented including rare evidence of early industrial scale iron production.
162. HED commented that this application site is over 4 hectares in size and their experience has been that large development sites such as this are rarely archaeologically sterile, and given the known archaeology within the wider area, there is the potential for previously unrecorded below-ground archaeological remains to be found during ground works for the proposal.
163. Historic Environment Division: Historic Monuments (HED: HM) considered the impacts of the proposal and are content it satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.
164. The advice of HED is accepted and that the requirements of policy BH 2, 3 and 4 of PPS 6 is met in full.

Contaminated Land/Human Health

165. A Generic Quantitative Risk Assessment (GQRA), has been provided by RSK Ireland Ltd in support of this planning application.

166. The GQRA is informed by site investigations and environmental monitoring data from a total of 19 deep boreholes and 15 window sample boreholes. A total of 12 monitoring wells were installed to provide groundwater and ground gas data.
167. Regulation Unit within NIEA were consulted on the application and in May 2022 stated that:
- The site has no history of previous development or polluting activities, although has a number of current and historical activities noted in adjacent plots including garages and an MOT centre, works shops, civil engineering firms and builders merchants. The site itself has some stockpiled material and evidence of some made ground infill on site.*
- The site investigations have detected made ground at the site with low concentrations of a range of contaminants. Groundwater impacts are noted for a number of contaminants not detected in the made ground on site which are likely to be from off-site, historical activities. Mitigation measures to protect human health receptors on site are proposed.*
- No specific remedial measures are deemed necessary to protect environmental receptors as these would not be effective at mitigating impacts from off-site sources.*
168. The mitigation measures discussed above include the placing of a capping layer of suitable material within the garden area of approximately 25 dwellings. This will minimise any potential risk to future site users from the dermal contact, ingestion and inhalation risks within shallow soils.
169. A further mitigation measure proposed is the installation of gas protection measures. Again this will minimise any potential risk to future/proposed building from inhalation accumulation of ground gases.
170. The final step in the mitigation process is the verification process that should demonstrate that the remediation/mitigation objectives (as identified above) and criteria have been met. The verification plan sets out the detailed requirements including compliance criteria, sampling frequencies and analytical suites necessary to demonstrate that remediation objectives have been met.
171. In summary the Regulation Unit Land and Groundwater team have no objections to the development subject to conditions in relation to mitigation and verification reports.
172. The Councils Environmental Health Unit also provided advice with regards potential impact on amenity and human health.
173. In relation to contamination and in receipt of the reports mentioned above and also commented upon by Regulation Unit, Environmental Health were content with similar conditions in this regard.

174. With regards to residential amenity an Acoustic Design Statement dated September 2001 was submitted in support of the application. The objective of the report is to assess the suitability of the site for residential development and to provide mitigation measures where necessary.
175. Noise sources in the area include traffic on the adjacent Ballinderry Road and the Lisburn to Moira railway line which is approximately 70 metres from the site.
176. Baseline noise measurements were conducted at five locations representative of dwelling facades. These measurements were taken over a week long period in June 2021 and data corrected to account for any potential impacts relating to Covid 19 restrictions.
177. The Acoustic Design Statement concluded that it was considered that the site was suitable for residential development subject to the provision of noise control recommendations.
178. The noise mitigation measures proposed include the provision of glazing and acoustically attenuated ventilation to a number of properties and boundary treatments including 1.8 metre high acoustic timber boarded fencing.
179. Environmental Health were consulted with the proposal and responded in April 2022 with no objections subject to condition's relating to acoustic barriers and mechanical ventilation.

Compatibility with Economic Uses

180. In the assessment of this application, the compatibility of residential development with the adjacent economic development has been considered. It is acknowledged that some proposed developments may be incompatible with economic development enterprises already operating in the vicinity.
181. The site is located to the east of Crescent Business Park and the MOT centre which have a variety of economic uses. An Acoustic Design statement submitted as part of the application package considered that the site was suitable for residential development subject to the provisions of noise control recommendations. The larger noise sources identified in the report were the traffic noise of the Ballinderry Road and the Lisburn to Moira Railway line 70m away. Environmental Health were consulted and has no objections with the application.
182. An internal road provides a buffer with the MOT centre and there are no units directly abutting this part of the site. The units to the east and north east are abutting other residential development. The dwellings to the north of the site have rear garden areas that about the south of Crescent Business Park and there are adequate separation distances with some proposed planting here where the site is relatively flat.

183. It is considered that the proposed development of this site for housing will not prejudice the continued existence of the established adjoining economic development uses and that they can co-exist without detriment. The proposal is therefore compliant with PPS4 PED8.

Consideration of Representations

184. No letters of objection have been received in relation to the proposal

Conclusions

185. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development comprises more than 50 residential units.
186. The proposal complies with SPPS and Planning Control Principles 1, 2 and 3 PPS 12 and policy QD1 of PPS7 in that the detail submitted demonstrates that a variety of house types, sizes and tenures to meet different needs is to be provided thereby contributing to the creation of a more balanced community.
187. This application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of the SPPS and policy QD 1 of PPS 7 are met in full as the detailed layout, general arrangement and design of the proposed development creates a quality residential environment.
188. It is also considered that the buildings when constructed 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 by reason of overlooking or being dominant or over-bearing.
189. The proposal complies with the SPPS and the relevant policy tests of policies of NH 1, NH 2 and NH 5 of PPS 2 in that the ecological appraisal and assessment submitted in support of the application demonstrates that the proposed development will not have a negative impact on any protected species or natural heritage features within the site.
190. It is considered that the proposal complies with the SPPS and policy tests associated with policies AMP2 and AMP 7 of PPS 3 in that the detail submitted demonstrates that the proposed development will create an accessible environment, in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic and adequate provision for car parking and servicing arrangements is provided.
191. The proposed development complies with policy tests set out in the SPPS and policies FLD 1, 2, and 3 of PPS 15 in that the detail associated with the

Drainage Assessment demonstrates that the development proposes adequate drainage proposals and demonstrates that there will be no risk from a drainage or flood risk.

192. It is considered that the proposal is compliant with the requirements of PED 8 of PPS 4 in that it is compatible with adjoining land uses.
193. Finally it is considered whilst limited weight is afforded to the requirements of draft policies ENV 2 and ENV 3 of draft BMAP they are still material considerations to be weighed in the decision making process. It is accepted that the nature and scale of the proposed works will not have an adverse impact on the nature conservation interests of the proposed Causeway End East Site of Local Nature Conservation Importance (SLNCI).

Recommendations

194. It is recommended that planning permission is approved.

Conditions

195. 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. All hard and soft landscape works shall be carried out in accordance with Drawing 01G bearing the date stamped 2September 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. 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.

5. Prior to the occupation of the last dwelling, details of the equipped children's play park including the finished ground levels shall be submitted to and agreed in writing with the Council. The scheme will be carried out as approved.

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

6. 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.

7. 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.

8. No retained tree as identified on drawing No. 01G bearing the date stamped 2 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

9. Prior to occupancy of the proposed dwellings, a 1.8m high acoustic barrier shall be erected along the site's boundary as presented in Figure 10 of the Acoustic Design Statement received by the Council 28 September 2021. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 12 kg/m² and so retained thereafter.

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

- 10 Prior to occupation of the proposed dwellings, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 36dB(A) R_w , shall be installed to the façade of sites 18-23 as detailed in Figure 9 of the Acoustic Design Statement received by the Council 28 September 2021.

Reason: To achieve internal noise level in line with BS8233

- 11 Prior to occupation of the proposed dwellings, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 34dB(A) R_w , shall be installed to the façade of sites 10-17 and the apartment block as detailed in Figure 9 of the Acoustic Design Statement received by the Council 28 September 2021.

Reason: To achieve internal noise level in line with BS8233

- 12 Prior to occupation of the proposed dwellings, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 31dB(A) R_w , shall be installed to all other facades except those referred to in condition __ and __.

Reason: To achieve internal noise level in line with BS8233

- 13 Prior to occupation of the proposed dwellings, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 36dB(A) $D_{ne,w}$ when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to the façade of sites 18-23 as detailed in Figure 9 of the Acoustic Design Statement received by the Council 28 September 2021. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second. All installed mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998".

Reason: To achieve internal noise level in line with BS8233

- 14 Prior to occupation of the proposed dwellings, passive and mechanical ventilation, in addition to that provided by open windows, capable of achieving a sound reduction of at least 34dB(A) $D_{ne,w}$ when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to the façade of sites 10-17 and the apartment block as detailed in Figure 9 of the Acoustic Design Statement received by the Council 28 September 2021. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second. All installed mechanical ventilators shall meet the requirements contained within, "The Building Control Technical Booklet K – Ventilation 1998".

Reason: To achieve internal noise level in line with BS8233

16. Prior to the occupation of the first dwelling a foul sewerage network engineering solution, to mitigate the downstream foul capacity issues, should be approved in writing by the Council

Reason: To ensure a practical solution to sewage disposal from this site.

17. No development activity, including ground preparation or vegetation clearance, shall take place until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority. The approved HMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved HMP, unless otherwise agreed in writing by the Planning Authority. The HMP shall include, but is not limited to, the following:
- a) Clear aims and objectives of proposed habitat management/restoration;
 - b) Description of pre-construction, baseline habitat conditions;
 - c) Appropriate maps, clearly identifying habitat management areas;
 - d) Detailed methodology and prescriptions of habitat management and restoration measures where appropriate, including timescales, and with defined criteria for the success of the measures;
 - d) Details of the prohibition of habitat damaging activities, including agricultural activities;
 - e) Details of the regular monitoring of the effectiveness of habitat management and restoration measures using appropriate methodology (e.g. visual inspections, vegetation quadrats, fixed point photography) in years 1, 2, 3, 5, 10 and 15 post construction;
 - f) Details of the production of regular monitoring reports which shall be submitted to the Planning Authority within 6 months of the end of each monitoring year and which shall include details of contingency measures should monitoring reveal unfavourable results.

Reason: To compensate for the loss of and damage to Northern Ireland priority habitats and to protect Sites of Local Nature Conservation Importance.

18. No vegetation clearance/removal of hedgerows, trees or shrubs shall 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 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/nesting birds.

19. 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.

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

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

21. 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 x. 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 Lisburn & Castlereagh City Council

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

Site Location Plan – LA05/2021/1034/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 December 2022
Committee Interest	Major Application
Application Reference	LA05/2022/0749/F
Date of Application	04 August 2022
District Electoral Area	Lisburn South
Proposal Description	Construction of one general industrial unit and 1 general industrial unit with offices) with associated access and parking facilities along with other ancillary works.
Location	Site 50 metres south west of 4 Ferguson Drive, Knockmore Hill Industrial Estate, Lisburn
Representations	None
Case Officer	Maire-Claire O'Neill
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, and the total gross floor space of the proposed development exceeds 1000 square metres.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policies PED 1 and PED 9 within PPS 4 Planning and Economic Development.
3. The proposal is also located in an area which is zoned as employment lands. It is therefore in accordance with the local development plan and is a use compatible with the existing uses surrounding.

4. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation and the proposed buildings are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
5. The proposal complies with the SPPS and meets the policy tests of policy AMP2 and AMP 7 of PPS 3 in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.
6. The application is considered to comply with the SPPS and satisfies the policy tests of policies FLD 1 and FLD 3 of PPS 15 in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Description of Site and Surroundings

Site

7. The proposed site is approximately 1.26 hectares in size and located to the north of Ferguson Drive within Knockmore Hill Industrial Estate.
8. The Knockmore Hill Industrial Estate is an INI sponsored estate developed for inward investment in employment and the infrastructure and associated works to prepare the land for development are in place.
9. The site is relatively flat and has been cleared with gravel laid in preparation for development.
10. There are interspersed trees and hedging to the rear and north western boundaries of the site as the land has in part become overgrown since the INI Estate was first developed.

Surroundings

11. The surrounding land uses is mainly in employment use with a mixture manufacturing workshop, offices and stores.
12. The businesses in the immediate locality of the site include Frylite, Kelvatek, Camlin Group, Creative Composites, Xperience, and Kelly European freight services.

Proposed Development

13. This is a full planning application for the Construction of one general industrial unit (class B3) and one industrial unit with ancillary offices with associated access and parking facilities along with other ancillary works.
14. By way of background, the existing engineering business 'Vision Fabrications' was set up in 2017 and currently operates out of premises at 1 Dagger Road Moira.
15. This proposal involves the relocation of a general industrial use to new premises within the Council Area.
16. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application as the threshold for a Pre-application Notice and community consultation was reached.
17. The application was also supported by a number of documents including a:
 - Transport Assessment
 - Drainage Assessment
 - Pre-Application community Consultation Report

Relevant Planning History

18. There planning history associated with the application site and immediate context is set out in the table below:

Application Reference	Description of Proposal	Address	Decision
LA05/2022/0430/PAN	Construction of 1 no general industrial unit (class B3) and 1no. general industrial unit with offices (Class B1 and B3) with associated access and parking facilities with other ancillary works	Site 50m southwest of 4 Ferguson Drive Knockmore Hill Industrial Estate Lisburn BT28 2EX	PAN Acceptable
LA05/2016/0497/F	Manufacturing workshop, offices, stores and associated site works.	Opposite 4 & adjacent to 6 Ferguson Drive Lisburn BT28 2EX	Permission Granted 29/09/2016
S/2007/0132/F	New manufacturing warehouse and ancillary offices for 'Excite exhibition and display'. Category B2 and B4.	Development at adjacent to no 2 Ferguson Drive, Knockmore Hill	Permission Granted 15/10/2007

Application Reference	Description of Proposal	Address	Decision
		Industrial Park, Lisburn	
S/2004/1277/F	New storage and distribution centre, headquarters offices, coffee processing and ancillary siteworks.	Land at Knockmore Hill Industrial Park, Lisburn.	Appeal Upheld 20/12/2005
S/2006/1599/F	Production floor & storage extension to existing factory	Land adjacent to 6 Ferguson Road, Knockmore Hill Industrial Park, Ballinderry Road, Lisburn, BT28 2FW	Permission granted 06/04/2007

Consultations

19. The following consultations were carried out:

Consultee	Response
Environmental Health	No Objection
Natural Heritage	No Objection
Water Management Unit	No Objection
DfI Roads	No Objection
Rivers Agency	No Objection
NI Water	No Objection

Representations

20. No representations have been received in either in support or in opposition to the proposal beyond the details that is contained within the PACC report.

Relevant Policy and Guidance Documents

21. The relevant policy documents are:
 - The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 2 – Natural Heritage
 - Planning Policy Statement 3 – Access, Movement and Parking
 - Planning Policy Statement 4 – Planning and Economic Development
 - Planning Policy Statement 15 – Planning and Flood Risk
22. The relevant guidance is:
 - Development Control Advice Note 15 - Vehicular Access Standards
23. The main issues to consider in the determination of this planning application are:
 - Pre Application Community Consultation
 - Environmental Statement
 - Local Development Plan
 - Regional Policy Context
 - Planning and Economic Development
 - Access, Movement and Parking
 - Natural Heritage
 - Planning and Flood Risk

Pre-Application Community Consultation

24. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
25. The report advises that a public consultation event was held in the Trinity Community Venue, Ballymacoss Avenue, Knockmore Road, Lisburn on 23 May 2022 between 6pm and 8pm.
26. The event was advertised in the local press. A notice was placed in the Ulster Star newspaper week commencing 9 May 2022 to advise the public of the event.
27. Flyers providing details regarding the proposal and comment forms were available for all attendees at the event.
28. The format of the report is in accordance with the PACC Practice Note and contains the relevant information required. It advises that all feedback received

during the consultation period has been recorded and considered as part of the evolution of the design process.

29. There was a small attendance at the event and it is described in the report that approximately 5 people attended, all who were very supportive of the proposals.
30. The main query raised by attendees was would the business employ local residents.
31. It is further explained in the report that the company had a policy of maintaining local sustainable employment.

Environmental Statement

32. The development falls within Schedule 2 development under The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

The relevant Schedule 2 category is 10(a) of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. Following an assessment under Regulation 12(1) of these Regulations, the Council has determined on 2 September 2022 that this planning application does not require to be accompanied by an Environmental Statement on the basis that the scale of development proposed on zoned employment land that had already been prepared to accommodate this type of use would not give rise to significant environmental effects that would merit the submission of a statement .

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.
34. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
35. As a consequence, the Lisburn Area Plan 2001 is the statutory development plan however draft Belfast Metropolitan Plan 2015 remains a material consideration.
36. In the statutory development plan (LAP 2001) the application site is zoned for industry under Zoning LD13 – Knockmore/Ballinderry Road.
37. In draft BMAP, the site in question lies within the established Knockmore Industrial Park and settlement limit of Lisburn.

38. The site lies within land zoned as existing employment (zoning LC 09) under draft BMAP 2015. There are no key site requirements noted in the plan for this zoning so the application will be assessed under the current prevailing regional planning policies.

Regional Policy Context

39. The SPPS states that,

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

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

40. 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.

41. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

42. 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.

43. 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.

44. 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.

45. 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.

46. 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.

47. Paragraph 6.81 of the SPPS states that

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

48. Paragraph 6.84 of the SPPS states that

Within larger settlements such as cities and towns, planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process.

49. Paragraph 6.91 of the SPPS states 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.

50. Paragraph 6.97 of the SPPS states that

Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing

economic development uses, and use of previously developed land or buildings.

51. 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.

52. Paragraph 6.182 of the SPPS 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.

53. 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.

54. 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.

55. Paragraph 6.132 of the SPPS 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.

Planning and Economic Development

56. Planning Policy Statement 4 'Planning and Economic Development' sets out planning policy for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development.

57. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of The Planning (Use Classes) Order (Northern Ireland) 2015:

Class B1: Business Use –

- (a) as an office other than a use within Class A2 (Financial, professional and other services);
- (b) as a call centre; or
- (c) for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2: Light Industrial

Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B3: General Industrial

Use for the carrying on of any industrial process other than one falling within Class B2.

Class B4: Storage or distribution

Use for storage or as a distribution centre.

58. Policy PED 1 Economic Development in Settlements states that

Cities and Towns

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.

59. 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.

60. Policy PED 9 General Criteria for Economic Development 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

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

- *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.*

63. The policy also states that

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

64. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.
65. 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.

66. Policy AMP 7 Parking and Servicing Arrangements states

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 standards⁹ 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.

67. Development Control Advice Note 15 – Vehicular Access Standards states at paragraph 1.1 that

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

Planning and Flood Risk

68. PPS 15 –Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people, property and the environment. It embodies the

government's commitment to sustainable development and the conservation of biodiversity.

69. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk through the implementation of the EU Floods Directive in N. Ireland and the implementation of sustainable drainage systems.
70. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

71. 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 hard surfacing exceeding 1000 square metres in area.

72. It also states that

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 flood plain, then Policy FLD 1 will take precedence.

Assessment

73. The following assessment is made within the context of the planning policy tests set out above.
74. As discussed above, the site falls within land use zoning LN 13 (Existing Employment/Industry Land) in the Lisburn Area Plan and this designation is carried through to draft BMAP.
75. The development of the land for a B3 general employment use and ancillary office accommodation is in accordance with the local development plan.
76. The SPPS also directs that applications of this nature should be located on lands zoned for such use.
77. This application seeks permission for the construction of one general industrial unit and one industrial unit with offices with associated access and parking facilities along with other ancillary works.
78. The offices are in association with the main class B3 use and are ancillary in nature. They will be utilised by existing staff members who deal with the administration of the engineering business.

Planning and Economic Development.

79. The proposed development is also in accordance with the requirements of policy PED 1 in that the proposed industrial use is located 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.
80. Where the principle of the use is established in the context of policy PED 1 the proposal is also assessed against the requirement of policy PED 9 of PPS 4.
81. The proposal comprises two factories with a total gross floor area of 3305 square metres with the total production areas of 2865 square metres. The ancillary office accommodation is 440 square metres in size.
82. The proposed buildings have a maximum ridge height of 8.9 metres with the proposed finishes comprising, facing grey block, ribbed insulated panels dark grey and orange in colour and aluminium grey guttering and windows.

83. The scale of the development as proposed and its proposed use is considered to be acceptable given the established use of the overall estate and adjacent established uses/businesses found within the wider site.
84. The proposed buildings are designed to match the scale, height, massing and character of other similar found in the t business park. It is considered that the development as proposed would integrate into the site without harming the general character of the industrial estate.
85. Appropriate boundary treatments are proposed in the form of security fencing and some soft landscaping works and planting are provided to maintain the overall general quality of the development.
86. The design is modern and high quality and appropriate for the urban location within the wider context of the industrial estate.
87. No issues with respect to noise shall arise. The development is located within an existing business park and no residential properties are noted within the local area that would be adversely impacted upon. LCCC Environmental Health have been consulted and offer no objections in respect of the proposed development. There is no reason to disagree with this advice.
88. No flues are proposed and a paint shop that would require a PPC permit is not indicated on the drawing. As none of these features are proposed the development will give rise to issues of concern with respect to emissions or effluent.
89. It is considered that the development as proposed is in keeping with the requirements of criteria A to L of PED 9 'General Criteria for Economic Development'.
90. PED 8 has not been engaged as it relates solely to developments that are incompatible with their surroundings and this is not the case in this instance.

Access, Movement and Parking

91. The development proposes to utilise the existing access arrangements currently in place providing access to the overall complex/business park. The proposal also provides adequate parking arrangements with 93 designated (non operational) parking spaces provided, with 6 accessible car parking spaces included in that figure. There is an additional 5 operational parking spaces an 13 cycle stands. Furthermore, it is contended that sufficient space exists within the overall complex for the manoeuvring and turning of vehicles.
92. The site is located within an existing business park linked to the adjacent public road network. If required access can be gained via walking and cycling. The nature of the site is considered to be acceptable in respect of topography and levels etc. so that patrons with mobility issues can gain access if required. No issues shall arise with respect to existing public rights of way.

93. It is indicated within the submitted details that access arrangements for the development as proposed will consist of the 'use of an existing unaltered access to a public road' which will be used for vehicular use. This is as per question 12 of the submitted P1 application form.
94. The detail contained within the Transport Assessment form states that a one way system is to be implemented on part of the site to improve traffic flow. It is envisaged that 40 visitors will attend the proposed site daily including staff members and 5 delivery vans or HGV vehicles, arriving at various times throughout the working day.
95. The conclusion reached in the Transport Assessment Form is that the transport impacts of the development should not dramatically change from present. Therefore the possible increased risks of accidents, busier junctions, increased parking in the surrounding area and noise generation does not apply.
96. DfI Roads have been consulted and offer no objections to the development as proposed, subject to standard conditions. There is no reason to disagree with the advice of DfI Roads on the grounds of road safety or traffic impact and it is therefore considered that the development as proposed is in keeping with the requirements of policy AMP 2 of PPS 3.
97. The parking standards have been checked and a full standard of parking is provided. The scheme is in accordance with the requirements of policy AMP 7 of PPS 3

Natural Heritage

98. It is considered that the development as proposed will not result in any undue harm to any interests of natural heritage importance. A Biodiversity Checklist (completed by an ecologist) has been provided for consideration and forwarded to DAERA NED and WMU for consideration.
99. There is no evidence of any features of natural heritage within the site confines. The proposal does not involve the removal of any trees or hedgerows and will not harm the habitat of any protected species.
100. The statutory consultees have offered no objections to the proposal. NED outline within their response that 'Using the information submitted, NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats'. WMU outline they are content subject to the 'applicant referring and adhering to standing advice and any required statutory permissions being obtained'.
101. There is no reason to disagree with the advice of NED. It is therefore considered that the development as proposed is in keeping with the requirements of policy NH 1 of PPS 2.

Planning and Flood Risk

102. The development is not located within an area at risk of flooding and it will not cause or exacerbate any flooding concerns. The development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain and therefore FLD 1 is not engaged.
103. Given the scale of the development proposed FLD 3 has been engaged and a Drainage Assessment was provided on 18 October 2022 completed by Hanna and Hutchinson Consulting Engineers.
104. Rivers Agency requested clarification on a number of issues contained within this drainage assessment. This information was received and forwarded to the statutory consultees and they responded on 24 November 2022 stating that they accept the logic of the drainage assessment and there is no reason to disagree with its conclusion.

Conclusions

105. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the proposed development satisfies the policy tests in the SPPS and policies PED 1 and PED 9 within PPS 4 Planning and Economic Development.
106. The proposal is also located in an area which is zoned as employment lands. It is therefore in accordance with the local development plan and is a use compatible with the existing uses surrounding.
107. In addition it has been demonstrated that there is no adverse impact on features of importance to nature conservation and the proposed buildings are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.
108. The proposal complies with the SPPS and meets the policy tests of policy AMP2 and AMP 7 of PPS 3 in that the access arrangements, design of the modified parking is acceptable and adequate provision remains for car parking and servicing arrangements and cycle provision.
109. The application is considered to comply with the SPPS and satisfies the policy tests of policies FLD 1 and FLD 3 of PPS 15 in that the proposal will not create or increase a flood risk elsewhere and the drainage is designed to mitigate the risk of flooding.

Recommendations

110. It is recommended that planning permission is approved subject to the following conditions.

Conditions

111. The following conditions are recommended:

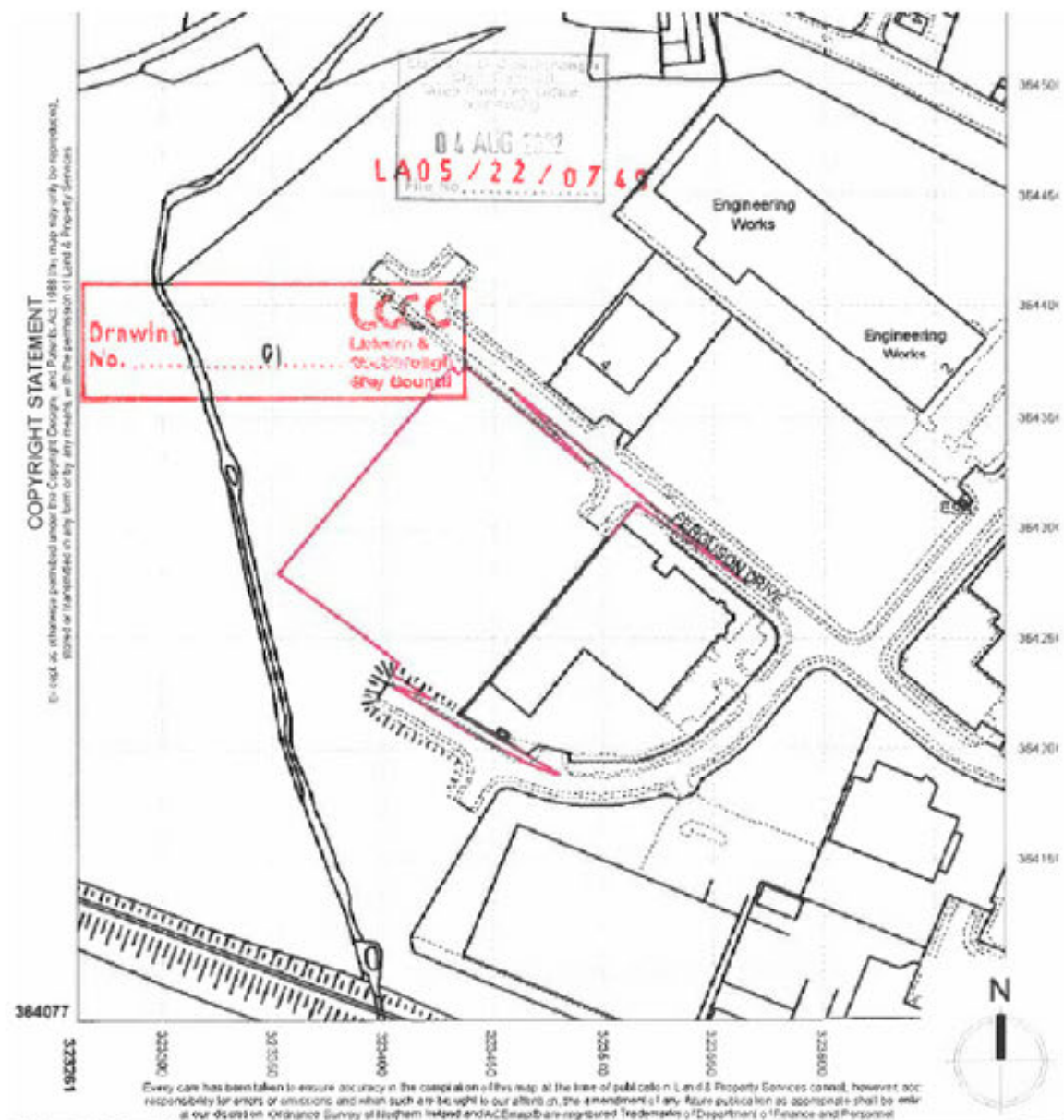
- The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

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

- No operations in or from any buildings hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No, 03, bearing date stamp 4th August 2022, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

Site Location Plan



Site area	-	paulmcAlister ARCHITECTS Architecture - Creative Design - Project Management		
O.S.M No	-			
PROJECT Site 50m southwest of 4 Ferguson Drive, Knockmore Hill Industrial Estate, Lisburn BT28 2EX		DRAWING TITLE Site location map		CLIENT Barry Lyttle Vision Fabrications
DATE	SCALE	PROJECT NO	DRAWING NO	REVISION
April 2022	1:1250	20-23	A01	-
			The Bam Studio 64a Drumnacavy Road Portadown Co Armagh, BT83 5LY T +44 (0)28 3835 5111 e. info@pmcarchitects.com w. www.pmcarchitects.com	

Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	05 December 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/1358/O
Date of Application	15th December 2021
District Electoral Area	Castlereagh South
Proposal Description	Proposed dwelling and garage
Location	Between 21 and 25 Mill Road West, Belfast
Representations	None
Case Officer	Grainne Rice
Recommendation	Refusal

Background

1. This application was presented to the Planning Committee in November 2022 with a recommendation to refuse as it considered that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. A number of reasons were offered in support of the recommendation to refuse and 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.
3. Of particular concern was a reference by the applicant's agent to a structure within the curtilage of 21 Mill Road West being treated as a building for the purpose of assessing the proposal against policy CTY8.
4. A site visit was facilitated on 17 November 2022. A separate note of the meeting is available and appended to the application file and should be read alongside this report.

Further Consideration

5. At the site visit Members were required to consider:
 - whether the buildings were a cluster of development and if there was a focal point at this location; and
 - whether the proposal could be classed as a site suitable for two infill dwellings as there was a substantially built up frontage comprised of three buildings.
6. Members were reminded that there was a requirement for all the policy tests within Policy CTY2a to be satisfied. The initial DM officer report explained why there was not a cluster of development at this location and that it was not a visual entity on the landscape. The advice offered in that report is not changed.
7. The view was also expressed at the committee meeting that the cluster was associated with a focal point – that being the Ravine Nature Reserve and Walkway opposite the site. It had been alluded to in the speaking note that this was accessible from Mill Road West.
8. As part of the site visit, Members will have noted that there was no formal access to the Ravine Nature Reserve from Mill Road West and users of the walkway access this facility solely from the Knockbracken Health Care Park.
9. The advice previously offered that there is no focal point remains unchanged.
10. In relation to ribbon development policy required there to be a line of three or more dwellings along the frontage. The initial planning report demonstrates that the proposed site does not sit with a continuously built up frontage.
11. As part of speaking notes, the agent put forward the case that a wooden structure within the curtilage of 21 Mill Road west constituted a building within a frontage. Members will have observed this structure adjacent to the side elevation of the dwelling and another small gazebo/tree house along the boundary with Mill Road West.
12. The wooden structure at the gable side of the dwelling is considered only to be posts and roof covering only and the enclosure is partly made up from a boundary fence to the rear and another fence partly enclosing the side of the structure closest to the road.
13. What a building is interpreted to be (in the absence of any direction in the policy) is found at paragraph 250 of Part 15 (Supplementary) of the Planning (Northern Ireland) Act and is described as:

“building” includes any structure or erection, and any part of a building, as so define, but does not include plant or machinery comprised in a building.

14. As the posts are fixed to the ground and this supports a roof this is a structure which could be described as a building consistent with the interpretation in the Act.
15. Having inspected the site however it is not considered to be a building in a line of buildings as it is located behind a boundary fence and does not have a frontage to the road.
16. For completeness the gazebo/treehouse is also assessed and considered to be a building consistent with the interpretation of the Act. However it is not considered to a building in a line of buildings as it is in front of the dwelling and not in a line extending along the Mill Road West frontage.
17. This part of the policy test is not met for this reason and this part of the previous advice to members in relation to policy CTY 8 remains unchanged.

Conclusions

18. The planning advice offered in the initial DM Officer report is not changed and the reasons previously cited remain.
19. The information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee on 07 November 2022 and site visit report all of which are provided as part of the papers for this meeting.

Summary of Recommendation

20. It is recommended that planning permission is refused.

Refusal Reasons/Conditions

21. The following refusal reasons are recommended:
 - The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings (excluding ancillary buildings such as outbuildings), there is no cluster which appears as a visual entity in the local landscape, is not

associated with a focal point or is not located at a cross-roads, does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

- The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.
- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

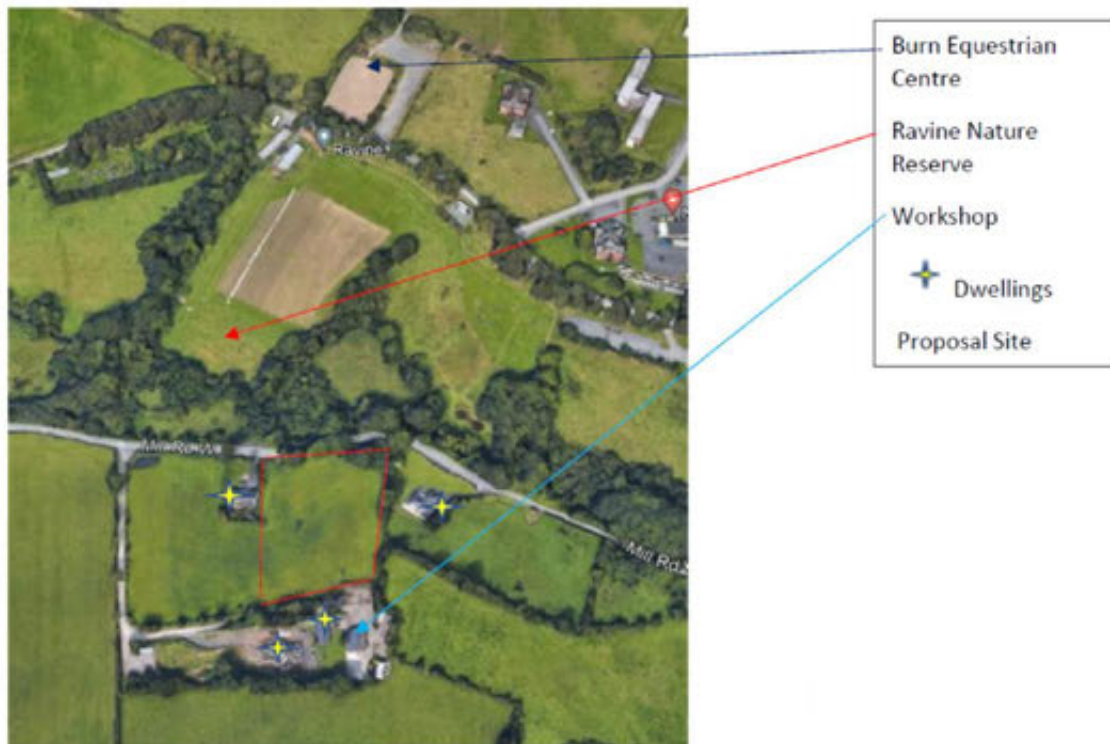
Site Location Plan – LA05/2021/1358/O



Location Map Scale 1 : 2500 OS Map No. 147 14 SW

Site Concept Plan – LA05/2021/1358/O

Figure 4 Aerial view of cluster and proposal site.



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 10.09 am on Thursday, 17 December, 2022 at Mill Road West, Belfast**

PRESENT: Alderman J Tinsley (Chairman)
Alderman O Gawith
Councillors D J Craig and U Mackin

IN ATTENDANCE: Principal Planning Officer (RH)
Member Services Officer (CR)

Apologies were received from the Vice-Chairman, Councillor John Palmer, Alderman D Drysdale and Councillors M Gregg and A Swan. An apology was also received from the Head of Planning and Capital Development.

The site visit was held to enable Members to view the following site within its immediate context:

- LA05/2021/1358/O – Proposed dwelling and garage on lands between 21 and 25 Mill Road West, Belfast

This application had been presented for determination at the meeting of the Planning Committee held on 7 November, 2022. The Committee had agreed to defer consideration to allow for a site visit to take place.

Members and officers met at the site. In accordance with the Protocol for the Operation of the Planning Committee, the Principal Planning Officer provided background to the application. Members were reminded that it was an outline application and as such, no details in relation to the specific location of a dwelling or elevations or finishes had been provided.

Members were reminded that the application had been presented as a cluster opportunity but that a request had been made for it to be considered as an infill.

The Principal Planning Officer reminded Members of the policy tests associated with Policy CTY 2a – Dwelling in a Cluster and explained that the policy required all of the tests to be met. Members were required to consider the application site within its context and to decide if there was evidence of a cluster of development.

With regard to it being considered as an infill opportunity, Members were reminded of the Policy tests associated with Policy CTY 8 and the need for there to be a line of three or more buildings along a road frontage. Members took some time to observe the buildings along the road and the wooden log structure within the curtilage of 21 Mill Road West referred to by the Agent.

The topography of the application site was also observed as Members moved along the Mill Road West towards the dwelling at 25 Mill Road. Members also noted that there were no formal openings from Mill Road West into the Ravine Nature Reserve.

The Principal Planning Officer answered queries in relation to the building under construction behind the dwelling at 21 Mill Road West. Clarification was also sought as to whether there were any 'personal circumstances' associated with this application.

There being no further business, the site visit was terminated at 10.27 am.

Lisburn & Castlereagh City Council

Committee Report	
Date of Committee Meeting	07 November 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/1358/O
Date of Application	15th December 2021
District Electoral Area	Castlereagh South
Proposal Description	Proposed dwelling and garage
Location	Between 21 and 25 Mill Road West, Belfast
Representations	None
Case Officer	Grainne Rice
Recommendation	Refusal

Summary of Recommendation

1. This application is presented to the Planning Committee with a recommendation to refuse as it considered that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets all the criteria and it is therefore considered the proposed site is not within an existing cluster.
3. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.

4. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
6. The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

Description of Site and Surroundings

Site

7. The site is located on land between 21 and 25 Mill Road West, Belfast and is a rectangular plot cut out of a larger agricultural field.
8. The boundaries of the site consist of a post and wire fence, mixed hedgerow and mature trees along the northern, eastern and southern boundaries. The boundary to the west is undefined.
9. Located to the east and adjoining the site is a detached dwelling at 25 Mill Road West. To the west and adjoining the proposed site is a further dwelling at 21 Mill Road West, Belfast.
10. Located on the opposite side of the Mill Road West is Ravine Nature Reserve & Walkway, to the north is the Burn Equestrian Centre and the Knockbracken Health Care Park which is located some 300m to the north east.
11. The topography of the site slopes upwards in a southerly direction from the edge of the Mill Road towards the southern boundary.

Surroundings

12. The site is located in the open countryside and with the exception of the uses detailed above the surrounding area is primarily rural in character and the land predominantly agricultural in use.

Proposed Development

13. The proposal is for a single dwelling and garage.

Relevant Planning History

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

Reference Number	Description	Location	Decision
Y/2011/0213/F	Erection of replacement dwelling	Adjacent to existing dwelling at 17 Mill Road West Belfast BT8 8HH	Approval 21.11.2011
Y/1988/0340	Erection of Bungalow	Adjacent To 21 Mill Road West, Carryduff	Refusal 10.01.1989
Y/1976/0201	Erection of Bungalow	Adjacent To 21 Mill Road West, Carryduff	Refusal 26.11.1976

Consultations

15. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA	No objection

Representations

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

Planning Policy Context

17. The relevant policy documents are:

- The Belfast Urban Area Plan 2001
- The draft Belfast Metropolitan Plan 2015
- Lagan Valley Regional Park Local Plan
- The Strategic Planning Policy Statement (SPPS), published in September 2015,
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 21 – Sustainable Development in the Countryside

18. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

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.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Belfast Urban Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
23. The Belfast Urban Area Plan 2001 states

The plan contains a statement of the rural planning policy for the Belfast Urban Area Green Belt which covers parts of nine District Council Areas. Following

the adoption of the Belfast Urban Area Plan 2001, Area Plans will be prepared for Castlereagh and Newtownabbey Boroughs.

24. In respect of draft BMAP, page 16 states that;

'Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.'

25. The application site lies with an Area of High Scenic value. Policy COU7 of draft BMAP states that:

Planning permission will not be granted do development proposals that would adversely affect the quality, character and features of interest in Areas of High Scenic Value. Proposals for mineral working and waste disposal will; not be acceptable.

A landscape analysis must accompany development proposals in these areas to indicate the likely effects of the proposal on the landscape.

Regional Policy Context

26. The SPPS states that,

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

27. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
28. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
29. Paragraph 1.2 of the SPPS states that,

Where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded by the retained policy.

30. In respect of new dwellings in existing clusters, paragraph 6.73 of the SPPS states that,

Provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

31. Having considered the content of both the SPPS and the retained policies and other prevailing policy tests, no distinguishable differences are found that should be reconciled in favour of the SPPS. The provisions of Policy CTY 2A of PPS 21 therefore still apply

32. 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.

33. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.

34. Paragraph 6.78 of the SPPS also states 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.

Sustainable Development in the Countryside

35. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

36. Policy CTY 1 states that,

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

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

37. The applicant indicates this to be proposal for a dwelling within an existing cluster and is to be assessed against the requirements of policy CTY 2A. No other justification is offered in support of the application. That said, the detail is considered against Policy CTY 8 later in the report.
38. In addition to CTY 2A, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
39. Policy CTY2A – New dwellings in existing cluster states:

that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*

- *the cluster appears as a visual entity in the local landscape;*
- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*
- *the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*
- *development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and-*
- *development would not adversely impact on residential amenity*

Building on Tradition:

40. Whilst not policy, as a guidance document, the SPPS states that,

Regard must be had to the guidance in assessing the proposal. This notes:

*Introducing a new building to an existing cluster (CTY 2a) or ribbon **CTY 8** will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.*

41. Paragraph 4.3.0 of Building on Traditions states that,

Policy CTY 2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

42. Paragraph 4.2 of Building on Traditional makes reference to visual integration. The guidance at 4.2.1 recommends that applicants should,

Work with the landscape to avoid prominent and elevated locations and retaining as many hedgerows trees and natural features as possible.

43. 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.

44. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

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

45. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.

46. Regard is also had to the Justification and Amplification text which states;

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

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

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Building on Tradition

47. The SPPS states;

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.

48. With regards to Policy CTY 8, Building on Tradition states;

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic

development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

49. The guidance also suggests:

- 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.

50. It also notes at the following paragraphs 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.

51. 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

52. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that,

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) *it is a prominent feature in the landscape; or*
- (b) *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; or*
- (c) *it relies primarily on the use of new landscaping for integration; or*
- (d) *ancillary works do not integrate with their surroundings; or*
- (e) *the design of the building is inappropriate for the site and its locality; or*
- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

53. Policy CTY 14 – Rural Character states that,

Planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

54. The policy states that,

A new building will be unacceptable where:

- (a) *it is unduly prominent in the landscape; or*
- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

55. With regards to Policy CTY14, Building on Tradition [page 131] states that,

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

56. Policy CTY 16 - Development Relying on Non-Mains Sewerage states,

Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

57. The policy also states that,

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

58. With regards to Policy CTY16, 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.

Natural Heritage

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

60. Policy NH 1 – European and Ramsar Sites states,

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

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

- *a listed or proposed Ramsar Site.*

61. The policy also states that,

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

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:

- *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.*

63. The policy also states that,

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.

64. Policy NH 6 - Areas of Outstanding Natural Beauty states that

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) *the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and*
- b) *it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
- c) *the proposal respects:*
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Access, Movement and Parking

47. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.

65. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

66. Development Control Advice Note 15 – Vehicular Access Standards states 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.

Assessment

67. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

New dwellings in Existing Clusters

68. Policy CTY 2a requires all of the criteria outlined to be met. Whilst a cluster of development is not defined in policy the first 3 criteria give an indication of the intended meaning.
69. With regard to the first criteria, a supporting statement was provided with the application. This identified the buildings that the applicant considered to contribute to the existing cluster of development.
70. The view is expressed by the applicant with regard to Criteria 1 is that,
- The proposal site's cluster of development lies outside of a farm and consists of 4 dwellings number 17, 21, 35, replacement dwelling and workshop. The planning unit of the workshop is used to store and service/repair gardening tools and machinery associated with the applicants gardening business since 2010 and therefore is not considered an ancillary outbuilding to number 17 or caravan at this location. The applicant is not an active farmer thus the site lies outside of a farm.*
71. Whilst it is acknowledged that there are presently two roadside dwellings - those associated with 21 and 25 Mill Road West located to either side of the proposed site, it is not accepted that there is an existing group of buildings incorporating more than four buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) as required by the first criteria.
72. The roadside dwellings have no visual linkage due to the curvature of Mill Road west, the presence of a strong roadside boundary and the group of trees to the north eastern corner of the site. They are not read together in any sense from either critical view approaching from east or west.
73. In respect of the dwelling located at 17 Mill Road West and associated outbuilding to the east these buildings are set back approximately 120 metres from the public road. Given the topography of the land which slopes steadily upwards in a southern direction and the existing mature boundary vegetation the dwelling at 17 Mill Road West, the replacement dwelling and workshop have no visual linkage to the proposed site.
74. Furthermore the outbuilding on the site is considered to be an ancillary building to 17 Mill Road, Belfast. It appears as an integral part of the curtilage of the larger site and there is no planning permission or lawful development certificate

establishing any other use to suggest a separate planning unit exists at this location. .

75. The replacement dwelling referred to in the supporting statement as forming part of the cluster is presently under construction and not substantially complete and as such does not constitute a building for the purposes of policy CTY 2a. It is also noted that the dwelling located at 17 Mill Road West is conditioned [condition 2] to be demolished and the site restored upon occupation of the replacement dwelling approved under planning application Y/2011/0213/F.
76. For the reasons outlined above, it is considered that there is not an existing grouping of buildings incorporating more than 4 buildings (excluding ancillary buildings such as outbuildings) and as such, the first criterion is not met.
77. In response to the view expressed that the first criteria is not met, the agent submitted a supplementary statement citing a precedent case LA05/2016/1087/F where a dwelling was approved in a cluster with a building at 100 Dromara Road some 110 metres distant from the site being counted as one of the four buildings
78. Whilst every application is considered on its own merits, the distance between the dwellings in the 'cluster' is not a determining factor. The key consideration is the intervisibility between the buildings and, whether the cluster can be read as part of a visual entity in the landscape.
79. The visual context for the other example is different and does not sit on all fours with this application. The grant of planning permission on the other site does not establish a precedence for the development of a dwelling in a cluster at this location.
80. The agent has also produced a letter from the applicant's accountant to state that they have operated a business from their home for the past 10 years. The agent asserts that the business was immune after 5 years.
81. In consideration of this information, the letter from the account only states that the applicant 'runs his gardening business from 17 Mill Road West'. It neither quantifies the time period that this business has been operating from buildings constructed outside the curtilage of the dwelling and in a separate planning unit.
82. The information submitted in this regard does not change the opinion expressed above that the business is linked to and shares the same curtilage as the dwelling at 17 Mill Road West.
83. In further communication, the agent also suggests that an application could be made to vary the planning condition to retain the dwelling that is required to be demolished for the replacement opportunity and as a consequence must be counted as part of the assessment.

84. It cannot be presumed that this application would be approved and only circumstances that prevail now can be considered. There is no building and the works carried out to secure the permission are not substantially completed for this to be accepted as a material consideration of any significant weight. Criteria one of the policy is not met.
85. Turning to the detail of criteria 2, an aerial view of the proposed site and surrounding context including the buildings Ravine Nature Reserve and Walk Way, Burn Equestrian Centre and Northern Ireland Ambulance Service (which form part of the Knockbracken Health Care Park).
86. The purpose of the aerial photograph is to assist with an explanation of the extent of the visual entity which is explained in the supporting statement as follows:

"a visual test appeal 2019/A0024 held that "Policy CTY 2a does not define what contributes to a "visual entity from where is must be viewed or how it is quantified. Policy makes no reference to the need to see the entirety of each building to make a contribution, nor does it require assessment of only static views. Consideration must also be given to transitional views from within and outside the cluster as well as static ones" There is no mature planting, strong vegetation or significant physical separation distance to prevent all buildings being read together as a cluster statically or transitionally. (Figure 4) shows an aerial image of the entirety of cluster and (Image 9&10) taken from Workshop window and Ravine Nature Reserve clearly shows all cluster buildings and proposal site being read as a cluster within the immediate locality. Policy does not state that each building that makes up the cluster must adjoin the proposal site (as confirmed by part 4 of this Policy) but be 'visually distinctive' together in the local landscape. When considered from all view-points there is no boundary treatment that prevents all buildings from being viewed collectively together as a cluster. Each part of the cluster including Ravine Nature Reserve is within a short distance of 100m or less from the proposal site, whilst you might not be able to read a car's numberplate at this distance a by passer would be able to identify an object as a car and colour as shown in (Images 8-10) clearly supporting the visual test in this case."

87. In consideration of this supporting information, the aerial photograph submitted references the Burn Equestrian Centre, Ravine Nature Reserve, the three dwellings at 17, 21 and 25 Mill Road West and a workshop.
88. Whilst acknowledging there are two dwellings to the east and west and adjoining the proposed site for the reasons outlined above, they are not considered to cluster with one another or the buildings in the backdrop to appear a group a visual entity in the landscape.
89. It is considered that the mature planting, strong vegetation and significant physical separation distance prevents all the buildings being read together as a cluster in static view along the extent of the site frontage on Mill Road West and

the Nature Reserve and in transition for approximately 200 to 300 metres distance.

90. The aerial image (Figure 4) submitted is a bird's eye view and not representative of the critical public viewpoints of the proposed site. Images 9 and 10 are taken from the outbuilding and Ravine Nature Reserve. The viewpoints shown are elevated long distant views and the buildings referenced by an arrow point show a build of development along the road in the backdrop but this could not be described as a visual entity in the landscape consistent with the examples shown on page 69 of the Building on Tradition document.
91. The critical viewpoint of the proposed site is to the west along the Mill Road West for a distance of 200 metres and a 100 metres to the east. From these viewpoints the only buildings visible (and not together) are the 2 dwellings located at 25 Mill Road West and 21 Mill Road West. There is little spatial awareness of the Burn Equestrian Centre and Knockbracken Healthcare Park and Northern Ireland Ambulance Service from the critical viewpoints. When travelling along the public road in both directions there is no appreciation of any clustering that could be described as a visual entity in the landscape and the second criteria of the policy is not met.
92. By way of rebuttal, the agent submitted additional information in the form of a photograph taken from 17 Mill Road West looking towards the Nature Reserve.
93. The agent again uses application LA05/2016/1087/O and two others S/2012/0040/O and LA05/2017/0144/O as precedent but the image does not link all the necessary buildings to form a group that could be described as a visual entity. The three examples have a different spatial context and setting are not directly comparable.
94. The rebuttal statement also references appeal decision 2021/A0079 to suggest that the Planning Appeal Commission had previously accepted historic features like Purdysburn House, Historic Park, Gardens and Demesne can be considered as a visual entity.
95. The agent seems to suggest that the visual link between the historic park and the other buildings on Mill Road West supports the case that the site cluster with an existing visual entity. There is no evidence on the ground that links one group of buildings to another and as discussed under criteria 1, the proposed cluster appears as a loose sporadic collection of single houses with little or no visual linkage amongst any of them.
96. There is no sense of arriving at a 'cluster' on either approach reinforcing the view expressed earlier in this assessment that it is not a visual entity in the landscape.
97. With regard to the third criteria the supporting statement submitted states

Appeal 2019/A0024 held that "Pages 68-9 of Building on a Tradition provides diagrams showing more than one focal point within a cluster with suitable sites physically distant from the community facilities/buildings but still considered acceptable"5. The cluster is associated with the Ravine Nature Reserve and walk way and Burn Equestrian Centre. 'Ravine' The Advantage Foundation is part of NIVCA and Community NI (Connecting the Voluntary and Community Sector) offering free work experience and training over a 16-week course in a unique nature-based Social Enterprise for young people facing mental health challenges funded by the Big Lottery. (Image 11) taken from YouTube promoting use of Community Facility. When travelling along Mill Road West, walking on the shared lane to dwelling 17, or visiting Ravine there is a transient awareness of views of the cluster being visually linked at this location with this focal point that abuts the Burn Equestrian Centre that can also be seen. (Images 12) shows polytunnels and building that can be seen from proposal site and also shown in (Image 9). Image 11 7 You tube video promoting the Community Facility

98. In consideration of the third criteria there is no crossroads in the vicinity of the proposed site and as such the proposal does not fulfil this requirement.
99. Alternatively the policy requires assessment of an existing grouping of buildings which are associated with a focal point and the applicant's concept plan references the Ravine Nature Reserve and walk way and Burn Equestrian Centre as a justification for meeting the policy test. The following is stated:

Appeal 2019/A0024 held that "Pages 68-9 of Building on a Tradition provides diagrams showing more than one focal point within a cluster with suitable sites physically distant from the community facilities/buildings but still considered acceptable"5. The cluster is associated with the Ravine Nature Reserve and walk way and Burn Equestrian Centre. 'Ravine' The Advantage Foundation is part of NIVCA and Community NI (Connecting the Voluntary and Community Sector) offering free work experience and training over a 16-week course in a unique nature-based Social Enterprise for young people facing mental health challenges funded by the Big Lottery. (Image 11) taken from YouTube promoting use of Community Facility. When travelling along Mill Road West, walking on the shared lane to dwelling 17, or visiting Ravine there is a transient awareness of views of the cluster being visually linked at this location with this focal point that abuts the Burn Equestrian Centre that can also be seen. (Images 12) shows polytunnels and building that can be seen from proposal site and also shown in (Image 9).

100. In consideration of this point, the Ravine Nature Reserve and Burn Equestrian Centre are part of the Knockbracken Healthcare Park and are accessed from and have a spatial and functional relationship to the Park. They are separate to and distinct from the buildings on the Mill Road West. There is no focal point consistent with the policy and the requirements of criteria 3 are not met.
101. The fourth criteria requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

102. It is suggested in the supporting statement that the “*Site Location Map shows the site bounded on 3 sides by development consisting of dwelling numbers 21, 25 and 17 (Figure 2)*”.

103. The proposed application site forms part of a larger agricultural field that wraps around 21 Mill Road West. It occupies a roadside location with a large frontage of 85 metres. A dwelling with a curtilage consistent with the established pattern of development would not be enclosed on two sides with other development. Linking the three neighbouring properties with a red line boundary is not sufficient justification to say that the fourth criteria is met.

104. Criteria five requires any new buildings on the site to be absorbed into the existing cluster through rounding off and consolidation and without significantly altering the existing character or visually intrude into the open countryside. The supporting statement states

The proposal seeks to lie within the cluster between dwellings 21 and 25 and 17 therefore it will round off the cluster and not significantly alter the existing character nor visually intrude into the open countryside as set out in Building on a tradition Guidance Notes 8.

105. In relation to this criteria it is considered given the road side location and substantial size of the plot that it would not be possible to absorb a dwelling into the landscape by means of clustering it with another dwelling or consolidating it with an existing group of buildings. There is also a lack of enclosure for the reasons explained previously and any new building would be a prominent feature in the landscape.

106. There is no cluster that the proposed site can be absorbed into and development of the proposed site would visually intrude into the open countryside and set a dangerous precedent for future development. Criteria 5 is not met.

107. In terms of the sixth criteria it is considered the development would not adversely impact on residential amenity. This is an outline application and the site is large. A building could be located far enough away from the neighbouring properties to prevent any significant loss of amenity.

108. As policy CTY2a requires that all six criteria be met and five are not it is therefore considered the exception test is not met and that this is not a site for a dwelling in a cluster,

Ribbon Development

109. Whilst the application is presented as an opportunity for dwelling within a cluster, regard is had in the assessment to Policy CTY8 - a prohibitive policy which is evoked when there is ribbon development. This policy allows for an exception to be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise

substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

110. The first policy tests is whether there is a **substantial and continuously built up frontage** - a line of 3 or more buildings along a road frontage without accompanying development to the rear. There is one dwelling at number 21 and one dwelling at number 25 Mill Road West that occupy roadside plots. It is therefore contended that a line of three or more buildings along a road frontage without accompanying development to the rear does not exist.
111. For completeness the second test associated with Policy CTY 8 as to whether there is a **small gap site sufficient only to accommodate up to a maximum of two houses exists** is considered.
112. There is a gap of 100 metres between 25 and 1 Mill Road West. The frontage of 21 measures 23.8 metres and the frontage of 25 measures 75 metres. The frontage of the proposed site measures 90m which is not exactly proportionate to either the frontage of 21 or 25, nor their average (50m). However it could be argued that the gap is sufficient only to accommodate up to a maximum of two houses.
113. The third step of the policy test is to demonstrate that the proposed development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size. The curtilage of 21 Mill Road West measures 0.1ha and the curtilage of 25 Mill Road West measures 0.2ha. The proposed curtilage for the application site for a single dwelling measures 1ha. It is considered that the proposed development fails this policy test in that it does not respect the existing development pattern in terms of size, scale, siting and plot size.
114. With the mature hedgerow and copse of trees to the north eastern boundary of the site, it is considered that this is also an important visual break in the AONB.

Integration and Design of Buildings in the Countryside

115. Turning then to policy CTY13 the supporting statement submitted with the application states that

Integration is not a test of invisibility rather an assessment of the extent to which the development will blend in unobtrusively with its immediate surroundings¹⁰, the proposal's siting takes advantage of the existing backdrop and natural boundaries, slopes and features¹¹. As you transcend along all vantage points the proposed dwelling would be well hidden. At the proposal site all existing buildings would appear to cluster with the new dwelling and it would always be viewed against an existing backdrop from all vantage points.

Although an outline application wouldn't assess the scale and design at this stage a dwelling in keeping with that of existing dwellings within the cluster would not be prominent in the landscape as it will cluster with the cluster buildings, its position could be in line with 21 and 25 or where considered acceptable at reserve matters stage and mature existing features and mature vegetation should be retained to ensure that the proposal will not be seen from any critical view-points and a new dwelling would integrate well and further assessment should approval be granted as to type of dwelling, design and positioning would be made at the reserved matters stage. 4.15 All Ancillary works proposed are minimal regarding integration. 4.16 Careful consideration at the reserved matters stage would be given to ensure the dwelling would blend in well with the existing land form making use of all natural features, long established boundaries, buildings and slopes. 4.17 All additional landscaping would be minimal for integration but if required at the reserved matters stage would improve the biodiversity value of the site. 4.18 (Images 13-16) shows images of suitable features to aid integration of the proposal dwelling at this location.

116. As explained above, this is not a site within a cluster and it occupies a prominent roadside location.
117. Any new plot would be artificially cut out of a roadside field and the proposed new access arrangement would result in a building which is poorly integrated and prominent due to loss of hedgerow and planting.
118. Critical views of the proposed site as previously explained are along the Mill Road West to the west for a distance of 200 metres and 100 metres to the east. From the identified views it is considered the proposed development would be unduly prominent and could not be visually integrated into the surrounding landscape.
119. It is also considered that the proposal would not blend sympathetically with the landscape and have a detrimental impact on the visual amenity of the area. The requirements of criteria (a), (b) and (c) of Policy CTY 13 are not met for the reasons outlined above.

Rural Character

120. In terms of policy CTY 14 the supporting statement states

A dwelling in keeping with that of other dwellings within the cluster will not be prominent in the landscape as it would appear to cluster with the cluster buildings and benefit from surrounding mature long-established boundaries. It will not create or add to a ribbon development or create a suburban style, should approval be granted there would be no other suitable PPS21 development opportunities in accordance with CTY1. Ancillary works will not damage the rural character and further landscaping if required would improve the bio-diversity value of the site. Should approval be granted the design and

siting will support the traditional pattern of settlement and rural character at this location and would be considered at the reserved matters stage.

121. It is considered that the proposal does not meet criteria (a), (c) and (d) of Policy CTY 14 for reasons outlined earlier in this assessment.
122. In summary, the proposed building would be unduly prominent in the landscape. The wider area is characterised by individual roadside dwellings and houses and outbuildings up laneways.
123. Given the scattering of buildings the area remains predominantly rural in character. It is also considered that the erection of a dwelling, new access and associated site works would be out of keeping with the overall settlement pattern in the immediate area and would cause a detrimental change to its rural character.
124. To be consistent with the established pattern of settlement a dwelling on this site would occupy a road side location (no delineated preferred location has been annotated). It is considered this proposal would result in the creation of a ribbon of development and would damage the rural character of the area.

Development Relying on Non-Mains Sewerage

125. As per Q18 of the P1 Form, the disposal of foul sewage is proposed via a septic tank.
126. The Council's Environmental Health Unit were consulted as part of the processing of the application. Advice received on 25 June 2021 confirms that they have no objection in principle but that a 'detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent should be provided at subsequent application stage. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.
127. Therefore, there are no concerns with regards to the proposal insofar as it pertains to Policy CTY 16 of PPS 21.

Access, Movement and Parking

128. The access arrangement for this development would involve construction of a new access to a public road (in this case the Mill Road West, Belfast).
129. DfI Roads in a response dated 08 February 2022 offered no objection to the proposal, subject to the inclusion of conditions.
130. Taking the above into account, there no road safety concerns or adverse traffic impacts are identified and that the requirements of policy AMP 2 of Planning Policy Statement 3: Access, Movement and Parking.

Natural Heritage

131. There are no works on site that required a bio-diversity check list to be submitted in support of the application.
132. It is considered that the proposal would not have a negative impact on any natural heritage features and the proposal is not tested against the requirements of policy NH 5 of PPS 2.
133. With regard to Policy NH 6 and as demonstrated above within the context of the assessment against policy CTY 2a, CTY 13 and CTY14 it is not considered that the proposal meets relevant policy criteria regarding the principle of development, clustering, enclosure and intrusion into the open countryside.
134. Concern are also expressed in relation to prominence and the ability of the proposal to integrate into the landscape at this location. Furthermore, it is considered that the proposal would not respect the traditional pattern of development and that it would result in ribbon of development causing a detrimental change to the rural character of the area.
135. For the reasons outlined, it could not therefore be considered to respect or preserve features of importance to the Area of Outstanding Natural Beauty in general and of the particular locality. The development of a cluster at this location would preserve or respect the landscape features such as the Minnowburn SLINCI opposite the site containing Ravine Nature Reserve.
136. It is considered that the siting and scale of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and the proposal as presented does not respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

Conclusions

137. In conclusion, the Councils view on this proposal is to refuse planning permission as it is considered that the proposal is contrary to the SPPS and Policy CTY 1, CTY 2a, CTY 13 and CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside.
138. It is considered the proposal is contrary to the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
139. The proposal is contrary to the SPPS and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets all 6 criteria and it is therefore considered the proposed site does not represent a suitable site within an existing cluster.

140. The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.
141. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed development would be unduly prominent and the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the development to integrate into the landscape and the proposal would rely primarily on the use of new landscaping for integration.
142. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
143. The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
- the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

Recommendations

144. It is recommended that planning permission is refused.

Conditions

145. The following refusal reasons are recommended:
- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
 - The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings (excluding ancillary buildings such as outbuildings), there is no cluster which appears as a visual entity in the local landscape, is not

associated with a focal point or is not located at a cross-roads, does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

- The proposal is contrary to the SPPS and Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap in an otherwise substantial and continuously built up frontage which respects the existing development pattern along the frontage in terms of size, scale, siting and plot size, and would if permitted result in the addition of ribbon development along Mill Road West.
- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposal would, if permitted not respect the traditional pattern of settlement exhibited in that area and add to a ribbon of development and would therefore result in a detrimental change to (further erode) the rural character of the countryside.
- The proposal is contrary to the SPPS and Policy NH6 Areas of Outstanding Natural Beauty it has not been demonstrated that:
 - a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
 - b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;

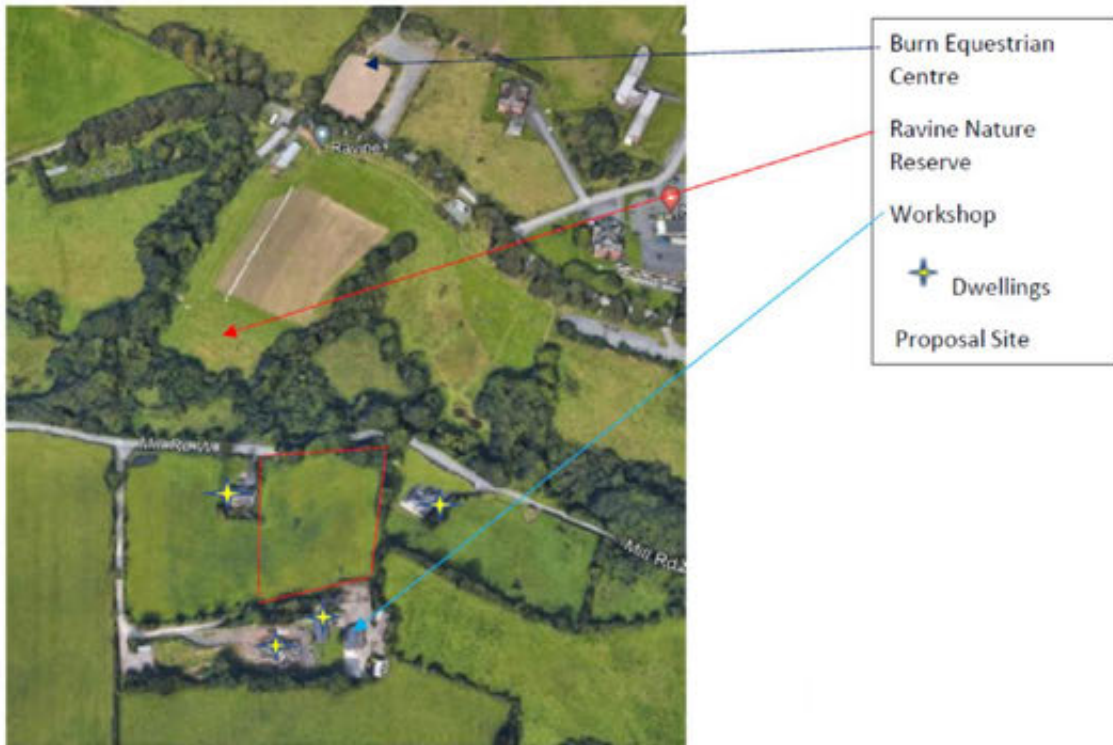
Site Location Plan – LA05/2021/1358/O



Location Map Scale 1 : 2500 OS Map No. 147 14 SW

Site Concept Plan – LA05/2021/1358/O

Figure 4 Aerial view of cluster and proposal site.



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 December 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0947/O
Date of Application	02/09/2021
District Electoral Area	Downshire East
Proposal Description	Site for dwelling and garage
Location	Site 2 immediately west of 161 Ballynahinch Road, Hillsborough
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it does not comply with the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to the SPPS and Policy CTY8 of PPS 21 in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would result in the addition to a ribbon of development.
4. The proposal is contrary to the SPPS and Policy CTY13 of PPS 21 in that the proposal would be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the

landscape and would rely primarily on the use of new landscaping for integration.

5. The proposal is contrary to the SPPS and Policy CTY14 of PPS 21 in that the proposal would be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Description of Site and Surroundings

Site

6. The site is located to the northern side of the Ballynahinch Road, Hillsborough and is comprised of part of a large agricultural field.
7. The eastern and southern boundaries are defined by mature hedgerow with a few trees interspersed along it. The remaining boundaries are not defined and the site is part of the wider field.

Surroundings

8. The site is located within the countryside and the surrounding area is primarily rural in character and comprised mainly of agricultural land
9. Adjacent and to the east of the site sits is an existing residential property at 161 Ballynahinch Road which is comprised of a single storey dwelling with a detached out building to the rear.

Proposed Development

10. This is an outline application for a site for dwelling and garage. The following information has been submitted for consideration:
 - Planning Supporting and Access Statement for applications LA05/2021/0947/O and LA05/2021/0948/O, both of which were received 01 Oct 2021.
 - An Addendum to the planning supporting statement providing examples of other recent LCCC approvals similar to proposed applications sites LA05/2021/0948/O and LA05/2021/0947/O which the applicant has asked to be considered as precedents and that were received 10 February 2022.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2021/0948/O	Site for dwelling and garage	Site 1 approx. 80m West of 161 Ballynahinch Road, Hillsborough, BT26 6BG	Decision pending
LA05/2020/0716/O	Site for dwelling and garage	Site to west of 161 Ballynahinch Road , Hillsborough, BT26 6BG	Application Withdrawn 06/05/2021

12. The associated planning history is a material consideration. It is noted that the previous application on the site LA05/2020/0716/O incorporated the red line of this application site and application site of LA05/2021/0948/O together.
13. Application LA05/2020/0716/O was presented to the Planning Committee in March 2021 with a recommendation to refuse but was deferred for further information to be considered by the planning committee again in May 2021, however the application was withdrawn just before the May 2021 Planning Committee meeting.
14. This proposal is considered in conjunction with application LA05/2021/0948/O which incorporates the remainder of the agricultural field. The applicant presents the case that the two sites together are a small gap that can accommodate two dwellings consistent with the established pattern of development.

Consultations

15. The following consultations were carried out:

Consultee	Response
NI Water	No Objection
DAERA Water Management Unit	No Objection
LCCC Environmental Health	No Objection
DoC Historic Environment Division : Historic Monuments	No Objection
DfI Roads	No Objection

Representations

16. No representations have been received in respect of this proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2)– Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
18. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

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.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
23. Page 49 of the Lisburn Area Plan 2001 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 respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

25. The SPPS states that,

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

26. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
27. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
28. 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.
29. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
30. Paragraph 4.11 of the SPPS outlines 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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.

36. Paragraph 6.78 of the SPPS states 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.

PPS 21 - Sustainable Development in the Countryside

37. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

38. Policy CTY 1 –states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*

- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
 - *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
 - *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
 - *a dwelling on a farm in accordance with Policy CTY 10.*
39. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.
40. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
41. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

42. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
43. Regard is also had to the justification and amplification that states:
- 5.32 *Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.*
- 5.33 *For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.*
- 5.34 *Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed*

appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Building on Tradition:

44. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes:

4.4.0 *Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.*

4.4.1 *CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.*

45. The guidance also suggests:

- a. It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- b. Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- c. 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.
- d. 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.
- e. 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 at the following paragraphs that:

4.5.0 *There will also be some circumstance 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. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
- The policy directs that a new building will be unacceptable where:*
- (a) *it is a prominent feature in the landscape; or*
 - (b) *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; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
50. Policy CTY 14 – Rural Character states
- that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.*

51. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

52. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

53. The policy also states that:

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

54. With regards to Policy CTY16, 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.

Natural Heritage

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

56. Policy NH 1 – European and Ramsar Sites states

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

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

57. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

58. Policy NH 2 – 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:-

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

59. *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.

60. 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:

- *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.*

61. The policy also states that

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.

PPS 3 - Access, Movement and Parking

62. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.

63. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

64. Development Control Advice Note 15 – Vehicular Access Standards states 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.

Archaeology and Built Heritage

65. PPS 6 – Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
66. Policy BH 1 The Preservation of Archaeological Remains of Regional Importance and their Settings states

The Department 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 other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

67. Policy BH 2 The Protection of Archaeological Remains of Local Importance and their Settings states

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

68. Policy BH 3 Archaeological Assessment and Evaluation states

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the Department will normally 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 Department will normally refuse planning permission.

69. Policy BH 4 Archaeological Mitigation states

Where it is decided to grant planning permission for development which will affect sites known to contain archaeological remains, the Department will impose conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development, including where appropriate the completion of a licensed excavation and recording of remains before development commences.

PPS 15 - Planning and Flood Risk

70. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

71. 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.

Assessment

72. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

73. As the Courts have noted, officers bear in mind that the policy in Policy CTY 8 is restrictive, and there is a prohibition against ribbon development. There is a need to consider whether a proposal adds to ribbon development and if it does, does the proposal fall into the permissible exceptions to that policy. In this case, the proposal does engage ribbon development.
74. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists.
75. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
76. The application site lies adjacent to property 161 Ballynahinch Road and is between property 161 Ballynahinch Road and 18 Spirehill Road.
77. The supporting statement identifies that the site is between two dwellings 18 Spirehill Road and 161 Ballynahinch Road and an associated outbuilding within the curtilage of the Ballynahinch Road plot
78. It is these buildings which are identified by the applicant as buildings to be taken into consideration as the substantially and continuously built up frontage.
79. The view expressed by the applicant in this regard is not accepted. It is considered that the proposed site and the dwelling and garage/outbuilding located at 161 Ballynahinch Road have a frontage to the Ballynahinch Road but that the dwelling located at 18 Spirehill Road along with its integral garage does not. No part of the curtilage of 18 Spirehill Road abuts the Ballynahinch Road.
80. In this case, the buildings identified have frontages to two different roads this part of the policy test is not met and as such no substantial and continuously built up frontage exists and there is no line of three or more buildings along a road.
81. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
82. The applicant explains that the frontage comprises the buildings associated with 18 Spirehill Road and outbuilding associated with 161 Ballynahinch Road form the gap and this is measured as 172 metres.

83. Even if it was accepted that the dwelling at the Spirehill Road had a frontage to the Ballynahinch Road it is not considered to be a small gap for the purpose of the policy.
84. Without prejudice to the conclusions reached above and for completeness, Policy CTY 8 also requires consideration as to whether the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
85. The property at 18 Spirehill Road has a frontage of 67 metres. This frontage extends along the Spirehill Road only. Whilst not considered as part of the continuously built up frontage, the plot associated with the property at 18 Spirehill Road measures 5534 square metres.
86. The property at 161 Ballynahinch Road has a frontage of 79 metres to the Ballynahinch Road. With regards to plot sizes, the property at 161 Ballynahinch Road is considered to have a plot size of 7547 square metres.
87. There are no other properties within the continuously built up frontage against which the existing development pattern can be compared.
88. That said, the width of this proposed site is approximately 54 metres which does not respect the larger frontage pattern exhibited by 161 Ballynahinch Road.
89. The proposed plot size of this development proposal is measured to be approximately 5393 square metres. Again, this is smaller than that exhibited by 161 Ballynahinch Road.
90. Unlike LA05/2021/0948/O, the proposed site does not have a frontage to the Ballynahinch Road. Application LA05/2021/0948/O is considered in conjunction with this application and a dual access point is proposed with the proposed access of LA05/2021/0948/O coming of the same access to this proposed site.
91. For the reasons outlined above, it is considered that the proposal does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
92. Consideration is also given to the significance of the gap identified by the agent. It is suggested by them that as you travel in an easterly direction from the Spirehill Road on your left, there is an awareness of the dwelling of 18 Spirehill Road, set back in the landscape, (its curtilage does not extend to the Ballynahinch Road).
93. As you move past the Spirehill Road on your left, the paddock and fields between it and property 161 Ballynahinch Road do act as a visual break in the landscape. Also due to the existing vegetation and boundary treatments along with the topography there is minimal awareness of property 161 Ballynahinch

Road until you are right up to its entrance laneway.

94. We agree that a gap of this size when considered in the context of the neighbouring application is an important visual break in the landscape at this location and that to infill it with development would not be in accordance with the policy or the guidance in the Building on Tradition document.
95. In support of the application, the agent has provided a supporting statement including examples of previous appeal decisions that they consider to be similar in nature to the proposal however none are considered to be directly comparable and each application is assessed on its own merits having regard to the specific visual context within which the site sits. No case is made by the agent to explain how and why the examples offered sit on fours with this application.
96. An assessment against other planning and environmental requirements are set out below.

Integration and Design of Buildings in the Countryside

97. Turning then to policy CTY13 in terms of criteria (a), the proposed site is roadside and with a rolling topography where the land level rises as you move in a northerly direction. It is considered that the proposal would not be a prominent feature in the landscape.
98. In terms of criteria (b), there are long established hedgerow boundaries to the northern boundary, along the eastern boundary and along where the visibility splays are proposed. The eastern and front boundary of the site is currently undefined and could be conditioned to have a post and wire fence with hedgerow to its inside.
99. It is considered however that the proposal is unable to provide a suitable degree of enclosure for the building to integrate into the landscape when viewed from public viewpoints given its prominence and level and the fact that the existing front boundary would need to be removed to accommodate the proposed visibility splays and open the site up considerably from front viewpoints.
100. Considering the proposal from public viewpoints from along the Ballynahinch Road, it is considered that the proposal would not have a suitable degree of enclosure to it to integrate into the landscape. Also there is no surrounding built development that would aid with its integration.
101. In terms of criteria (c), the proposal would rely primarily on the use of new landscaping for integration.
102. In terms of criteria (d), as the application is for outline permission, no detail is provided in terms of ancillary works however the detail provided does propose a shared access with the adjacent proposal in application LA05/2021/0948/O.

103. Existing and proposed levels along with ancillary works would be assessed at Reserved Matters stage if this application is approved. It is considered that ancillary works such as the access could be designed to integrate into the landscape.
104. In terms of criteria (e), as the application is for outline permission, no detail is provided with regards to design. The design of the building would be assessed at Reserved Matters stage if this application is approved and must comply with also with Building on Tradition.
105. In terms of criteria (f), the site levels rise as you move away from the public road, however there is an existing hedgerow to the rear with a rolling landscape behind it which would provide a backdrop. A dwelling on the site could be sited and designed to blend with the landform and development around it without harm to rural character.
106. Criteria (g) is not applicable.

Rural Character

107. In terms of criteria (a) of policy CTY 14, it is considered that the proposal would not be unduly prominent in the landscape.
108. In terms of criteria (b), it would result in a sub-urban style build-up of development when viewed with existing buildings.
109. In terms of criteria (c), the proposal would not respect the traditional pattern of settlement exhibited within the area.
110. In terms of criteria (d), the proposal would add to a ribbon of development, as demonstrated above.
111. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.

Development Relying on Non-Mains Sewerage

112. In terms of policy CTY 16, the P1 form states that the proposed method of sewage disposal is by a septic tank.
113. The application being for outline permission means that no details are provided with regards to the proposed positioning of a septic tank and soakaway.
114. However the site is large enough to accommodate both a septic tank and soakaway and Environmental Health and Water Management Unit have been consulted and have raised no objections to the proposal.
115. Based on a review of the detail submitted and the advice received, it is considered that the development will not create or add to a pollution problem.

Access, Movement and Parking

116. The P1 form indicates that the proposal involves the alteration of an existing access to the public road.
117. The proposal is to utilise and upgrade the existing access that currently serves property number 161 Ballynahinch Road.
118. The site has ample space for the provision of parking and turning of three vehicles within the site.
119. DfI Roads have been consulted on the application and have raised no objections and provided conditions.
120. Taking the above into account, and having regard to the advice of DfI Roads it is accepted that the requirements of policy AMP 2 of PPS 3 Access, Movement and Parking can be met and that the access arrangements can be provided in accordance with published standards in DCAN 15.

Natural Heritage

121. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
122. To facilitate the proposed development an area of grassland would be required to be removed and a portion of the hedgerow along the front of the site to accommodate the visibility splays for a safe access.
123. It is not anticipated that more than 30 metres of hedgerow will need to be removed for the purpose of achieving the required visibility splays. The need for a bio-diversity checklist is considered and not required taking account of the guidance provided by NED.
124. The loss of hedgerow can be compensated for by replacement hedging to the rear of the visibility splays and this can be conditioned. There are no buildings on the site that would be required to be removed.
125. Taking the above into account, it is accepted that the proposal would not result in demonstrable harm being cause to any features of natural heritage importance and as such the requirements of policy NH 2 of PPS 2 are considered to be met. .

Archaeology and Built Heritage

126. The application site is within a buffer zone of an archaeological site and monument – DOW 021: 014 (non-antiquity).

127. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.
128. Based on the information provided and taking on board the advice from Historic Environment Division, it is considered that the proposal complies with policies BH 2 of PPS 6.

Planning and Flood Risk

129. There are no watercourses within or adjacent to the application site and the Rivers Agency flood maps detail that the application site is not within a flood plain or near a watercourse and a drainage assessment is not required for this application.
130. DAERA Water Management Unit have also been consulted on the proposal and refers to standing advice. No objection is offered.
131. Based on a review of the information and based on the advice received, it is considered that the proposal complies with the requirements of policies FLD 1 and FLD 3 pf PPS 15 and that the development of the land would not cause or exacerbate flooding. .

Conclusions

132. The proposal has been assessed against all relevant material planning and environmental considerations and it is considered that the proposal does not comply with the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
133. It is considered that the proposal is contrary to the SPPS and Policy CTY8 of PPS 21 in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would result in the addition to a ribbon of development.
134. It is considered that the proposal is contrary to the SPPS and Policy CTY13 of PPS 21 in that the proposal would be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
135. It is considered that the proposal is contrary to the SPPS and Policy CTY14 of PPS 21 in that the proposal would be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the

rural character of the countryside.

Recommendations

136. It is recommended that planning permission is refused.

Refusal Reasons

137. The following refusal reasons are recommended:

- The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would, if permitted, result in the addition to a ribbon of development.
- The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
- The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Site Location Plan – LA05/2021/0947/O

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 December 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0948/O
Date of Application	02/09/2021
District Electoral Area	Downshire East
Proposal Description	Site for dwelling and garage
Location	Site 1 approximately 80 metres west of 161 Ballynahinch Road, Hillsborough
Representations	None
Case Officer	Catherine Gray
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it does not comply with the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
3. The proposal is contrary to the SPPS and Policy CTY8 of PPS 21 in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would result in the addition to a ribbon of development.
4. The proposal is contrary to the SPPS and Policy CTY13 of PPS 21 in that the proposal would be a prominent feature in the landscape and is unable to

provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.

5. The proposal is contrary to the SPPS and Policy CTY14 of PPS 21 in that the proposal would be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Description of Site and Surroundings

Site

6. The site is located to the northern side of the Ballynahinch Road, Hillsborough and is comprised of part of a large agricultural field. .
7. The western and northern boundaries are defined by a mature hedgerow vegetation with a few trees interspersed along it. The boundary to the edge of the road is also defined by mature vegetation. The eastern boundary is undefined as it is part of the larger field.

Surroundings

8. The site is located within the countryside and the surrounding area is primarily rural in character and comprised mainly of agricultural land
9. Adjacent and to the east of the site sits is an existing residential property at 161 Ballynahinch Road which is comprised of a single storey dwelling with a detached out building to the rear.

Proposed Development

10. This is an outline application for a site for dwelling and garage. The following information has also been submitted for consideration:
 - Planning Supporting and Access Statement supplied in support of applications LA05/2021/0947/O and LA05/2021/0948/O both of which were ceived 01 October 2021.
 - An addendum to the planning supporting statement providing examples of other recent LCCC approvals similar to proposed application sites LA05/2021/0948/O and LA05/2021/0947/O which the applicant has asked to be considered as precedents and that were received 10th February 2022.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2021/0947/O	Site for dwelling and garage	Site 2 immediately west of 161 Ballynahinch Road, Hillsborough BT26 6BG	Decision pending
LA05/2020/0716/O	Site for dwelling and garage	Site to west of 161 Ballynahinch Road , Hillsborough, BT26 6BG	Application Withdrawn 06/05/2021

12. The associated planning history is a material consideration. It is noted that the previous application on the site LA05/2020/0716/O incorporated the red line of this application site and application site of LA05/2021/0947/O together.
13. Application LA05/2020/0716/O was presented to the Planning Committee in March 2021 with a recommendation to refusal but was deferred for further information to be considered by the planning committee again in May 2021, however the application was withdrawn just before the May 2021 Planning Committee meeting.
14. This proposal is considered in conjunction with application LA05/2021/0947/O which incorporates the remainder of the agricultural field. The applicant presents the case that the two sites together are a small gap that can accommodate two dwellings consistent with the established pattern of development.

Consultations

15. The following consultations were carried out:

Consultee	Response
NI Water	No Objection
DAERA Water Management Unit	No Objection
LCCC Environmental Health	No Objection
DoC Historic Environment Division : Historic Monuments	No Objection
DfI Roads	No Objection

Representations

16. No representations have been submitted in respect of this proposal.

Planning Policy Context

Relevant Policy and Guidance Documents

17. The relevant policy documents are:

- The Lisburn Area Plan
- The draft Belfast Metropolitan Plan 2015
- The Strategic Planning Policy Statement (SPPS), published in September 2015
- Planning Policy Statement 2 (PPS 2)– Natural Heritage
- Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
- Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
- Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside

18. The relevant guidance is:

- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

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.
20. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
21. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
22. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.
23. Page 49 of the Lisburn Area Plan 2001 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 respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

25. The SPPS states that

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

26. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
27. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
28. 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.
29. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
30. Paragraph 4.11 of the SPPS outlines 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.
31. 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.
32. 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.
33. 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.
34. 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.

35. 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.

36. Paragraph 6.78 of the SPPS states 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.

PPS 21 - Sustainable Development in the Countryside

37. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

38. Policy CTY 1 – states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*

- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
 - *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
 - *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
 - *a dwelling on a farm in accordance with Policy CTY 10.*
39. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.
40. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.
41. Policy CTY 8 – Ribbon Development states

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

42. A building is defined in statute to include a structure or erection, and any part of a building as so defined.
43. Regard is also had to the justification and amplification that states
- 5.32 *Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.*
- 5.33 *For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.*
- 5.34 *Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed*

appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Building on Tradition

44. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes:

4.4.0 *Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.*

4.4.1 *CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.*

45. The guidance also suggests

- a. It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- b. Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- c. 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.
- d. 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.
- e. 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 at the following paragraphs that

4.5.0 *There will also be some circumstance 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. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
- The policy directs that a new building will be unacceptable where:*
- (a) *it is a prominent feature in the landscape; or*
 - (b) *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; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
50. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

51. The policy states that

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

52. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

53. The policy also states that:

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

54. With regards to Policy CTY16, 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.

Natural Heritage

55. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
56. Policy NH 1 – European and Ramsar Sites states

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

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

57. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

58. Policy NH 2 – 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:-

- *there are no alternative solutions; and*
- *it is required for imperative reasons of overriding public interest; and*

- *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- *compensatory measures are agreed and fully secured.*

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.

59. 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:

- *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.*

60. The policy also states that

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.

PPS 3 - Access, Movement and Parking

61. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.
62. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

63. Development Control Advice Note 15 – Vehicular Access Standards states 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.

Archaeology and Built Heritage

64. PPS 6 – Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
65. Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings states

The Department 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 other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

66. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Settings states

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

PPS 15 - Planning and Flood Risk

67. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain

(AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

68. 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.

Assessment

69. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

70. As the Courts have noted, officers bear in mind that the policy in Policy CTY 8 is restrictive, and there is a prohibition against ribbon development. There is a need to consider whether a proposal adds to ribbon development and if it does, does the proposal fall into the permissible exceptions to that policy. In this case,

the proposal does engage ribbon development.

71. The first step of the policy test is to demonstrate that **an otherwise substantial and continuously built up frontage** exists.
72. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.
73. The application site is between the property 161 Ballynahinch Road and another at 18 Spirehill Road.
74. The supporting statement identifies that the site is between two dwellings 18 Spirehill Road and 161 Ballynahinch Road and an associated outbuilding within the curtilage of the Ballynahinch Road plot.
75. It is these buildings which are identified by the applicant as the buildings to be taken into consideration as the substantially and continuously built up frontage.
76. The view expressed by the applicant in this regard is not accepted. It is considered that the proposed site and the dwelling and garage/outbuilding located at 161 Ballynahinch Road have a frontage to the Ballynahinch Road but that the dwelling located at 18 Spirehill Road along with its integral garaged does not. No part of the curtilage of 18 Spirehill Road extends to the Ballynahinch Road.
77. In this case, as the buildings identified have frontages to two different roads this part of the policy test is not met and as such no substantial and continuously built up frontage exists and there is no line of three or more buildings along a road.
78. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
79. The applicant explains that the frontage comprises the buildings associated with 18 Spirehill Road and outbuilding associated with 161 Ballynahinch Road form the gap and this is measured as 172 metres.
80. Even if it was accepted that the dwelling at the Spirehill Road had a frontage to the Ballynahinch Road it is not considered to be a small gap for the purpose of the policy.
81. Without prejudice to the conclusions reached above and for completeness, Policy CTY 8 also requires consideration as to whether the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
82. The property at 18 Spirehill Road has a frontage of 67 metres. This frontage extends along the Spirehill Road only. Whilst not considered as part of the continuously built up frontage, the plot associated with the property at 18

Spirehill Road measures 5534 square metres.

83. The property at 161 Ballynahinch Road has a frontage of 79 metres to the Ballynahinch Road. With regards to plot sizes, the property at 161 Ballynahinch Road is considered to have a plot size of 7547 square metres.
84. There are no other properties within the continuously built up frontage against which the existing development pattern can be compared.
85. That said, the width of this proposed site is approximately 54 metres which does not respect the larger frontage pattern exhibited by 161 Ballynahinch Road.
86. The proposed plot size of this development proposal is measured to be approximately 6821 square metres. Again, this is smaller than that exhibited by 161 Ballynahinch Road.
87. Unlike LA05/2021/0947/O, the proposed site does have a frontage to the Ballynahinch Road. Application LA05/2021/0947/O is considered in conjunction with this application and a dual access point is proposed with the proposed access of LA05/2021/0947/O coming of the same access to this proposed site.
88. For the reasons outlined above, it is considered that the proposal does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
89. Consideration is also given to the significance of the gap identified by the agent. It is suggested by them that as you travel in an easterly direction from the Spirehill Road on your left, there is an awareness of the dwelling of 18 Spirehill Road, set back in the landscape, (its curtilage does not extend to the Ballynahinch Road).
90. As you move past the Spirehill Road on your left, the paddock and fields between it and property 161 Ballynahinch Road do act as a visual break in the landscape. Also due to the existing vegetation and boundary treatments along with the topography there is minimal awareness of property 161 Ballynahinch Road until you are right up to its entrance laneway.
91. We agree that a gap of this size when considered in the context of the neighbouring application is an important visual break in the landscape at this location and that to infill it with development would not be in accordance with the policy or the guidance in the Building on Tradition document.
92. In support of the application, the agent has provided a supporting statement including examples of previous appeal decisions that they consider to be similar in nature to the proposal however none are considered to be directly comparable and each application is assessed on its own merits having regard to the specific visual context within which the site sits. No case is made by the agent to explain how and why the examples offered sit on fours with this

application.

93. An assessment against other planning and environmental requirements are set out below.

Integration and Design of Buildings in the Countryside

94. Turning then to policy CTY13 in terms of criteria (a), the proposed site is roadside and with a rolling topography where the land level rises as you move in a northerly direction. It is considered that the proposal would not be a prominent feature in the landscape.
95. In terms of criteria (b), there are long established hedgerow boundaries to the northern boundary, along the western boundary and along where the visibility splays are proposed. The eastern and front boundary of the site is currently undefined and could be conditioned to have a post and wire fence with hedgerow to its inside.
96. It is considered however that the proposal is unable to provide a suitable degree of enclosure for the building to integrate into the landscape when viewed from public viewpoints given its prominence and level and the fact that the existing front boundary would need to be removed to accommodate the proposed visibility splays and open the site up considerably from front viewpoints.
97. Considering the proposal from public viewpoints from along the Ballynahinch Road, it is considered that the proposal would not have a suitable degree of enclosure to it to integrate into the landscape. Also there is no surrounding built development that would aid with its integration.
98. In terms of criteria (c), the proposal would rely primarily on the use of new landscaping for integration.
99. In terms of criteria (d), as the application is for outline permission, no detail is provided in terms of ancillary works however the detail provided does propose a shared access with the adjacent proposal in application LA05/2021/0947/O.
100. Existing and proposed levels along with ancillary works would be assessed at Reserved Matters stage if this application is approved. It is considered that ancillary works such as the access could be designed to integrate into the landscape.
101. In terms of criteria (e), as the application is for outline permission, no detail is provided with regards to design. The design of the building would be assessed at Reserved Matters stage if this application is approved and must comply with also with Building on Tradition.
102. In terms of criteria (f), the site levels rise as you move away from the public road, however there is an existing hedgerow to the rear with a rolling landscape

behind it which would provide a backdrop. A dwelling on the site could be sited and designed to blend with the landform and development around it without harm to rural character.

103. Criteria (g) is not applicable.

Rural Character

104. In terms of criteria (a) of policy CTY 14, it is considered that the proposal would not be unduly prominent in the landscape.

105. In terms of criteria (b), it would result in a sub-urban style build-up of development when viewed with existing buildings.

106. In terms of criteria (c), the proposal would not respect the traditional pattern of settlement exhibited within the area.

107. In terms of criteria (d), the proposal would add to a ribbon of development, as demonstrated above.

108. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.

Development Relying on Non-Mains Sewerage

109. In terms of policy CTY 16, the P1 form states that the proposed method of sewage disposal is by a septic tank.

110. The application being for outline permission means that no details are provided with regards to the proposed positioning of a septic tank and soakaway. However the site is large enough to accommodate both a septic tank and soakaway and Environmental Health and Water Management Unit have been consulted and have raised no objections to the proposal.

Access, Movement and Parking

111. The P1 form indicates that the proposal involves the alteration of an existing access to the public road.

112. The proposal is to utilise and upgrade the existing access that currently serves property number 161 Ballynahinch Road.

113. The site has ample space for the provision of parking and turning of three vehicles within the site.

114. DfI Roads have been consulted on the application and have raised no objections and provided conditions.

115. Taking the above into account, and having regard to the advice of DfI Roads it is accepted that the requirements of policy AMP 2 of PPS 3 Access, Movement

and Parking can be met and that the access arrangements can be provided in accordance with published standards in DCAN 15.

Natural Heritage

116. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
117. To facilitate the proposed development an area of grassland would be required to be removed and a portion of the hedgerow along the front of the site to accommodate the visibility splays for a safe access.
118. It is not anticipated that more than 30 metres of hedgerow will need to be removed for the purpose of achieving the required visibility splays. The need for a bio-diversity checklist is considered and not required taking account of the guidance provided by NED.
119. The loss of hedgerow can be compensated for by replacement hedging to the rear of the visibility splays and this can be conditioned. There are no buildings on the site that would be required to be removed.
120. Taking the above into account, it is accepted that the proposal would not result in demonstrable harm being cause to any features of natural heritage importance and as such the requirements of policy NH 2 of PPS 2 are considered to be met.

Archaeology and Built Heritage

121. The application site is within a buffer zone of an archaeological site and monument – DOW 021: 014 (non-antiquity).
122. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.
123. Based on the information provided and taking on board the advice from Historic Environment Division, it is considered that the proposal complies with policies BH 2 of PPS 6.

Planning and Flood Risk

124. There are no watercourses within or adjacent to the application site and the Rivers Agency flood maps detail that the application site is not within a flood plain or near a watercourse and a drainage assessment is not required for this application.

125. DAERA Water Management Unit have also been consulted on the proposal and refers to standing advice. No objection is offered.
126. Based on a review of the information and based on the advice received, it is considered that the proposal complies with the requirements of policies FLD 1 and FLD 3 of PPS 15 and that the development of the land would not cause or exacerbate flooding.

Conclusions

127. The proposal has been assessed against all relevant material planning and environmental considerations and it is considered that the proposal does not comply with the SPPS and Policy CTY 1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
128. It is considered that the proposal is contrary to the SPPS and Policy CTY8 of PPS 21 in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would result in the addition to a ribbon of development.
129. It is considered that the proposal is contrary to the SPPS and Policy CTY13 of PPS 21 in that the proposal would be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
130. It is considered that the proposal is contrary to the SPPS and Policy CTY14 of PPS 21 in that the proposal would be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Recommendations

131. It is recommended that planning permission is refused.

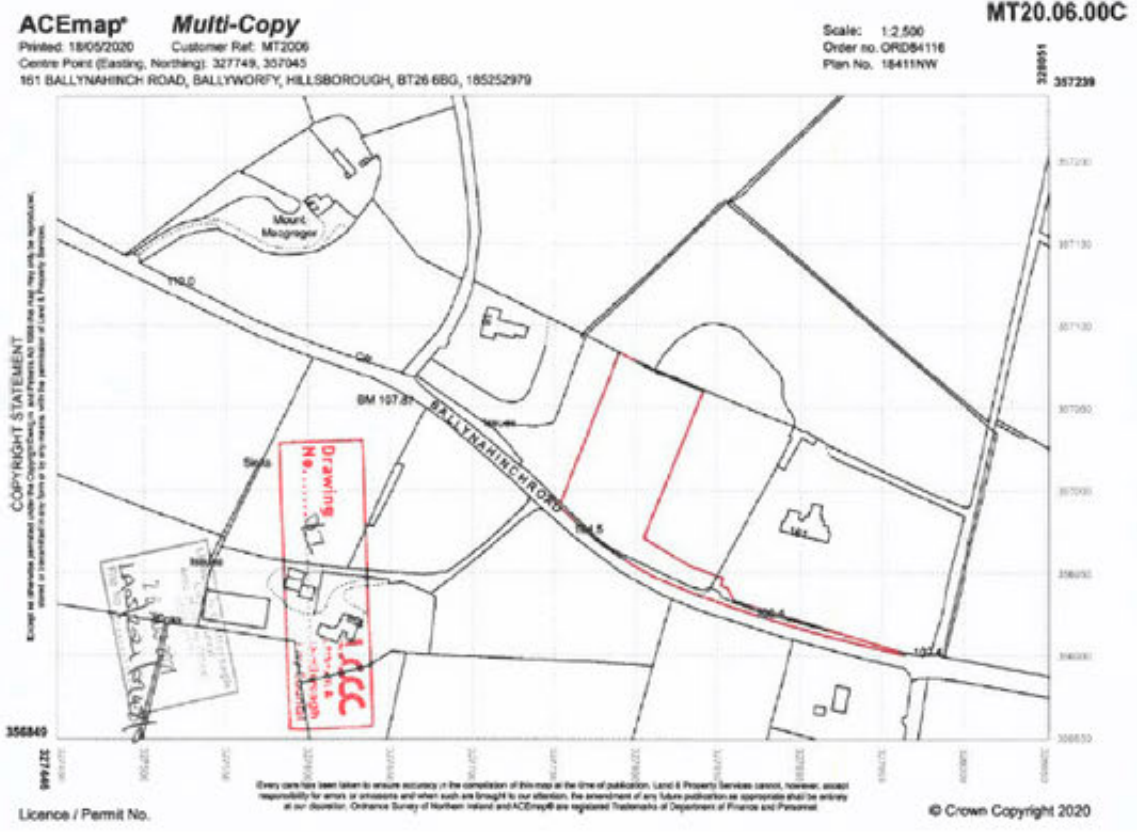
Refusal Reasons

132. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no

overriding reasons why this development is essential in this rural location and could not be located within a settlement.

133. The proposal is contrary to the SPPS and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a small gap in a substantial and built up frontage and in addition does not respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and would, if permitted, result in the addition to a ribbon of development.
134. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and would rely primarily on the use of new landscaping for integration.
135. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape, result in a suburban style build-up when viewed with existing buildings and would add to a ribbon of development and therefore result in a detrimental change to the rural character of the countryside.

Site Location Plan – LA05/2021/0948/O



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	05 December 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/1039/O
Date of Application	08/12/2020
District Electoral Area	Killultagh
Proposal Description	Site for a dwelling, garage and associated site works
Location	Land between 5 and 5a Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL
Representations	Nine [eight in opposition and one in support]
Case Officer	Catherine Gray
Recommendation	APPROVAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
2. This application is presented to the Committee with a recommendation to approve as it is considered that the proposal complies with the SPPS and Policy CTY 8 of PPS 21 in that a small gap exists within an otherwise substantial and continuously built up frontage comprised of three or more buildings. Furthermore, it is considered that the concept plan submitted in support of the application demonstrates that the development will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
3. The proposal complies with the SPPS and Policy CTY 13 in that the proposal if appropriately designed can be visually integrated into the surrounding landscape.

4. The proposal complies with the SPPS and Policy CTY 14 of PPS 21 in that the concept plan demonstrates that the proposal would not have a detrimental impact on the rural character of the area.
5. The proposal complies with the SPPS and policy AMP 2 of PPS 3 – Access, Movement and Parking in that the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic.
6. The proposal also complies with the SPPS and policies NH 2 of PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
7. The proposal also complies with the SPPS and PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
8. The proposal also complies with the SPPS and FLD 1 of PPS 15 – Planning and Flood Risk in that the proposal would not cause or exacerbate any flooding.

Description of Site and Surroundings

Site

9. The site is located to south western side of Crewe Road and is rectangular in shape. It occupies part of a large agricultural field that is accessed from a field gate that is part of the front of curtilage of a property 5A Crewe Road.
10. The north western boundary is partially defined by a post and wire fence with the remainder undefined as it runs through the front garden and driveway of the adjacent property.
11. The south western boundary is currently undefined as it runs through part of an agricultural field.
12. The south eastern boundary is partially defined by a post and wire fence with some vegetation along it and the remainder of the boundaries are undefined as they are part of the wider agricultural field.

Surroundings

13. The site is located within the countryside and the surrounding area is mainly rural in character and the land predominantly in agricultural use.
14. There is evidence of a build-up of development along the road frontage with a single storey dwelling adjacent and north east of the application at 5 Crewe

Road, a property 5a Crewe Road which is a large two storey dwelling with a rear return used also as a guest house.

15. To the west of 5a Crewe Road and the application site there is an existing farm complex consisting of various outbuildings and is accessed from a laneway that runs along the northern boundary of property 5a. Finally to the north of the laneway to the farm complex is property 5b Crewe Road which is a one and half storey dwelling house and detached garage.

Proposed Development

16. This is an outline application for a dwelling, garage and associated site works.
17. The following information has been submitted for consideration:
 - Biodiversity checklist (received 12th March 2021);
 - Biodiversity checklist – Ecological Statement (received 26th August 2021).

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2022/0072/LDE	Existing detached split level dwelling with integral garage and use part of the house for bed and breakfast accommodation in association with the existing family home	Kilcreeny Lodge, 5A Crewe Road, Ballinderry Upper, Lisburn, BT28 2PL	Permitted Development 18/03/2022
S/2010/0673/F	Erection of farm dwelling and garage.	100 metres South West of 7 Crewe Road, Upper Ballinderry, Lisburn.	Permission Granted 28/03/2012
S/2001/0972/F	Replacement dwelling & garage including retention of existing dwelling farm outbuilding	120m south west of 7A Crewe Road, Ballinderry Upper	Permission Granted 05/04/2002
S/2001/0120/O	Replacement Dwelling and Domestic Garage with Retention of Existing Dwelling as Farm Outbuilding	120m South West of 7A Crewe Road, Ballinderry Upper	Permission Granted 05/06/2001
S/2005/1547	Use of 3 bedrooms out of 7 for bed and breakfast accommodation	5A Crewe Road Upper Ballinderry, Lisburn BT28 2PL	Permitted Development

19. The planning history is a relevant material consideration as one of the buildings indicated to be part of the line of building to be counted in the assessment of the policy did not benefit from a planning permission as it was not built in accordance with the approved scheme.
20. An application was subsequently submitted for a Certificate of Lawfulness and sufficient evidence was provided to demonstrate the building and its associated curtilage were immune from enforcement action (see application LA05/2022/0072/LDE).

Consultations

21. The following consultations were carried out:

Consultee	Response
NI Water	No objection
DAERA Water Management Unit	No objection
DAERA Natural Environment Division	No objection
LCCC Environmental Health	No objection
DoC Historic Environment Division : Historic Monuments	No objection
DfI Roads	No objection

Representations

22. A number of representations have been received relation to the proposal. Eight of which are letters of objection. There is one letter of support.

23. In summary, the following issues of concern are raised in the objections:

- Contrary to Policy CTY 8 and does not qualify for an infill
- Contrary to Policy CTY 13 and the SPPS
- Inaccuracies on the submitted plans
- Impact on Natural Heritage
- Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicants disregard for planning policy
- Impact on residential amenity
- Character of the area / contrary to Policy CTY 14
- Impact on archaeological sites and monuments
- View and open countryside
- Prospective residents would suffer loss of amenity
- Third party land / applicants land

24. The following views are expressed in the letter of support:

- There are a number of sections on the Crewe Road where infill have been granted.

- The section between 5 and 5a currently looks more untidy as a gap between the two properties, a dwelling would look better and add to that section of the road.
25. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Relevant Policy and Guidance Documents

26. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015
 - Planning Policy Statement 2 (PPS 2) – Natural Heritage
 - Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking
 - Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage
 - Planning Policy Statement 15 (PPS 15) – Planning and Flood Risk
 - Planning Policy Statement 21 (PPS 21) – Sustainable Development in the Countryside
27. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - Development Control Advice Note 15 - Vehicular Access Standards

Local Development Plan Context

28. 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.
29. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
30. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.
31. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.

32. Page 49 of the Lisburn Area Plan 2001 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 respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

34. The SPPS states that

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

35. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
36. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
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. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
39. Paragraph 4.11 of the SPPS outlines 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.
40. 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.
41. 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.
42. 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.
43. 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.
44. 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.
45. Paragraph 6.78 of the SPPS states 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.

Sustainable Development in the Countryside

46. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

47. Policy CTY 1 – states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

48. This is a proposal for the development of a gap site for two dwellings and is to be assessed against the requirements of policy CTY 8.

49. In addition to CTY 8, there are other CTY policies that are engaged as part of the assessment including CTY13, 14 and 16, and they are also considered.

50. Policy CTY 8 – Ribbon Development states

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

51. A building is defined in statute to include a structure or erection, and any part of a building as so defined.

52. Regard is also had to the justification and amplification that states:

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

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

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Building on Tradition

53. Whilst not policy, and a guidance document, the SPPS states

that regard must be had to the guidance in assessing the proposal. This notes:

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its

neighbouring buildings in terms of scale, form, proportions and overall character.

- 4.4.1 **CTY 8 Ribbon Development** sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

54. The guidance also suggests

- a. It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.
- b. Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.
- c. 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.
- d. 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.
- e. 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.

55. It also notes at the following paragraphs that

4.5.0 *There will also be some circumstance 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.*

56. 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.

57. 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

58. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that

planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

The policy directs that a new building will be unacceptable where:

- (a) *it is a prominent feature in the landscape; or*
- (b) *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; or*
- (c) *it relies primarily on the use of new landscaping for integration; or*
- (d) *ancillary works do not integrate with their surroundings; or*
- (e) *the design of the building is inappropriate for the site and its locality; or*
- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

59. Policy CTY 14 – Rural Character states

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

60. The policy states that

A new building will be unacceptable where:

- (a) *it is unduly prominent in the landscape; or*
- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

61. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

62. The policy also states that

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

63. With regards to Policy CTY16, 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.

Natural Heritage

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

65. Policy NH 1 – European and Ramsar Sites states

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

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

66. The policy also states that

where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

67. Policy NH 2 – 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:-

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

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.

68. 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:

- *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.*

47. The policy also states that

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.

PPS 3 - Access, Movement and Parking

47. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.

69. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

70. Development Control Advice Note 15 – Vehicular Access Standards states 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.

Archaeology and Built Heritage

71. PPS 6 – Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
72. Policy BH 1 - The Preservation of Archaeological Remains of Regional Importance and their Settings states

The Department 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 other important sites and monuments which would merit scheduling. Development which would adversely affect such sites of regional importance or the integrity of their settings will not be permitted unless there are exceptional circumstances.

73. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Settings states

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

PPS 15 - Planning and Flood Risk

74. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

75. 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.

Assessment

76. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Ribbon Development

77. As the Courts have noted, Officers bear in mind that the policy in CTY8 is restrictive, and there is a prohibition against ribbon development. The first step is to consider whether the proposal adds to ribbon development, and if it does, does the proposal fall into the permissible exceptions to that policy.
78. Officers are satisfied that the proposal does engage ribbon development.

The issue of exception

79. The next step of the policy test is to consider whether the proposal comes within the exception set out in the policy.
80. The applicant must satisfy the policy exception and demonstrate that **an otherwise substantial and continuously built up frontage** exists. As mentioned, a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

81. The assessment that follows assesses those buildings that are considered to form part of the frontage.
82. A context map has been submitted in support of the application. It identifies four buildings that are noted as hatched in black on the plan. They are the buildings at 5 Crewe Road which consists of a dwelling house, the building at 5a Crewe Road which is a dwelling house and the building at 5b Crewe Road which consists of a dwelling house and detached garage.
83. The gap is identified on the site concept plan as the space between 5 and 5a Crewe Road and it is identified that the gap is large enough to accommodate one dwelling with a detached garage – See Annex A.
84. The continuously built up frontage is taken as the dwelling house number 5, the dwelling house at 5a (as this benefits from a Certificate of Lawfulness), and the detached garage and dwelling house at 5b all of which present a frontage to the road.
85. For the reasons outlined above, the first part of the policy test is met.
86. The second step of the policy test is to demonstrate if **a small gap site sufficient only to accommodate up to a maximum of two houses** exists.
87. In considering whether a small gap site exists, while 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 is not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy.
88. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy. With that in mind, the characteristics of the gap identified have been considered as follows.
89. The gap is measured as the distance between two buildings. In this case, the gap is identified as the land between the dwelling house number 5 and the dwelling house number 5a. The gap measures 86 metres.
90. The submitted context plan denotes one detached dwelling with a detached garage within the gap and demonstrates that the gap could only accommodate one house with associated garage. The gap is accepted to be a small gap in the context of the surrounding development and this part of the policy test is considered to be met.
91. Furthermore, the assessment of other planning matters pertaining to the plot frontages and plot sizes as outlined below, demonstrates that a dwelling within this gap will respect the pattern of development making the gap suitable in this instance for infill.

92. The exceptions test of Policy CTY 8 also requires consideration as to whether the proposed development **respects the existing development pattern along the frontage in terms of size, scale, siting and plot size.**
93. The frontage widths and plot sizes vary slightly either side of the gap. The average existing frontage width is measured at 36 metres. The total frontage width of the proposed site is 31 metres which means the site can accommodate one dwelling whilst ensuring the pattern of development along the frontage is respected.
94. The context plan details the respective frontages as follows:
- 5 Crewe Road – 43 metres
 - Application site – 31 metres
 - 5a Crewe Road – 30 metres
 - 5b Crewe Road – 50 metres
95. The figures provided by the agent of the frontages on the context plan, for the application site is measured to include the proposed access which is currently also the access point to property 5a, and for the frontage to 5a does not include the existing access to the property but includes the adjacent laneway.
96. A dual access is proposed through the current access point to property 5a to serve both 5a and the proposed site. Therefore measurements are taken from the middle of the existing/proposed access for the purposes of measuring site frontage. The existing frontages are considered to be:
- 5 Crewe Road – 43 metres
 - The existing gap – 22 metres
 - 5a Crewe Road – 29 metres
 - 5b Crewe Road – 50 metres
97. On the ground at the moment the gap site has a frontage of 22 metres. The application site includes the access to 5a which increases the frontage to 31 metres. A shared access is proposed to serve both 5a and the proposed dwelling and garage.
98. The proposal is for the existing access to be served by both 5a and the proposed dwelling and garage. This in turn means that the existing frontages would change and taking the measurements of the proposed frontages from the middle of the access, they would be 27 metres for the application site and 25 metres for property 5a. Taking the full measurement of the frontage as including the access (and not from the middle of the access as a dual access is proposed) then the proposed site would have a frontage of 31 metres.
99. The concept plan details the respective plot sizes as follows:
- 5 Crewe Road – 2201 square metres
 - Application site – 6880 square metres
 - 5a Crewe Road (excluding the access) – 5400 square metres

5b Crewe Road – 1760 square metres

100. The figures provided by the agent of the plot sizes on the context plan, for the application site is measured to include the proposed access which is currently also the access point to property 5a, and for the plot size to 5a it does not include the existing access to the property and does not include the adjacent laneway that was previously included as part of the frontage.
101. The existing plot sizes are considered to be:
 - 5 Crewe Road – 2162.5 square metres
 - Existing gap site – 5255.6 square metres
 - 5a Crewe Road – 6008.3 square metres
 - 5b Crewe Road – 1653.8 square metres
102. The average existing plot size is measured at 3770.05 square metres.
103. The proposed plot size of the application site is calculated at 5721.1 square metres.
104. Given the pattern and situation on the ground and the proposed dual access point, it is considered that the proposed frontages and plot sizes are considered to be similar and in keeping with the surrounding development.
105. The concept plan also demonstrates how the proposal would be in keeping with the existing pattern and building line along this portion of the road.
106. For the reasons outlined above, the proposed development is capable of being sited and designed so as to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
107. Consideration is also given to the significance of the gap. There are no local features recorded or observed to indicate that the gap frames a viewpoint or provide an importance setting for the amenity and character of the established dwellings. The site is not comprised of a woodland or other feature to suggest that it is an important visual break in the developed and built up appearance at this location.
108. Guidance in Building on Tradition does state at paragraph 4.5.0 that it may not be appropriate to fill gaps with development that are important visual break. For the reasons outlined above, this is not considered to be an important visual break.
109. An assessment against other planning and environmental requirements are set out below.

Integration and Design of Buildings in the Countryside

110. Turning then to policy CTY13 in terms of criteria (a), although the site is roadside, the land slopes away from the road gradually and the notational layout and concept plan denotes the proposed dwelling and garage positioned back on the site more in line with property number 5a rather than in line with properties 5 and 5b. It is considered that the proposal would not be a prominent feature in the landscape due to the existing built form.
111. In terms of criteria (b), there are three portions of the proposed boundary to the site is existing and it consists of a post and wire fence. Part of the fencing along the existing boundary with 5 Crewe Road is supplemented with vegetation, along with part of the existing road frontage.
112. The site boundaries to the open field side are currently not defined as it is part of an existing agricultural field. It is also considered that any undefined boundaries can be conditioned to have a post and wire fence with hedgerow to its inside.
113. Considering the proposal from public viewpoints and from along Crewe Road, it is considered that the proposal would have a suitable degree of enclosure for IT to integrate into the landscape.
114. On approach to the site from the south there is existing vegetation and built development in the form of dwelling number 5 that would screen the proposal, and on approach to the site from the north there is existing built development of properties 5b and 5a which would screen the proposal.
115. In terms of criteria (c), and as demonstrated above, the proposal would not rely primarily on the use of new landscaping for integration.
116. In terms of criteria (d), as the application is for outline permission, no detail is provided in terms of ancillary works. That said, the proposal does include detail of a shared access with property 5a. It is considered that ancillary works could be designed to integrate into the landscape and that this detail would be further considered at reserved matters stage.
117. In terms of criteria (e), as the application is for outline permission. No detail is provided with regards to design. The design of the building would be assessed at Reserved Matters stage if this application is approved and must also comply with Building on Tradition.
118. In terms of criteria (f), the site level drops gradually as you move away from the road in a south westerly direction. There are some existing trees and vegetation south west of the site and there is a rolling landscape to the rear which would provide a backdrop. A dwelling and garage on the site could be designed to blend with the landform and development around it.
119. Criteria (g) is not applicable in this instance.

Rural Character

120. In terms of criteria (a), it is considered that the proposal would not be unduly prominent in the landscape for the reasons outlined above within the context of Policy CTY 13 considerations.
121. In terms of criteria (b), it would not result in a sub-urban style build-up of development when viewed with existing and approve buildings.
122. In terms of criteria (c), within the context of Policy CTY 8 considerations, the proposal would respect the traditional pattern of development exhibited within the area.
123. In terms of criteria (d), and as explained above, the proposal is considered to meet the exception within policy CTY 8 - Ribbon Development.
124. In terms of criteria (e), it is considered that the impact of ancillary works would not damage rural character.

Development Relying on Non-Mains Sewerage

125. In terms of policy CTY 16, the P1 form states that the proposed method of sewage disposal is by a septic tank.
126. The application being for outline permission means that no details are provided with regards to the proposed positioning of a septic tank and soakaway. However the indicative site plan denotes an approximate position for a septic tank and soakaway.
127. The site is large enough to accommodate both a septic tank and soakaway and Environmental Health and Water Management Unit have raised no objections to the proposal.
128. For the reasons outlined, it is accepted that the proposed method of disposal will not create or add to a pollution problem.

Access, Movement and Parking

129. The site location plans and context map provide an indicative/approximate position for a proposed vehicular access onto the Crewe Road. It is noted that Crewe Road is not a Protected Route.
130. The use of an existing unaltered access to Crewe Road is proposed and there is ample space within the site for car parking along with the proposed development.
131. DfI Roads have been consulted on the application and have raised no objections and provided conditions.
132. Taking the above into account, and having regard to the advice of DfI Roads it is accepted that the requirements of policy AMP 2 of PPS 3 Access, Movement and Parking can be met and that the access arrangements can be provided in

accordance with published standards in DCAN 15.

Natural Heritage

133. PPS 2 makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
134. The application site forms part of an agricultural field of semi-improve grassland.
135. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
136. To facilitate the proposed development a small area of grassland would be required to be removed. No buildings or other vegetation is required to be removed to accommodate the proposal within the site.
137. A biodiversity checklist was submitted for consideration which was completed by the agent. NED were consulted on the information and refer to their standing advice which is to review the checklist using the Biodiversity Checklist Decision Flow Chart.
138. The Natural Environment Divisions Biodiversity Checklist decision flow chart has been engaged to determine if any further consultation with NED or further information is required.
139. Based on a review of the flow chart and indeed the biodiversity checklist information and concerns raised in the representations, it was determined to return to the applicant/agent and request the ecological statement to be completed by an accredited ecologist or other suitably qualified person.
140. Following this the agent submitted a Biodiversity Checklist – Ecological Statement completed by Ecolas Ecology for consideration. This information was forwarded to NED for comment.
141. The statement details that the site is not located within a statutory designated area. The site was surveyed in line with standard guidance produced by JNCC, BCT and NIEA for habitats, bats, badgers and breeding birds.
142. It states that there is no suitable habitat for otter, smooth newt, common lizard, pine marten and red squirrel. The habitats on site are dominated by improved grassland which is intensively managed with fertiliser application noted. The habitats on site are considered to be of low (improved grassland, dry ditch, scrub) and moderate ecological value.
143. The proposed development will see the loss of an area of improved grassland. This is of low value habitat which is abundant within the immediate and wider areas. The loss of this will not have an adverse impact on local biodiversity.

144. The statement also details that the site and surrounding 30m buffer were searched for evidence of badger. No observations of this species were made. It also details that the field itself is considered unsuitable for breeding (ground nesting) birds due to the management i.e. cutting for silage. It also details that the development will not have an overall adverse impact on foraging birds/waders due to the abundance of habitat within the immediate and wider environs.
145. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.
146. The advice of NED is accepted and there is no evidence offered to suggest that the construction of a dwelling on these lands would result in demonstrable harm being cause to any features of natural heritage importance. The requirements of policy NH 2 of PPS 2 are considered to be met in full.

Archaeology and Built Heritage

147. PPS 6 Planning, Archaeology and the Built Heritage sets out policies to be employed in assessing proposals which affect the archaeology or built heritage.
148. The application site is within a buffer zone of an archaeological site and monument – ANT 063:019 (Enclosure).
149. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.
150. Based on the information provided and taking into account the advice from Historic Environment Division, it is considered that the proposal complies with policy BH 2 of PPS 6 and that it will not have an adverse impact on built heritage features.

Planning and Flood Risk

151. There are no watercourses within or adjacent to the application site and Rivers Agency flood maps detail that the application site is not within a flood plain or near a watercourse.
152. The submission of a drainage assessment is not required for this application and it is considered that the proposal would not cause or exacerbate flooding.
153. DAERA Water Management Unit have also been consulted on the proposal and refers to standing advice.
154. It is considered that the proposal complies with policies FLD 1 and 3 of PPS 15 and that no flood risk will occur.

Consideration of Representations

155. Eight letters of objection and one letter of support have been received in receipt of this proposal.

156. The objections are considered below:

Contrary to Policy CTY 8 and does not qualify for an infill

157. The view is expressed that it is contented that the application site does not sit squarely with the provision of policy CTY 8 and no justification has been presented how it meets any of the other exceptional tests for residential development listed in policy CTY 1.

158. The view is expressed that the proposal does not fall within Policy CTY 8 as the established settlement pattern comprises road frontage development of rectangular plots and wrap around gardens and not long linear plots, and that the proposal does not respect the surrounding development grain.

159. The proposal has been assessed against the SPPS and Policy CTY 8 and it is considered that the proposal complies with these policies and therefore also complies with policy CTY 1 of PPS 21.

Contrary to Policy CTY 13 and the SPPS

160. The view is expressed that the proposal is contrary to policy CTY 13 and that it offends criteria (a), (b), (c), (d) and (f) and that development on the site would be prominent and conspicuous in the open landscape resulting in harm on the countryside.

161. The view is expressed that as new planting is necessary to provide an adequate means of enclosure this would directly affect the amenity of property number 5 and could lead to the possibility of overshadowing and visual obstruction. Reference is also made to paragraph 4.12 and to the responsibility that the local planning authority plays in safeguarding residential environs.

162. For the reasons demonstrated above, the proposal is considered to comply with the SPPS and policy CTY 13. Whilst the application is for outline permission and detailed drawings have not been submitted an indicative concept plan is provided. The detail associated with this plan demonstrates that the development could be sited and designed so as not to impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.

Inaccuracies on the submitted plans

163. The view is expressed that number 5b Crewe Road has been labelled incorrectly on the plans and that the conservatory of number 5 Crewe Road has

not been annotated on the plans.

164. Through the processing of the application amended plans have been submitted these issues have been addressed.

Impact on Natural Heritage

165. The view is expressed that priority species have been seen at the site, in particular, a priority bird species, Lapwing, feeds at the application site and nests nearby.
166. It has also been stated that other priority species such as the Irish Hare, Pine Martin and Hedgehogs are resident in this area and are seen commonly within the application site and surrounding land, and that there is a plethora of wildlife in general that should be protected.
167. The view is expressed that no consideration has been given within the application to the impact the proposed development will have on protected species and thus conflicts with policies NH2 and NH 5 of PPS 2. And that the biodiversity in the area needs to be protected. Further information must be submitted demonstrating the impact of the proposal. Views have also been expressed about the content of the submitted ecology information.
168. Through the processing of the application a biodiversity checklist and ecological statement has been submitted for consideration. As part of the assessment, the proposal has been assessed against PPS 2 Natural Heritage and it is considered that the proposal complies with PPS 2. NED has considered the impacts of the proposal on designated sites and other natural heritage interest and, on the basis of the information provided, has no concerns.

Property 5a has not been built in accordance with the stamped approved plans and the impact of such / applicant disregard for planning policy

169. Concern has been raised that the dwelling and curtilage of 5a Crewe Road is not in accordance with approved plans and asks the question 'regarding the submission of a CLUD for this site. Concern is also raised about the applicants disregard for planning policy.
170. The view is also expressed that as policy CTY 8 requires that consideration is given to the substantial and continuously built up frontage, what weight can be given to a dwelling and curtilage, in the assessment of the current application against policy CTY 8 if no permission or CLUED exists to acknowledge that it is lawful.
171. It is acknowledged that the dwelling and curtilage of 5a Crewe Road was not built in accordance with the stamped approved plans. Through the processing of this application an application for a Certificate of Lawfulness was submitted for consideration under LA05/2022/0072/LDE and was approved on 18/03/2022.

172. As the dwelling and curtilage of 5a Crewe Road has now been approved it can be considered as part of the substantial and continuously built up frontage, and used as part of the assessment against policy CTY 8.

Impact on residential amenity

173. The view is expressed that the current proposal will result in demonstrable harm to the overall amenity of property number 5 Crewe Road including but not limited to, overlooking, invasion of privacy, obstruction of their outlook and general disruption. The view is also expressed that a siting and curtilage restriction would need to be attached to mitigate against demonstrable harm being caused to number 5 Crewe Road. Concern has also been raised about the impact on property number 5b Crewe Road.
174. The application is for outline permission and as such, detailed drawings have not been submitted with the proposal. That said, an indicative concept plan of the site has been provided to demonstrate that a dwelling could be sited and designed so as not to impact on the residential amenity of existing adjacent residents by way of overshadowing or overlooking. Detailed design of all elements of the proposal would be considered at reserved matters stage.

Character of the area / contrary to policy CTY 14

175. The view is expressed that another dwelling in this area would change the character of the rural area and is contrary to policy CTY 14.
176. For the reasons outline above, the proposal is considered to comply with the policy tests associated with Policy CTY 14.

Impact on archaeological site and monuments

177. The view is expressed that the surrounding area is a very special area of great historical value and beauty and that there are approximately 8 archaeological sites and historical monuments within a 1 mile radius.
178. The constraints detail that the site is within a buffer zone surrounding an archaeological site and monument – ANT 063:019 (Enclosure). As part of the assessment, the proposal has been assessed against PPS 6 Planning, Archaeology and the Built Heritage and it is considered that the proposal complies with PPS 6.
179. Historic Environment Division has been consulted and advise that HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological requirements.

View and open countryside

180. The area at 5/5a has open countryside vistas and views and the area is good for health and wellbeing.
181. A view is a material consideration that is not given determining weight in this instance.

Prospective residents would suffer loss of amenity

182. The view is expressed that the proposal is contrary to the SPPS paragraph 6 as it has not been demonstrated that prospective residents of the proposed dwelling would not suffer loss of amenity due to noise, odour and pests arising from the slurry tank located immediately behind the site and within 80 metres of the boundary.
183. Environmental Health have been consulted on the proposal and have raised no objection in principle. They recommend an informative advising that 'any prospective owner should be made aware that the proposed development is located in close proximity to a farm which is current under the control of the applicant. This may give rise to offensive conditions and as a result impact upon the amenity enjoyed by the proposed development due to noise, odour and insects'.

Third party land / applicants land

184. The view is expressed that in their opinion the red line is on third party land cutting a corner off number 5's land at the roadside. Concern has also been raised that the applicant has not fully disclosed what land he owns and marked in blue as the view is expressed that in previous applications the land in blue was different.
185. Land ownership is a legal issue and the onus is on the applicant / developer to ensure that he has ownership / control of all lands necessary to implement a planning permission. The onus is also on the applicant/agent to declare the correct information on the application with regards to the land outlined in blue which would be in his ownership or control.
186. One letter of support has been submitted and it is considered below:
187. The view has been expressed that there are a number of sections on the Crewe Road where infill have been granted. And that the section between 5 and 5a currently looks more untidy as a gap between the two properties, a dwelling would look better and add to that section of the road.
188. The planning history and visual impact of the proposal has been considered as part of the assessment of the application.

Conclusions

189. For the reasons outlined above, the proposal complies with the SPPS and Policy CTY 8 of PPS 21 in that a small gap exists within an otherwise substantial and continuously built up frontage comprised of three or more buildings. Furthermore, it is considered that the concept plan submitted in support of the application demonstrates that the development will respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.
190. The proposal complies with the SPPS and Policy CTY 13 in that the proposal if appropriately designed can be visually integrated into the surrounding landscape.
191. The proposal complies with the SPPS and Policy CTY 14 of PPS 21 in that the concept plan demonstrates that the proposal would not have a detrimental impact on the rural character of the area.
192. The proposal complies with the SPPS and policy AMP 2 of PPS 3 – Access, Movement and Parking in that the proposed access would not prejudice road safety or significantly inconvenience the flow of traffic.
193. The proposal also complies with the SPPS and policy NH 2 of PPS 2 – Natural Heritage in that the proposal would not have a negative impact on any natural heritage features.
194. The proposal also complies with the SPPS and policy BH 2 of PPS 6 – Built Heritage in that the proposal would not have a negative impact on any archaeological features.
195. The proposal also complies with the SPPS and policies FLD 1 and FLD 3 of PPS 15 – Planning and Flood Risk in that the proposal would not cause or exacerbate any flooding.

Conditions

196. It is recommended that planning permission is approved.

Conditions

197. The following conditions are recommended:

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or

- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

198. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

199. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

200. The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

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

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

202. The width of the vehicular access shall be a minimum of 6.0 metres for the first 10.0 metres off the public road.

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

203. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

Reason: In the interest of visual amenity.

204. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

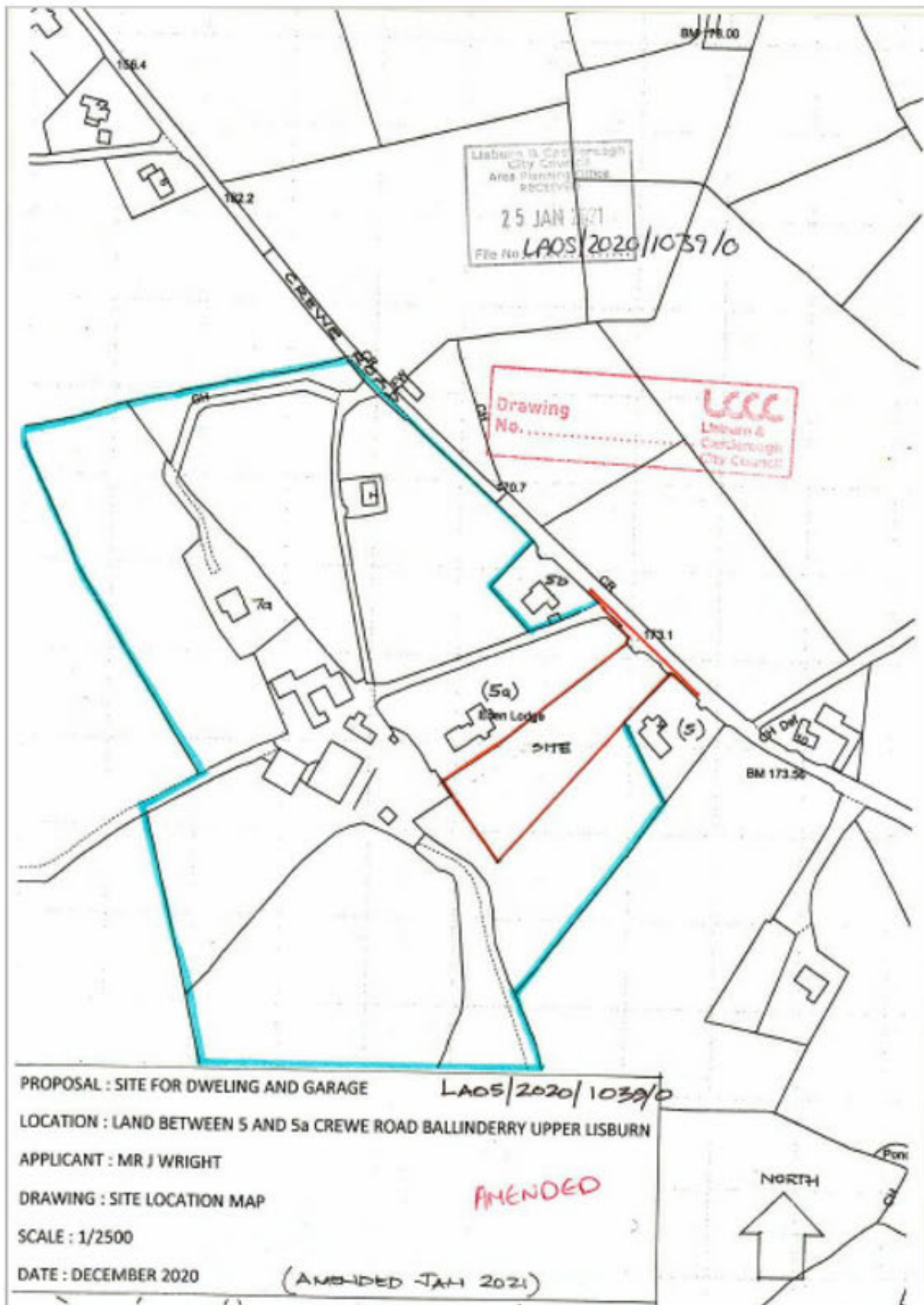
205. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

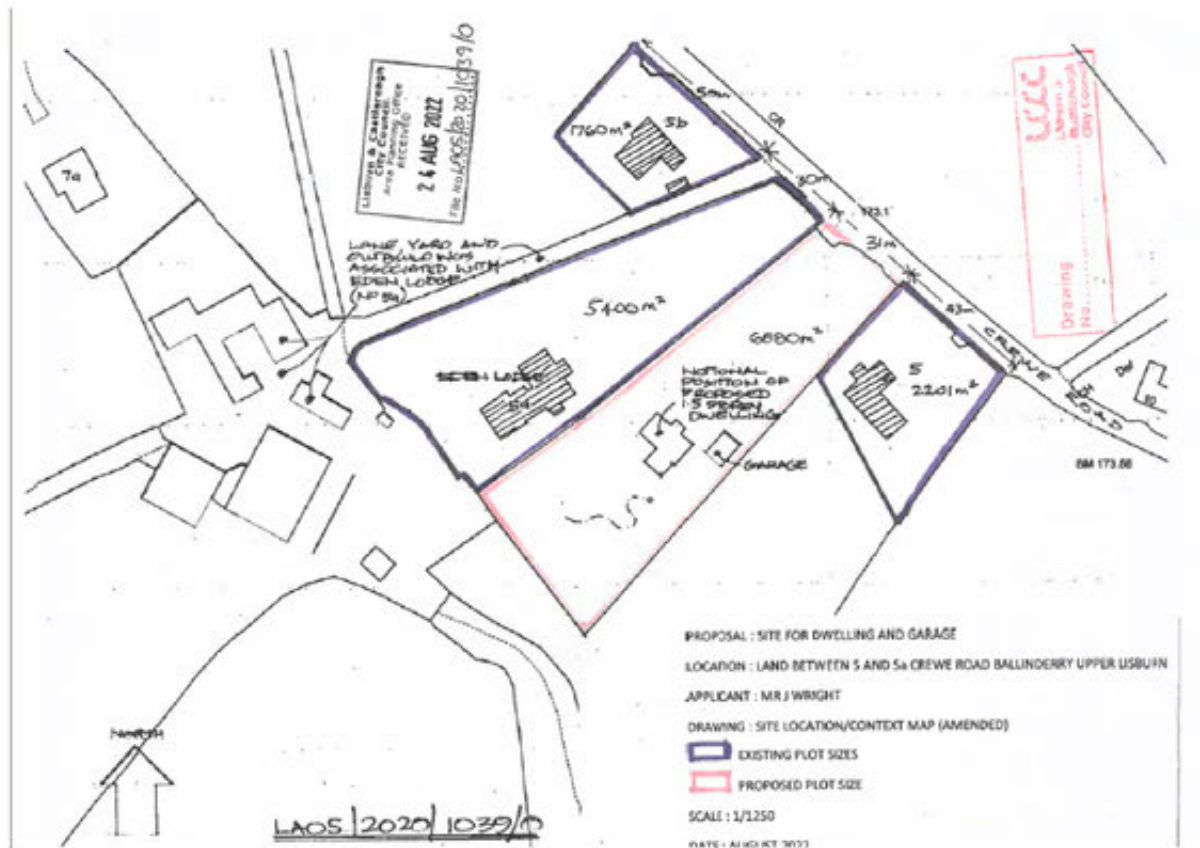
206. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out prior to the occupation of any part of the dwelling.

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

Site Location Plan – LA05/2020/1039/O



Annex A – Concept Plan – LA05/2020/1039/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 December 2022
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2021/0017/F
Date of Application	14 January 2021
District Electoral Area	Downshire West
Proposal Description	Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and associated site works
Location	Approximately 40 metres from 33 Glen Road Hillsborough
Representations	None
Case Officer	Grainne Rice
Recommendation	REFUSAL

Background

1. A recommendation to refuse planning permission was presented to the planning committee in July 2022.
2. Following the presentation by officers and other parties, Members agreed with the recommendation to refuse planning permission. Before the decision was issued an amended scheme was submitted by the applicant comprised of the following amendments. The position of building within the site was changed and an alternative access arrangement was proposed.
3. As this was a formal amendment to the proposed development it must be advertised and neighbour notified. A further consultation was also required with DfI Roads.
4. It is returned to the planning committee as the circumstances are changed but the recommendation to refuse remains unchanged. As this was previously a decision by the planning committee it is considered by the Head of Planning & Capital that it should come back in front of the members in accordance with Part B of the published scheme of delegation.

Further Consideration

5. Turning to the detail of the amended submission, amended drawings were received on 08 August 2022 which proposed the same building consisting of stable block (domestic) including tack room/feed store, located 37.5 metres distant from the roadside as opposed to the original submission which positioned it 6 metres from the roadside.
6. The orientation of the proposed shed is still gable ended to the road. The access had been moved from a laneway stretching across the site frontage to a proposed new field gate closer to the proposed building. This has the effect of shortening the new access lane and allowing more hedgerow along the roadside to be retained. The amended site plan included an annotation of timber post and rail fencing and a new native species hedgerow to the western boundary lapping around the proposed building and the new access laneway.
7. A cross section of the proposal was included in the block plan detail. The road level is set at 108 mOD, the proposed floor level of the stables at 112 mOD and the proposed ridge at 116.3 mOD with approximately 2 metres of cut required in the field to achieve this finished floor level and a yard for manoeuvring vehicles into and around the building.
8. A further consultation was carried out with DfI Roads. No objection was offered to the amended location of the access or the visibility splays indicated.
9. No objection was previously offered on the grounds of policy AMP 2 of PPS3 and the advice of DfI Roads is accepted that the proposed development will not give rise to any road safety issue or any adverse traffic impact.
10. In an email dated 14 September 2022, the agent noted the response from DfI Roads and also expressed an opinion that the previous concerns relating to the removal of the roadside vegetation, access, and ribboning of development had also been addressed.
11. Whilst not set out explicitly in the correspondence this is taken to mean that setting the building back further into the site and retaining the hedge differentiates this proposal from the one recommended for refusal in terms of visual impact and integration.
12. The agent also attached an appeal decision for a site at Bigwood Road, Ardmore in which reference was made to paragraph 32 of this appeal decision which indicated that if the building does not have frontage, then it cannot add to the ribbon of development.
13. The agent suggests that as the proposed siting as amended, is set back from the road and has a limited visual impact then it would be entirely appropriate and would be extremely difficult to argue harm or prominence to the existing rural environment.

14. With regards to the addition of a ribbon of development along Glen Road and by way of comparable example, the appeal(s) the agent cites is 2017/E0047 and 0048.

15. At paragraph 32, it is stated that:

The area occupied by the buildings, pool and hardstanding is not commensurate with the entirety of the site identified on the map accompanying the EN. Although the earth bund does not entirely separate the area occupied by this development from the remainder of the host field that extends to the road, the plot occupied by the development subject of the EN does not have a common frontage with development to the north by virtue of the distance it is set back and extent of ground between it and the public road. Despite the mature vegetation on the northern and southern boundaries of the plot occupied by No. 21 Bigwood Road, there is a sequential awareness of it appearing as a ribbon of development together with the stable block and Nos. 11 and 19. The open-sided building brings development on the appeal site some 20m nearer to Bigwood Road and extends approximately 2m beyond the stable block's southern gable. However, given the set-back from Bigwood Road, it does not visually extend the lateral reach of the existing ribbon of development. Accordingly as the proposal is consistent with Policy CTY 8 of PPS 21, and thereby Policy CTY1 thereof, the Council's second reason for refusal is not sustained.

Having considered the detail of this statement within the context of the current application, the situation is considered to be distinguishable as there was a complete field parcel in front of the buildings and the site did not present a frontage to the road. The proposed building in this case is in a roadside field.

16. Whilst the building is set further back now by 37.5 metres it is still considered to be prominent from the Glen Road due to the topography and the elevation of the proposed building in the landscape.
17. The proposed stables will still be highly visible along the site frontage and for more distant views travelling east along the Glen Road toward 33 Glen Road with the finished floor level for the building some 4 metres higher than road level and the ridge line breaking the skyline.
18. Whilst it is accepted that the amendments have retained much more of the existing hedgerow and do show proposed planting along the undefined boundaries along the western side that the earlier refusal reason in relation to CTY 13 in so far as it relates to the reliance on new planting does not now apply.
19. That said, the change in levels required to provide for the proposed finished floor level to the building does little to overcome concerns expressed in relation to enclosure and prominence.

20. For these reasons, the proposal still fails to comply with Policy CTY 13 and 14 in relation to prominence.
21. Finally in relation to the refusal reason on SPPS and Policy OS 3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation whereby it was considered that the proposal would have an adverse impact on the visual amenity/character of the local landscape as it would not be readily absorbed into the local landscape. This refusal reason is still applicable for reasons of prominence, build up and ribboning.

Conclusions

22. The planning advice previously offered that planning permission should be refused is not changed for the reasons outline above and the information contained in this addendum should be read in conjunction with the main officers report previously presented to the Committee in July 2022.

Recommendations

23. It is recommended that planning permission is refused.

Refusal Reasons

24. The following amended refusal reasons are recommended:
 - The proposal is contrary to the SPPS and Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in that there are no overriding reasons why this development is essential in this rural location and the proposal would, if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough
 - The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.
 - The proposal is contrary to the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape

and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape and would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside
- The proposal is contrary to the SPPS and Policy OS 3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity/character of the local landscape as it would not be readily absorbed into the local landscape.

Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee Meeting	04 July 2022
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/0017/F
Date of Application	14 January 2021
District Electoral Area	Downshire West
Proposal Description	Proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and associated site works
Location	Approximately 40 metres from 33 Glen Road Hillsborough
Representations	None
Case Officer	Grainne Rice
Recommendation	REFUSAL

Summary of Recommendation

1. The above application is presented to the Planning Committee with a recommendation to refuse as the proposal is considered to be contrary to the SPPS, Policy CTY1 and criteria (iii) and (vi) of Policy OS3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity and character of the local landscape as it would not be readily absorbed into the local landscape by virtue of being able to take advantage of existing landscaping and topography. It would also be unsympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.
2. It is further contrary to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that no evidence has been submitted to demonstrate there are overriding reasons why this development is essential in this rural location and it would if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough.
3. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that the

removal of a significant stretch of roadside vegetation and the proposed stable block would, if permitted be a prominent feature in the landscape as degree of enclosure for the building to the roadside is lost and the new development would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area a resulting in a detrimental change to (further erode) the rural character of the countryside.

Description of Site and Surroundings

Site

5. The application site is located on the southern side of the Glen Road, Hillsborough and consists of a rectangular plot cur out of a larger agricultural field.
6. The land rises gently in a southerly direction from the edge of the road towards the rear of the site. The northern (roadside), eastern and western boundaries are defined by hedgerow and trees. The southern boundary is undefined.
7. The site plan details the location of proposed stables along the roadside in the north eastern corner of the agricultural field. The proposal also development seeks to construct a new vehicular access to the public road to provide access to the proposed site. A proposed laneway would lead to an area of hardstand and parking to the front and side of the stables.

Surroundings

8. Adjoining the proposed site to the east is 33 Glen Road, Hillsborough a storey and half dwelling and associated outbuildings. Adjoining the proposed site to the west is 39 Glen Road, Hillsborough a single storey dwelling and associated garage and shed.
9. The area is rural in character, and the land mainly in agricultural use. There is an evidence of a build-up of development in the locality with single detached dwellings dispersed throughout.

Proposed Development

10. The application is for a proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works.

Relevant Planning History

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

Application Reference	Description of Proposal	Decision
S/1994/0489	Retirement dwelling – Adjacent to No. 39 Glen Road, Hillsborough	Withdrawn - 27.10.1994
S/1980/0069	Glen Road - Bungalow	Refusal - 04.03.1980
S/1989/0191	400m West Of Glen Dairy Farm Glen Road, Hillsborough - Farm Dwelling & Garage	Approval - 22.05.1989
S/1992/0122	400m West Of Glen Dairy Farm Glen Road, Hillsborough - Farm Dwelling & Garage	Approval - 23.06.1992
S/1993/1020	Farm dwelling and garage – 23 Glen road, Hillsborough	Approval - 15.08.1994

Consultations

12. The following consultations were carried out:

Consultee	Response
NIEA Water Management Unit	No Objection
DfI Roads	No Objection
Environmental Health	No Objection

NI Water	No Objection
----------	--------------

Representations

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

Planning Policy Context

Relevant Policy and Guidance Documents

14. The relevant policy documents are:
- The Lisburn Area Plan
 - The draft Belfast Metropolitan Plan 2015
 - The Strategic Planning Policy Statement (SPPS), published in September 2015,
 - Planning Policy Statement 3 (PPS 3): Access, Movement and Parking
 - Planning Policy Statement 8 (PPS8): Open Space, Sport and Outdoor Recreation
 - Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside
15. The relevant guidance is:
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
 - DCAN 15: Vehicular Access Standards

Local Development Plan Context

16. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on planning applications, regard must be had to the requirements of the local development plan and that determination must be in accordance with the plan unless material considerations indicate otherwise.
17. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
18. As a consequence, the Lisburn Area Plan is the statutory development plan however the draft Belfast Metropolitan Plan 2015 remains a material consideration.

19. In both the statutory development plan and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit and as there is no difference in the local plan context.

20. Page 49 of the Lisburn Area Plan 2001 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.

21. In respect of draft BMAP, page 16 states that

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may also be issued to illustrate how concepts contained in PPSs can best be implemented.

Regional Policy Context

22. The SPPS states that

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

23. The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.
24. During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.
25. 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.

26. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to those documents.
27. Paragraph 4.11 of the SPPS outlines 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.
28. 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.
29. 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.
30. Paragraph 4.12 of the SPPS directs 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.
31. 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.
32. Paragraph 6.213 of the SPPS states that
planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to watersports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.
33. Paragraph 6.78 of the SPPS outlines 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.

Building on Tradition:

34. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal.
35. 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.

PPS 21 - Sustainable Development in the Countryside

36. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.
37. Policy CTY 1 –states that

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

38. The policy states that

Planning permission will be granted for non-residential development in the countryside in the following cases:

- *farm diversification proposals in accordance with Policy CTY 11;*
- *agricultural and forestry development in accordance with Policy CTY 12;*
- *the reuse of an existing building in accordance with Policy CTY 4;*
- *tourism development in accordance with the TOU Policies of PSRNI;*

- *industry and business uses in accordance with PPS 4 (currently under review);*
- *minerals development in accordance with the MIN Policies of PSRNI;*
- *outdoor sport and recreational uses in accordance with PPS 8;*
- *renewable energy projects in accordance with PPS 18; or*
- *a necessary community facility to serve the local rural population.*

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

39. This is a proposal for the development of a proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works. This is to be assessed against the requirements of PPS 8 Policy OS 3 Outdoor Recreation in the Countryside.
40. In addition to OS3, there are other CTY policies that are engaged as part of the assessment including CTY8, CTY13 and 14 and they are also considered.

Ribbon Development

41. Policy CTY8 - Ribbon Development states that
planning permission will be refused for a building which creates or adds to a ribbon of development.
42. Policy CTY 13 – Integration and Design of Buildings in the Countryside states
that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.
The policy directs that a new building will be unacceptable where:
 - (a) *it is a prominent feature in the landscape; or*
 - (b) *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; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

43. Policy CTY 14 – Rural Character states that

planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

44. *The policy states that*

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

45. With regards to Policy CTY14, Building on Tradition [page 131] states that

Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.

Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.

Open Space, Sport and Outdoor Recreation

46. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.

47. Policy OS 3 - Outdoor Recreation in the Countryside states that

planning authorities will permit the development of proposals for outdoor recreational use in the countryside where eight specified criteria are met;

- (i) there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*
- (ii) there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
- (iii) there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*

- (iv) *there is no unacceptable impact on the amenities of people living nearby;*
 - (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*
 - (vi) *any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*
 - (vii) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car; and*
 - (viii) *the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking, drainage and waste disposal.*
48. Paragraph 5.33 of the justification and amplification to Policy OS 3 indicates that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. The listed criteria include reference to design and impact on visual amenity and are akin to the relevant planning considerations set out in Paragraph 6.213 of the SPPS.
49. It advises that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings. Wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.

Access, Movement and Parking

50. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set 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.
51. 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.*

52. Paragraph 5.16 of the Justification and Amplification to Policy AMP 2 states that

Development Control Advice Note 15 'Vehicular Access Standards' sets out the current standards for sightlines, radii, gradient etc. that will be applied to both new access and intensified use of an existing vehicular access onto existing public roads. DCAN 15 also includes guidance on special requirements for access onto a Trunk Road. The current standards for access within new residential developments are set out in the 'Creating Places' design guide.

Development Control Advice Note 15 – Vehicular Access Standards

53. Development Control Advice Note 15 – Vehicular Access Standards states 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.

Assessment

54. Within the context of the planning policy tests outlined above, the following assessment is made relative to this particular application.

Open Space, Sport and Outdoor Recreation

55. A supporting statement was submitted in support of the application to provide a justification for the proposal.
56. The view is expressed that the proposed development meets the policy test in policy OS 3 of PPS 8 and therefore falls as an exception under Policy CTY 1 of PPS 21.
57. The agent further asserts he has not seen any stable block or ménage application refused planning permission or dismissed at appeal.
58. The reasons for this proposal being in accordance with policy are set out by the agent and it is their view that the site is not a prominent feature in the landscape and is suitably enclosed with a backdrop of vegetation, , setback from the Glen Road with intervening development in the foreground and rising ground behind. It states that the site is well integrated and is negligible in the landscape and there are no critical long views travelling around the site on the public network.

59. In consideration of case presented on behalf of the applicant the supporting statement makes reference to the policy headnote of Policy OS 3 of PPS 8 and argues that it does not distinguish between facilities for personal use and larger commercial premises. Despite the implication of a difference between public and private use, it is not explicitly stated anywhere in the policy.
60. It also quotes from the justification and amplification that states the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside.
61. It goes on to state that outdoor participatory recreational uses such as riding schools (their emphasis) will normally be considered acceptable in principle, provided the scale of ancillary buildings is appropriate to its location and can be integrated into their landscape surroundings.
62. The statement alludes to the fact that the policy does not require proposals for equestrian uses to be small scale or run on a commercial basis. The supporting statement claims that there is no indication that smaller scale developments for domestic use to facilitate the keeping and riding of horses would be unacceptable in principle in the countryside under this policy. The supporting statement confirms the applicant is content for the domestic use to be secured by planning condition.
63. The writer of the supporting information then critiques the eight criteria of the policy and it's arguing in respect of criteria (i) that there are no identifiable features of nature conservation, archaeology or built heritage having undertaken a Historic Environment Map Search and DAERA Map Search provided on that basis no evidence of any impact.
64. The case officer has reached a similar conclusion in terms of their assessment on this point.
65. With regard to criteria (ii) the supporting statement confirms that the proposal would not result in the loss of the best most versatile agricultural land and there is no unacceptable impact on nearby agricultural activities.
66. In consideration of this point, the application site is part of a larger agricultural field. The proposed site plan indicates that the stables will be located along the roadside in the north eastern corner of the agricultural field. Whilst the siting is considered unacceptable for reasons outlined later in this report, no objection is offered in respect of criteria (ii) taking given the size of the application site compared to amount of agricultural land retained. There is also no evidence to support a conclusion that the development will have an unacceptable impact on nearby agricultural activities.
67. With regards criteria (iii) the supporting statement claims the proposal benefits from established boundary vegetation to the north, east and west. It also has a limited public aspect and a building could be integrated at this location given the landscape features and topography.

68. In consideration of this point, the officer is not in agreement as the proposed development requires the removal of approximately 85 metres of existing roadside hedge and three trees to accommodate the required vehicular access and required visibility splays.
69. It is considered that the proposed stables location adjacent to the Glen Road means that the development would have an adverse impact on visual amenity of the open countryside, notwithstanding that the land to the rear of the building slopes gently upwards.
70. The standalone building and associated ancillary works including the access and hardstanding would not be read as a cluster but rather as a build-up of development and for the reasons outlined, it would have an adverse impact on the character of the local landscape.
71. The proposal would also result in the extension of a ribbon of development along this section of the Glen Road which by virtue of its proposed siting would therefore be visually detrimental to the local landscape.
72. Whilst it is noted that replacement planting is proposed to the rear of the visibility splays it is contended that the visual amenity of the local landscape would be adversely impacted as a result of the proposed development as any replacement planting would require time to mature and it is considered that this would not negate the visual impact of the development.
73. Turning to criteria (iv) it is indicated in the supporting statement that the nearest dwelling is located 40 metres to the east of the application site. Given the separation distances the proposal is not considered to result in an unacceptable impact on the amenities of people living nearby.
74. It is further suggested that due to the existing field boundaries to the north, east and west of the site, this is the logical position to place the stable block as it is easily absorbed into the landscape and does not result in any transient views. There would be no unacceptable impact on existing residential amenity.
75. It is accepted that there are adequate separation distances between the proposed stables and neighbouring unrelated properties.
76. The Environmental Health Unit have also been consulted and have no objection to the proposal therefore it is not considered that approval of this application would cause any detrimental impact on neighbouring residents as a result of noise or nuisance.
77. In relation to point (v) the supporting statement claims the proposal is situated on private land with no access to the public nor is it to be used by members of the public. Suitable stock proof fencing and gates are already in existence.
78. The development is for a small scale, private stables and when taking account of the nature and scale would not offend this criterion or engage any issues

- relating to public safety. It is further stated there is no conflict with any other countryside uses.
79. DfI Roads have been consulted and have no objection on road safety grounds subject to the access been constructed to the appropriate standard. It is also not considered that there would be any detrimental impact with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed. Criteria (v) and (viii) are therefore met.
 80. Regarding point (vi) the supporting statement claims that the design of the proposed building is typical and common place for flexible stabling, storage of associated tack and feedstuffs with washing area.
 81. Having regard to the size and scale of modern agricultural buildings, which are commonplace in the rural landscape it is further asserted that it could not reasonably be taken to be out of scale or proportion.
 82. It is further explained by the agent there are limited views of the site along the existing field boundary and against a backdrop of vegetation ensures it is sympathetic to the landscape. The building is low level and constructed from portal frame and finished in smooth render and external cladding. The design and scale are considered to appropriate for the rural area.
 83. In consideration of these points, it is noted that the design the proposed stable is single storey with a rectangular footprint of approximately 130 metres squared and a ridge height of 4.5 metres.
 84. The proposed stable block would house three loose boxes, a tack room, a feed store, a wash room, a wash bay and vehicle and trailer parking area. Finishes would consist of smooth render lower walls and prefabricated agricultural corrugated sheeting roof/upper walls green in colour.
 85. The design is considered to be typical of that of a stable block found in the countryside. However it is the size of a small bungalow and the layout, general arrangement and position of the building to the roadside is not acceptable and criteria (vi) is not met.
 86. Turning to point (vii) the agent confirms that the development is for private use by the applicant and his family. There are no visiting members of the public, so this criterion is not engaged.
 87. In consideration of this point a building of this size will require building control approval and level access will be a minimum requirement in relation to compliance DDA regulation. No detail is provided as to how the proposed facility takes into account the needs of people with disabilities but the scale of development is small and linked to a personal recreational use and will be picked up and considered as part of a separate regulatory process.

88. Disabled facilities for members of the public visiting the site are not therefore required.
89. In terms of point (viii) the supporting statement confirms that the proposal does not give rise to any issues from a transport perspective, as it is for private use.
90. In consideration of this point and linked to the earlier comment above, it is noted that the Glen Road is not a protected route. However there is an existing field gate access to the lands, which the proposal seeks to utilise. There is sufficient room for parking, turning and circulation. The proposal intends to use the existing access and to provide the necessary visibility splays.
91. DfI Roads have been consulted and have no objection in respect of road safety or traffic impact subject to the access been constructed to the appropriate standard. It is also considered that there would be no detrimental impact with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed.
92. The supporting statement also asserts that if commercial riding schools are deemed acceptable in principle then small-scale domestic facilities will also be acceptable in principle, subject to there being no associated impacts. On this basis the supporting information argues the proposal complies with all the requirements of Policy OS 3 and therefore falls as policy exception under Policy CTY 1 of PPS 21. Appeal examples were cited to support this.
93. The agent includes a planning history whereby reference is made to planning application LA05/2019/0773/F - Stables for keeping of horses (for domestic purposes) Including access, paddock and ancillary store at site 170m SE of 12 Dromara Road, Hillsborough.
94. This application was approved on 21 August 2020 and is not directly comparable to this application. The proposed stable is set back a considerable distance from the roadside, has a paddock in front and does not therefore occupy a roadside location.
95. The applicants address on the P1 application form is 23 Glen Road, Hillsborough which is located approximately 400 metres to the south east of the proposed site.
96. Adjoining the proposed site to the east is 33 Glen Road, Hillsborough a storey and half dwelling and associated outbuildings. To the west is 39 Glen Road, Hillsborough a single storey dwelling and associated garage and shed. None of these buildings are shown as being within the control of the applicant.
97. The supporting statement states the proposed stables are for private domestic purposes. However no rationale is offered for the site being chosen distant from the applicant's home.

98. The dwelling at 23 Glen Road, Hillsborough would appear to have a number of existing outbuildings and there appears to already be stables and a horse ménage including paddock and jumps at the applicant's home address.
99. There is also no detail given of ownership of horses as justification for the stables which appear to be provided for at the main dwelling. No evidence was submitted to support the need for additional stables in association with the operation of an active equestrian business and that there are overriding reasons why the development is essential at this location.
100. It has not been demonstrated why the proposed domestic stable block could not be sited within the established curtilage of the applicants dwelling to accommodate the scale of development proposed at this site or within the immediate adjoining lands if owned by the applicant.
101. Furthermore no information has been provided to demonstrate that there if any existing or redundant farm building at the applicant's address could be utilised or extended for the purposes required. No explanation is provided to justify providing a domestic stable block outside the curtilage and remote from the applicants dwelling. Paragraph 5.33 of the Justification and Amplification section of policy OS 3 states that wherever possible, consideration should be given to the reuse of existing traditional or redundant farm buildings in association with such proposals.
102. It is acknowledged that the headnote of Policy OS 3 does not distinguish between recreational facilities for personal use and larger commercial provision.
103. Paragraph 5.33 refers specifically to equestrian uses pointing out that the keeping and riding of horses for recreational purposes is increasingly popular in many parts of the countryside. It points out that outdoor participatory recreational uses such as riding schools will normally be considered acceptable in principle providing the scale of ancillary buildings is appropriate to the location and can be integrated into their landscape surroundings. For the reasons outlined above the scale of the building is not appropriate and is cannot be integrated into the landscape at this roadside location.

Ribbon Development

104. As explained above, the development requires the removal of approximately 85 metres of roadside hedge to provide access to the site which will result in the proposed building being a visible feature along the road frontage.
105. The proposed building measures 130 metres squared and has a ridge height of 4.5 metres. It occupies a roadside plot with little setback. The road level is indicated to be 108.71 mOD in front of the proposed stable block.
106. The finished ground level at the gable elevation towards the southern boundary of the site and associated hardstanding and parking (as shown in cross section)

is indicated at 112 mOD. A section at an angle through the site shows no cut and some fill to bring the site up to the 112 mOD.

107. It is assumed in the absence of any other information or detail that the ground is built up between two and two and a half metres to construct a building consistent with the submitted floor plans and elevations.
108. If constructed this building would have a finished ground level approximately 3.3 metres above the road and a ridge height of 116.5 some 7.5 metres above the road level. A building at this elevation will be obvious in the landscape irrespective of amount of hedgerow retained.
109. It is considered that the proposed development would add to an existing ribbon of development along this section of the Glen Road, Hillsborough and when read with 33 Glen Road, Hillsborough to the east of the site and 39 Glen Road, Hillsborough to the west. This would have a detrimental impact on the rural character of the surrounding landscape by reason of an extension of a ribbon of development.
110. Policy CTY 8 confirms that planning permission will be refused for a building which creates or adds to a ribbon of development
111. It is considered the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.

Integration and Design of Buildings in the Countryside

112. With regard to Policy CTY 13 the supporting statement contends the test of whether a new building integrates into the landscape is not a test of invisibility but rather a consideration of the new development in the context of its immediate and wider surroundings.
113. It argues the proposed site is well screened from any significant static or transient critical views when travelling on either direction along the public road network by the existing mature vegetation, sloping topography and existing development which it can be read against.
114. It is considered that the removal of a significant stretch of roadside vegetation and the proposed road side location of the stables and associated laneway, hardstand and parking in an elevated position above the road means that the development will be prominent along the road frontage.
115. As demonstrated above the proposed building measures 130 metres squared and has a ridge height of 4.5 metres. It occupies a roadside plot with little setback. The proposed shed is set at a significantly higher level than road level. The proposed building will be visible along the skyline.

116. As explained above, the roadside boundary consists of a long-established hedge and a scattering of trees the works required to provide access requires the removal of around 80% of the roadside hedgerow and three trees which would result in the development being unable to provide a satisfactory level of integration without relying on new landscaping which is contrary to policy.
117. There are no new boundaries proposed around the building other than the remaining field boundaries.
118. There is a substantial access and an area of hardstanding around the proposed building by way of ancillary works. Retaining is not identified but there a need for approximately two to two and a half metres of fill is. The cumulative impact of the new building and ancillary site works is considered to integrate into the landscape.
119. The proposed design of the building is a single storey structure with a rectangular footprint of approximately 130 metres squared and a ridge height of 4.5 metres.
120. The proposed stable block would house three loose boxes, a tack room, a feed store, a wash room, a wash bay and vehicle and trailer parking area. Finishes are of smooth render lower walls and prefabricated agricultural corrugated sheeting roof/upper walls green in colour.
121. The design is considered to be typical of that of a agricultural style building found in the countryside but its size and scale is not typical of a small ancillary outbuilding and it is not designed to integrate into the landscape.

Rural Character

122. With regard to Policy CTY 14 the agent asserts in the supporting statement that the proposal would not be unduly prominent taking account of the ability to apply appropriate conditions. It also states the proposal respects the existing pattern on development.
123. As detailed above in this report it is considered that the development will be prominent to the road frontage given the removal of a significant stretch of roadside vegetation and the proposed road side location of the stables and associated laneway, hardstanding and parking.
124. It is considered that the development will be prominent to the road frontage. It occupies a roadside plot with little setback. The proposed shed is set at a higher level than road level. The proposed building will be visible along the skyline.
125. It is further considered that the proposal would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development along this section of the Glen

Road resulting in a detrimental change to (further erode) the rural character of the countryside.

Access, Movement & Parking

126. The development seeks to construct a new access to the public road to provide vehicular access to the proposed site.
127. DfI Roads offer no objections. Standard conditions are offered in respect of the provision of visibility splays and the alteration of street furniture. [The visibility splays are 2 metres x 50 metres either direction.
128. There is a telegraph pole to be moved to the rear of the splays which is annotated on the drawing.
129. Based on the detail and advice provided, it is considered that the application is in accordance with the policy requirements of criteria (a) of AMP 2 of PPS 3. Access is not onto a protected route and criteria (b) does not apply.

Conclusions

130. For the reasons outlined in the report, the application is considered to be contrary to the SPPS, Policy CTY1 and criteria (iii) and (vi) of Policy OS3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity and character of the local landscape as it would not be readily absorbed into the local landscape by virtue of being able to take advantage of existing landscaping and topography. It would also be unsympathetic to the surrounding environment in terms of its siting, layout and landscape treatment.
131. It is further contrary to policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that no evidence has been submitted to demonstrate there are overriding reasons why this development is essential in this rural location and it would if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough.
132. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that the removal of a significant stretch of roadside vegetation and the proposed stable block would, if permitted be a prominent feature in the landscape as degree of enclosure for the building to the roadside is lost and the new development would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
133. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively

with other existing buildings in the area a resulting in a detrimental change to (further erode) the rural character of the countryside.

Recommendation

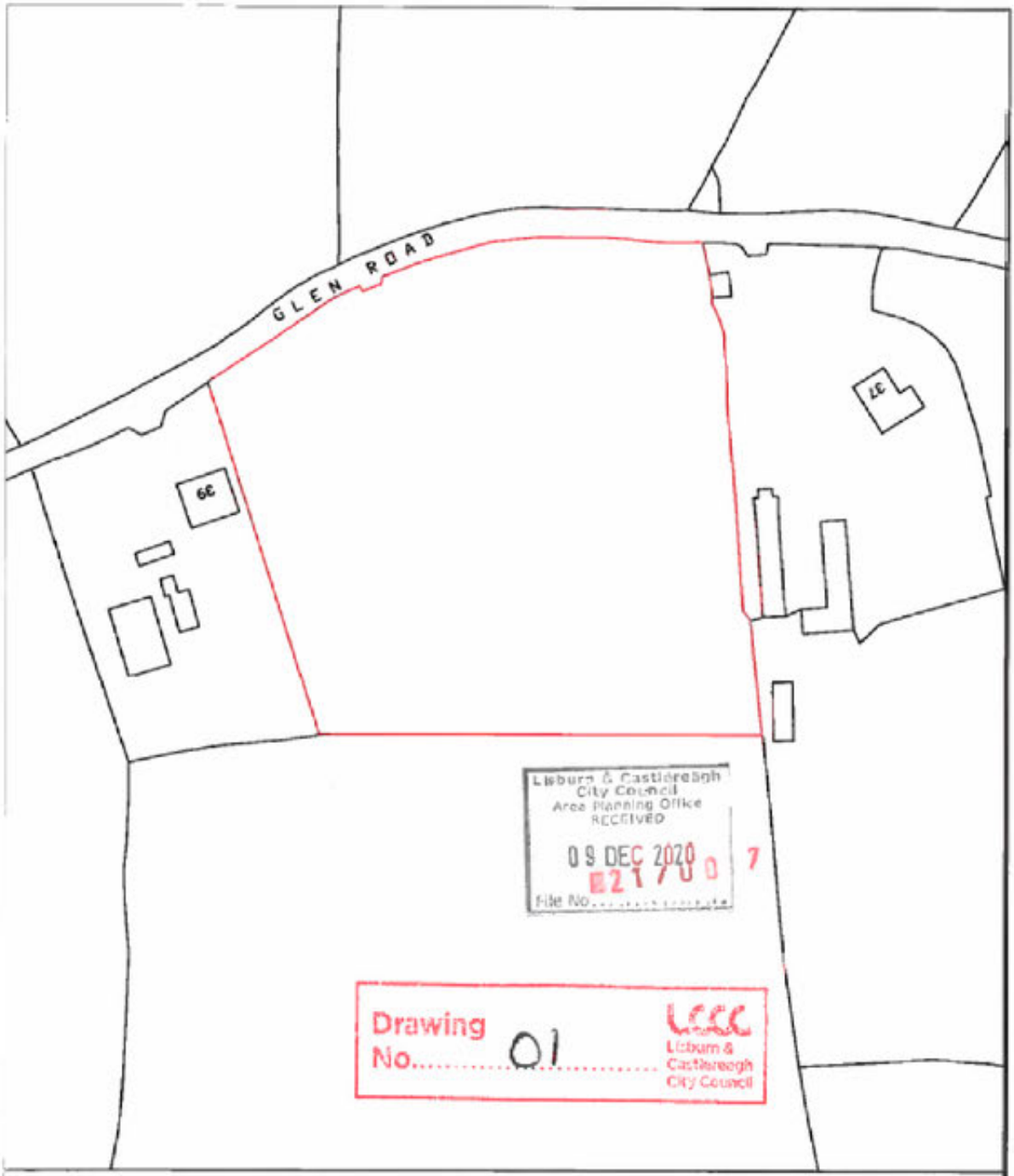
134. It is recommended that planning permission is refused.

Refusal Reasons

135. The following refusal reasons are recommended:

- The proposal is contrary to the SPPS and Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in that there are no overriding reasons why this development is essential in this rural location and the proposal would, if permitted, result in the extension of a ribbon of development along the Glen Road, Hillsborough
- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside.
- The proposal is contrary to the SPPS and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be a prominent feature in the landscape and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposed building would rely primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to the SPPS and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be unduly prominent in the landscape and would result in a build-up of development when taken cumulatively with other existing buildings in the area and the extension of a ribbon of development resulting in a detrimental change to (further erode) the rural character of the countryside
- The proposal is contrary to the SPPS and Policy OS 3 of Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation in that it would have an adverse impact on the visual amenity/character of the local landscape as it would not be readily absorbed into the local landscape.

Site Location Plan - LA05/2021/0017/F





Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 2 - Statutory Performance Indicators – October 2022

Background and Key Issues:

Background

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet summarising the monthly position for each indicator for the month of October 2022 is attached (**see Appendix**).

2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not official statistics and should not be publically quoted as such.
3. Members will note that the performance against the statutory target for local applications for October 2022 was 23.4 weeks with performance in year to date noted to be 30 weeks.
4. It was previously identified that there is a backlog of applications for single dwellings in the countryside. Following a refinement to the reporting templates for this type of application they are now being progressed and this is still reflected in the performance for local applications this month.
5. The Planning Unit remains focused on improving performance in relation to local applications.
6. A return to normal processing times aligned to the statutory target for local applications is anticipated in January 2023. This is contingent on the successful implementation of a new planning portal which is anticipated to Go Live on 05 December 2022.
7. Performance in relation to major applications year to date is 177.2 weeks with the year to date noted to be 132.4 weeks.
8. Four decisions falling within the major category of development issued in October 2022 two of which were subject to a legal agreement.
9. As explained previously, there has been no opportunity to perform against the statutory target for major applications albeit five major applications have come forward to this committee since April 2022 providing an assurance in terms of the priority these types of applications are being given.
10. The risk of the introduction of the new computer systems is being kept under review and a separate report will come forward after Go Live to explain any risk linked to the implementation of a new IT system and performance in respect of the statutory targets for processing planning applications.

Recommendation:

It is recommended that the Committee notes the information.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

This is a report outlining progress against statutory targets and EQIA is not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	<input type="text" value="N/A"/>	Option 2 Screen out with mitigation	<input type="text" value="N/A"/>	Option 3 Screen in for a full EQIA	<input type="text" value="N/A"/>
---	----------------------------------	--	----------------------------------	---	----------------------------------

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

This is a report outlining progress against statutory targets and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Statutory targets monthly update - October 2022 (unvalidated management information)
Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/ withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	0	1	83.4	0.0%	73	78	17.8	47.4%	23	27	15.1	88.9%
May	0	-	0.0	0.0%	73	69	23.8	34.8%	26	25	32.2	72.0%
June	1	-	0.0	0.0%	75	74	29.4	36.5%	15	30	36.5	73.3%
July	0	-	0.0	0.0%	51	63	33.2	25.4%	27	23	21.2	91.3%
August	3	-	0.0	0.0%	68	67	39.6	13.4%	31	14	19.5	78.6%
September	0	-	0.0	0.0%	72	70	35.4	24.3%	24	27	27.7	85.2%
October	2	4	177.2	0.0%	78	84	23.4	28.6%	22	24	41.3	66.7%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	6	5	132.4	0.0%	490	505	30.0	30.5%	168	170	27.4	79.4%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 3 – Submission of Pre-Application Notice (PAN) for Environmental Improvement works throughout Hillsborough Village comprising footpath, resurfacing, street lighting upgrade and tree and shrub planting with the rationalisation of on-street village centre car parking

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice (see attached **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	<input type="text" value="N/A"/>	Option 2 Screen out with mitigation	<input type="text" value="N/A"/>	Option 3 Screen in for a full EQIA	<input type="text" value="N/A"/>
---	----------------------------------	--	----------------------------------	---	----------------------------------

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	<input type="text" value="No"/>	Has a Rural Needs Impact Assessment (RNIA) template been completed?	<input type="text" value="No"/>
--	---------------------------------	---	---------------------------------

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- Appendix 3(a)** - Report in relation to LA05/2022/1007/PAN
- Appendix 3(b)** – LA05/2022/1007/PAN– PAN Form
- Appendix 3(c)** – LA05/2022/1007/PAN– Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 December 2022
Responsible Officer	Conor Hughes
Date of Report	20 November 2022
File Reference	LA05/2022/1007/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for Environmental Improvement works throughout Hillsborough Village comprising footpath resurfacing, street lighting upgrade, tree and shrub planting, and the rationalisation of on-street village centre car parking.
2. The site is identified as Hillsborough Village extending from Lisburn Street through Main Street, Ballynahinch Street and Dromore Road including Park Street and Park Lane.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received as complete on 17 November 2022. The earliest possible date for the submission of a planning application is week commencing 20 February 2023.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent at The Paul Hogarth Company, 3 Potters Quay, Ravenhill Road, Belfast, BT6 8DN.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

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

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

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

The PAN form indicates at Question 10 that two public events will take place in Hillsborough Village Centre on Thursday 1 December 2022 and Thursday 8 December 2022 from 12:30 – 19:30.

The events will be advertised in the Belfast Telegraph on 24 November 2022. They will also be promoted on Hillsborough Village Facebook page and via LCCC social media platforms.

Consultation boards will be on display within the Village Centre for a two week period from 1 – 16 December 2022. The consultation will also be live on the Council website, emailed to the businesses in the village promoted through posters and flyers

Elected members for the DEA identified as having an interest received a copy of the Proposal of Application Notice on 17 November 2022.

Recommendation

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

Form PAN1

Official Use Only	
Reference No.:	
Associate Application No.:	
Registration date:	

221

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (<http://epicpublic.planningni.gov.uk/publicaccess/>). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Lisburn and Castlereagh City Council	Name:	The Paul Hogarth Company
Address:	Civic Headquarters	Address:	3 Potters Quay
	Lagan Valley Island		5 Ravenhill Road
Town:	Lisburn	Town:	Belfast
Postcode:	BT27 4RL	Postcode:	BT6 8DN
Tel:	07500 032023	Tel:	02890736690
E-mail:	yvonne.burke@lisburncastlereagh.gov.uk	E-mail:	anthony@paulhogarth.com

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Hillsborough Village: from Lisburn Street extending through Main Street, Ballynahinch Street and Dromore Road. This includes Park Street and Park Lane.

3. What is the area of the site in hectares?

2.55

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Environmental Improvement works throughout Hillsborough Village Centre comprising footpath resurfacing, street lighting upgrade and tree and shrub planting, with the rationalisation of on-street village centre car parking

5. What is the total gross floorspace of the proposed development?

N/A

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to?
(Please tick)

Full planning permission

Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes

(Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes

(Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Community Consultation Day	Hillsborough Village Centre	Thurs 1st Dec 12.30 - 7.30
Community Consultation Day	Hillsborough Village Centre	Thur 8th Dec 12.30 - 7.30 pm
Name of publication(s) used: Hillsborough Village Facebook Page LCCC Social Media - Facebook/ Website/ Twitter		
Proposed newspaper advert date(s): Belfast Telegraph - 24th November 2022		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc) and method of notification (please include date, time and with whom): The Consultation boards will be on display in the Village Centre in Hillsborough Village for two weeks from Thursday 1st December - Friday 16th December 2022. The Consultation will be live on the council website for 12 weeks. The community Consultation will be advertised via social media, the Council website, emailed through mail chimp to the businesses in the village, posters and flyers in the village within the red line of the project area. It will also be available in the Health Centre, local cafes, restaurants and bars.		
Details of any other publicity methods (such as leaflets, posters, etc): The community Consultation will be advertised via social media, the Council website, emailed through mail chimp to the businesses in the village, posters and flyers in the village within the red line of the project area. It is also available in the Health Centre, local cafes, restaurants and bars. The Community Consultation will be advertised on the Councils Website and Face Book Page.		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area</p> <p>All members will receive a copy of the PAN via email by 17/11/2022 and all will be invited to attend the Public Consultation.</p>	<p>Date notice served</p> <p>17/11/2022</p>
<p>Other</p>	<p>Date notice served</p>

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

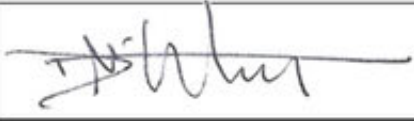
Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes, please provide details (name, relationship and role):

This application is submitted by Lisburn and Castlereagh City Council.

13. Declaration


<p>Signature:</p>	
<p>Print name:</p>	<p>Darren McKinstry</p>
<p>Date:</p>	<p>16/11/2022</p>

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.

KEY

— Planning Boundary

Drawing
 No.....

 Lisburn & Castlereagh City Council

Lisburn & Castlereagh City Council
 AREA RECEIVED
28 OCT 2022
 File No.....



revision	description	date	author
P00	Issued for Planning	19.12.2017	Dm
P01	Issued for PAD	19.02.2018	Dm
P02	Amended Red Line	10.12.2019	Dm
P03	Issued for Planning	20.03.2020	Dm
P04	Revised boundary issued for PAN	18.10.2022	Dm

the paul hogarth company

LANDSCAPE ARCHITECTURE / URBAN DESIGN / PLANNING

e: edinburgh@paulhogarth.com e: Belfast@paulhogarth.com e: Dublin@paulhogarth.com
 t: +44 (0)151 331 4811 t: +44 (0)28 9613 6690 t: +353 (0)1 857 0272
 visit us at www.paulhogarth.com find us on facebook / twitter / instagram / linkedin

notes
 Do not scale from drawing, use figured dimensions only.
 All dimensions are to be checked on site by contractor prior to commencement of all work.
 Discrepancies should be reported immediately.
 This drawing is to be read in conjunction with all other TPHC drawings and specification.
 This drawing is the copyright of the Landscape Architect and must not be reproduced or used without permission.
 2018 Licence Number 100034835.

revision	19.12.2017	drawn	Dm	checked	Am	scale in A3	1:2500
project number	150048	drawing number	111	revision	F04		
client	Lisburn Castlereagh City Council						
project	Royal Hillsborough _ Public Realm						
status	Planning Boundary						
status	Planning						



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE:

Item 4 – Submission of Pre-Application Notice (PAN) for a residential development comprising 81 dwellings including open space and landscaping, and all associated site and access works south of Mealough Road west of Saintfield Road to the rear and west of No. 615 Saintfield Road and c.200metres north of Blenheim Park Carryduff (amendment to previously approved application Y/2009/0114/F)

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice (see attached **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 4(a) - Report in relation to LA05/2022/1055/PAN

Appendix 4(b) – LA05/2022/1055/PAN– PAN Form

Appendix 4(c) – LA05/2022/1055/PAN– Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 December 2022
Responsible Officer	Conor Hughes
Date of Report	20 November 2022
File Reference	LA05/2022/1055/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a residential development comprising eighty-one dwellings including open space and landscaping, and all associated site and access works [amendment to planning approval Y/2009/0114/F].
2. The site is located on land south of Mealough Road, west of Saintfield Road, to rear and west of 615 Saintfield Road and 200 metres north of Blenheim Park, Carryduff.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application, must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 10 November 2022. The earliest possible date for the submission of a planning application is week commencing 06 February 2023.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent TSA Planning, 20 May Street, Belfast BT1 4NL.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

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

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

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

The PAN form indicates at Question 10 that a public community consultation event will take place on Wednesday 12 December 2022 from 13:00 to 19:00. Whilst the location of the event is still to be confirmed, the form indicates that it will be advertised in the Belfast Telegraph week commencing 28 November 2022.

The form also explains that interested parties will be invited to view display boards and to provide feedback via printed comment cards. Members of the consultation team will be in attendance to answer any questions that local residents and/or stakeholders may have.

A neighbourhood information drop will take place to residents within a 200 metre radius from the edge of the subject site. The leaflet will include details of the community event.

Elected members for the DEA identified as having an interest received a copy of the Proposal of Application Notice on the week commencing 14 November 2022.

Recommendation

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

Form PAN1

Official Use Only	
Reference No.:	
Associate Application No.:	
Registration date:	

232

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Fraser Partners Ltd	Name:	TSA Planning
Address:	6 Second Street	Address:	20 May Street
	Riverwood		
Town:	Newtownards	Town:	Belfast
Postcode:		Postcode:	BT1 4NL
Tel:		Tel:	028 9043 4333
E-mail:		E-mail:	info@tsaplanning.co.uk

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands south of Mealough Road, west of Saintfield Road, to the rear and west of No. 615 Saintfield Road, and c.200metres north of Blenheim Park, Carryduff (part of residential zoning CF 03/05)

3. What is the area of the site in hectares?

7.4ha

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Proposed residential development comprising 81 no. dwellings, including open space and landscaping, and all associated site and access works (amendment to approval Y/2009/0114/F)



5. What is the total gross floorspace of the proposed development?

N/A

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to?
 (Please tick)

Full planning permission

Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes (Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes (Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Community Consultation	Venue TBC	W/C 12 th December 2022 (date tbc)
Event		13:00 to 19:00
Name of publication(s) used: Belfast Telegraph		
Proposed newspaper advert date(s): Week Commencing Monday 28 th November 2022		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g.100m, 200m etc.) and method of notification (please include date, time and with whom):		
<ul style="list-style-type: none"> An in-person drop-in event will be held at a venue to be confirmed, in the week commencing 12th December 2022 (date tbc) from 13:00 to 19:00 to allow interested parties to view the display boards for the proposal and provide feedback via printed comment cards. The elected representatives listed below will be invited to this event. Members of the consultation team will attend the event to answer any questions that local residents and stakeholders may have, and to collect feedback on the proposal. A period of identification of key stakeholder such as local community and political representatives and a subsequent engagement program throughout the Community Consultation phase. Electronic copies of the exhibition boards will be issued to the DEA Councillors, constituency MP & MLA's. Information provided will also include details of the in-person event, and a contact number if they require further information. A series of meetings with key stakeholders including MPs, MLAs, Local Councillors and community groups will be undertaken, if requested. 		
Details of any other publicity methods (such as leaflets, posters, etc.):		
<ul style="list-style-type: none"> A neighbourhood information drop will take place to residents within a c.200m radius from the edge of the subject site. The leaflet will include details of the Community. A public notice will be published in the local newspaper, including details of the consultation event & a contact number for any interested parties to speak to a member of the development team. Key stakeholders will also be asked to share details of the consultation event on their social media platforms. 		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

<p>Elected member(s) for District Electoral Area</p> <p>Castlereagh South DEA Councillors Councillor Nathan Anderson (IND) Councillor Ryan Carlin (Sinn Fein) Councillor Fiona Cole (Alliance) Councillor Michelle Guy (Alliance) Councillor John Gallen (SDLP) Councillor Simon Lee (SDLP) Alderman Michael Henderson (UUP)</p>	<p>Date notice served</p> <p>w/c 14th November 2022</p>
<p>Other</p> <p>Belfast South MLAs Kate Nicholl MLA (Alliance) Paula Bradshaw MLA (Alliance) Deirdre Hargey MLA (Sinn Fein) Matthew O'Toole MLA (SDLP) Edwin Poots MLA (DUP)</p> <p>Belfast South MP Claire Hanna MP (SDLP)</p>	<p>Date notice served</p> <p>w/c 14th November 2022</p>

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?


Yes No

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

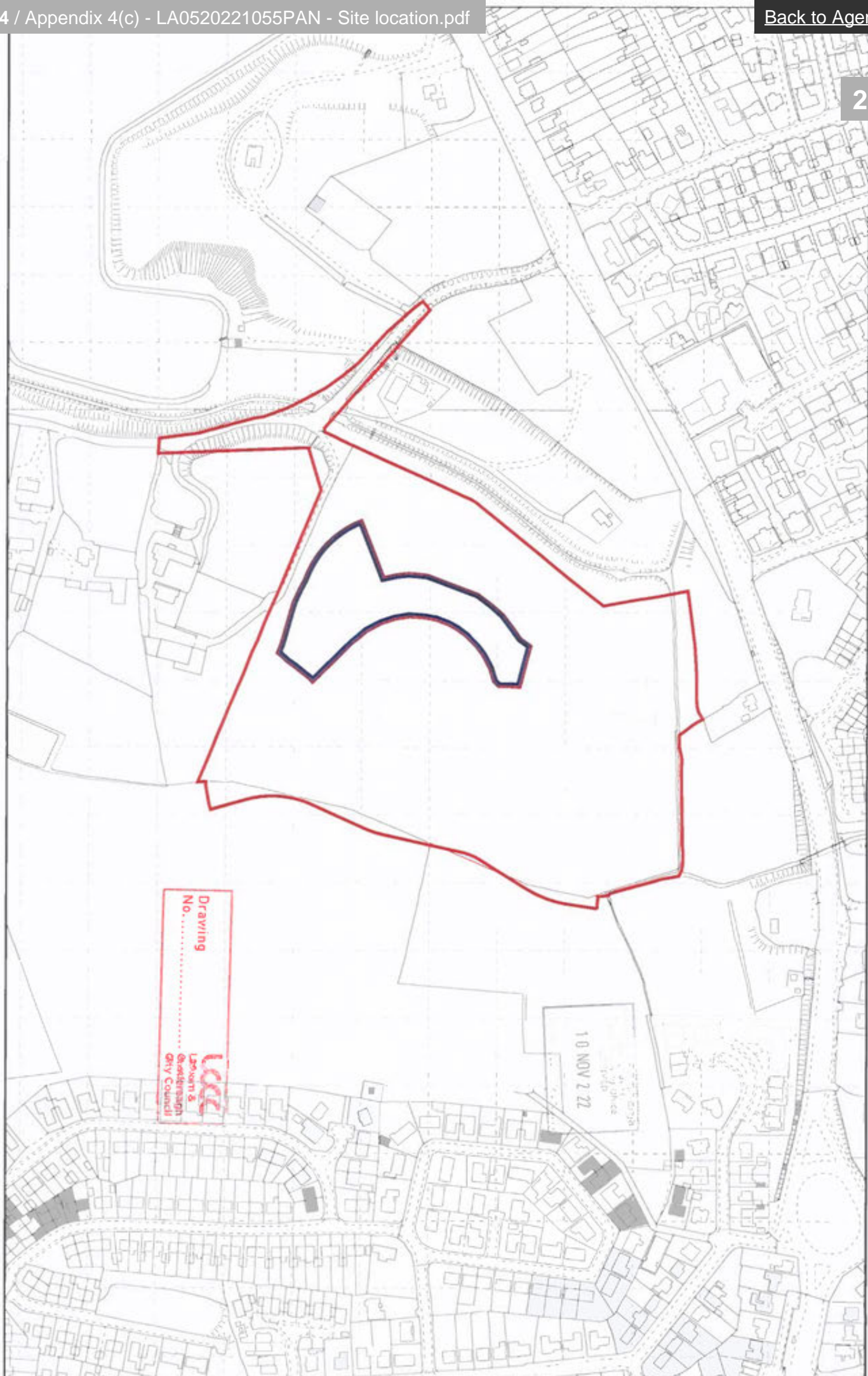
If you have answered yes, please provide details (name, relationship and role):

13. Declaration

Signature:	
Print name:	Emma McIlwaine (for TSA Planning)
Date:	8 th November 2022

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.



ormative
ARCHITECTS

83 Crown Road
Bangor
BT20 5HW
T 07980 204 318



MEALOUGH ROAD
Fraser Park
Mealough Road
Location Map
Inset



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 5 – Submission of Pre-Application Notice (PAN) for proposed industrial buildings, storage yard, landscaping and ancillary site works on lands approximately 130 metres north east of 20 Glenavy Road, Moira.

Background and Key Issues:

Background

1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.

Key Issues

1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report set out how the requirement of the legislation and associated guidance has been considered as part of the submission.

Recommendation:

It is recommended that the Members note the information on the content of the Pre-application Notice (see attached **Appendices**) and that it is submitted in accordance with the relevant section of the legislation and related guidance.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
---	-----	--	-----	---	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

- Appendix 5(a)** - Report in relation to LA05/2022/1079/PAN
- Appendix 5(b)** – LA05/2022/1079/PAN – PAN Form
- Appendix 5(c)** – LA05/2022/1079/PAN – Site Location Plan

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	05 December 2022
Responsible Officer	Conor Hughes
Date of Report	20 November 2022
File Reference	LA05/2022/1079/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a proposed industrial building, storage yard, landscaping and ancillary site works.
2. The site is located on land approximately 130 metres north east of 20 Glenavy Road, Moira BT67 0LT.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application, must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 16 November 2022. The earliest possible date for the submission of a planning application is week commencing 13 February 2023.

Consideration of PAN Detail

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

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

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Clyde Shanks, 2nd Floor, 7 Exchange Place, Belfast BT1 2NA.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.
16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

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

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

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

The PAN form indicates at Question 10 that a public event in the form of a public information drop in session will take place at Maghaberry Community Centre from 5 – 7 pm on Wednesday 18 January 2023.

The event will be publicised in the Ulster Star on Friday 06 January 2023. A letter will also be sent on 06 January 2023 to the properties located within 100 metres of the site. No other methods of consultation or publicity for the event are identified.

Elected Members for the DEA identified as having an interest will receive a copy of the Proposal of Application Notice on the week commencing 06 January 2023.

Recommendation

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

Form PAN1

Official Use Only	
Reference No.:	A05 / 22 / 107
Associate Application No.:	
Registration date:	

Proposal of Application Notice

Planning Act (Northern Ireland) 2011
 Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

Please note that when you submit this form the information, including plans, maps and drawings, will appear on the Planning Register which is publicly available and, along with other associated documentation (with the exception of personal telephone numbers, email addresses or sensitive personal data), will also be published on the internet on the Public Access site (<http://epicpublic.planningni.gov.uk/publicaccess/>). The Department for Infrastructure and the 11 Councils will process your information in line with the General Data Protection Regulations (GDPR) requirements. A copy of the full Privacy Statement is available at www.infrastructure-ni.gov.uk/dfi-privacy. To request a hard copy, please contact the relevant Data Protection Officer as listed in the statement.

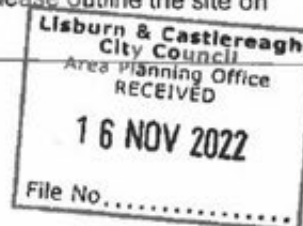
1a. Applicant's name and address

1b. Agent's name and address (if applicable)

Name:	Fane Valley Co-Operative Society Ltd	Name:	Clyde Shanks
Address:	20 Glenavy Road	Address:	2nd Floor, 7 Exchange Place
Town:	Moira	Town:	Belfast
Postcode:	BT67 0LT	Postcode:	BT1 2NA
Tel:	c/o Agent	Tel:	02890 434 393
E-mail:	c/o Agent	E-mail:	clare@clydeshanks.com

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands approximately 130m northeast of 20 Glenavy Road, Moira, BT67 0LT



3. What is the area of the site in hectares?

1.49ha

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Proposed industrial building, associated storage yard, landscaping and ancillary site works

5. What is the total gross floorspace of the proposed development?

5534 sq.m.

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N/A

7. Which type of planning permission does this Proposal of Application Notice relate to? (Please tick)

Full planning permission

Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes

(Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes

(Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

Proposed public event	Venue	Date and Time
Public information 'drop in' session	Maghaberry Community Centre Maghaberry Road Maghaberry, Lisburn BT67 0JG	5-7pm Wednesday 18 January 2023
Name of publication(s) used: Ulster Star		
Proposed newspaper advert date(s): Friday 06 January 2023		
Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g.100m, 200m etc) and method of notification (please include date, time and with whom): A letter will be sent on 06 January 2023 to the following properties/occupants located within 100m of the site notifying them of the public event. Greenfield Fertilisers and AB Pneumatics, 20 Glenavy Road, Moira BT67 0LT BPS Group, Suite 2, Davidson House, Glenavy Road Business Park, 20 Glenavy Road, Moira BT67 0LT DWS Controls Ltd, Suite 4, Davidson House, Glenavy Road Business Park, 20 Glenavy Road, Moira BT67 0LT Spectrum Advice Network, Suite 1, Davidson House, Glenavy Road Business Park, 20 Glenavy Road, BT67 21 Glenavy Road, Moira BT67 0LT		
Details of any other publicity methods (such as leaflets, posters, etc): N/A		

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

Elected member(s) for District Electoral Area Ald Jim Dillon Ald Allan Ewart Ald Owen Gawith Cllr Caleb McCready Cllr John Palmer	Date notice served 06 January 2023
Other N/A	Date notice served

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?

Yes No

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

If you have answered yes, please provide details (name, relationship and role):

13. Declaration

Signature:	
Print name:	Clare McParland
Date:	15 November 2022

PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.

CLYDE SHANKS

Planning Development

Second Floor, 7 Exchange Place, Belfast BT1 2NA

t | 028 9043 4302

e | enquiries@clydeshanks.com

clydeshanks.com

Lisburn and Castlereagh City Council
 Local Planning Office
 Lagan Valley Island
 Lisburn
 BT27 4RL

**BY POST**

15 November 2022

Our ref: VAL1002

E: clare@clydeshanks.com

Dear Sirs,

PROPOSAL OF APPLICATION NOTICE (PAN) - PROPOSED INDUSTRIAL UNIT, ASSOCIATED STORAGE YARD, LANDSCAPING AND ANCILLARY SITE WORKS

LANDS APPROXIMATELY 130M NORTHEAST OF 20 GLENNAVY ROAD, MOIRA, BT67 0LT

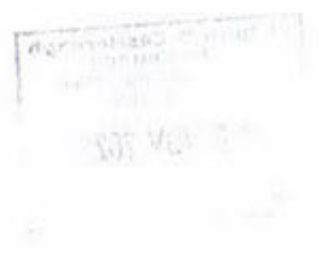
Please find enclosed a copy of a completed PAN form and Site Location Plan in accordance with the Planning (General Development Procedures) Order (Northern Ireland) 2015, on behalf of the applicant, Fane Valley Co-Operative Society Ltd.

Should you require any further information and/or clarification on any aspect of the above, please do not hesitate to contact me.

Yours sincerely,

Clare McParland
 Associate

Enc.



NORTH



20 Glenavy Road | Moira

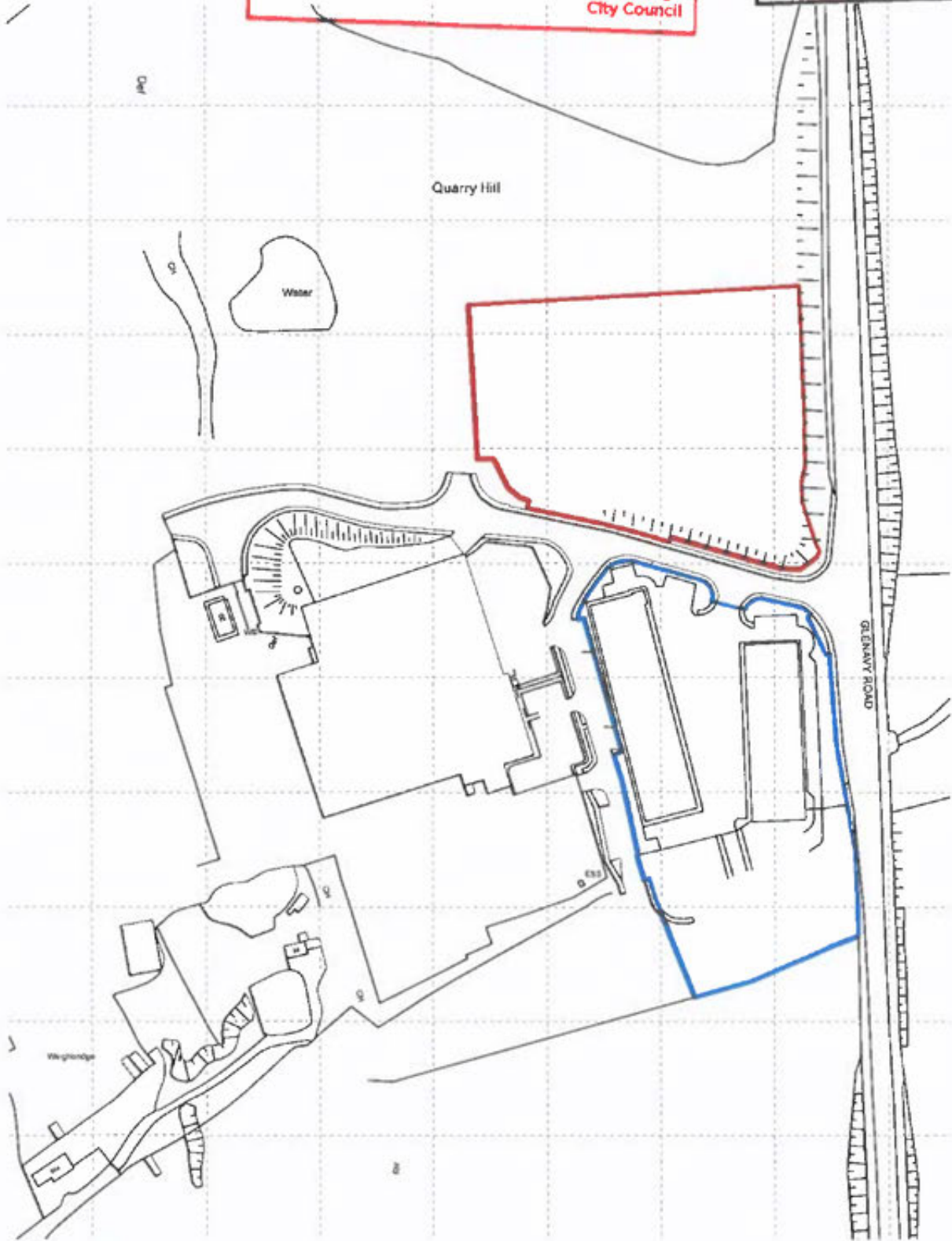
Drawing
No. 01

LCCC
 Lisburn & Castlereagh
 City Council

Lisburn & Castlereagh
 City Council
 Area Planning Office
 RECEIVED

16 NOV 2022

LA05 / 22 / 1079
 File No.



Project Fane Valley | Quarry Site | 20 Glenavy Road | Moira
 Client Fane Valley

Title **Site Location Map**

Date 18 Oct 2022
 Scale 1:2500 @ A4

Dwg No **1321-PPA01**
 Dwg By N McClarty

07785 502 041
 info@arc-id.co.uk
 www.arc-id.co.uk





Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 6 – Consultation on Review of Permitted Development Rights

Background and Key Issues:

Background

1. The Planning (General Permitted Development) Order (Northern Ireland) 2015 (GPDO) sets out types of development which can be undertaken without requiring a planning application.
2. These are referred to as permitted development rights and often relate to minor building works that have minimal impact to amenity and the environment. In most cases permitted development rights are subject to conditions and limitations specified in the GPDO. These may, for example, specify the maximum size or scale of what is permitted, restrict or dis-apply the rights in certain locations.
3. Proposed developments that do not fall within the scope of permitted development rights including variations to or non-compliance with conditions, must be the subject of a planning application process.
4. In a letter dated 28 October 2022, the Department for Infrastructure advised that it had issued a consultation paper on proposals to amend permitted development rights for
 - the installation of microgeneration equipment to include air, ground and water source heat pumps; and

- the installation of reverse vending machines in the wall or within the curtilage of a shop
5. The need to update the GDPO to take account of the three types of heat source pump described follows from the Energy Strategy published by the Northern Ireland Executive in December 2021 and its accompanying Action Plan in January 2022, which contained a commitment for the Department for Infrastructure to review permitted development legislation for low carbon heat installations to ensure it is up to date and fit for purpose.
 6. The Department for Agriculture, Environment and Rural Affairs has plans to introduce a Deposit Return Scheme for single-use drinks containers alongside England and Wales in 2024. The scheme aims to change consumer behaviour to encourage higher levels of drinks container recycling where resources are kept in use for as long as possible and waste is minimised. It is explained that the addition of this category to the GDPO is proposed to avoid delays in the implementation of the scheme and to prevent additional cost to retailers.

Key Issues

1. A copy of the consultation document can be viewed at the following link:

[Consultation on changes to planning permitted development rights to protect the environment and help address climate change | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://www.infrastructure-ni.gov.uk/consultation-on-changes-to-planning-permitted-development-rights-to-protect-the-environment-and-help-address-climate-change)

1. The Department for Infrastructure invites comments on the proposed additions to the GPDO on the basis of the following set of questions:
 - Question 1: Do you agree with the above proposals in relation to air source heat pumps?
 - Question 2: Do you have any additional amendments which you believe should be included? Please provide reasons.
 - Question 3: Do you agree with the above proposals in relation to ground or water source heat pumps?
 - Question 4: If you have views on whether permitted development rights for domestic wind turbines should be considered please provide details?
 - Question 5: Do you agree with the introduction of a new permitted development right for reverse vending machines?
 - Question 6: Do you have any amendments or additional restrictions you would propose to the permitted development right? Please provide reasons.
2. The closing date for responding is 23 December 2022.
3. The content of the proposed additions to the GDPO were shared with the Building Control and Environmental Health Units of the Council for information and comment.
4. The need to facilitate new and emerging forms of microgeneration equipment without the need for a planning application is welcomed particularly where the technology is being retrofitted to existing domestic residential properties. This speaks to the wider central government agenda on climate change.

5. The need to protect the amenity of neighbouring residents is allowed for as the equipment associated with the installation of air source pumps can generate noise.
6. No amendments are proposed or suggested to the draft addition to Part 2 of the Schedule attached to the GDPO.
7. The requirement to allow retailers to operate a deposit return scheme and to have facilities that encourage recycling is consistent with the Council's Waste Management Strategy and speaks to the wider Central Government Environment Strategy.
8. No amendments are proposed or suggested to the draft addition to Part 3 of the Schedule attached to the GDPO.

Recommendation:

It is recommended that the Members note that a response to this consultation was presented to the Development Committee on 1 December 2022 that the proposed changes to the GDPO are welcomed for the reasons outlined in the report.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to a consultation in relation to a Review of Permitted Development Rights. EQIA is not required as this is screened for separately by Dfl.

If yes, what was the outcome?:

Option 1

Screen out
without mitigation

N/A

Option 2

Screen out with
mitigation

N/A

Option 3

Screen in for
a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report in relation to a consultation in relation to a Review of Permitted Development Rights. RNIA is not required as this is screened for separately by DfI.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 7 – Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022.

Background and Key Issues:

Background

1. The Planning Appeals Commission (PAC) is an independent body, set up under the Planning Act (Northern Ireland) 2011, which deals with a wide range of land use planning issues and related matters.
2. PAC makes decisions on appeals against Council decisions on a wide range of planning and environmental matters. These may be made by a single Commissioner (a single decision) or by a panel of not fewer than four Commissioners (a panel decision).
3. The Northern Ireland Courts and Tribunal Service (NICTS) has responsibility for the administration of PAC, and Department of Justice (DoJ) has the power to create regulations that prescribe its procedure.
4. The Planning Fees (Deemed Planning Applications and Appeals) Regulations (Northern Ireland) 2015 ("the Regulations") prescribe the fees to be charged for planning appeals and deemed planning applications from 1 April 2015. The Regulations only affect the work of the Commission.

5. An email from DoJ dated 25th October 2022 provides details of a consultation in relation to Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022.
6. A copy of the consultation document is attached and can also be viewed at the following link:
<https://www.justice-ni.gov.uk/consultations/draft-planning-fees-deemed-planning-applications-and-appeal-amendment-regulations-ni-2022>
7. The reason offered in the consultation document for the proposed increase at this time is that the planning fees charged by Councils and the Department for Infrastructure (DfI) have been increased, and the fees to apply to PAC should be keeping pace with these fees.
8. Comments are sought and the closing date for responses is 20th December 2022. The proposed implementation of the increase is from 1st April 2023.

Key Issues

1. The proposed amendments for changes to the fees charged in relation to planning appeals and deemed planning applications are set out at section 2 of the consultation document. The approximate increase in the fee is between 1.5% and 2.0%.
2. By way of example, the following changes are proposed:
 - Where an application is deemed to have been made for an Environmental Impact Assessment development, the fee payable in respect of the deemed application is amended from £10,632 to £10,844; and
 - The fee for an appeal to the Commission is amended from £126 to £128.
3. The last increase in planning application fees was in 2019 and the uplift proposed by the PAC is before DfI Planning have announced any change to the fees for planning and other applications charged by Councils and the Department.
4. The consultation process should have been progressed in parallel with any announcement on fees from the Department. The reason for this is that there should be consistency in terms of the percentage increase in the fees and that takes account of the fact that there has been no uplift for three years.
5. Any uplift should also take account of recent inflationary pressures and be informed having regard to the recent NI Audit Office Report which described an action that the funding of planning should be placed on a more sustainable footing.
6. There is no direct implication for the Council in terms of the proposed fee structure other than if a similar percentage uplift was applied to planning applications by DfI then this would be too low for this Council to bear in terms of the burden of increased costs for operating the Service. There is little evidence of a joined up approach between DfI Planning and DoJ in terms of announcing the uplift in planning fees. DoJ should be asked to engage further with DfI and to extend the period for the consultation until a joint announcement can be made.

Recommendation:

It is recommended that the Members note that a response to this consultation was presented to the Development Committee on 1 December 2022 that the proposed changes to the Regulations are delayed to allow for further consultation between DfI Planning and DoJ for the reasons outlined in the report.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report in relation to a consultation in relation to a consultation in relation to Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022. EQIA is not required as this is screened for separately by DoJ.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
---	-----	--	-----	---	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No	
--	----	---	----	--

If no, please given explanation/rationale for why it was not considered necessary:

This is a report in relation to a consultation in relation to a consultation in relation to Draft Planning Fees (Deemed Planning Applications and Appeal) (Amendment) Regulations (NI) 2022. RNIA is not required as this is screened for separately by DoJ.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 8 - Notification by telecommunication operator(s) of intention to utilise permitted development rights

Background and Key Issues:

Background

1. The Council is notified by two different telecommunication operators of their intention to utilise permitted development rights at a total of three locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.

Key Issues

1. The notification advises 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. A list of the recent notification(s) is provided.
2. 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 Council. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met.

Recommendation:

It is recommended that Members note the detail of the notifications specific to the site identified and that hard copies are available to view at the Council Offices at Lagan Valley Island.

Finance and Resource Implications:

There are no finance or resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.

If yes, what was the outcome:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
--	----	---	----

If no, please given explanation/rationale for why it was not considered necessary:

This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 8 – Notifications from an Operator in respect of intention to utilise permitted development rights

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights December 2022 Planning Committee

260

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Cornerstone Blue Clarity	O2	171 Dromore Road, Near Hillsborough, BT26 6JA	Installation of 3 antennas, 9 RRU's, 2 Dishes and 1 GPS Module	26/10/2022
2	Cornerstone Blue Clarity	O2	Magheramesk Reservoir, Hallstown Road, Upper Ballinderry, BT28 2NE	Installation of 6 antennas, installation of 1 GPS Module, Installation of 15 RRU's and proposed 6m top extension	14/11/2022
3	Openreach	BT	Belsize Lane, Lisburn	Installation of Fixed Line Broadband Apparatus	14/11/2022



Planning Committee

05 December 2022

Report from:

Head of Planning and Capital Development

Item for Noting

TITLE: Item 9 – Replacement of the Northern Ireland Planning Portal - Newsletter

Background and Key Issues:

Background

1. As Members will be aware, 10 Councils and Department for Infrastructure (Planning) have been working collaboratively on a joint project to develop and configure a new IT system for delivering the planning function.
2. The Planning Portal was only available in read only format from 18 November to 05 December 2022 when the new system is expected to Go Live.

Key Issues

1. Further details regarding the launch and transition to the new Planning Portal on 5 December can be found in the third Planning Portal Newsletter. A copy of the newsletter is provided. It is also available to view via the following link:

<https://www.infrastructure-ni.gov.uk/publications/planning-portal-newsletter>

2. From 5 December the new Planning Portal will allow customers to:
 - submit planning applications online
 - view, comment on and track live planning applications

- report breaches of planning control (enforcement complaints)
 - submit requests for regional property certificates
3. It is not anticipated that all applications will be received electronically 5 December but it is intended to engage widely with our customers from after 05 December 2022 to encourage all submissions to be made electronically.
 4. The requirement for permit paper based submissions to be made will be kept under review albeit this may require an alteration to the legislation which specifies how applications should be made to the Council.
 5. A public register where customers can search for and view historical applications across Northern Ireland (excluding Mid Ulster) is also to be provided.
 6. A number of promotional videos are available to view on YouTube. These videos provide a brief overview of the online services that are available from 5 December. A separate email providing the emails will be sent to all Members.

Recommendation

It is recommended that Members note the update in relation to the implementation of the new planning portal system.

Finance and Resource Implications:

No additional finance or resource implications are identified at this time. The project is allocated a budget from the capital programme and is being delivered in accordance with current Council governance arrangements.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy? No

If no, please provide explanation/rationale

This is a report on the launch of the New Planning Portal System and EQIA is not required.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
--	-----	---	-----	--	-----

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?

No

Has a Rural Needs Impact Assessment (RNIA) template been completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is a report the launch of the New Planning Portal System and RNIA is not required.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

APPENDIX 9 - Third Planning Portal News Letter – November 2022.

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:



newsletter

NEW PORTAL

The new Planning Portal will be launched on 5 December 2022. This will allow customers to:

- submit planning applications online
- view, comment on and track live planning applications
- report breaches of planning control (enforcement complaints)
- submit requests for regional property certificates

A public register where customers can search for and view historical applications across Northern Ireland (excluding Mid Ulster) will also be provided.

.....

Transition Arrangements

As part of the preparations for this, the current portal will close over the weekend of 18th – 20th November 2022 to facilitate data extraction and all users must be logged out of the system by 1pm on 18th November 2022. It will become available again on Monday 21st November but will be limited to read only access for most users. This includes most Planning staff and Consultees and means that there will be reduced capacity to process planning applications during the transition period as no updates will be permitted to the current system unless there are urgent and exceptional circumstances which senior management have authorised.

Any new planning applications received during the transition period must be held and checked offline. These will not be advertised, neighbour notified or new consultations issued until the new Planning Portal is up and running in December.

The current Public Access website will continue to be available during the transition period so that citizens can view applications but it will no longer accept online comments or track applications. Instead customers can submit comments to the Councils or Department via e-mail or by post. Contact details for the authorities are available on the nidirect website at <https://www.nidirect.gov.uk/contacts/planning-offices-ni>

In addition, Public Access user details will not be transferred. Therefore, if you currently have a Public Access account for tracking or commenting on applications, this will close and the details will be deleted when the website is taken offline. Should you wish to use the features on the new Planning Portal or to submit applications online, you will need to create a new user account upon first use of the system after it launches.

PREPARING FOR CHANGE

Work continues on preparing for change and each Planning Authority has their own local change plan to take account of the impact of the switchover to the new Planning Portal on their business processes. If you have any concerns or queries regarding the specific arrangements in a particular office, please contact the local Change Lead concerned.



TRAINING

The rollout of end user Training has commenced and will continue up to and beyond the system launch on 5 December. A number of support materials, such as user guides and demo videos, are available to users.





planning portal newsletter

PLANNING CONSULTATIONS

In preparation for the current system closing, it is important that all Consultees try to close out as many planning application consultations as possible by close of business on 17th November so as to reduce the number of open cases to transfer.

A list of any remaining open cases must then be collated by the Consultee so that these can be compared to the cases on the new system when it goes live. In addition, if a Consultee completes any urgent consultations offline during the 2 week transition period a record of these must be kept so they can be closed on the new system by the Consultee. Consultees should continue to liaise with the relevant Planning Authority if they have queries about particular cases or to request extensions to deadlines.

Consultees will be given early access to the new Consultee Hub week commencing 28 November so that they can set up team members. A user manual is being finalised and will be made available before go live. A brief overview of the Consultee Hub is available on YouTube (link below).

PROMOTIONAL VIDEOS

A brief overview of the online services are available on YouTube

1. Submit an application online https://youtu.be/xLRev_sgJCA
2. View, comment on and track applications <https://youtu.be/m-NIQ3N1Oto>
3. Consultee Hub <https://youtube/DLSWdNvQWJk>

REGIONAL PROPERTY CERTIFICATES

The cut-off date for the receipt of property certificate requests by the Regional Property Certificates Unit in Enniskillen is 5pm on 16th November

Any requests submitted after this point, will be held offline and will not be uploaded or consultations issued until the new Planning Portal is up and running in December.

Any requests entered onto the current system by close of business on 17th November will continue to be processed until the work queue is cleared. Therefore those Planning staff and Consultees who currently answer property certificate consultations should continue to do so on the current system until all requests are answered. It is expected that most Property Certificate consultations will be completed by 30 November.

Keep Informed

-  @Departmentforinfrastructure
-  @deptinfra

Contact Info

Programme Management Office on:

-  028 90 541 058
-  Planning.Portal@infrastructure-ni.gov.uk



Planning Committee

Confidential

05 December 2022

Confidential Report from:

Head of Planning and Capital Development

Local Government Act (Northern Ireland) 2014
Schedule 6 - Access to Information: Exemption Information

The report contains information relating to the financial or business affairs of any particular person (including the Council holding that information).

When will the report become unrestricted:

Specify when
report will
become available

After March
2023

Redacted
report
available

No

Never

No

Item for Noting

TITLE: **Item 1Confid – Planning Application Fees Uplift**

Background and Key Issues:

Background

1. In a letter dated 14 November 2022, the Department for Infrastructure alerts the Council to advice that the Planning (Fees) Regulations 2015 are to be amended following consultation with the Minister for Infrastructure in August 2022.
2. The information is shared on a confidential basis ahead of any official announcement for the purpose of set budgets in the current estimates process.

Key Issues

1. There has not been an uplift in planning fees since 2019 and the Department for Infrastructure has been lobbied extensively in the intervening period to further consider this matter as it impacts directly on the operation of services provided by local Councils.
2. The letter confirms that the uplift amount for each fee category is based on the RPI figure from August 2022 - it is highlighted that this is approximately 12.3%.
3. No advice is offered by the Department as to whether this uplift is part of their planned improvement to operation of the two tier planning system following the Northern Ireland Audit Office review of the planning system.
4. Members should note that this Council has previously commented that a more complete overhaul of the fee regulations is required if the operation of the planning function is to be put on a more sustainable financial footing.
5. No specific date is offered for the implementation of the change but the Chief Planning Officer for Northern Ireland suggests this change will be brought forward in February/March 2023. This is linked to a programmed update to the software for the new planning portal.
6. This uplift has not been announced publicly and the Department has requested that the Council does not share this information more widely.

Recommendation:

It is recommended that Members note that the Minister for Infrastructure agreed an uplift in planning fees and it is anticipated this will be implemented no later than March 2023.

Finance and Resource Implications:

The proposed increase in fees is estimated for in the income for the operation of the Unit in the 2023/24 financial year.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is an update from the Department for Infrastructure and a change to subordinate legislation which will be subject to a separate screening process.

If yes, what was the outcome?:

Option 1
Screen out
without mitigation

N/A

Option 2
Screen out with
mitigation

N/A

Option 3
Screen in for
a full EQIA

N/A

Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

N/A

Insert link to completed Equality and Good Relations report:

N/A

2. Rural Needs Impact Assessment:

Has consideration been
given to Rural Needs?

No

Has a Rural Needs Impact
Assessment (RNIA) template been
completed?

No

If no, please give explanation/rationale for why it was not considered necessary:

This is an update from the Department for Infrastructure and a change to subordinate legislation which will be subject to a separate screening process.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL:

No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration".

APPENDICES:

Appendix 1 Confd – Letter from the Department for Infrastructure in respect of uplifted fees

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Regional Planning Directorate



Department for

Infrastructure

An Roinn

Bonneagair

Department für

Infrastructure

www.infrastructure-ni.gov.uk

Heads of Planning (Councils)

Clarence Court
10-18 Adelaide Street
BELFAST
BT2 8GB
Tel: 0300 200 7830

Email: angus.kerr@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your reference:
Our reference:

14 November 2022

Dear Heads of Planning

FEES UPLIFT

The purpose of this memo is to confirm that, before leaving the Department, Minister O'Dowd agreed the Department will bring forward an inflationary uplift based on the RPI figure from August 2022 (approximately 12.3%) across all planning fee categories.

It is intended the change will be brought forward in February/March 2023 once associated changes have been made to the new Planning Portal. Please note that this has not been announced publicly at this stage but we will do so closer to implementation in the usual way. I am sharing this to allow councils to plan ahead with budgets but would be grateful if this was not shared more widely at this time.

Yours sincerely

ANGUS KERR
Chief Planner &
Director of Regional Planning

Cc Chief Executives