



September 13th, 2024

Chairman : Alderman M Gregg

Vice Chairman : Councillor S Burns

Aldermen : O Gawith and J Tinsley

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

**Notice of Meeting**

A special meeting of the Planning Committee will be held on **Wednesday, 18th September 2024** at **5:00 pm**, in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted Agenda.

**David Burns**  
**Chief Executive**

# Agenda

## 1.0 Apologies

## 2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form.pdf*

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## 3.0 Schedule of Applications

*For Decision*

📄 *Item 1 - Schedule of Applications.pdf*

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**3.1 LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg**

📄 *Appendix 1.1(a) - DM Officer Report - LA0520220033F - Quarterlands - Addendum - FINAL.pdf*

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📄 *Appendix 1.1(b) - DM Officer Report - LA0520220033F - Quarterlands - FINAL.pdf*

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📄 *Appendix 1.1(c) - Note of Site Meeting - 19.09.2023 - Quarterlands Road.pdf*

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# LISBURN & CASTLEREAGH CITY COUNCIL

## MEMBERS DISCLOSURE OF INTERESTS

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

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

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

### 1. Pecuniary Interest

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

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Date of Meeting: \_\_\_\_\_

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

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Nature of Pecuniary Interest:


2. Private or Personal non Pecuniary interest

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

\_\_\_\_\_

Date of Meeting: \_\_\_\_\_

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

\_\_\_\_\_

Nature of Private or Personal non Pecuniary Interest:


Name:
Address:

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

<b>Committee:</b>	Planning Committee
<b>Date:</b>	18 September 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Decision
<b>Subject:</b>	Schedule of Planning Applications to be Determined

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>1. The following application has been made to the Council as the Local Planning Authority for determination.</li> <li>2. In arriving at a decision, 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 interest of acknowledged importance.</li> <li>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 reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>1. The application is presented in accordance with the current scheme of delegation. There is one local application presented by way of exception having previously been Called In. <ol style="list-style-type: none"> <li>a) LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c &amp; 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg. Recommendation – Approval</li> </ol> </li> <li>2. The application will be decided having regard to paragraphs 42 to 53 of the Protocol of the Operation of the Planning Committee.</li> </ol>
2.0	<p><b><u>Recommendation</u></b></p> <p>For this application the Members are asked to make a decision having considered the detail of the Planning Officer's report, listen to any third-party representations, ask questions of the officers, take legal advice (if required) and engage in a debate of the issues.</p>

<p>3.0</p>	<p><b><u>Finance and Resource Implications</u></b></p> <p>Decisions may be subject to:</p> <ul style="list-style-type: none"> <li>(a) Planning Appeal (where the recommendation is to refuse)</li> <li>(b) Judicial Review</li> </ul> <p>Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>	
<p>4.0</p>	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
<p>4.1</p>	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
<p>4.2</p>	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
<p>4.3</p>	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
<p>4.4</p>	<p>Summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

<p><b>Appendices:</b></p>	<p>Appendix 1.1(a) - LA05/2022/0033/F – Addendum                  Appendix 1.1(b) - LA05/2022/0033/F – Case Officer Report [02 September 2024]                  Appendix 1.1(c) – LA05/2022/0033/F - Note of Site Visit</p>
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## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	18 September 2024
Committee Interest	Local Application [Exceptions Apply] - Addendum
Application Reference	LA05/2022/0033/F
Date of Application	6 January 2022
District Electoral Area	Downshire East
Proposal Description	Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road.
Location	Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Representations	More than 380
Recommendation	<b>APPROVAL</b>

### Background

1. A composite report presented to the Committee on 02 September 2024 brings together the chronology of assessments as outlined in the reports presented to Committee to date. This report has been amended to correct paragraph numbers only. No other changes have been to the substance and content of the report.
2. The application was deferred at the 02 September 2024 committee meeting to enable further legal advice to be obtained. This addendum report takes account of the advice.
3. Paragraphs 269 to 274 of the case officer report [02 September 2024] are withdrawn and replaced with those set below. For ease of reference the previous contents of the case officer report are struck through.
4. Furthermore, a subsequent representation from the Quarterlands Group received on 11 September 2024 which queries the capacity of the treatment works has also been considered.

## Further Consideration

### Human Rights

5. An issue of human rights is raised indicating that the rights of local residents are negatively impacted due to the proposed removal of green spaces, the potential future flooding risks, the intrusion into our privacy and our right to enjoy a quiet and safe residential environment, caused by the scale of the proposed building which is out of character with the surrounding areas and the increased noise, traffic, and light pollution which will change the character of the village. Reference is also made to *Britton v SOS* (1997) JPL 617.
6. Regard is had to this case within the context of the current application. It is noteworthy that the *Britton* case (from 1997) predates the introduction of the Human Rights Act 1998 ("HRA") (which itself was commenced in 2000).
7. Whilst the *Britton* case is a planning case which looks at the applicability and interpretation of the European Convention on Human Rights, it does so in a context where the legislation which is currently in place (as has been since 2000) was not in place at the time. There have been a number of cases which have come before both the English and Northern Irish courts since the introduction of the HRA which consider the revised legislative context as a result of its introduction. That body of case law indicates that the matters to be considered when assessing whether planning applications are HRA compliant, include the following:
  - to determine whether the human right in question is engaged, that is, whether it would potentially be interfered with, and if so then;
  - to decide whether it is actually interfered with by the approval of the application, and if so then;
  - to decide whether in any event the approval would be justified in the public interest represented by the development and proportionate to that interest.
8. The two Convention rights raised by objectors are Article 8 of the Convention itself and Article 1 of the First Protocol to the Convention. The grounds which are raised for proposed breaches of these Convention rights are set out as  
  
*the proposed removal of green spaces, the potential future flooding risks, the intrusion into....privacy and [the] right to enjoy a quiet and safe residential environment, caused by the scale of the proposed building which is out of character with the surrounding areas and the increased noise, traffic, and light pollution which will change the character of the village.*
9. Article 6 of the Convention guarantees a right to a to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law



10. Article 8 of the Convention guarantees a right to respect for private and family life.
11. Article 1 of the First Protocol to the Convention secures the right to the peaceful enjoyment of one's possessions.
12. The primary concerns of objectors in relation to Article 6 of the Convention are dealt with in paragraphs 264 - 268 of the case officer report [02 September 2024]. Furthermore, it is considered that the Convention rights protected by Article 8 and Article 1 of the First Protocol to the Convention overlap and relate particularly to the issue of residential amenity in the assessment of this application. Therefore, in considering the matters raised in in relation to Human Rights and Equality Impact the following observations are made.
13. The design and layout of new development is assessed through policy HOU4 Design in New Residential Development. Criterion (i) specifically requires that new development must not create conflict with adjacent land uses, that there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
14. Paragraph 56 of the case officer report [02 September 2024] confirms that this policy was considered during the assessment process.
15. Paragraphs 118 – 140 of the case officer report [02 September 2024] demonstrates how the policy has been met in this regard. In particular, at paragraphs 123 advice is provided that:

*the layout also demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity.*
16. Advice provided a paragraph 125 of the case officer report [02 September 2024] similarly states:

*The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the 27 private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.*
17. Having considered the development in its entirety, officers therefore conclude that the proposed development is acceptable and does not give rise to adverse impact on residential amenity.
18. The EIA screening associated with this application also considers residential amenity with regards to noise, nuisance and disturbance during the construction and post construction phases (including the impacts arising from traffic).

19. The EIA Report acknowledges that these impacts were considered within the respective technical reports submitted alongside the planning application and assessed by the statutory consultees. No significant effects were identified, and all statutory consultees are content with the proposed development.
20. Given that the proposal is considered by officers to comply with planning policies aimed at protecting the amenity of the existing residents, officers consider that the development will not give rise to impacts which are sufficiently extreme to constitute an interference with rights protected by Article 8 and Article 1 of the First Protocol to the Convention, such as to require justification.

#### Equality Impacts

21. Third parties raise concern in relation to the need for an Equality Impact Assessment to be carried out in relation to the shared street arrangement within the development.
22. The introduction of new planning policies since the commencement of the Northern Ireland Act 1998, including the LCCC Local Development Plan 2023 will have been assessed in accordance with Section 75 of the Northern Ireland Act 1998 thus officers conclude that individual scrutiny of this planning application is not justified as a result.

#### Additional Representation

23. In an email dated 11 September 2024, concern is again expressed in relation to the impact of the proposal on NI Water Infrastructure.
24. It is suggested that officers failed to have regard to the NI Water Constraints document associated with Item 9 of the agenda of the planning committee meeting of 02 September 2024. This document was appended as part of an update on progress of the Local Development Plan.
25. The capacity issues referred to are known and understood by officers and NI Water have consistently advised that there is capacity in the network to facilitate the number of units proposed in this development notwithstanding the capacity issue would then arise at the completion of the proposed development.
26. The advice provided at paragraphs 199 to 214 remain unchanged. This document referred to in the representation does not change this advice. No new substantive issues are raised.

### **Conclusions**

27. The information contained in this addendum should be read in conjunction with the case officer report previously presented to Committee on 02 September 2024.

28. The issues set out in the additional representations received after the drafting of the main report are fully and properly considered. They do not change the substance of the previous advice offered.
29. It remains the recommendation of officers that this application should be approved [subject to section 76 agreement] as the proposal is considered to comply with the SPPS and policies HOU1, HOU3, HOU4, HOU5, HOU6, HOU8, HOU10, NH 2, NH 5, NH6, TRA1, TRA2 TRA7 and FLD3 of the Plan Strategy for the reasons set out in the case officer report [02 September 2024].

## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local Application [Exceptions Apply]
Application Reference	LA05/2022/0033/F
Date of Application	6 January 2022
District Electoral Area	Downshire East
Proposal Description	Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road.
Location	Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Representations	More than 380
Recommendation	<b>APPROVAL</b>

### Background

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application was previously presented to the Planning Committee on 4 September 2023 with a recommendation to approve. In advance of the application being presented to the Committee the Members agreed to defer consideration to allow for a site visit to take place.
3. A site visit took place on 19 September 2023 with members in attendance. A note of the site visit is included as part of the papers.
4. Before the application could be returned to the committee the applicant indicated their intention to submit an updated Ecological Report having regard to concerns expressed by third parties that the surveys provided in support of the proposed development were out of date. The agent was as part of that submission asked to have regard to concerns expressed by members at the

site visit in relation to the amount of standing water and the capacity for the habitat to support wildlife protected under the Wildlife Order.

5. The application was included on the Schedule of Applications to be determined by the Planning Committee on 05 February 2024. A further late representation from the Quarterland Group resulted in the application being removed from the Schedule.
6. Some additional 22 pieces of correspondence have been received from the Quarterlands Group in the intervening period. The main issues raised have been considered in the assessment of this application.
7. This composite report brings together the chronology of assessments as outlined in the reports presented to Committee to date.

### Summary of Recommendation

8. The application is presented to Committee with a recommendation to approve as the site is within the settlement limit of Drumbeg in the Lisburn Area Plan and significant weight is attached to the zoning for housing in draft BMAP as a material consideration.
9. The detailed layout and design of the residential units as last amended and published to the Portal on 21 November 2023 creates a quality residential environment in accordance with the requirements of Policies HOU1, HOU3 and HOU4 of the Plan Strategy and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.
10. Having regard to the proximity of the site to existing areas of open space along the Lagan tow path, the open space provided around the edges of the countryside boundary which comprises natural/semi natural areas of in-depth planting that provide visual amenity, it is considered that the proposal complies with Policy HOU5 of the Plan Strategy.
11. The proposal complies with Policy HOU6 in that a Design and Access Statement is submitted with a contextual analysis of the site, surrounding land uses, Built Heritage and Landscape Character and that demonstrates with a design concept that a quality residential environment is created in accordance with the requirements of policies HOU3 and HOU 4.
12. The proposal also complies with Policy HOU8 in that the density of development is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the small settlement of Drumbeg with the units built to a size not less than those set out in supplementary planning guidance.

13. The minimum policy requirement of policy HOU10 for affordable housing is 4 units, for the reasons outlined later in the report and taking the NIHE consultation response into account, it is accepted that the affordable housing requirement can be met at this location.
14. The proposal complies with policies NH2 and NH5 of the Plan Strategy, in that it has been demonstrated that the development is not likely to harm any species protected by law nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance within or adjacent to the site.
15. It is also considered to comply with policy NH6 of the Plan Strategy in that the development is off an appropriate design, size and scale for the locality and the detail demonstrates how it respects the character of the Lagan Valley Regional Park which is an AONB.
16. The proposal complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points linking the new development to the existing footpath network on the opposite side of Quarterlands Road.
17. It is also considered that the development complies with policy TRA2 of the Plan Strategy, in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
18. The proposal is considered to comply with policy TRA7 of the Plan Strategy, in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
19. The proposed development complies with Policy FLD3 of the Plan Strategy in that the site lies outside the 1 in 100-year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste-water treatment works to services the development.

## Description of Site and Surroundings

### Site

20. This 1.1-hectare site is irregular in shape and comprised of overgrown undeveloped land adjacent to and to the rear of Zenda Park Drumbeg.

21. It is accessed along its frontage from the Quarterlands Road Drumbeg between two dwellings at 58 and 66 Quarterlands Road.
22. The site boundary to the west is defined by Quarterlands Road and the boundary to the north by the existing fence of 66 Quarterlands Road and fencing to two properties at Zenda Park.
23. The north-east and eastern boundaries are defined by existing hedgerow and the southern boundary abuts the properties at Rural Cottages and the rear of 56 and 58 Quarterlands Road.
24. The land within the site rises gradually by approximately two metres from west to east and north to south.

### Surroundings

25. The site is in the small settlement of Drumbeg approximately four miles from Lisburn City.
26. The lands to the north, west and south of the site are developed as low to medium density suburban residential housing and the lands to the east are primarily agricultural in use.
27. The area beyond the immediate context of the site and settlement is primarily rural in character and the land is mainly in agricultural use.

### **Proposed Development**

28. The application is for full planning permission for the erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road.
29. The application is supported with the following documents:
  - Design and Access Statement
  - Planning and Supporting Statement
  - Rebuttal Statement
  - NI Biodiversity Checklist
  - Preliminary Ecological Assessment
  - Ecological Appraisal Report
  - Drainage Assessment
  - Transport Assessment Form
  - Service Management Plan
  - Landscape Management Plan
  - Tree Survey and Report

**Relevant Planning History**

30. The following planning history is relevant to the site.

<b>Application Reference</b>	<b>Site Address</b>	<b>Proposal</b>	<b>Decision</b>
S/2006/0690/F	Lands to the rear of 58 Quarterlands Road, and adjacent to Zenda Park, Drumbeg, Dunmurry, BT17 9LN	15 dwellings comprising 8 semi-detached two-storey houses, 3 detached two-storey houses, and 4 semi-detached chalet style houses.	7 January 2008

31. There is some evidence that this earlier planning permission was commenced. The access to the site was formed and a dwelling was constructed but as no Certificate of Lawfulness is certified by the Council the planning history is given no material weight in the assessment of this application. This proposal is considered on its own merits in the context of prevailing planning policy.

**Consultations**

32. The following consultations were carried out:

<b>Consultee</b>	<b>Response</b>
DfI Roads	No objection
DFI Rivers	No objection
LCCC Environmental Health	No objection
NI Water	No objection
Natural Heritage	No objection
DAERA Water Management Unit	No objection
Northern Ireland Housing Executive (NIHE)	No objection



## Representations

33. More than 380 representations have been submitted in opposition to the proposal. Of those 30 representations are submitted on behalf of the Quarterlands Group and 170 representations are submitted on pro-forma letters.
34. The following main issues are raised:
- Impact on Road Safety
  - Impact on Nature Conservation
  - Impact on NI Water Infrastructure
  - Increased risk of Flooding
  - No Housing Need
  - Impact on AONB and Lagan Valley Regional Park
  - Inappropriate design
  - Impact on residential amenity
  - Devalue Properties
  - Lack of Services
  - Concerns in relation to Landscape Management
  - Outstanding HRA
  - Procedural Issues
    - Neighbour Notification
    - Planning History
    - EIA
    - Fair and Equitable
    - Human Rights
    - Equality Issues
35. Five letters of support have been submitted. The following points of are raised:
- Proposal will create housing in a sought-after area.
  - High quality scheme is welcomed in area.
  - The local nursery will benefit from additional families in the area.
  - Affordable housing is welcomed as locals will be able to purchase dwellings and not have to move out of the area
  - The land proposed for development is inaccessible and not used by locals for any other purpose.
  - The lands to the front and overgrown and have not been maintained in years.
  - A new development will greatly improve the visual aspect of the area.

## Environmental Impact Assessment (EIA)

36. An EIA determination was carried out in with regard had to the location of the site within an existing settlement and where there is a context of built development on two sides. There are no identified environmental constraints

or designations within or adjacent to the site and the scale and nature of the development is compatible with the established uses on the adjacent lands.

37. A further EIA determination was carried out on 11 January 2024 on receipt of an updated ecological assessment and further information received in support of the application in November 2023.
38. The Department for Infrastructure published a new Development Management Practice Note 9B - Screening projects for Environmental Impact Assessment (EIA) in December 2023. Whilst a number of EIA determinations have already been carried out, the application has been rescreened having regard to this practice note. The materials submitted with this application have been reviewed independently of the developer, its agents or any other third-party influence. The determination is updated again to take account of the latest guidance from the Department.
39. The application site lies within the Lagan Valley Area of Outstanding Natural Beauty a sensitive area. The development is also considered to fall within category 10(b) of Schedule 2 in that it is typical of an urban development projection. The proposed development also exceeds the thresholds set out within category 10(b) of Schedule 2 hence a determination is required.
40. The main environmental effects are identified as follows:
  - Potential Impacts to Water Environment
  - Potential Impacts to features of Natural Heritage Importance
  - Potential Impact on Visual Amenity of Area of Outstanding Natural Beauty
  - Potential Impact on Access and Transport
  - Potential Impact on residential amenity with regard to noise, nuisance and disturbance
  - Cumulative considerations
41. The application is for the erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on land within the defined settlement limit of Drumbeg.
42. There is a planning history for residential development associated with the application site and whilst there is some evidence that this earlier planning permission was commenced, no Certificate of Lawfulness is approved by the Council and the proposed development the proposal is considered on its own merits in the context of prevailing policy.
43. For the reasons outlined in the determination report, it remains the view of officers that the development is not likely to be significant environmental impacts created by the proposed development that would merit this application being considered EIA development. As such, an Environmental Statement is not required to inform the assessment of the application.

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

46. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
47. Within the Lisburn Area Plan (2001), the subject site is located within the settlement development limits of Drumbeg.
48. In draft BMAP, the site lies within an area zoned for housing under housing designation DG 03/01 – Housing Lands Use Policy Area Land, to southeast of Zenda Park, in draft BMAP. It comprises 1.23 hectares of land designated on Map No. 9/0001 - Drumbeg.
49. Within the adopted albeit quashed BMAP, the lands are designated for Housing within the context of designation DG 03/02. The key site requirements are withdrawn.
50. Whilst the site is not located within the Lagan Valley Regional Park as designated in the LAP, it does fall within the Lagan Valley Regional Park designation in both draft BMAP and pre-adoption BMAP.

51. Draft BMAP states that the Lagan Valley Regional Park is a unique asset for the population of the Belfast Metropolitan Area [albeit quashed].
52. The last revision to draft BMAP in 2014 is a significant material consideration of determining weight given that the housing designation was unchallenged at the Public Inquiry and the extent of the settlement limit where the application site has a boundary with the open countryside had not changed from LAP. An objection to draft BMAP requesting a single storey restriction be imposed on the site was not considered to be feasible or practicable by the PAC following the Public Inquiry as full planning permission had been granted in 2008 for 15 dwellings, 11 of which were two-storey.
53. The site was also brought within boundary of the LVRP in the last revision to draft BMAP in 2014 and is a significant material consideration that confirms the requirements of the Park Plan also still apply.

#### Lagan Valley Regional Park Local Plan 2005

54. The aims of the Lagan Valley Regional Park Local Plan 2005 are:
  - To protect and enhance the natural and man-made heritage of the park
  - To conserve the essential character of the park and to encourage its responsible public use.
  - To seek to ensure that the various land uses and activities within the park can co-exist without detriment to the environment.
55. Policy U2 states that:
 

*Development limits are defined for Ballyaghlis, Ballylesson, Ballyskeagh, Drumbeg, Edenderry, Lambeg and Tullynacross. Within these limits new development may be considered to be acceptable provided that it relates sympathetically to the design, scale and character of the existing village or hamlet.*
56. This is an application is for residential development inside a settlement and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.
57. Strategic Policy 01 – Sustainable Development states that:
 

*The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.*
58. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

59. Strategic Policy 05 – Good Design and Positive Place Making states that:

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

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

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

61. Strategic Policy 08 Housing in Settlements states that:

*The Plan will support development proposals that:*

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

62. As more than 5 residential units are proposed Strategic Policy 07 – Section 76 Agreements states that:

*Development will be required to deliver more sustainable communities by providing, or making contributions to, local and regional infrastructure in*

*proportion to its scale, impact of the development and the sustainability of its location.*

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

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

63. There are also operational policies associated with Part 2 of the Plan Strategy that are relevant to the assessment.

### **Housing in Settlements**

64. As residential development is proposed policy HOU1 - New Residential Development states that:

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

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

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

65. The design and layout of the new buildings are subject to policy HOU3 - Site Context and Characteristics of New Residential Development which states:

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



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

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

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

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

66. The design and layout of the new buildings are also subject to policy HOU4 - Design in New Residential Development which states:

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

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

*wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded.*

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

67. The Justification and Amplification states:

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

68. It also states that:

*Accessible Accommodation*

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

69. As the site area is more than one hectare in size public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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



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

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

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

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

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

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

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

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

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

70. The following paragraph in the Justification and Amplification states:

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

*open space are best located where they are overlooked by the fronts of nearby dwellings.*

71. Policy HOU6 – Design Concept Statements, Concept Masterplans and Comprehensive Planning states that:

*A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development. A Concept Masterplan will be required for major planning applications involving: a) 50 dwellings or more b) the development, in part or full, of sites of 2 hectares or more zoned for housing in development plans c) housing development on any other site of 2 hectares or more. For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.*

72. Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas states that:

*Planning permission will be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where the criteria set out in Policies HOU3 and HOU4 (with the exception of Policy HOU4(d) – Density Bands), and all the additional criteria set out below are met: a) the proposed density is not significantly higher than that found in the established residential area b) the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the established residential area c) all dwelling units and apartments are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings.*

#### *Accessible Accommodation*

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

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

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

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

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

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

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

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

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

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

74. The Justification and Amplification states:

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

75. The Glossary associated with Part 2 of the Plan Strategy states that *Affordable Housing – affordable housing is:*

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

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

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

### **Natural Heritage**

76. Given the size of the site and the scale of development proposed a biodiversity and detailed ecology report is submitted in support of this application.
77. Policy NH2 – Species Protected by Law states that:

#### *European Protected Species*

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

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

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

#### *National Protected Species*

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

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

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

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

- a) *priority habitats*
- b) *priority species*
- c) *active peatland*
- d) *ancient and long-established woodland*
- e) *features of earth science conservation importance*
- f) *features of the landscape which are of major importance for wild flora and fauna*

- g) *rare or threatened native species*
- h) *wetlands (includes river corridors)*
- i) *other natural heritage features worthy of protection including trees and woodland.*

79. 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 listed above may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature.*

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

80. The Lagan Valley Regional Park is an AONB. Policy NH6 – Areas of Outstanding Natural Beauty states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and that a number of criteria are met:
- (a) *The siting and scale of the proposal is sympathetic to the special character of the AONB 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 and gates; and*
    - *Local materials, design and colour*

81. Areas of Outstanding Natural Beauty are designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage.

82. Policy directs 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.

### **Access and Transport**

83. The P1 Form indicates that access arrangements for this development involve the construction of a new access to an existing public road for both pedestrian and vehicular use.

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



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

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

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

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

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

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

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

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

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

86. Car parking is proposed as an integral part of the development. Policy TRA 7 – Car Parking and Servicing Arrangements states that:

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

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

- a) *where, through a Transport Assessment or accompanying Travel Plan, it*

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

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

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

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

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

## **Flooding**

87. The application is beyond the threshold for submission of a Drainage Assessment. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

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

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

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

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

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

*developer to mitigate the effects of flooding and drainage as a result of the development.*

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

## Regional Policy and Guidance

### Regional Policy

88. 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 interest of acknowledged importance.*

89. As this proposal is for new housing in a settlement it is stated at paragraph 6.136 that:

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

90. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.

91. In respect of the proposed access arrangements, it is stated at paragraph 6.303 that:

*In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.*

92. It is further stated in relation to the parking arrangements at paragraph 6.304 that:



*In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.*

93. Given the size of the site and the extent of land proposed for development in regard to Natural Heritage paragraph 6.174 of the SPPS state 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.*

94. Paragraph 6.182 of the SPPS further states that:

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

95. 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.*

96. Again, given the size of the site and the potential for surface water run-off to exacerbate flooding elsewhere in regard to flood risk, 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.*

97. Paragraph 6.132 of the SPPS further 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.*

## **Regional Guidance**

[Living Places - An Urban Stewardship and Design Guide for Northern Ireland \(September 2014\)](#)

98. The aim of the design guide is to clearly establish the key principles behind good place making.
99. The focus of the guide is urban areas, and the guide recognises the wider economic, cultural and community benefits of achieving excellence in the stewardship and design of these important places.

### Creating Places

100. 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.

101. Paragraph 7.16 provides guidance on separation distances stating

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

102. The guidance recognises that an enhanced separation distance may also be necessary for development on sloping sites.
103. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision. Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

### Housing in Existing Urban Areas

104. DCAN 8 - Housing in Existing Urban Areas provides advice which will help to ensure that urban and environmental quality is maintained, amenity preserved, and privacy respected when proposals are being considered for new housing development within existing urban areas.
105. Paragraph 5 of the advice note states:

*that the following detailed design principles need to be considered*

- *creating a safe environment;*

- *clearly defining public and private space;*
- *ensuring adequate privacy and daylight;*
- *providing appropriate garden and amenity open space;*
- *creating an attractive landscape setting;*
- *responding to opportunities created by corner sites;*
- *providing for enhanced public transport, walking and cycling facilities; and*
- *accommodating car parking and determining the appropriate level.*

106. Paragraph 6 states:

*that proposes for housing in established residential areas need to illustrate that they have taken these design principles into account, clearly demonstrate an appreciation of context and reinforcing local character. This is particularly important in relation to:*

- *Building lines;*
- *Boundary treatments*
- *Scale and built form; and*
- *Varied roof lines.*

#### Planning Supplementary Guidance

107. Supplementary Guidance in relation to Space Standards for Dwellings states that the following table must be used to calculate minimum dwelling sizes in new developments. The space standards represent the required area of internal floor space.

Space Standards			
Type	Single Storey/ Flat [m2]	Two Storey [m2]	Three Storey [m2]
1-Person/Bedsit	30/35	-	
1-Person/1-Bedroom	35/40		
2-Person/1-Bedroom	50/55		
3-Person/2-Bedroom	60/65	70/75	
4-Person/2-Bedroom	70/75	75/80	
4-Person/3-Bedroom	75/80	80/85	
5-Person/3-Bedroom	80/85	90/95	95/100
5- 6-Person/3-Bedroom	85/90	95/100	100/105
6-Person/4-Bedroom	90/95	100/105	105/110
7-Person/4-Bedroom	105/110	115/120	115/120

## Assessment

### Housing in Settlements

#### Policy HOU1 – New Residential Development

108. This application is for 17 residential units. The site is within the settlement limit of Drumbeg in the Lisburn Area Plan and determining weight is attached to the housing designation in the last revision draft BMAP in 2014 as a material consideration. New housing is an appropriate use on zoned residential land and the policy tests of Policy HOU1 are considered to be met for this reason.

#### Policy HOU3 - Site Context and Characteristics of New Residential Development

109. The Quarterlands Road is characterised by in-depth suburban housing development comprising a mixture of house types including two-storey detached, single storey bungalows and semi-detached chalet style one and half storey dwellings.

110. The properties in Hambleton Park to the east of the site are primarily single storey and at Zenda Park to the north are typically a storey and half in height. With the exception of the dwellings at 52B and 54C, the properties along Rural Cottages to the south are primarily single storey.

111. The dwelling at 66 Quarterlands Road to the immediate north of the application site is one and a half storey in height and finished in brick. The dwelling at 58 Quarterland Road is single storey in height with a garden area extending to the road.

112. Car parking is mainly provided in curtilage for the existing housing with private driveways evident to the front and side of most properties.

113. The Design and Access statement submitted in support of the application indicates that the density of development is 14.5 dwellings per hectare which is below the density of the adjacent Zenda Park which is 24 dwellings per hectare.

114. The height of the proposed dwellings were reduced to address concerns expressed by third parties. Amended drawings received in November 2023o indicated that the proposed dwellings are two-storey in height with ridge heights ranging from 7.5 metres – 8.2 metres. This is an overall reduction of 500 millimetres for each of the proposed units. Where garages are proposed they are single storey in height.

115. Taking into account the surrounding context is comprised of suburban residential development of different forms, age, style, scale and mass and where there is no predominant form of housing given the mixed nature of the residential character of this part of Drumbeg the proposed development will

reinforce the sense this is a suburban place but still with a village feel as the buildings will be of a scale and mass found locally and they are designed to have the appearance of vernacular buildings found in a small rural village setting.

116. The site is also located behind existing suburban housing and will be set back from the Quarterlands Road. Car parking is shown to be in curtilage with some provision made on street for visitor parking. The requirements of criteria (a) are met.
117. With regard to criteria (b), No archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development.

#### Policy HOU4 - Design in New Residential Development

118. A sample description of some of these house types is detailed below.
119. Site 1 is a two-storey dwelling. It comprises a living room, kitchen/dining area, sitting room, utility, WC and lounge on the ground floor. The first floor comprises 4 bedrooms, one with en-suite, study and separate family bathroom.
120. Site 14 is a two-storey detached dwelling. A lounge, hall, WC, kitchen/dining area, snug and utility occupy the ground floor and the proposed first floor consists of four bedrooms, one with an en-suite and a family bathroom.
121. In terms of layout, the building line along Quarterlands Road is respected with house type 1 having a dual frontage to the road and the access road into the site.
122. The dwellings along the access road into the site [namely those at plots 2, 16 and 17] are orientated to face the access road within curtilage parking provided along with front and rear gardens proposed for each unit. The other dwellings are positioned and orientated within the site to face the internal road and match the typical suburban arrangement found elsewhere in Drumbeg.
123. The layout also demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity. The distances from rear elevation of the proposed dwellings to the common boundary varies from a minimum of 9 metres at site 11 to a maximum of 18 metres at site 3.
124. The separation distance from the gable end of the dwelling at plot 16 to the gable wall. The proposed gable of Site 1 is located 9.5 metres from the rear of the existing dwelling at 58 Quarterlands Road.
125. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the

private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.

126. The proposed house types are considered to have a modern design which complements the surrounding built form, the variation in material finishes of brick and smooth render is a similar high quality to other residential properties inside the settlement.
127. For the reasons outlined above, criteria (a), (e) and (f) of the policy are considered to be met.
128. With regard to criteria (b) detail submitted with the application demonstrates that the provision of private amenity space varies from 100 square metres to a maximum of 478 square metres. As an average, 204 square metres is provided across the site which is far in excess of the standards contained within Creating Places for a medium density housing development comprised of three and four bedroom dwellings.
129. The amended landscape plan and schedule submitted in support of the application illustrates that woodland planting will extend along the northern and eastern boundaries of the site where they abut the open countryside. This buffer planting extends to a depth of approximately 5 metres and is acceptable at this location as the boundary is at the back of the site and not a critical view from the surrounding road network. This depth of planting will however consolidate and provide a firm edge to the settlement limit.
130. The landscape plan also demonstrates that the existing trees along the site boundaries are to be retained where possible and supplemented where necessary with native planting along with standard and heavy standard trees, and native species hedging.
131. The proposed site plan drawing includes details of other boundary treatments. These include two-metre high pillars at the entrances, 1.2 metre galvanised steel estate rail fence with planting to the rear [Fence Type A], 1.2 metre post and wire stock fence with planting as per landscape plan [Fence Type B] and 1.8 close boarded timber horizontal fence [Fence Type C] between properties.
132. A 1.6 metre screen wall wraps around the eastern boundary of plot 16. The wall is finished with clay facing brick to match dwelling. The site plan indicates that there will be planting to the front of the wall softening its appearance and aiding its integration into the surrounding area.
133. Section 6.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance responsibility transferring to an appointed resident's management company.
134. With regard to public open space, the application site exceeds 1 hectare and as such, the proposed development is required to make provision for public open

space. This issue is considered later in the report within the context of policy HOU5. For the reasons outlined later criteria (b) is considered on to be met.

135. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is in close proximity to local facilities and services. The site is approximately 5 km from Lisburn, 4km from Finaghy and 3km from Lambeg all of which contain a range of shops, services, food outlets and facilities. Criteria (c) is considered to be met.
136. With regard to criteria (d) the proposed density is lower than that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size ranges from 139 metres squared to 235 metres squared which exceeds space standards set out in supplementary planning guidance for this type of residential development.
137. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking with additional parking provided on street. Criteria (g) and (h) are considered to be met.
138. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
139. It is also considered that the buffer planting along the northern and eastern edges of the site will maximise the benefit to wildlife, add visual interest and that it contributes positively to the Lagan Valley Regional Park and Area of Outstanding Natural Beauty (AONB).
140. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy are met in that the detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

#### Policy HOU5 – Public Open Space in New Residential Development

141. The scheme is for less than 25 dwellings, but the site is more than 1 hectare in size [1.1 hectares]. The policy requirement is considered on balance to be met for the reasons outlined below.
142. The landscape planting to this boundary comprises natural/semi natural areas of depth, provides valuable habitats for wildlife and promotes biodiversity

consistent with advice provided in the justification and amplification of this policy. This will also visual be a visual amenity for the proposed residents of the development.

143. Furthermore, larger than average back gardens are also provided as amenity for the proposed residents which counterbalances the absence of any formal open space within such a small scheme.
144. Regards is also had to the fact that the site is located within reasonable distance to areas of public open space associated with the Lagan towpath which enables users to make use of adjoining areas of public open space.

#### Policy HOU6 - Design Concept Statements, Concept Masterplans and Comprehensive Planning

145. A Design Concept is included within the Design and Access Statement. A contextual analysis of the site, surrounding land uses, Built Heritage and Landscape Character establishes the constraints and informs the layout and design of the buildings. The statement also demonstrates how the proposal has evolved to take account site context and surroundings and explain why buildings of the scale and massing proposed are appropriate to the location. The requirements of policy HOU6 are met for these reasons.

#### Policy HOU8 - Protecting Local Character, Environmental Quality and Residential Amenity in Established Residential Areas.

146. The proposal involves the development of a vacant lands within the settlement limit of Drumbeg.
147. As explained in the preceding paragraphs above (within the context of the assessment of policies HOU3 and HOU4), the proposed dwellings are two-storey with ridge heights ranging from 7.5 metres to 8.2 metres. There are buildings of a similar height, scale and mass elsewhere within the same settlement. The buildings are also set back from the public road behind other development which assists in integrating the buildings into the streetscape without impacting adversely on the local character, environmental quality and existing amenity of the established residential area. Criteria (a) is met.
148. The proposed density is lower than that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. Criteria (b) is met.
149. The average unit size ranges from 139 metres squared to 235 metres squared which exceeds space standards set out in supplementary planning guidance for this type of residential development. Criteria (c) is met.



### Policy HOU10 – Affordable Housing

150. The need for social and affordable housing is identified by the Northern Ireland Housing Executive as the statutory housing authority within the Lisburn and Castlereagh Council Area.
151. Advice received from the Northern Ireland Housing Executive (NIHE) on 05 January 2024 indicates that the proposed development is located within the Lisburn Dunmurry Urban Housing Needs Area which has an unmet need of 1329 units for the 2022-27 period.
152. As this proposal involves more than 5 units, provision is required to be made for a minimum of 20% of all units to be affordable. In this case, the applicant has committed to providing four affordable units and that these units will likely be and offered as social rented accommodation to Habinteg Housing Association who have expressed an interest in acquiring these units. The NIHE confirm in their consultation response that they are satisfied that the minimum affordable housing requirement for this site is met.
153. The units are designed to integrate with the overall scheme consistent with policy and their delivery will be secured by way of section 76 Agreement. No more than 12 of the dwellings are to be occupied until the four affordable dwellings are constructed and available for occupation.

### **Access and Transport**

154. Detail associated with the P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use.
155. A Transport Assessment (TA) form prepared by Atkins was submitted on 25 October 2022 in support of the application. It provides detail on travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site. An updated form received in August 2023 has regard to the amended layout.
156. In terms of travel characteristics, the form indicates that the site will be accessed via a new access from Quarterlands Road with footways either side to facilitate pedestrians. It also explains that pedestrian crossing points in the form of tactile paving will also be provided on Quarterlands Road to facilitate onward connections to the existing footway network.
157. Using the TRICS database for a privately owned development, the Transport Assessment indicates that the proposed site use has the potential to generate 118 total vehicle movements per day which equates to an average of approximately 10 vehicles per hour. The peak period for trips is identified as 08:00 – 09:00 and 17:00 – 18:00.

158. In relation to, Transport Impacts, the Transport Assessment Form (TAF) notes that there will be negligible increase in traffic movements associated with the proposed development. It also notes that the development proposal proposes 56 car parking spaces in total [44 in curtilage spaces and 14 on street spaces]. The required parking standards are therefore met in full.
159. It is explained in the Design and Access statement that the vehicular access and internal carriageway are designed to an adoptable standard in accordance with the Private Streets Order.
160. The Design and Access statement also explains that the internal carriageway transitions into a shared surface arrangement. The detail in the TAF states that this shared surface arrangement creates the opportunity for additional planting to emphasis the domestic context and natural traffic calm the development whilst promoting a quality residential environment.
161. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with the Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
162. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. As described earlier in the report regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network in terms of assessing the access arrangements.
163. The proposal is also considered to comply with TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

### **Natural Heritage**

164. A Preliminary Ecological Appraisal and Assessment (PEA) carried out by AECOM in December 2021 is submitted in support of the application.
165. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works.
166. The purpose of the PEA is to:
  - Identify and categorise all habitats present within the site and any area immediately outside of the site where there may be potential or direct effects.

- Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
  - Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
  - Provide a map showing the habitats identified on site and location of identified ecological constraints.
167. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.
- Desktop Study
    - Designated
    - Data Requests
    - Historical Mapping
  - Field Survey
    - Phase 1 Habitats
    - Invasive Species
    - Potential to support protected species
  - Personal Experience
  - Limitations
168. Section 4.1 explains that there are no sites with statutory designations for nature conservation within 2km of the site nor is there any hydrological connection from the site to any site with a statutory designation.
169. Section 4.1.2 explains that there are six SLNCIs within 1km of the site. These sites are designated for their diversity of habitats, species, landscapes and earth science features.
170. There are two parcels of long-established woodland within 1km of the site.
171. It is stated in the report that data obtained from the Northern Ireland Bat Group contained bat roost records and general observations of bat species. The assessment explains that many of the records are associated with Derriaghy to the northwest, Drumbeg to the east or the River Lagan to the north. No records were discovered directly related to the application site.
172. The report also explains that field survey results confirm that the site comprises two semi-improved fields delineated by hedgerows, located to the east of houses on Quarterland Road. An additional smaller area of grassland between the road and the fields is also present. The assessment notes that no protected or priority species of plants were noted during the survey.
173. The broad habitats noted with this site include the following:
- Scattered Scrub
  - Semi Improved Neutral Grassland

- Poor Semi-improved Grassland
  - Standing Water
  - Species poor Intact Hedgerow
  - Hedgerow with Trees
  - Harding Standing
174. Section 4.2.2 of the report confirms that no invasive species listed in Schedule 9 Part II of the Wildlife Order were identified within the site.
175. It also confirms that trees on site were assessed for their suitability to host roosting bats and that no trees on site were identified as having suitability for roosting bats. The assessment did acknowledge that the site and habitats provided good habitat for a variety of commuting and foraging bat species, connecting to a wider rural landscape.
176. Whilst no systematic bird survey was carried out, the assessment does note that the site provides foraging and nesting habitat for a variety of terrestrial birds.
177. It also notes that the site contains some suitable habitat for foraging badger and habitat for sett creation such as hedgerows. That said, no evidence of badger was found on site or within 25 metres of the site.
178. With regard to Smooth Newts, the ditches on site were shallow and not likely to be suitable for smooth newt.
179. There was no other suitable habitat for other protected and notable species and no additional surveys were considered necessary.
180. Natural Environment Division (NED) considered the detail of the assessment including concerns expressed by way of third-party representation. 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.
181. In a response received on 06 January 2023, NED requested an amended Landscape Management Plan that retains maximum amount of existing hedgerow and other vegetation on the land to promote and encourage biodiversity as possible.
182. A subsequent response received on 12 June 2023 had regard to the amended landscape plan and planting schedule. The response confirmed that they were content with the proposal subject to the existing screen planting being retained as indicated.
183. Whilst the response also acknowledged that some vegetation will be removed and that vegetation on the site may support breeding birds the advice received indicated that NED had no objection to the proposed development subject to works being carried out outside the bird nesting season. Officers are in agreement with this advice.

184. In response to concerns expressed in by third parties a further Ecological Assessment was received on 21 November 2023.
185. This along with video footage included as part of third-party representations were made available to NED. In a detailed response received on 24 January 2024 NED confirmed that they had considered all relevant information and that they had no objection to the proposed development provided that a condition is attached to ensure the protection of the remaining hedgerows during the construction phase of the project.
186. The advice further confirmed that the proposed development was unlikely to significantly impact priority habitats other than the removal of hedgerow which has been compensated for in the landscape proposal drawing published to the portal on 21 November 2023.
187. The advice also confirmed that the development was unlikely to significantly impact badgers as no evidence of badger setts were noted during the survey. Furthermore, the advice acknowledged that no suitable bat roosting potential was recorded within the hedgerows to be removed and that the retention and enhancement of the existing boundary hedgerow was unlikely to significantly impact the foraging and commuting behaviours of the local bat population recorded during the bat activity surveys.
188. NED noted that the ditches recorded within the site 'were dry and largely shallow or otherwise absent' and as such, agreed that the site does not provide a suitable breeding opportunities for smooth newts.
189. The response referred to advice provided in September 2023 which considered the detail of an objection letter from Ulster Wildlife indicating the presence of a Barn Owl using a nearby building (approximately 200 metres from the site).
190. The latest advice notes that the updated Ecological Appraisal includes a Barn Owl assessment and survey. An onsite scoping survey and investigation survey was conducted to further assess potential habitats within the wider area.
191. The rough grassland within the site provides foraging for Barn Owls, however it was considered that there is suitable habitat remaining in the wider landscape beyond the application site. It is therefore unlikely that this proposed development will reduce the available foraging habitat for Barn owls.
192. No evidence of Barn Owl was identified on the site itself and no suitable features for nesting were recorded. The derelict farm sheds identified by objectors and Ulster Wildlife are 185 metres to the east of the proposed development. They were inspected internally and again no evidence of recent use by Barn Owls was identified.
193. The proposed development is sufficiently distant from the Barn Owl site identified by Ulster Wildlife, and construction works are unlikely to impact/disturb any nesting/roosting Barn Owls within this location. The

applicant highlights the recommended buffer distance for construction activity is 150-175 metres (Shawyer 2011) to not impact on this species. The farm building in question where the pellets were located is approximately 200 metres from the site, at a greater distance than the recommended buffer.

194. No European or National protected species or habitats or features of Natural Heritage Importance are identified within the application site and the potential for the site to accommodate species and habitat has been explored in detail by expert ecologists. Officers have no reason to disagree with the advice of NED and no contrary evidence is submitted by the objectors that would sustain a reason for refusal.
195. It is considered that the proposal complies with policies NH2 and NH5 of the Plan for the reasons outlined above. No harm to a protected species with European or National protection is identified or quantified. No unacceptable adverse impact is demonstrated to habitat, or any feature listed in categories (a) to (i) in policy NH5.
196. Hedgerow is identified as a landscape feature important to flora and fauna in criteria (f) and mitigation is proposed to compensate for the potential loss of biodiversity. Again, NED has advised that the proposed compensatory measures are adequate, and conditions are recommended.
197. In terms of the capacity for the landscape to absorb this development the site is surrounded on three sides by existing suburban residential development and the boundary with the open countryside is supplemented with in-depth planting. The buildings are of an acceptable scale, mass and design for the setting of a small settlement in the open countryside.
198. The development will not harm any identified special features of the AONB for the reasons detailed above. The architectural style and details of the finishes, boundary treatments and landscaping are appropriate to the context. It is considered that the proposed development complies with Policy NH6 of the Plan Strategy for the reasons outlined above.

### **Flooding and Drainage**

199. A Drainage Assessments dated December 2021 by Atkins was submitted in support of the application.
200. Paragraph 2.2 of the Assessment indicates that the site is not located within any of the Flood Directive flood maps. It is not affected by fluvial or pluvial flooding nor is there any evidence of historic records of flooding on the site.
201. Section 3 provides detail on the Drainage Assessment in relation to existing surface water run-off and post development surface water runoff. It indicates that the existing site is greenfield land and there is no evidence of storm drainage on the existing site. As such, surface water run-off in the form of

overland flow is conveyed towards the northern and western boundaries of the site likely combined with ground infiltration.

202. The pre-development surface runoff from the site is 11.2l/s [equivalent to greenfield run off rates of 10l/s/ha].
203. Section 3.3 provides detail in relation to the performance of the proposed storm drainage and explains that it is proposed to install new surface water drainage networks to serve the development.
204. The foul drainage network from the development is proposed to connect to the existing NI Water 450mm diameter public combined sewer within Quarterlands Road. The assessment also advises that an Article 154 application for the requisition has been made already to NI Water.
205. The proposed storm drainage networks have been designed taking into account the existing topography of the site and the proposed finished levels. The proposed storm drainage network will be limited to a maximum allowable discharge rate of 11.3l/s using a vortex flow control device.
206. Section 4 illustrates that the site is not affected by fluvial or pluvial flooding. The engineers also concluded that there is no risk from reservoir inundation or coastal sources due to the location of the site.
207. Advice received from DfI Rivers on 01 February 2022 confirmed that the Drainage Assessment had been reviewed. The advice confirmed that there is no watercourse which are designated under the terms of the Drainage (Northern Ireland) Order 1972 within the site. Advice was also provided that the site may be affected by undesignated watercourses for which DfI Rivers has no record.
208. With regard to Policy FLD3, DfI Rivers requested a copy of the Article 154 application from NI Water consenting to discharge attenuated 11.31l/s storm water runoff to their system so that they can fully consider the Drainage Assessment.
209. Having considered the Article 154 response from NI Water, DfI Rivers Agency provided clarification on the Drainage Assessment and indicated that it indicates that there is exceedance flow emanating from MH8. Whilst no objection was offered, the applicant was requested to provide details on how this exceedance is to be effectively mitigated in order to demonstrate that flood risk to the proposed development, and from the development elsewhere, has been adequately dealt with.
210. It is confirmed in the updated Drainage Assessment that the design and construction of a suitable drainage network is feasible and that any 1 in 100 year event shall be contained within the attenuation system, when discharging at existing green field runoff rate. There will be no exceedance flows at MH8 or any other existing manhole during any flooding event. DfI Rivers has no objection to the form of mitigation proposed and acknowledge that the detailed

design and construction of the attenuation system will be finalised under a separate consenting regime by NI Water prior to adoption. The content of the drainage is assessment is agreed having regards to the advice of NI Rivers Agency.

211. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 06 January 2023 advised that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided, they were content with the proposal.
212. NI Water in a response received on 1 February 2022 recommended that the planning application is approved with standard conditions and response specific conditions. The advice received confirmed that there is available capacity at the WWTW and that there is a public foul sewer within 20 metres of the site boundary which can adequately service the proposal. Whilst the response notes that there is no public surface water sewer within 20 metres of the site it does acknowledge that access is available via extension of the existing public surface water network.
213. A wayleave is annotated between site 5 and site 6. The detail demonstrates that it is within the curtilage of site 5 and no development is shown to take place within a 5 - 7 metre buffer of this piece of infrastructure.
214. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is accepted and considered that the proposed development is being carried out in accordance with the requirements of Policy FLD 3 of the Plan Strategy.

### **NIE Infrastructure**

215. Another wayleave exists leading to the electricity substation. This wayleave is part of the curtilage of site 3 with NIE retaining a right of way for maintenance purposes.
216. The advice of NIE is considered as material but not of any significant weight in the consideration of this proposal.

### **Consideration of Representations**

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

- Impact on Road Safety

218. A number of the representations express concern in relation to road related matters including but not limited to concerns in relation to the capacity of the



road network, the provision of footways and the impact of the development on road safety. These concerns are not supported by evidence or commissioned technical reports from a roads engineer or transport consultant.

219. The application has been accompanied with a Transport Assessment Form and detailed engineering drawings. DfI Roads have assessed the additional trips generated from the proposed development and have offered no objection. The access arrangements and road layout are acceptable in terms of the operational policies associated with the Plan Strategy and DCAN 15. It is therefore not considered that the proposal will give rise to any road safety issues road users or pedestrians.
220. The development involves the widening of the road carriageway at the site to 5.5 metres. This will alleviate issues along this section of road. Any further works required to improve the rest of the road is outside the scope of this application. Based on the submitted evidence from the transport consultants, engineers and advice from DfI Roads the scale of development proposed does not trigger the need for further improvement of the road network.
221. The proposal includes the creation of a new footpath along the section of road frontage. Detail associated with the provision of footways within the site and in part, the Quarterland Road are shown on Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P06 bearing the Council date stamp of 22 AUG 2023 as published to the Planning Portal on 11 September 2023.
222. Areas of carriageway, verges and service strips to be adopted are identified. A footway is shown to extend along the front of the Quarterland Road with the entrance to the site and then into the site by approximately 20 metres to the rumble strip after which, the surface is shared.
223. The findings of the Holmes Report as referenced in a representation from the Quarterlands Group on 07 May 2024 are noted. That said, only one response was received from Northern Ireland, and it is not clear what development this response relates too. Furthermore, no direction is provided by central government in relation to the use of such shared surface spaces in new developments. Guidance available to officers in relation to Shared Surfaces is set out in Section 19 of the Creating Places document.
224. Advice received from DfI Roads in relation to the proposed application offers no objection from a road safety perspective. Officers have no reason to depart from this advice as no contrary evidence is provided to confirm the use of shared surfaces within residential schemes are unsafe.
  - Impact on Nature Conservation
225. A number of representations raise concern in relation to the accuracy of ecology information and the impact of the proposal on protected species and habitats. The Q4 document submitted by the Quarterland group provides rebuttal comments to the Ecological Report by AECOM.

226. The ecology information and reports that were submitted in support of the application have been compiled by qualified ecologists. These papers including an updated ecological report and representations from third parties have been considered by Natural Environment Division as part of the application process. No contrary evidence in the form of ecological assessment is provided.
227. The specific concerns and video evidence in relation to the impact on protect species have also been made available to Natural Environment Division for consideration as part of their overall assessment. There is no evidence that this development will cause adverse impact on species protected by law nor is there evidence to indicate that the habitat used by these species is adversely impacted.
228. Concerns expressed in relation to the removal of hedgerows have been considered. A detailed landscape plan has been submitted with the application and the planting schedule is amended to take account of advice provided by NED on the importance of protecting biodiversity. The detail associated with this plan indicates that the boundary hedging is to be retained as far as possible and that the landscape proposals will ensure that the proposal will integrate into the surroundings.
229. There is no contrary evidence provided by third parties to warrant officers departing from the advice provided by NED and the ecology reports supplied with the application are carried out by professionally qualified persons. Significant weight is attached to this advice in concluding the requirements of policy are met. The objections on the grounds of an adverse impact to the natural environment cannot be sustained for the reasons detailed in this report.
230. As the site lies on the edge of the settlement limits a 5-metre landscape buffer is also proposed which will further enhance biodiversity value in this area as outlined in detail within the context of Policy HOU4 considerations.
- Impact on NI Water Infrastructure
231. Concerns are raised in a number of representations in relation to Storm Drainage Design, Surface Water runoff from the site and general capacity issues. The Quarterlands Group has also directed queries to NI Water direct.
232. NI Water has consistently advised that there is sufficient capacity at Drumbeg to facility the proposed development of 17 Units and officers have no reason not to accept the advice provided.
233. An additional representation from the Quarterlands Group on 17 June 2024 titled Population Equivalent and Drumbeg WwTW Capacity seeks to reinforce concerns regarding Drumbeg WwTW capacity based on population equivalent data and hydraulic capacity assessment.
234. NI Water has confirmed that their population count for Drumbeg catchment was carried out in accordance with NI Water's Asset Standard Wastewater Flow &

Population Determination and advice remains that there is capacity to facilitate the proposed development.

- Increased risk of Flooding

235. The DfI Rivers Agency Flood Map for ordinary day and climate change projections shows no history of flooding on the site or in the immediate vicinity of the site.

236. The application is accompanied with a drainage assessment. The findings in this illustrate that the site is not at risk of flooding during a 1 in 100-year flood event and that the surface water from the proposed development can be run-off at greenfield rates to mitigate the impact of flooding elsewhere.

- No Housing Need

237. There is no requirement for the applicant to demonstrate that there is a housing need. The planning system is Plan led and planning permission should be granted for development that is in accordance with the requirement of the Plan. This is a zoned housing site inside a settlement. The land associated with the application site is inside the settlement of Drumbeg where there is a general presumption in favour of new housing development. This is explained in the main body of the report. That said, advice received from the Housing Executive on 05 January 2024 indicates that the proposed development is located within the Lisburn / Dunmurry Urban HNA which has an unmet need of 1329 units for the 2022-27 period. Affordable housing is provided as part of the proposal.

238. The affordability of the homes has also been questioned. The market value of the houses proposed for development is not an objection that can be taken into consideration in the assessment of this application. Affordable housing is proposed for the site and this mixed tenure element will assist in meeting the objective of providing choice and variety to existing residents of the settlement who may not have had access to affordable accommodation in the past.

- Impact on AONB and Lagan Valley Regional Park

239. The impact of the proposal on the Lagan Valley Area of Outstanding Natural Beauty and the Regional Park is considered in the main body of the report.

240. It is acknowledged in the main body of the report that the site is located in an Area of Outstanding Natural Beauty. This does not preclude the proposed development. The site is surrounded by other residential development, and it is not considered that the nature and scale of the proposal will have a negative impact on the wider setting of the Lagan Valley Regional Park for the reasons highlighted earlier in the report.

241. Weight is given to the fact that the land is zoned for housing in draft BMAP and for the reasons outlined in the main body of the report, the proposal in terms of its architectural style and pattern, boundary features and design/finishes is appropriate to locality within the AONB.

- Inappropriate design
242. The appropriateness of the design is set out in the main body of the report within the context of Policy HOU3, HOU4 and NH6 considerations.
- Impact on residential amenity
243. The impact of the proposed development on residential amenity in terms of overlooking, overshadowing and noise or other disturbance is considered in detail in the main body of the report within the context of HOU4 considerations.
244. Reference is made to claims in the rebuttal statement that the traffic on Quarterland Road is not a noise generator and that a noise impact assessment is not required. The view is expressed that the Council's environmental health unit should ensure that a full assessment is undertaken to take account of the likelihood of traffic congestion caused by tailbacks generated by the proposed development.
245. A thorough consultation process has been followed and DFI Roads and Environmental Health have offered no objections based on the information provided. An objection on this basis can therefore not be substantiated.
- Lack of Services
246. Concern is expressed that there are no neighbourhood facilities such as primary schools, shops and play areas.
247. Drumbeg is conveniently located to Lisburn and other settlements which provide retail and other services. The scale of development proposed here does not give rise to the need for neighbourhood facilities and this matter is considered in the main body of the report within Policy HOU4 considerations.
- Concerns in relation to Landscape Management
248. Concern is expressed in relation to the regulation of Management Companies. This is common practice that a management company takes responsibility for the maintenance of a landscaped areas. This is fully detailed in the Management Plan and conditions will be attached to the approval to ensure this is adhered to.
- Financial position of the developer
249. The view is expressed in a detailed representation that the development would require a financial aspect of remediation and that such is rarely considered by relevant Departments as a pre-requisite of approval. A desire to compare the initial feasibility model to the revised model is expressed with the economic outcome of the process questioned. A number of questions are posed in relation to the financial status of developer.

250. The financial position of a developer or indeed their ability to deliver a development on the ground is not a material planning matter that is given weight in this assessment. The planning permission is linked to the land and not the person or company applying for the person. Officers are concerned with the use of the land and whether the proposal is in accordance with planning policy.
- Devalue Properties
251. Concern is expressed that this development will cause the value of existing properties to decline. No evidence has been received to substantiate this assertion and as such, no weight is afforded to this objection of a perceived loss of value.
- Outstanding HRA
252. The view is expressed in the Q6 submission that the HRA remains outstanding. Advice received from Shared Environmental Services in April 2024 confirmed that the planning application had been considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Lisburn and Castlereagh City Council which is the competent authority responsible for authorising the project.
253. The advice explained that the assessment which informed this response is attached at Annex A and that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site as the HRA Stage 1 screening has found no viable environmental pathways to any European Site or mobile feature of one at both construction and operational phases. This enables no conceivable effects to any European Site to be concluded.
- Procedural Issues
254. A number of procedural issues are raised in relation to the handling of the application.

#### Neighbour Notification Process

255. The neighbouring properties abutting the red line of the proposed development were notified of the proposal in line with legislative requirements. They were also re-notified throughout the processing of the application when further information/amendments were received.
256. Furthermore, the application was advertised in the Belfast Telegraph on 18 January 2022 with a number of other readvertisements taking place during the process when amendments/additional information was received. The last advertisement took place on 8 December 2023.

257. There has also been engagement with an established community group with a number of meetings having been facilitated by officers to explain the application process and to provide clarity on elements of the proposed development.
258. It is therefore considered that the neighbour notification carried out was in line with statutory legislative requirements.

#### Planning History

259. The relevant planning history is set out in the main body of the report. As explained, there is some evidence that this earlier planning permission was commenced. The access to the site was formed and a dwelling was constructed but as no Certificate of Lawfulness is certified by the Council the planning history is given no material weight in the assessment of this application.
260. This proposal is however considered on its own merits within the context of prevailing planning policy.

#### Inadequate Environmental Impact Assessment

A number of representations and a small number of other third parties bring challenge to the EIA determination carried out by officers.

261. This matter is addressed in the main body of the report, and it remains the view of officers that the proposed development is not EIA development and that an Environmental Statement is not required.

#### Pre-eminence of LDP 2032

262. There is challenge to how the Plan process has been considered. Advice in relation to the local development plan and the weight to be attached to draft BMAP as a material consideration is set out in the main body of the report.
263. The Plan Strategy of the Local Development Plan for the Lisburn and Castlereagh City Council Area was adopted in September 2023. The Plan Strategy provides the policy basis for considering this proposal now and it is not accepted that a different approach is taken in this case to that taken with another planning application at Magheraconluce Road [LA05/2018/0862/F].

#### Fair and Equitable process

264. The Quarterlands Group is critical of the Council for its handling of the application with the view expressed that the group have not had the same time as others to access officer reports in advance of Committee with allegations made that the process was not transparent and unfair to third parties.

265. The assertions made that the decision-making process was not transparent, or that the process was administratively unfair is not accepted.
266. Officers have facilitated a number of meetings with objectors and have explained the process in various pieces of correspondence. This Council has had to devote time and resources in dealing with a large number of FOI and EIR queries raised by the Quarterlands Group. Where information is sought and is available, it has been provided.
267. Reports for the February 2024 Committee were made available to Members 5 days in advance of the meeting in accordance with standing orders and the Local Government Act (Northern Ireland) 2014. The papers were also posted to the Council website in accordance with established procedures. These papers are not removed from the website nor are papers associated with earlier meetings.
268. Decision making in relation to this application rests with the Planning Committee and members of the Public are through the Protocol for the Operation of the Planning Committee afforded the opportunity to make representation to the Planning Committee.

#### Human Rights

- ~~269. An issue of human rights is raised indicating that the rights of local residents are negatively impacted due to the proposed removal of green spaces, the potential future flooding risks, the intrusion into our privacy and our right to enjoy a quiet and safe residential environment, caused by the scale of the proposed building which is out of character with the surrounding areas and the increased noise, traffic, and light pollution which will change the character of the village. Reference is also made to *Britton v SOS* (1997) JPL 617.~~
- ~~270. Regard is had to this case within the context of the current application. It is noteworthy that the *Britton* case (from 1997) predates the introduction of the Human Rights Act 1998 (which itself was commenced in 2000).~~
- ~~271. Whilst the *Britton* case is a planning case which looks at the applicability and interpretation of the European Convention on Human Rights, it does so in a context where the legislation which is currently in place (as has been since 2000) was not in place at the time. Therefore, the utility of the *Britton* case is now effectively nullified. Rather, as the Human Rights Act effectively transposed the ECHR into UK law, then it is the considerations under that legislative context which are paramount today.~~
- ~~272. Within this context, the introduction of new planning policies since 2000 (and the commencement of the HRA 1998) will all have been scrutinised for compliance with the HRA and thus this eliminates the need for scrutiny of each individual planning application as a result.~~

Equality Impacts

- ~~273. Third parties raise concern in relation to the need for an Equality Impact Assessment to be carried out in relation to the shared street arrangement within the development.~~
- ~~274. In a similar vein to the approach taken in relation to the issues raised as regards the Human Rights Act, the introduction of new planning policies since the commencement of the Northern Ireland Act 1998, including the LGCC Local Development Plan 2023 will have been assessed in accordance with Section 75 of the Northern Ireland Act 1998 thus eliminating the need for scrutiny of each individual planning application as a result.~~

**Conclusions**

275. For the reasons outlined above, the proposal is considered to comply with the SPSS and policies HOU1, HOU3, HOU4, HOU5, HOU6, HOU8 and HOU10 of the Plan Strategy.
276. It is also considered to comply with Policies NH 2, NH 5, NH6, TRA1, TRA2 TRA7 and FLD3 of the Plan Strategy.

**Recommendations**

277. It is recommended that planning permission is approved subject to a section 76 planning agreement which identifies those units in the scheme which are to be developed as affordable housing.

**Conditions**

278. The following conditions are recommended:
1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  
  
**Reason:** Time limit
  2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp (insert



date) and the Department for Infrastructure Determination date stamp [insert date].

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp insert date and the Department for Infrastructure Determination date stamp of insert date prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. The gradient of the access road shall not exceed 2.5% (1 in 33) over the first 15m outside the road boundary.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date insert date and the Department for Infrastructure Determination date stamp insert date. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

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

10. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp insert date to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

12. The existing hedgerows and vegetation as indicated on Drawing 02B – Landscape General Arrangement Plan, bearing the Council date stamped [insert date] shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

**Reason:** To ensure the maintenance of screening to the site and in the interests of natural heritage.

13. All hard and soft landscape works shall be carried out in accordance with Drawing 02B – Landscape General Arrangement Plan, and associated planning schedule bearing the Council date [insert date] 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.

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

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

15. No 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 Council within 6 weeks of works commencing.

**Reason:** To protect breeding/nesting birds.

16. No development shall proceed beyond sub-floor construction until details of an extension to the existing surface water network to serve the development is submitted to the Council and approved in writing and implemented on site.

**Reason:** To ensure a practical solution to the disposal of surface water from this site.

17. Prior to the construction of the drainage system, the applicant shall submit a final drainage assessment the detail of which is to be agreed with the Council. The agreed system will be implemented as approved.

**Reason:** To ensure the development is carried out in accordance with the mitigation agreed in the submitted drainage assessment () and that there is the safe management of any out of sewer flooding emanating from the surface water drainage network.

### Site location Plan – LA05/2022/0033/F



**LOCATION PLAN**

**LISBURN & CASTLEREAGH CITY COUNCIL****Report of a Planning Committee Site Meeting held at 1.05 pm on Tuesday, 19 September, 2023 at Quarterlands Road, Drumbeg****PRESENT:**

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

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

**IN ATTENDANCE:**

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Apologies were received from Councillors D Bassett and S Burns.

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

- LA05/2022/0033/F – Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road, north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg, BT27 5TN

The application had been presented for determination at the meeting of the Planning Committee held on 4 September, 2023. In advance of the application being presented, the Committee agreed to defer consideration to allow for a site visit to take place. No specific reason had been offered in terms of context other than to acknowledge that a large number of objections had been raised by third parties, which had given rise to a number of Members' queries.

Members and Officers met at the site, outside 66 Quarterlands Road. The Head of Planning & Capital Development advised Members of planning history associated with the site. Consistent with advice provided in the officers report, it was explained that this permission had expired and whilst the dwelling at 66 had been constructed, the applicant was not seeking to rely on this permission and that no Certificate of Lawfulness had been submitted regarding the same. As such, the planning history was given no material weight in the assessment of this application.

In accordance with the Protocol for the Operation of the Planning Committee, Members were provided with background to the application and the Principal Planning Officer with the aid of the site location plan, outlined the extent of the application site and its boundaries relative to the adjacent residential areas.

The Principal Planning Officer explained that there were a number of constraints at the site and that these had influenced the layout in terms of buildings not being sited under overhead lines. The Head of Planning & Capital Development stated that the wires that

stretched across the site were from pylons as opposed to being 33kV lines. In response to a query raised, the Head of Planning & Capital Development advised that he was unsure as to whether the pylons at this location would form part of proposals to relocate this infrastructure underground.

In response to a query, the Head of Planning & Capital Development confirmed that access arrangements for number 66 Quarterlands Road would not be impacted by the proposed development.

Before moving into the site, Members had an opportunity to view the character of the area both sides of the site.

Members moved into the area to be developed and the Head of Planning & Capital Development indicated the boundaries and which hedgerow required to be removed to accommodate the development. Members were reminded that an ecology report had been provided by the applicant and an anecdotal report had been submitted by objectors. Consistent with advice provided in the officer's report, Members were reminded that the statutory consultee having reviewed the detail of the ecology report and representations received, raised no objection.

A drainage assessment had been provided as part of the application. The area was not subject to flooding but there could be a question of standing water and drainage issues that required to be addressed through the application process.

Members sought clarification as to whether the site was within the settlement limit. Consistent with advice provided in the officer's report, the Principal Planning Officer confirmed that the site was within the settlement limit of Drumbeg in both the Lisburn Area Plan and BMAP.

In response to a request that representatives from Northern Ireland Water be asked to attend the next Planning Committee meeting, the Head of Planning & Capital Development advised that they could be invited but could not be compelled to attend. The Principal Planning Officer stated that the applicant and agent had engaged with Northern Ireland Water by way of pre-development enquiry and that confirmation had been given that there was sufficient capacity in the network to facilitate the proposed development, but there would be no further capacity thereafter.

Members proceeded to Rural Cottages to observe the site from that location. The range of house types were noted. The Head of Planning & Capital Development agreed to clarify the position of the tree behind 8-9 Rural Cottages.

There being no further business, the site visit was terminated at 1.50 pm.