



June 26th, 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 meeting of the Planning Committee will be held on **Monday, 1st July 2024** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

3.0 Minutes of the Planning Committee Meeting held on 3 June, 2024

For Approval

📄 *PC 03.06.2024 - Draft Minutes for adoption.pdf*

Page 1

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

- (i) LA05/2022/0612/F - Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) landscaping and all other associated site works at Lands approximately 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald

📄 *Appendix 1.1(a) - DM Officer's Report - LA0520220612F - Millmount Village - Addendum.pdf*

Page 14

📄 *Appendix 1.1(b) - DM Officer's Report - LA0520220612F - Millmount Village.pdf*

Page 20

- (ii) LA05/2023/0598/F - Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56,57,62,63,70-73, 78,79,102,103,106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff

📄 *Appendix 1.2(a) - DM Officer Report - LA0520230598F - Killynure.docx*

Page 52

📄 *Appendix 1.2(b)- DM Officer Report - LA0520230598F - Killynure.pdf*

Page 59

- (iii) LA05/2023/0174/O - Proposed new dwelling with garage/storage on a farm on land approximately 255 metres northwest of 57 Magheradartin Rd and 270 metres east-south-east of 39 Magheradartin Road Hillsborough

📄 *Appendix 1.3(a) - DM Officer Report - LA0520230174O - Farm Dwelling - addendum.pdf*

Page 87

	Appendix 1.3(b) - Note of Site Visit - Magheradartin - 24 June 2024.pdf	Page 91
	Appendix 1.3(c) - DM Officer Report - LA05202301740 - Farm Dwelling - FINAL.pdf	Page 93
(iv)	LA05/2022/0625/F - Planning application for the change of use of a loading bay to a new parklet adjacent to Cafe Nosh, Belfast (Retrospective) at Cafe Nosh, 64 Comber Road Belfast	
	Appendix 1.4 - DM Officer Report - LA0520220625F - Cafe Nosh.pdf	Page 110
(v)	LA05/2024/0263/F – Single storey rear extension at 57 Old Ballynahinch Road, Lisburn	
	Appendix 1.5 - DM officers report - LA0520240263 F - Extension.pdf	Page 121
(vi)	LA05/2023/0053/F - Retention of carport and raised decking at 8 Robbs Road, Dundonald	
	Appendix 1.6 - DM Officer Report - LA0520230053F - Robbs Road report - FINAL.pdf	Page 133
4.2	Statutory Performance Indicators - May 2024	
	<i>For Noting</i>	
	Item 2 - Statutory Performance Indicators - May 2024.pdf	Page 149
	Appendix 2 - Statutory Performance Indicators - May 2024.pdf	Page 151
4.3	Appeal Decision – LA05/2021/0894/O	
	<i>For Noting</i>	
	Item 3 - Appeal Decision - LA0520210894O.pdf	Page 152
	Appendix 3 - Appeal Decision LA0520210894O.pdf	Page 156
4.4	Appeal Decision – LA05/2021/1358/O	
	<i>For Noting</i>	
	Item 4 - Appeal Decision -LA0520211358O.pdf	Page 185
	Appendix 4 - Appeal Decision - LA0520211358O.pdf	Page 188
4.5	Appeal Decision – LA05/2022/0195/F	
	Item 5 - Appeal Decision - LA0520220195F.pdf	Page 195
	Appendix 5 - Appeal Decision - LA0520220195F.pdf	Page 198

4.6 Appeal Decision – LA05/2021/0387/F

For Noting

▢ *Item 6 - Appeal Decision - LA0520210387 O.pdf* *Page 209*

▢ *Appendix 6 - Appeal Decision - LA0520210387O.pdf* *Page 212*

4.7 Application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 12 relating to the phasing of the approved scheme LA05/2022/0830/F

For Noting

▢ *Item 7 - LA052024 0436 PAN.pdf* *Page 219*

▢ *Appendix 7(a) - Report in relation to LA0520240436PAN - Drafted.pdf* *Page 221*

▢ *Appendix 7(b) - LA0520240436PAN - Form.pdf* *Page 224*

▢ *Appendix 7(c) - LA0520240436PAN - Site Location Plan.pdf* *Page 229*

4.8 Holding Direction from Department in relation to the proposed park and ride facility at Moira train station (LA05/2021/1245/F)

For Noting

▢ *Item 8 - Holding Direction from Department in relation to LA0520211245F and EIR response.pdf* *Page 230*

▢ *Appendix 8(a) - Letter to Mr C Hughes re Moira Park and Ride - 29.05.24.pdf* *Page 232*

▢ *Appendix 8(b) - Letter to Mr Conor Hughes re EIR - 05.06.24.pdf* *Page 234*

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

For Noting

▢ *Item 9 - Notifications from an Operator in respect of intention.pdf* *Page 238*

▢ *Appendix 9 - List of Notifications - July 2024.pdf* *Page 240*

5.0 Any Other Business

PC 03.06.2024

LISBURN & CASTLEREAGH CITY COUNCIL

1

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 3 June, 2024 at 10.00 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

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

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

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

1. **Apologies**

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillor G Thompson.

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

2. **Declarations of Interest**

There were no declarations of interest made at this point in the meeting.

During the meeting, Councillor D J Craig declared an interest in item 4.5 'Standard Advice from NIFRS for Planning Applications which include Battery Energy Storage Systems (BESS)', given that he was a member of the Board of the Northern Ireland Fire & Rescue Service.

PC 03.06.2024

2

3. Minutes of Meeting of Planning Committee held on 13 May, 2024

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 13 May, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 1 major and 6 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

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

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

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

The Committee received Ms L Shannon, accompanied by Mr D Diamond, to speak in support of the application and a number of Members' queries were responded to.

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

Debate

During debate:

- Councillor D J Craig stated that, having listened to the discussion, he was genuinely concerned about the impact this development could have on traffic at peak hours. Outside of that, he found it incredibly difficult to disagree with the Planning Officer's recommendation, especially given that there was originally a petrol filling station on the opposite side of the road. Councillor Craig was disappointed that there were only plans currently to provide two electric vehicle charging points, but welcomed that there was an opportunity to expand that provision in the future. He stated that he was in support of the recommendation of the Planning Officer to approve planning permission;

PC 03.06.2024

3

- (i) LA05/2020/0519/F – Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage, landscaping on lands at 225 Hillsborough Road, Sprucefield, Hillsborough (Contd)
- Councillor N Trimble expressed concern regarding access arrangements, given that there was such a short stretch of road between the two roundabouts. He considered there was a possibility for a better access solution, perhaps coming out onto the roundabout itself. He commented that the proposed access only accommodated traffic travelling from the direction of Lisburn. Councillor Trimble acknowledged that a CLUD established the use of a larger application, but felt it was relevant to know the amount of vehicle trips made currently compared to what was proposed. Whilst he was in agreement with every other aspect of the application, he had concerns regarding the access arrangements as they were proposed and was not in support of the recommendation of the Planning Officer to approve planning permission;
 - Alderman O Gawith reiterated that the main concern for Members was traffic. At peak times, getting access into the proposed development may be easy enough, but exiting it may be less so. However, he was less concerned as the distance between the two roundabouts was so short and, although drivers would be trying to accelerate, he assumed there would be a degree of common sense on the part of drivers with a new arrangement in place. Alderman Gawith was disappointed not to have heard more about green measures and futureproofing, but the proposal was a better use of the site than what was there at present. He was in support of the recommendation of the Planning Officer to approve planning permission but hoped that DfI Roads would take on board the concerns raised;
 - Councillor P Catney, in response to comments by Councillor N Trimble, stated that this filling station was for traffic leaving Lisburn; there was already a filling station at Sainsburys for traffic travelling in the opposite direction. Whilst he too had reservations regarding traffic, he stated that he was in support of the recommendation of the Planning Officer to approve planning permission;
 - Councillor U Mackin stated that, by virtue of the CLUD that was in place, he did not have much choice regarding this application, which was disappointing as he had serious reservations about the exiting of traffic on to the A1, but did not feel there was sufficient weight in that argument versus the CLUD. Reluctantly, Councillor Mackin was in support of the recommendation of the Planning Officer to approve planning permission;
 - Councillor A Martin stated that, based on TRA2, he was not in support of the recommendation of the Planning Officer to approve planning permission. He believed that this development would prejudice road safety and significantly inconvenience the flow of traffic in an area which was already very dangerous. Councillor Martin suggested that DfI Roads look at this matter with a view to having traffic exiting onto the roundabout; and
 - the Chair, Alderman M Gregg, stated that he had concerns with deceleration and acceleration into and out of the site and welcomed the filter lane into the site. He had reservations about egress from the site.

PC 03.06.2024

4

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

However, he did not see scope for an exit anywhere else on the site because of the bypass lane on the roundabout. This was the only solution he could see for entrance and exit, albeit he had some reservations. Alderman Gregg did not envisage rush hour being a problem as traffic did not flow that freely at that time. DfI Roads had decided that there was safe egress from the site. Mention had been made of TRICS data and, with the extant approval on the site, the Chair did not see how this site was going to have less traffic than if the retail element had been approved. Alderman Gregg stated that that the proposed development was an improvement to what was currently at the site and was in support of the recommendation of the Planning Officer to approve planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Alderman J Tinsley and the Chairman, Alderman M Gregg **(8)**

Against: Councillor A Martin and Councillor N Trimble **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.20 am).

Resumption of Meeting

The meeting was resumed at 11.27 am.

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

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

The Committee received Ms U Somerville, accompanied by Mr R Young, to speak in support of the application and a number of Members' queries were responded to.

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

PC 03.06.2024

5

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

During discussion, Members were advised by the speakers that negotiations had been ongoing with NI Water and it was understood that confirmation would be forthcoming that an alternative solution was available that would negate the need for an on-site waste water treatment plant. The Head of Planning & Capital Development stated that, should planning permission be granted, a negative condition could be applied requiring that no development be commenced until a suitable engineering solution had been agreed with the Council. Should this not be forthcoming, the fall-back position would be the provision of the waste water treatment plant at the site.

Debate

During debate:

- Alderman O Gawith stated that he had found the site visit for this application particularly useful; it had allayed his concerns and he could see no reason not to proceed. He appreciated there were some concerns regarding sewerage, but it had been mentioned during discussion that there was a viable solution to deal with that. Alderman Gawith was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor S Burns stated that her main concern was in relation to waste water. If the application was approved she would wish a negative condition to be applied that required no development to commence until this was addressed. This was a piece of land that had never been developed and the Comber Road was an extremely busy road, but the application met with the requirements of DfI Roads;
- Councillor N Trimble expressed concerns in relation to overlooking from apartments 8-11 to the property at 272 Comber Road. The separation distance was shorter than what was detailed as the minimum. He considered it would be hugely impactful onto that property which had a side garden that was its main amenity space. Councillor Trimble considered there would be an impact of overlooking and loss of amenity and was not in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley, having listened to the discussion and, given that there was a solution to the waste water concerns, stated that he was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that he was concerned that the waste water treatment plant was included in the application, but Environmental Health Officers seemed to be of the opinion that it was connecting to the main sewerage system. A potential solution had yet to be agreed with NI Water. He agreed with Councillor S Burns that, should this application be granted planning permission, a negative condition required to be applied, as

PC 03.06.2024

6

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

outlined earlier. Sewerage across Lisburn and Castlereagh was at capacity and Alderman Gregg considered that this application coming forward without an agreement in place with NI Water was perhaps a little premature. He had concerns also regarding the placement of the waste water treatment plant, with the proximity to existing dwellings being 10 metres. He could not recall any previous application whereby waste water treatment works would impact on existing dwellings. Alderman Gregg's main concern was regarding the scale and massing of the apartment blocks and their close proximity to the road. He considered this was not in keeping with the context of the local environment. These were buildings of approximately 23 metres in height which were within 5 metres off the road. If the apartments were of a similar scale but were set back further from the road, he would have no objections in terms of scale and massing. Alderman Gregg did not consider the application met with policy HOU3 and was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

- In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor A Martin and Alderman J Tinsley **(6)**
- Against: Councillor D J Craig, Councillor U Mackin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

It was noted the approval of planning permission was subject to a negative condition being applied requiring that no development be commenced until a suitable engineering solution in respect of waste water treatment had been agreed with the Council.

- (iii) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) on lands 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald

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

The Committee received Mr S McKee to speak in support of the application and a number of Members' queries were responded to.

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

PC 03.06.2024

7

- (iii) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) on lands 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald (Contd)

During discussion, concerns were raised that conditions applied to previous planning permissions for wider development in the above area had not been adhered to, in that traffic signalisation had not been implemented by a certain stage yet development had continued beyond that threshold. The traffic work had not been carried out as DfI Roads had not issued the necessary licences. It was noted that a contractor was waiting in abeyance to do the works once the licences were granted.

Mention was made of the possibility of applying a negative condition to planning permission, should it be granted for this application, to require that no development be commenced until the traffic signalisation that was required through conditions on previous planning permission for the wider site was carried out. It was agreed to go 'into committee' in order that legal advice could be sought on this matter.

"In Committee"

It was proposed by Councillor U Mackin, seconded by Alderman O Gawith and agreed to go 'into committee' to consider this matter. Those members of the public in attendance left the meeting (12.55 pm).

Legal advice was provided by the Legal Advisor and a number of queries were responded to by Officers.

Resumption of Normal Business

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (1.30 pm).

Following discussion, it was proposed by the Chair, Alderman M Gregg, and seconded by Councillor D Bassett that this application be deferred to seek further information in respect of (a) linkages between this application and the previous permissions; (b) linkages around the conditions of the previous permissions regarding signalisation; and (c) the impact of this application on previous applications and their delivery. Alderman J Tinsley and Councillor P Catney stated their dissent from this decision.

This proposal was agreed on a vote being taken, the voting being as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Against: Councillor P Catney and Alderman J Tinsley **(2)**

PC 03.06.2024

8

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned for lunch at this point (1.35 pm).

Resumption of Meeting

The meeting was resumed at 2.06 pm.

Alderman J Tinsley did not return to the meeting at this point.

- (iv) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff

Alderman J Tinsley returned to the meeting during consideration of this item of business (2.36 pm).

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

The Committee received Mr D Broderick, who did not make a formal presentation but responded to a number of Members' queries.

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

During discussion, the Chair, Alderman M Gregg, referred to allowances made for NI Water to discharge sewage into waterways or coastlines without being treated during flooding conditions. To inform the Committee's consideration of future applications, the Head of Planning & Capital Development agreed to write to NI Water to ascertain if the same discharge requirements extended to private waste water treatment works.

Debate

During debate:

- Councillor U Mackin stated that this application was contrary to policy FLD3 due the network capacity issue. Mention had been made about a possible agreement being arrived at, but when the previous application had been approved some 3 years ago, no agreement had been reached. Councillor Mackin had little confidence that this would be arrived at in the coming years and would prefer the application to be deferred until agreement was reached; and
- Councillor D Bassett voiced concern regarding plant machinery using the entrance to the development. He stated the potential that could arise for accidents involving young children and referred to there being a bus stop close to the entrance of the development and a shopping centre opposite. He was not currently in support of the application, but would be if the issues relating to NI Water were addressed and an agreement that there would be a separate site entrance for plant machinery.

PC 03.06.2024

9

- (iv) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff (Contd)

It was proposed by Councillor U Mackin and seconded by Councillor D Bassett that this application be deferred (a) to allow for further information to be received in respect of connection to the NI Water sewerage system and water supply; and (b) for further negotiations with the developer to understand whether a separate entrance would be identified for use by plant and machinery for the construction phase of the project.

This proposal was agreed on a vote being taken, the voting being as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Abstain: Councillor P Catney **(1)**

Alderman J Tinsley did not participate in the vote as he had not present for the entire consideration of the application.

- (v) LA05/2021/1219/F – Replacement of two terraced dwellings with two duplex apartments and four one-bed apartments in a 1.5 block in the rear gardens of 15-17 Wilson Street, Lisburn

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

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

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

Debate

During debate:

- Councillor D J Craig stated that he deemed this application to be overdevelopment of the site. Compared to the rest of the area, this would be the only development where residents in these properties would have practically no amenity space. Relying on public areas for amenity space was not acceptable. Given that he did not consider this application to be in keeping with the character of the area, Councillor Craig was not in support of the recommendation of the Planning Officer to grant planning permission.

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor A Martin, Alderman J Tinsley, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Against: Councillor D J Craig and Councillor U Mackin **(2)**

PC 03.06.2024

10

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.33 pm).

Resumption of Meeting

The meeting was resumed at 3.43 pm.

- (vi) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on lands approximately 255 metres north west of 57 Magheradartin Road and 270 metres east south east of 39 Magheradartin Road

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

The Committee received Mr I Armstrong to speak in support of the application and a number of Members' queries were responded to.

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

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that this application be deferred to allow for a site visit to take place.

- (vii) LA05/2022/0236/O – Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works on lands 120 metres south west of 80 Redhill Road, Dromore

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

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

There were no questions put to Planning Officers.

Debate

During debate:

- Alderman O Gawith stated that he was in support of the recommendation of the Planning Officer to refuse planning permission; and
- Councillor U Mackin stated that he saw no evidence of there having been any household occupancy in the building and he was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

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

PC 03.06.2024

11

4.2 Statutory Performance Indicators – April 2024

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed that information relating to Statutory Performance Indicators for April 2024 be noted.

4.3 Update Report in relation to Older Applications

It was proposed by Councillor D Bassett, seconded by Alderman O Gawith and agreed that the update report in relation to older applications be noted.

4.4 Pre-Application Notice (PAN) – Amendment to Y/2009/0160/F incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate (providing bus only access to and from Baronscourt Road), public open space and landscaping with vehicular access via Baronscourt Road

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

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

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to note the content of advice from the NIFRS and the approach to the consultation on 'Grid-scale' applications.

At the request of Councillor D J Craig, the Head of Planning & Capital Development agreed to right to NIFRS to ascertain if this advice applied to batteries other than the lithium-ion batteries referred to.

At this stage, the Director Regeneration and Growth advised that he had to leave the meeting early and requested that he raise two verbal matters, as follows:

- Given that this was the last meeting of the Planning Committee before the Annual Meeting of Council, the Director thanked the Chair and Committee Members for their support during the year. In response, the Chair, Alderman M Gregg, offered this thanks to Officers, the Vice-Chair and Members for their support during what had been a momentous year, with the adoption of the new Local Development Plan. The Vice-Chair, Councillor U Mackin, also paid tribute to Alderman Gregg for his chairmanship and stated that it had been a pleasure to work with him;
- The Director advised Members that a workshop would take place during June in respect of developing an Improvement Plan.

PC 03.06.2024

12

4.6 Letter to Chief Executive in relation to Increased Planning Fees

It was proposed by Councillor A Martin, seconded by Councillor D Bassett and agreed to note the detail of the planned uplift in planning fees.

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

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed to note from the report, information regarding notification by a telecommunication operator to utilise Permitted Development Rights at a location in the Council area.

Alderman J Tinsley referred to a request made at a previous meeting that a letter be sent to Openreach to request if contact had been made with Dundrod Motorcycle Club to ascertain if the two locations in Dundrod where fixed line broadband apparatus was to be installed were part of the Ulster Grand Prix race circuit. The Head of Planning & Capital Development agreed to provide Alderman Tinsley with an update on this matter.

4.8 Local Development Plan 2032 Revised Timetable

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to note that, following DfI's agreement, a notice had been placed in the local press advising of the revision to the timetable and that it was available to view, either in person at Lagan Valley Island or on the Council's website.

5. Any Other Business

5.1 Clarification on Timeline for Major Application Associated with LA05/2024/0252/PAN

The Head of Planning & Capital Development advised that a report on the above Pre-Application Notice had been presented to the Planning Committee in May 2024 and the report had stated that the earliest possible date for submission of a planning application was 22 July, 2024. This was an error and the earliest date for submission of a planning application was 16 June, 2024.

5.2 Judicial Proceedings for Planning Application at Magheraconluce Road

Members noted an update from the Legal Advisor in respect of the outcome of judicial proceedings for a planning application at Magheraconluce Road that had recently concluded. He agreed to provide a copy of the judgement to the Head of Planning & Capital Development for circulation to Members of the Committee.

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 4.46 pm.

Chair/Mayor

DRAFT

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local Application [Exceptions Apply] Addendum
Application Reference	LA05/2022/0612/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM), landscaping and associated site works.
Location	Lands 129 metres North of 32 Millmount Village Crescent and 146 metres NNW of 9 Millmount Village Drive, Dundonald
Representations	None
Case Officer	Mark Burns
Recommendation	Approval

Summary of Recommendation

1. This application was presented to the Committee for determination in June 2024 for the reasons detailed in the main report.
2. Following lengthy debate, Members agreed to defer consideration of the application to allow for further information to be provided in relation to the link between this application and previous histories of planning permissions on neighbouring lands that required the signalisation of two road junctions.
3. At the time of the submission of this application these works had not been delivered in accordance with the planning conditions. Members were concerned that further development at Millmount could have an impact on road safety and traffic progression if the requirements to signalise the Comber Road/ Millmount Road and Cooper Mill/Upper Newtownards Road junctions had not been delivered.

Further Consideration

4. The Agent was invited to provide comment in relation to the deferral. Information received on 17 June 2024 provided the following clarification:

(a) linkages between this application and the previous permissions in place

5. The Agent has confirmed that the subject lands sit outside of the extent of the lands granted planning permission under reference LA05/2018/0512/F and for which the junction upgrades are required.
6. The red line for this application does not take in the lands associated with either of the two junction upgrades.

(b) linkages around the conditions of the previous permissions regarding signalisation

7. The Agent has confirmed that there are no links to the lands being considered under application LA05/2022/0612/F and the lands subject to planning permission LA05/2018/0512/F which has a condition requiring the junction at Comber Road/Millmount Road and Old Mill Meadows/Upper Newtownards Road to be signalised.

(c) the impact of this application on previous applications and their delivery

8. This application seeks to revise the layout of the housing on lands immediately south of Millmount Village Way that had been subject to Reserved Matters approval Y/2009/0303/RM. There is a scheme that can be implemented as a fallback position.

Update from DfI Roads on signalisation associated with LA05/2018/0512/F

9. DfI Roads provided officers with an update on the progress on the approval process for the signalisation of the junctions conditioned as part of planning application LA05/2018/0512/F.
10. Advice is provided that DfI Roads has now agreed the amended layout for the Millmount Road/Comber Road junction and that they are in the process of finalising the necessary approvals to permit us to issue a licence to the applicant to complete the works. DfI Roads explained that the applicant is currently planning on commencing site works in relation to this junction on 22nd July 2024 and that the necessary technical approvals will be in place before this date.
11. With regards to the Old Mill Road / Upper Newtownards Road junction, DfI Roads advised that there are a number of issues still to be resolved in the detailed design stage, however, they are working with the applicant's consultants to finalise this layout at present and this work will progress alongside the construction of Millmount Road/Comber Road.
12. DfI Roads has explained that these works will likely follow immediately after the completion of the Millmount Road/Comber Road junction.

Further consideration

13. The advice previously offered that planning permission should be approved is not changed. The proposal falls outside the lands required to deliver the signalisation of the two junctions and good progress is made in terms of DfI Roads agreeing the detailed design of the proposed roadworks. Works are due to be commenced at one of the junctions within four weeks of the date of the meeting.
14. There are no cumulative road safety or adverse traffic progression impacts arising from this proposal. Having regard to the update provided by DfI Roads a reason for refusal on the grounds of policy TRA2 of the Plan Strategy could not be sustained and the technical approvals for the roadworks are at such an advanced stage that a planning condition delaying the occupation of the dwellings is unnecessary and would not meet the tests for a planning condition.
15. The Council still has recourse to ensure that the roadworks are delivered through the planning enforcement process.

Conclusion

16. For the reasons outlined in this addendum report the advice previously offered that planning permission should be approved is not changed.
17. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 04 June 2024.

Conditions

18. The following conditions are recommended:
 1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time limit
 2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: P185/R500c bearing the Area Planning Office date stamp 13 June 2023 and the Departure for Infrastructure Determination date stamp of 04 July 2023.

Reason: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.
 3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No P185/R500c bearing the Area

Planning Office date stamp 13 June 2023 and the Department for Infrastructure Determination date stamp of 04 July 2023, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

6. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No P185/R500c bearing the Area Planning Office date stamp 13 June 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

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

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

9. All hard and soft landscape works shall be carried out in accordance with Drawing No. 27A bearing the Council date stamp 6 December 2022 and the

approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

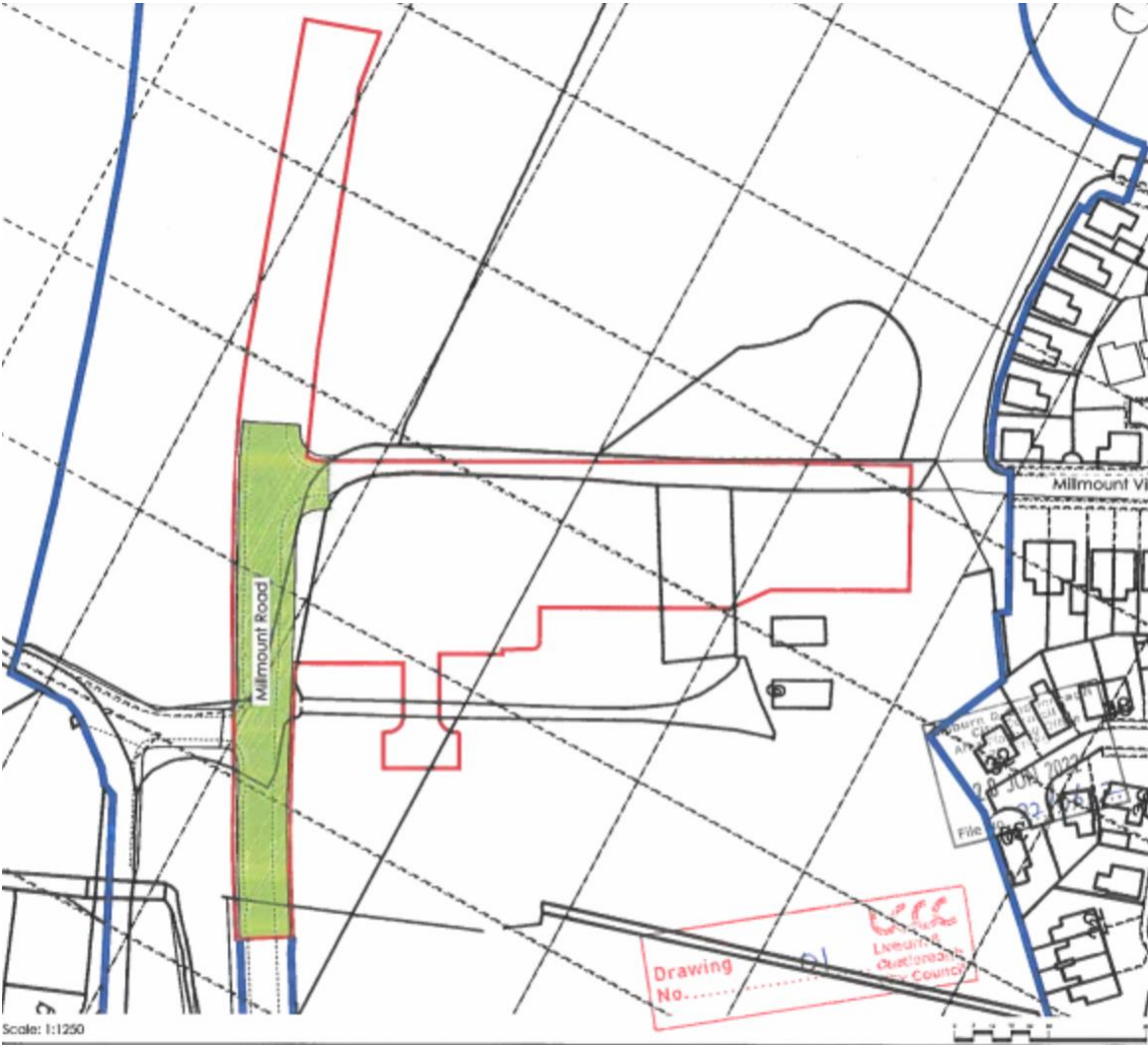
10. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that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

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

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

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

Site Location Plan – LA05/2022/0612/F



Lisburn & Castlereagh City Council

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

Summary of Recommendation

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

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

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

Description of Site and Surroundings

Site Context

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

Surrounding Context

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

Proposed Development

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

Relevant Planning History

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

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

Consultations

17. The following consultations were carried out:

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

Representations

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

Environmental Impact Assessment (EIA)

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

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Plan will support development proposals that:

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

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

Housing in Settlements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37. The Justification and Amplification states that:

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

38. It also states that:

Accessible Accommodation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42. The Justification and Amplification states that:

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

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

Affordable Housing is:

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

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

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

Historic Environment and Archaeology

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

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

46. The Justification and Amplification states that:

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

Areas of Archaeological Potential

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

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

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

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

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

49. The Justification and Amplification states that:

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

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

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

Natural Heritage

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

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

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

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

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

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

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

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

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

49. Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

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

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

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

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

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

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

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

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

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

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

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

53. The justification and amplification states that:

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

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

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

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

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

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

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

d) where shared car parking is a viable option

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

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

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

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

Flooding

55. DfI River's Flood Map (NI) indicates that the development does not lie within the Present Day or Climate Change 1 in 100 year fluvial floodplain. Due to the number of dwellings the drainage must be designed to take account of the impact on flooding elsewhere.

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

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

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

59. Paragraph 3.6 of the SPPS states:

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

60. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the

proposed development will cause demonstrable harm to interests of acknowledged importance.

61. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
62. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

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

Creating Places

64. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
65. The guide is structured around the process of design and addresses the following matters:
 - the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

66. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

68. Paragraph 4.10 states that:

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

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

69. This application is for 26 residential units within the settlement development limit of Metropolitan Castlereagh. The land on which the development is proposed is zoned for housing in draft BMAP under designation MCH 03/12 and there is previous history of approval for residential development. The requirement of policy HOU1 is met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

70. The lands to the north, east and south of the site have been recently developed for residential use as part of the wider Millmount village. The surrounding development comprises of a mix of detached, semi-detached and terrace housing along with a number of apartment blocks. The dwellings are set in medium sized plots with in-curtilage and communal off-street parking. Areas of public open space and two playparks are also provided as part of the overall scheme.
71. The proposal comprises of two detached dwellings, sixteen semi-detached dwellings and eight apartments. The dwellings and apartments vary in size and design but are typical of a suburban residential setting.
72. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount village.
73. The plot sizes and general layout are consistent with and comparable with other built development in the general vicinity of the site.
74. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed residential development, and it is considered that the established residential character of the area would not be harmed by either the form or scale of the development proposed.
75. The layout of the rooms in each of the units, the position of the windows and separation distances also ensures that there is no unacceptable overlooking into the private amenity space of neighbouring properties.

76. The separation distances between the existing and proposed developments are acceptable and would minimise any overlooking from the existing properties.
77. The buildings are not dominant or overbearing and no loss of light would be caused.
78. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Places document and criteria (a) of policy HOU3 is met.
79. With regard to criteria (b), the site is within an area of high archaeological potential. It is considered that provided archaeological mitigation is conditioned in any planning permission that the proposal would not have a negative impact on any archaeological interests.
80. The site is adjacent to a listed building at Millmount House. Following consultation with Historic Environment Division Historic Buildings, it is considered that the proposal will have no adverse impact on the setting of the listed building.
81. No landscape characteristics/features have been identified that require integration into the overall design and layout of the development. There is a band of trees along the western boundary but the trees are outside the redline boundary of this site and will not be impacted by the proposed development. Criteria (b) of the policy is met.

Policy HOU4 - Design in New Residential Development

82. The apartments are within two blocks (site nos. 453-460). Both blocks have the same design with one handed to the other. Each block is two storeys with a ridge height of 9.6 metres. Each apartment will have two bedrooms and the floorspace ranges from 66.3 square metres to 71.2 square metres.
83. There are two house types of detached dwellings. House type MV4.1 on site 448a will be two storey with accommodation in the roof. The ridge height will be 9 metres with the floorspace of the dwelling measuring 144.5 square metres.
84. House type MV1.2 will be two storey with a ridge height of 8.5 metre. The floorspace will measure 123.1 metres.
85. There are three house types of semi-detached dwellings. House type SD2.1 will be two storey and will have a split design to respect the contours of the site. The ridge height will be 8.7 metres from ground level and the floorspace will measure 98.7 metres.
86. House type MV3 will be two storey with a ridge height of 8.7 metres and the floorspace will measure from 92.8 to 94.3 square metres. House type SR15.2a will also be two storey with a ridge height of 9 metres and floorspace 98.2 square metres.
87. The external material finishes for all the buildings are a mix of select facing brick and smooth render off white colour with grey concrete roof tiles, double glazed

- uPVC windows and doors, painted solid timber doors and frames and uPVC pipes and guttering. These finishes are considered to be acceptable for the site, are in keeping with the surrounding context and respect the character of the area.
88. The development on the site does not conflict with surrounding land uses. It is well separated from adjacent residential development to the north and east of the site by the existing road layout within Millmount village. To the west and south of the site there is a band of trees and land that is excluded from the housing zoning.
 89. As the buildings are two storey, they are not dominant or overbearing. This in combination with the separation distances between existing properties will ensure that no loss of light to any adjacent property will arise.
 90. The layout of the rooms in each of the units, the position of the windows and the separation distances between the existing and proposed buildings also ensures that there is no unacceptable overlooking into the private amenity space of neighbouring properties.
 91. There is a band of trees to the west of the site that are protected by a Tree Preservation Order and this area was excluded from the housing zoning. Future plans indicate that development will be located over 60 metres from the proposed dwellings which exceeds the 20 metres back to back separation distances recommended in Creating Places.
 92. Millmount House is located to the south of the site and again this was excluded from the housing zoning. The proposed dwellings which back onto Millmount House have over 30 metres separation distance to ensure there is no adverse impact on residential amenity by reason of overlooking or overshadowing/ loss of light.
 93. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed dwellings all face towards the road network, in curtilage parking spaces are provided for each dwelling and the apartments will have adequate shared parking spaces.
 94. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity space varies by plot ranging from a minimum of approximately 60 square metres up to 95 square metres which is consistent with the guidance set out in Creating Places that the average amenity space standard for the development as a whole should be around 70 square metres per dwelling and not less than around 40 square metres for any individual dwelling.
 95. The apartments will be provided with 132 square metres of communal amenity space at the rear of the apartment blocks which is greater than the 10 square metres amenity space provision advised within Creating Places.
 96. The variety of house types are designed to current building control requirements to provide accommodation that is wheelchair accessible for persons with impaired mobility. The proposed design and finishes are considered to draw upon the mix of materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.

97. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are considered to be met.
98. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger housing development at Coopers Mill and the site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) of policy HOU 4 is considered to be met.
99. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing, boundary walls and walls with railings proposed. These are considered to be acceptable for this type of development in the urban context.
100. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping treatments to the boundaries and within the overall site. The proposed landscaping uses appropriate species of planting and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 is considered to be met.
101. With regard to criteria (d) proposed density, the proposal is for 26 units on a site measuring 1.13 hectares which is not considered to be overdevelopment. This equates to a density of 23 units per hectare and is in line with policy HOU4.
102. The proposed development will provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size as outlined earlier in the report exceeds space standards set out in supplementary planning guidance.
103. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) of policy HOU 4 are considered to be met.
104. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is considered to be met.
105. Provision is made for a designated bin storage area for the apartment blocks and provision is available for householder waste storage within the driveways of each dwelling and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

106. Detail submitted with the application indicates that the site exceeds one hectare and more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
107. Small areas of public open space are shown to be provided either side of the apartment blocks.
108. The application provides for a change of house type for 26 dwellings that were previously approved as part of a wider housing development under Y/2009/0303/RM. Detail submitted with this application demonstrates that areas of open space were provided throughout the site.
109. The site is also easily accessible to the Comber Greenway.
110. It is accepted that adequate provision is made in the wider scheme and that within the context of policy HOU 5 the thresholds and requirements for open space is met.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to six units.
103. The agent confirmed that six apartments are to be developed as affordable housing units. The six affordable housing units shall be provided before the occupation of the sixteenth unit.
104. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation

111. The application site is in an area of high archaeological potential therefore Historic Environment Division (HED) Historic Monuments was consulted.
112. HED Historic Monuments commented that 'there are a number of known archaeological monuments in the vicinity and archaeological excavations have been conducted under conditions 21 and 22 of planning approval Y/1996/0407/O.
113. As the archaeological fieldwork has been completed on the site (under LA05/2017/0818/DC – archaeological licence AE/20/083), an archaeological report is not required.

114. It is considered that Policy HE4 is met as the earlier mitigation in the form of an archaeological assessment means the proposed development would not have a negative impact on any archaeological interests.

Policy HE9 Development affecting the Setting of a Listed Building

115. The site is adjacent to Millmount House (Grade B1) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011 therefore Historic Environment Division (HED), Historic Buildings was consulted.
116. HED Historic Buildings commented that it has considered the impacts of the proposal on the building and on the basis of the information provided, advises that it is content with the proposal without conditions.
117. It is considered that policy HE9 is met, and the proposal will have no adverse impact on the setting of the listed building.

Natural Heritage

118. A Biodiversity Checklist and Preliminary Ecological Appraisal carried out by RPS Group Limited received 23 June 2022 and an Ecology Survey for Bats carried out by RPS Group Limited received 7 July 2022 were submitted in support of the application. An outline Construction Environmental Management Plan has also been submitted in support of the application.

119. The Preliminary Ecological Appraisal states that:

The site of the proposal is not hydrologically directly connected to or located within 100m of any statutory designated sites of local or international or national importance. The nearest designated site is Dundonald Old Railway SLNCl, located approximately 76m northwest of the proposed development boundary. The Enler River is located approximately 54m west of the site boundary. Millmount stream, a tributary of the Enler River is located approximately 22m north of the site boundary. The Enler River is Hydrologically connected to Strangford Lough SAC, SPA, ASSI and Ramser Site, approximately 6.6km downstream. Pollution prevention measures as detailed in the Outline Construction Environmental Management Plan will be incorporated during the construction phase to prevent sediments and other pollutants entering watercourses. With the implementation of water pollution mitigation measures, there will be no effects to watercourses or downstream designated sites.

120. With regard to habitats, it states that

The site is predominately an operating construction site, with most of the land comprising of bare earth or gravel with occasional building material stockpiles. Two lines of trees are present on the banks of a dry ditch in the southwest of the site. In the northeast, a double line of mature broadleaved trees has been retained on the construction site.

An aluminium workshop type shed is present in the southwest. It is constructed mainly of aluminium, however there is a small concrete block section approximately 1 .5m high on the southern aspect. This building will be dismantled and removed to facilitate the development.

121. In relation to protected species, the Ecology information states that

Bats

The proposed development site adjoins Millmount Village to the east and southeast. To the north and east by the Comber Greenway open space. These nearby areas may provide a linkage for commuting or foraging bats; however, the site itself has been highly altered, with limited natural habitats available. The treelines, namely the large mature broadleaved treelines in the northeast which are largely being retained likely support a number of foraging bats.

Given the presence of trees on site, the site characteristics (active construction site), its connection to residential gardens and its partial connection to the wider countryside, it is considered that the site is of low foraging and commuting suitability (Collins 2016). The site may be used occasionally by a low number of bats, however, due to the nature of the site and its limited natural habitats, and availability of more optimum habitats to the north and south, it is considered that the site is of low foraging and commuting suitability (Collins 2016).

The site may be used occasionally by a low number of bats, however, due to the nature of the site and its limited natural habitats, and availability of more optimum habitats to the north and south, it is considered unlikely to be of significance or importance to bats.

The workshop style aluminium shed building does not possess suitable features which could support roosting bats.

Badger and Otter

No evidence of badger or otter was recorded within 30m of the site boundary.

122. Details of mitigation include the removal of vegetation including hedgerows and shrubs outside the bird breeding season which extends between 151 March and 31 August inclusive to ensure breeding birds are protected from harm.
123. It is also recommended that a Lighting Strategy for the proposed development will be designed in accordance with the Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light (ILP 2011) and Bats and Artificial Lighting in the UK (ILP 2018) and that artificial lighting will only be installed where and when necessary.

Additional landscape planting, consisting of native broadleaved species is also recommended to help offset the loss of vegetation on site.

124. In line with NIEA Standing Advice and where badger activity is identified, all works will cease immediately, and further advice sought from the NIEA Wildlife

Team. A pre-construction survey will be carried out to ensure that badgers have not excavated a sett onsite, and otters are not resting onsite.

125. Advice from NIEA Natural Environment Division (NED) noted that the site contains bare ground, grassland, and is adjacent to buildings and mature trees and that they has assessed the above documents and considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns.
126. For the reasons outlined, it is considered that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such the policies NH1, NH2 and NH5 of the Plan Strategy are considered to be met.

Access and Transport

127. Access to the site will be via Millmount Village Way which was approved under LA05/2018/0512/F and has been constructed. Millmount Village Way accesses onto Millmount Road.
128. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces and the apartments will have 12 shared parking spaces.
129. DfI Roads have not expressed any concerns in relation to the detailed layout, access and arrangement of the parking and final PSD drawings have been returned.
130. Based on a review of the detail submitted with the application and having regard to the advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that an accessible environment will be created through the provision of a road and footway that can be built to the appropriate standard.
131. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted with the application demonstrates that the creation of a new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
132. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements have been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Flooding

133. Due to the number of dwellings on site a Drainage Assessment has been submitted in support of the application. DfI Rivers Agency have been consulted and have no objections.

134. In accordance with policy FLD 3 a Drainage Assessment was submitted. DfI Rivers commented that:

Schedule 6 Consent to discharge 400.8 l/s surface as the overall surface water discharge for the site dated 24/8/2021 is confirmed. The proposals would satisfy this sub-policy FLD 3 and be acceptable. The proposal is to attenuate up to 1495 cubic meters of surface water and limit/restrict the discharge rate to mimic the Greenfield run-off rate (using a vortex to 76 l/s) and discharge to the NI Water installed network prior to watercourse.

Evidence has been provided that the drainage will be installed to meet the standards of the NI Water Sewers for Adaption 1st Edition for a 30 year storm events including an allowance for climate change. For storm events up to a 100 year storm event the water is retained within the network.

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

135. Additional information submitted with the application indicates that water connection, surface water and foul sewerage will be through the public mains. NI Water was consulted and confirmed that there is available capacity at the Waste-Water Treatment Works and there is a public foul sewer within 20 metres of the proposed development boundary which can adequately service the proposal.

136. Water Management Unit have also been consulted on the application and advise that it has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. However, if NI Water advise that they are content that both the receiving Waste-Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or the sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal. As discussed above NI Water has confirmed there is capacity at the WWTW, and foul sewer connection and it recommends approval therefore it is considered that the proposal will not adversely affect the water environment.

137. Based on a review of the information and advice received from DfI Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD 1, 2 and 3 of the Plan Strategy.

Consideration of Representations

138. No objections have been received in relation to the proposal.

Recommendation

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

Conditions

140. The following conditions are recommended:

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

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

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

The width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: P185/R500c bearing the Area Planning Office date stamp 13 June 2023 and the Departure for Infrastructure Determination date stamp of 04 July 2023.

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

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No P185/R500c bearing the Area Planning Office date stamp 13 June 2023 and the Department for Infrastructure Determination date stamp of 04 July 2023, prior to the commencement of any works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

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

6. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No P185/R500c bearing the Area Planning Office date stamp 13 June 2023 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

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

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

9. All hard and soft landscape works shall be carried out in accordance with Drawing No. 27A bearing the Council date stamp 6 December 2022 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

11. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the previously agreed programme of archaeological work. These measures shall be implemented and a final

archaeological report shall be submitted to Lisburn and Castlereagh City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Lisburn and Castlereagh City Council.

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

Site Location Plan – LA05/2022/0612/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local (Exceptions Apply) - Addendum
Application Reference	LA05/2023/0598/F
Proposal Description	Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F)
Location	Plots 56,57,62,63,70-73, 78,79,102,103,106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. A recommendation to approve planning permission was presented to the Committee for determination in June 2024.
2. Following a presentation by officers and having listened to representations from the applicant (via their planning consultant), Members agreed to defer consideration of the application to allow :
 - (i) for further information to be received in relation to how the proposed development would be connected to the sewerage system and mains water supply network; and
 - (ii) for further negotiations with the developer to understand whether a separate entrance would be identified for use by plant and machinery for the construction phase of the project.

Further Consideration

Connection to NI water sewerage system and water supply

3. The planning history is an important material consideration in the assessment of this application. Planning application LA05/2019/0705/F was approved by the Committee in August 2021. This application was for 110 dwelling units and it included a temporary package sewage treatment plant as a solution to treat sewage resulting from the development of the land for housing. This permission remains extant until August 2026.
4. The current proposal is for a change of house type for 14 units within the previously approved scheme and the applicant is in control of the land the land for the larger scheme and the treatment plant previously approved.
5. Following the Council meeting in June, discussion took place with NI Water in relation to sewage capacity issues in general and to understand how such issues may impact on the development of this site.
6. There was also a general discussion in relation to wastewater treatment plants and the current policy approach NI Water takes to the adoption of private wastewater treatment plants.
7. NI Water confirmed that there is an alternative solution to a private package treatment that involves improvements to the network and an upgrade of the main treatment plants which are currently running at capacity.
8. NI Water also confirmed that the upgrades to the main plant would allow for future connections, including the current proposal. That said, advice was provided that there is no timeframe for when these works would be factored into their capital programme.
9. It has also been confirmed by NI Water that discharge consent under the terms of the Water (NI) Order 1999 was unlikely to be forthcoming for the discharge of sewage effluent from the proposed development from NIEA Water Management Unit to a private package treatment plant where there is an alternative solution.
10. It is confirmed by NI Water that there is a solution however this is unlikely to be provided within the lifetime of the planning permission as the works are significant and not on their current capital programme of works. Budget constraints also mean they could not provide a date as to when the works might be included on their capital programme.
11. Having regard to this advice officers cannot rule out the option that a private package treatment plant would not receive the required consent from Water Management Unit. There is an extant approval on a larger site which included a Waste Water Treatment plant [WWTP]. If the works to the network are not programmed and there is no timescale for them this may be sufficient justification for the consent and NI Water may have no option but to adopt the plant.
12. The on-going revenue implications to NI Water of adopting a private plant is not a material consideration of any weight. There is sufficient space on the larger site to deliver a plant and there is a planning permission were NI Water previously accepted that a plant was an alternative solution.
13. It is recommended that a negative condition is attached to any grant of planning permission preventing any development associated with this change of house

type application commencing until agreement has been reached with regards to the connection of the development to the WWTP and consent to discharge has been granted by NIEA.

14. Within this context and given the changed circumstances to ensure that any permission granted is in line with the parent permission, it is recommended that condition 1 is amended to ensure the timescale is in line within the timeline of the earlier permission.

Access arrangements

15. Members asked that further negotiations take place with the developer to ascertain whether a separate entrance could be permitted for use of plant and machinery during the construction phase of the project.
16. Planning application LA05/2023/0686/F provides for a temporary access road to facilitate the development of land approved for residential development under application LA05/2019/0705/F. Planning permission was granted for this temporary access on 11 June 2024.
17. The temporary access is to be taken from Killynure Road for construction traffic and removes the need for construction traffic to come through the existing Meadowvale development. An informative can be added to this application highlighting the use of the construction access in the related planning permission for the temporary access.

Recommendation

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

Conditions

20. The following conditions are recommended:
 1. The development hereby permitted shall be begun before the expiration of 5 years from the date on which permission for LA05/2019/0705/F was granted.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
 2. No dwelling shall be occupied until the completion of the pedestrian crossing and any associated improvements to the Ballynahinch Road have been constructed generally in accordance with drawing number 14

published to the Planning Register on 25th July 2023.

Reason: In the interests of road safety and the improvement of the road network for the convenience of road users.

3. No dwellings hereby permitted shall be occupied until the associated hard surfaced areas have been constructed in accordance with the approved layout drawing 02 published to the Planning Register on 25th July 2023, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

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

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

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

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

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

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

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

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

8. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

9. The development hereby permitted shall operate generally in accordance with the Framework Residential Travel Plan within the Transport assessment published by Lisburn City and Castlereagh Council Planning Office on 30 August 2019.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

10. Prior to occupation of any dwelling the Council requires the applicant to provide, for the department's approval, an updated 'Residential Travel Pack' to be provided to the new residents of each phase. As part of the Residential Travel Pack the Applicant will provide a Translink Travelcard for the first two (2) years for each dwelling when first purchased and occupied, or equivalent measures agreed with Lisburn City and Castlereagh Council.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

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

Reason: To ensure that adequate drainage infrastructure is available.

12. No development hereby approved shall be commenced until details of a sewerage connection to serve the development hereby permitted have been submitted to and approved in writing by the Council in consultation with NI Water. The information to be submitted to the Council should include details of the siting, drawings and specifications of the sewerage connection and arrangements for its management and maintenance. Where a packaged sewage treatment plant is proposed, details of how the development hereby approved is eventually to be connected to the public system is also to be provided.

Reason: In the interest of public health.

13. Prior to the occupation of the development hereby approved the sewerage connection referred to in condition 12 must be installed as approved and be operational. The sewerage connection shall be managed and maintained thereafter in accordance with the approved arrangements.

Reason: In the interest of public health.

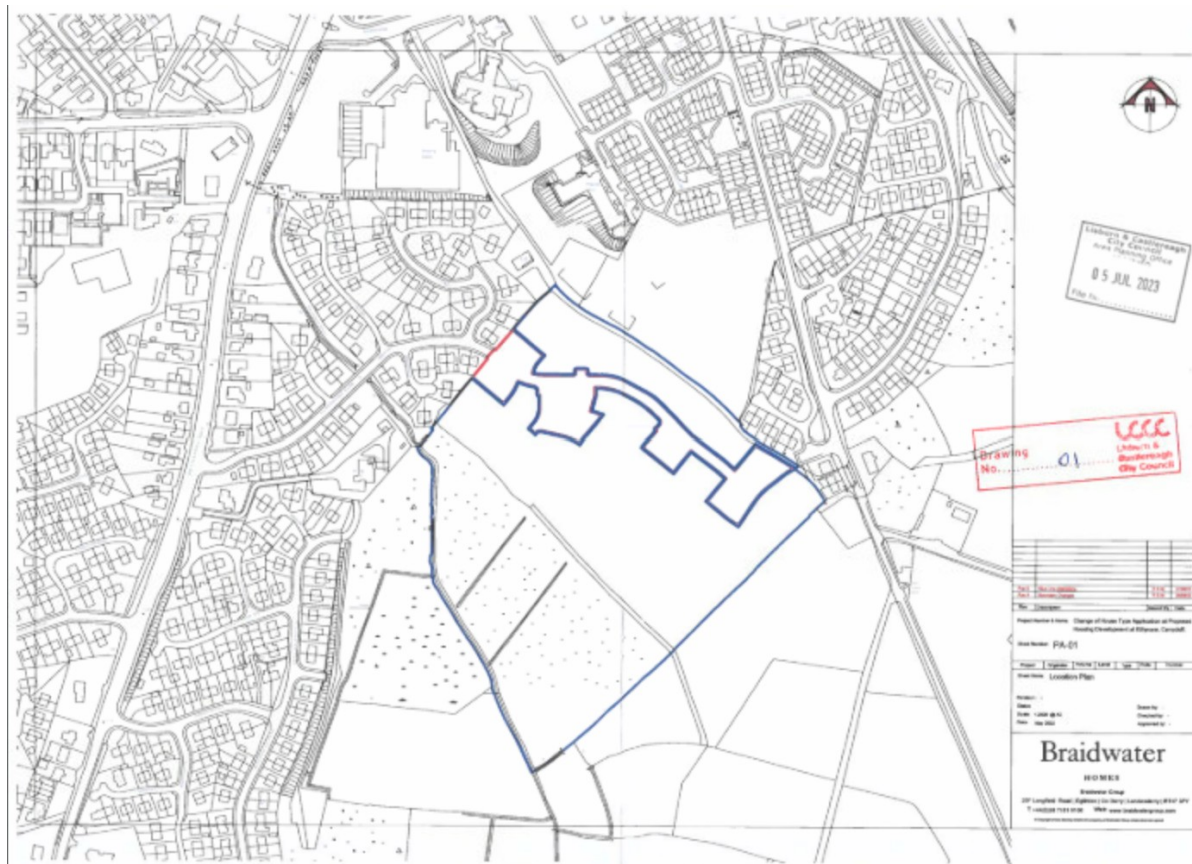
14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2023/0598/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0598/F
Proposal Description	Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F)
Location	Plots 56,57,62,63,70-73, 78,79,102,103,106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff
Representations	None
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that the application requires a legal agreement to secure the delivery of affordable housing.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3, HOU4 and HOU5 of Lisburn and Castlereagh City Council Plan Strategy in that the detailed layout and design of the proposed buildings create a quality residential environment and when the buildings are constructed, they will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance.
3. Furthermore, the density is not significantly different than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area.

4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for four affordable housing within the overall development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policies NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.
6. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
7. The proposal is considered to comply with the policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided without prejudice to road safety. It will not inconvenience road users or impede the flow of traffic on the surrounding road network.
8. The proposed development complies with policy FLD 3 of the Plan Strategy in that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal.

Description of Site and Surroundings

Site Context

9. The application site is located to the eastern side of the Ballynahinch Road, off Meadowvale Road and is west of the Killynure Road. It is an undeveloped portion of land between two existing housing developments.
10. The site is currently semi-improved grassland and some work has started to remove top soil in preparation for development. The proposed access is from Meadowvale Road through an existing housing development
11. The site boundaries are mainly undefined as the proposal is for change of house types within an already approved development that is currently agricultural land.
12. The site is bound to the west by existing hedgerow and abuts properties 11 and 14 Meadowvale Road (existing semi-detached dwellings) and partially to the north east by a hedgerow which abuts a laneway that back onto existing housing at Alveston Drive, off the Killynure Road.

Surrounding Context

13. The site is an undeveloped piece of land surrounded by existing residential development. The surrounding area is comprised of medium to high density housing.

Proposed Development

14. This is a full application for the proposed erection of 14 dwellings, including landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F).

Relevant Planning History

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

Reference	Site Address	Proposal	Decision
LA05/2023/0061/F	Land to the south east of Meadowvale Road, Carryduff	Amendment to Approved permission LA05/2019/0705/F: change of house types on plots 98 to 105 inclusive, including the removal of the apartments at plots 104 and 105 and their replacement with houses (total of 8 No. units replacing 8 No. approved units). Retention of road design as approved with minor amendment to change the location of accesses and amendments to landscaping.	Application Withdrawn 04/08/2023
LA05/2019/0705/F	Land to the south east of Meadowvale Road and south of Alveston Drive and Killynure Green incorporating BMAP zoning CF-04/04	Residential development proposal incorporating 110 dwellings in a mix of 10 detached, 98 semi-detached and 2 apartments with access from Meadowvale Road, cycle and pedestrian access from Alveston Drive, play park, public open space, associated landscaping and ancillary works to include temporary package sewage treatment plant.	Permission Granted 19/08/2021

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection.
DfI Rivers Agency	No Objection
LCCC Environmental Health	No Objection
NI Water	Objection
NIEA Water Management Unit	No objection

Representations

17. No representations have been received on this proposal.

Environmental Impact Assessment (EIA)

18. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
19. The site area is 0.87 hectares and exceeds the threshold set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
20. An EIA determination was carried out for this proposal and it was concluded that given the scale and nature of the proposal that there was not likely to be any unacceptable environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

23. In accordance with the transitional arrangements the existing Carryduff Local Plan and draft BMAP remain material considerations.
24. The application site is zoned for residential development in both the Carryduff Local Plan and draft BMAP.
25. Significant material weight is afforded to the designation in the post 2014 revision to BMAP CF04/04 as this was carried through a Public Inquiry process. The site has previous history of planning permissions linked to this designation.
26. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:
- The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.*
27. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out in Part 1 of the Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

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

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

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

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

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

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

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

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

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

The Plan will support development proposals that:

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

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

Housing in Settlements

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

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

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

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

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

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

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

overall design and layout of the development.

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

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

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

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

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

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

36. The Justification and Amplification states that:

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

37. It also states that:

Accessible Accommodation

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

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

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

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

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

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

HOU11) where a commensurate level of private communal open space is being provided.

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

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

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

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

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

39. The following paragraph in the Justification and Amplification is modified as follows:

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

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

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

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

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

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

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

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

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

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

41. The Justification and Amplification states that:

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

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

Affordable Housing – affordable housing is:

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

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

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

Natural Heritage

43. Given this is a large site the potential impact on the natural environment is considered. Policy NH2 Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

Access and Transport

45. The proposal is to create a new access to the public road through Meadowvale.

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

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

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

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

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

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

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

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

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

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

48. The justification and amplification states that:

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

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

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

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

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

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

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

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

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

Flooding

50. This proposal is for a residential development comprised of more than 10 dwellings. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

53. It states that:

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

54. Paragraph 3.6 of the SPPS states:

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

55. Paragraph 3.8 of the SPPS states:

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

56. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
57. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

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

Retained Regional Guidance

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

Creating Places

59. The policy requires the guidance in the Creating Places – Achieving Quality in Residential Developments’ (May 2000) to also be considered.
60. The guide is structured around the process of design and addresses the following matters:
- the analysis of a site and its context;
 - strategies for the overall design character of a proposal;
 - the main elements of good design; and
 - detailed design requirements.

61. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

63. Paragraph 4.10 states that:

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

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

64. This application is for change of house types for 14 residential units within the settlement limit of Carryduff. The land on which this development is proposed has been zoned for housing in BMAP. There is also a history of an extant planning permission for housing. As such, this is a suitable location for new residential development and the policy tests associated with Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

65. The scheme comprises two pairs of semi-detached dwellings and ten detached dwellings. They are all two storey dwellings of similar design to that which was previously approved and typical of a suburban setting. They follow the general layout and arrangement of the previously approved scheme.
66. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments adjacent.

67. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
68. Based on a review of the information provided, it is considered that the character of the area would not be significantly changed by the proposed changes and it is considered that the established residential character of the area would not be harmed.
69. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties also ensure that there is no overlooking into the private amenity space of neighbouring properties. The buildings are no dominant or overbearing and no loss of light would be caused.
70. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 is met.
71. With regards to criteria (b), there are no archaeological features or historic environment within the application site that need to be identified and integrated into the proposal.
72. No other landscape characteristics/features have been identified that require integration into the overall design and layout of the development. This part of the policy is met.

Policy HOU4 - Design in New Residential Development

73. The layout as shown on the proposed drawing 02 demonstrates that there are a number of different house types proposed. A description of these house types is outlined below. They propose different house types with similar design themes running throughout.
74. Plots 56 and 62 consists of house type Q4, changed from the previous approved house type N2a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
75. Plot 57 and 63 consists of house type Q4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
76. Plot 79 consists of house type N4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
77. Plot 78 consists of house type N4, changed from the previously approved house type N2a. It consists of a four bed two-storey dwelling and has a ridge height of 8.7 metres above the finished floor level.
78. Plot 70 consists of house type B1, changed from the previously approved house type K1a. It consists of a four bed two-storey dwelling house and has a ridge

- height of 8.2 metres above the finished floor level.
79. Plot 71 consists of house type E4c, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling and has a maximum ridge height of 8.9 metres above the finished floor level.
 80. Plot 72 consists of house type Q4c handed, changed from the previously approved house type N1a. It consists of a four bed two-storey dwelling house with a ridge height of 8.7 metres above the finished floor level.
 81. Plot 73 consists of house type B1, changed from the previously approved house type K1a. The house type is detailed above.
 82. Plot 106 consists of house type N4c, changed from the previously approved house type N1a. The house type is detailed above.
 83. Plot 107 consists of house type N4, changed from the previously approved house type N2a. The house type is detailed above.
 84. Plot 102 consists of house type Q4c handed, changed from the previously approved N1a. The house type is detailed above.
 85. Plot 103 consists of house type Q4, changed from the previously approved N2a. The house type is detailed above.
 86. The external material finishes are grey concrete tiles to the roof, walls to be clay facing brick and windows to be uPVC. These are acceptable for the site and its location in the urban context.
 87. The layout of the rooms in each of the units, the position of the windows and the separation distance between the proposed and existing properties also ensures that there is no overlooking into the private amenity space of neighbouring properties.
 88. The development on the site does not conflict with surrounding land uses. The buildings are not dominant or overbearing and no loss of light would be caused.
 89. The separation distances between each unit are acceptable and in keeping with Creating Places.
 90. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. And in curtilage parking spaces are provided for each unit.
 91. Each unit has their amenity space, a small area to the front and a substantial area to the rear/side of the unit. The lawn area as demonstrated on the site layout plan ensures building frontages are not dominated by hardstanding/car parking.
 92. The house types provided are accessible and designed to ensure that they are capable of providing accommodation that is wheelchair accessible for persons with impaired mobility.

93. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
94. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
95. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Carryduff. Criteria (c) is met.
96. The private outdoor amenity space across the development varies, with the smallest being 63 square metres to plot 106 and the largest being 163 square metres to plot 73. The provision of private amenity is in keeping with the guidance stipulated in Creating Places.
97. Boundary treatments around and within the while site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing number 13. There is a mixture of fencing and boundary walls proposed. These are acceptable for this type of development in the urban context.
98. There is a landscaped open space area within the overall development that this proposal is a part of. There is also some landscaping within the overall scheme and to some of the boundaries. The proposal uses planting to soften the visual impact of the proposal. For the reasons outlined above, criteria (b) is met.
99. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development.
100. With regard to criteria (d) the proposed density, the proposal is for 14 change of house types on a site with an overall density of 22.6 dwellings per hectare which is not considered to be overdevelopment. The density is in keeping with the key site requirements and would provide a residential density not significantly lower than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. Also each unit size exceeds the space standards set out in supplementary planning guidance.
101. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are met.
102. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (l) is met.
103. Provision can be made for householder waste storage within the driveways for each other unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

104. Detail submitted with the application indicates that the site does not exceed one hectare and the proposal is not for more than 25 residential units. As such public open space does not have to be provided as an integral part of this development.
105. However, within the overall wider development there is provision for a landscaped open space area to include a children's play area. This application will not prejudice the delivery of the open space or play area granted at other locations within the wider scheme.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, four units are identified by the applicant to meet this policy requirement. This is in excess of the 20% minimum requirement. No more than eight dwellings are to be occupied until the four affordable dwellings are constructed and available for occupation.
103. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Natural Heritage

104. As previously stated, this is an application for change of house types only from those approved under file reference LA05/2019/0705/F. The site is currently being developed.
105. Given the current condition of the site and ongoing works it was not considered necessary to consult with NIEA NHD.
106. That said the developer will have to have cognisance to the Wildlife Order when carrying out any works should the application be approved.
107. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such Policy NH2 and Policy NH5 of the Plan Strategy is capable of being met.

Access and Transport

108. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use. The road layout as proposed is the same as that approved under the previous application LA05/2019/0705/F and a pedestrian crossing on the Ballynahinch Road is also proposed, as previously approved.

109. As indicated above, a key site requirement associated with the related housing designation requires the access to be taken from Meadowvale Road.
110. Meadowvale links directly with the Ballynahinch Road. It was established through the previous application through the Transport Assessment that junction improvements are not required. However, a new pedestrian crossing was proposed and approved. The previous approval also made reference to Travel Cards for each dwelling for ideally the first few years of occupation of each new dwelling.
111. DfI Roads have been consulted on the proposal and have raised no objection. A condition is recommended for the proposal to operate in general accordance with the Framework Residential Travel Plan within the Transport Assessment of the previous application and also that prior to the occupation of any dwelling. DfI Roads requires the applicant to provide an updated Residential Travel Pack to the new residents of each phase and as part of the pack the applicant will provide a Translink Travel card for the first two years of each dwelling when first purchased and occupied. The Council has no reason to disagree with this recommendation as it is consistent with the planning history of the site.
112. In-curtilage parking is provided at two-spaces for each unit. The parking provision is in keeping with the Parking Standards set out in the Creating Places document and is considered to be acceptable.
113. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of the new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
114. The proposal is also considered to comply with policy TRA7 of the Plan Strategy in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Flooding

115. With regard to policy FLD3, Rivers Agency advise that due to the nature of this particular application, a change of house type, it does not exceed the thresholds outlined in policy FLD3 and subsequently a Drainage Assessment is not required. They advise that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site in accordance with the approved drainage assessment relating to the previously approved application.
116. Based on a review of the information and advice received from DfI Rivers, is accepted that the proposal complies with policies FLD 3 of the Plan Strategy.

Other Material Considerations

117. NI Water have been consulted on the proposal and recommend refusal and advise that subject to the applicant engaging with NI Water they may reconsider its recommendation.
118. NI Water advise that there is a public foul sewer within 20m of the proposed development boundary and that an assessment has indicated network capacity issues.
119. In the previous application, due to capacity issues with the foul sewer network a temporary waste water treatment plant was proposed to serve the development until NI Water has completed its upgrade of its infrastructure after which, the development will switch to main sewage.
120. The previous application on the site was approved with negative conditions that none of the dwellings shall be occupied until works for the disposal of sewerage have been approved on the site, to serve the development, and that all details must be submitted and approved by the planning authority prior to commencement of development.
121. As the planning history remains a material consideration and the risk to the wider drainage network is managed the advice of NI Water is not agreed. A reason for refusal could not be sustained and it is recommended that the same negative condition in relation to provision of sewage infrastructure is also placed on this proposal.

Recommendation

122. The application is presented with a recommendation to approve subject to conditions and to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.

Conditions

123. The following conditions are recommended:
 1. The development hereby permitted must be begun within five years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
 2. No dwelling shall be occupied until the completion of the pedestrian crossing and any associated improvements to the Ballynahinch Road have been constructed generally in accordance with drawing number 14 published to the Planning Register on 25th July 2023.
Reason: In the interests of road safety and the improvement of the road

network for the convenience of road users.

3. No dwellings hereby permitted shall be occupied until the associated hard surfaced areas have been constructed in accordance with the approved layout drawing 02 published to the Planning Register on 25th July 2023, to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

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

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

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

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

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

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

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

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

8. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

9. The development hereby permitted shall operate generally in accordance with the Framework Residential Travel Plan within the Transport assessment published by Lisburn City and Castlereagh Council Planning Office on 30 August 2019.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

10. Prior to occupation of any dwelling the Council requires the applicant to provide, for the department's approval, an updated 'Residential Travel Pack' to be provided to the new residents of each phase. As part of the Residential Travel Pack the Applicant will provide a Translink Travelcard for the first two (2) years for each dwelling when first purchased and occupied, or equivalent measures agreed with Lisburn City and Castlereagh Council.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

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

Reason: To ensure that adequate drainage infrastructure is available.

12. No development hereby approved shall be commenced until details of a sewerage connection to serve the development hereby permitted have been submitted to and approved in writing by the Council in consultation with NI Water. The information to be submitted to the Council should include details of the siting, drawings and specifications of the sewerage connection and arrangements for its management and maintenance. Where a packaged sewage treatment plant is proposed, details of how the development hereby approved is eventually to be connected to the public system is also to be provided.

Reason: In the interest of public health.

13. Prior to the occupation of the development hereby approved the sewerage connection referred to in condition 12 must be installed as approved and be operational. The sewerage connection shall be managed and maintained thereafter in accordance with the approved arrangements.

Reason: In the interest of public health.

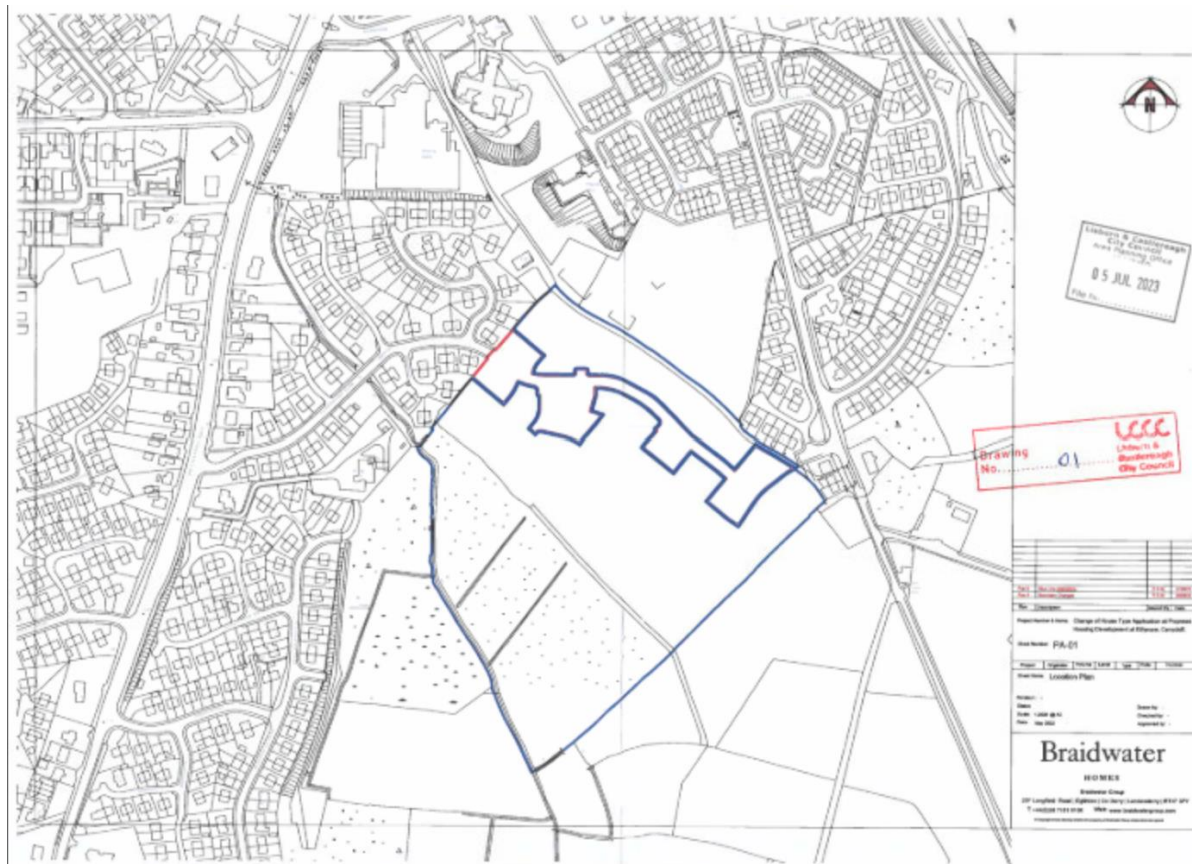
14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2023/0598/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local Application [Called In] - Addendum
Application Reference	LA05/2023/0174/O
Date of Application	23 February 23
Proposal Description	Proposed new dwelling with garage/storage on a farm.
Location	Approximately 255 metres northwest of 57 Magheradartin Road & 270 metres east southeast of 39 Magheradartin Road
Representations	None
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application was presented to the Committee with a recommendation to refuse in June 2024.
2. Following the presentation by the office and consideration of representations from the applicant, the Members debated the application and agreed to defer the application to allow Members an opportunity to visit the site.
3. A site visit took place on 24 June 2024. A separate note of this visit is provided as part of the papers.

Further Consideration

4. Members were reminded that the site visit was arranged to provide an opportunity to observe the proposed site in its context and to understand the spatial relationship between the proposed siting of the dwelling and the farm buildings.

5. The boundaries associated with the application site was noted as being part of a larger agricultural field and the boundaries of the neighbouring fields were used to assist in understanding where the site was in the field.
6. Members observed the distance of the site from the established group of buildings on the farm and the undulating topography in the intervening view. T
7. Members then moved along the Magheradartin Road to the main farm buildings at 57 Magheradartin Road. The application site was also viewed from the rear of the established group of farm buildings at 57 Magheradartin Road.
8. The members had the opportunity to observe the extent of the other farmlands to understand if there were other sites on the holding. to the established farmyard were observed.
9. Members noted the frontage to the Magheradartin Road and the places where the site and the other farmland could be accessed including through the farm yard.
10. At the request of the Members officers read the policy for farm dwellings to remind the members of the reasons for requesting the site visit.

Conclusions

11. No new issues were raised that required further assessment. The purpose of the visit was to afford the Members an opportunity to visit the site and observe the proposed development in its context. The advice previously offered that planning permission should be refused is not changed.
12. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 03 June 2024.

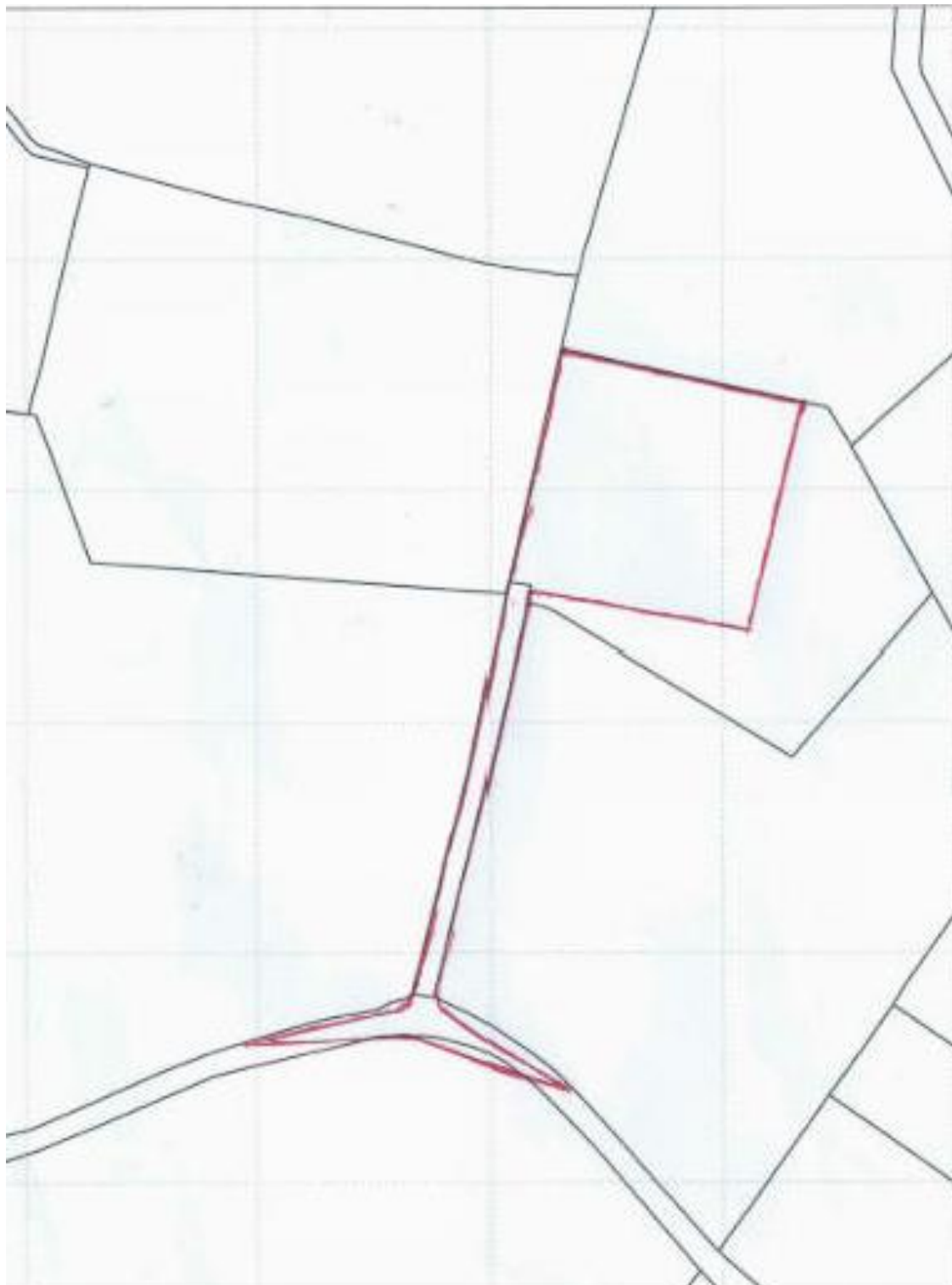
Refusal reasons

13. The following refusal reasons are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
 - The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
 - The proposal is contrary to criteria (b), (d) and (e) of Policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster

with an established group of buildings, it lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration.

- The proposal is contrary to criteria (b), (c) and (e) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, which is not in keeping with the traditional pattern of development and will result in an adverse impact on the rural character of the area.
- The proposal is contrary to Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological importance.

Site Location Plan – LA05/2023/0174/F



PC site visit @ Magheradartin
24.06.2024

91

LISBURN & CASTLEREAGH CITY COUNCIL

Note of a site visit made by the Planning Committee on Monday 24th June 2024 at 3.00 pm on lands at Magheradartin Road, Hillsborough.

PRESENT:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D J Craig, U Mackin, A Martin,
G Thompson and The Hon N Trimble

IN ATTENDANCE:

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

1. Apologies

An apology for non-attendance at the site visit was accepted and recorded on behalf of Councillor P Catney.

2. Planning Application LA05/2023/0174/O

The site visit had been convened to consider the following application:-

- LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on land approximately 255 metres northwest of 57 Magheradartin Road and 270 metres east-southeast of 39 Magheradartin Road, Hillsborough, BT26 6LY.

The Committee had agreed at its meeting held on the 03 June 2024 to defer consideration of the above application to provide Members with an opportunity to visit the application site.

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

With the aid of the site location plan, the Principal Planning Officer explained the extent of the application site (redline). Members then moved from the Magheradartin Road along the agricultural lane to the application site.

The application site was noted as being part of a larger agricultural field but the boundaries of the neighbouring fields were used to assist in understanding where the site was in the field.

PC site visit @ Magheradartin
24.06.2024

92

The Principal Planning Officer reminded Members of the requirements criteria (c) of policy COU10. Members observed the distance of the site from the established group of buildings on the farm.

Members then moved along the Magheradartin Road to the main farm buildings at 57 Magheradartin Road. The application site was viewed from rear of the established group of farm buildings at 57 Magheradartin Road. The drumlin topography was noted.

A number of potential sites in closer proximity to the established farmyard were observed. Members noted the frontage to the Magheradartin Road and the places where the site and the other farmland could be accessed from including through the yard. At the request of the Members the Principal Planning Officer reminded members of the exceptions test in Policy COU10.

The site visit concluded at 3.37 pm.

25th June 2024

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 June 2024
Committee Interest	Local Application [Called In]
Application Reference	LA05/2023/0174/O
Date of Application	23 February 23
Proposal Description	Proposed new dwelling with garage/storage on a farm.
Location	Approximately 255 metres Northwest of 57 Magheradartin Road & 270 metres East Southeast of 39 Magheradartin Road
Representations	None
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented with a recommendation to refuse as it is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is also contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
4. The proposal is contrary to criteria (b), (d) and (e) of Policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, the site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for

the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration.

5. The proposal is contrary to criteria (b), (c) and (e) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, which is not in keeping with the traditional pattern of development and it will result in an adverse impact on the rural character of the area.
6. The proposal is contrary to Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological Importance.

Description of Site and Surroundings

7. The application site is comprised of a portion of a larger agricultural field that is accessed off the Magheradartin Road via an existing field gate. The field slopes up towards the crest of a hill and then slopes away again towards the northwestern section of the field.
8. Boundaries are undefined and minimal vegetation surrounds the site. There is existing hedging along the agricultural laneway and hedging either side of the access field gate.

Surroundings

9. The character of the surrounding area is rural in nature comprising of farm holdings, single dwellings and agricultural lands.

Proposed Development

10. Outline planning permission is sought for the erection of a proposed new dwelling with garage/storage on a farm.

Relevant Planning History

11. The planning history associated for an adjacent site is set out in the table below:

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

Consultations

12. The following consultations were carried out:

Consultee	Response
DAERA	No Objection
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
NIEA	No Objection
HED Historic Monuments	Objection

Representations

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

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

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

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst*

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

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

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

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

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

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

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

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

Dwellings on Farms

22. Policy COU10 – Dwellings on Farms states:

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

a) the farm business must be currently active and it must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts, that it has been established for at least 6 years

b) no dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application

c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

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

Integration and Design of Buildings in the Countryside

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

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

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

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

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*

- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.*

Habitats, Species or Features of Natural Heritage Importance

25. The potential impact of the proposal on natural heritage interests is considered. It is stated at policy NH5 - Habitats, Species or Features of Natural Heritage Importance that:

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

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

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

Waste Management

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

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

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

Access and Transport

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

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

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

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

28. The justification and amplification states:

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

Historic Environment and Archaeology

29. The application site is located in close proximity to a possible archaeological enclosure identified through review of aerial photographs. Policy HE2 states that:

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

30. Policy HE3 – Archaeological Assessment and Evaluation states that:

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

31. The justification and amplification states:

The needs of archaeology and development can often be reconciled, and potential conflict avoided or much reduced, if developers discuss their proposals with the Council at an early stage. An archaeological assessment normally entails a desk based study, by a qualified/ suitably accredited archaeologist, of

existing information including records of previous discoveries, historic maps or geophysical surveys.

An archaeological field evaluation involves ground surveys and limited and targeted licensed excavation which is quite distinct from full archaeological excavation. Evaluations of this kind help to define the importance, character and extent of the archaeological remains that may exist in the area of a proposed development, and thus indicate the weight which should be attached to their preservation. They may also provide information useful for identifying potential options for minimising or avoiding damage. Such information will permit informed and reasonable planning decisions to be taken by the Council through consultation with DfC.

Regional Policy and Guidance

Regional Policy

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

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

33. Paragraph 3.8 of the SPPS states:

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

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

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

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

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

Retained Regional Guidance

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

Building on Tradition

37. Paragraph 2.7.0 of Building on Tradition states that:

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

38. Paragraph 2.7.1 of Building on Tradition states that:

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

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

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

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

- *Get the size and scale right relative to what is existing.*
- *Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.*
- *Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs,*

tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.

- *Retain existing hedgerows, boundaries and mature vegetation.*
- *Acknowledge building lines and informal setbacks.*
- *Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.*

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

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

Assessment

The principle of development for a farm dwelling

42. This application is an outline planning application for a site for a dwelling on a farm.
43. The name and address of both the applicant and owner of the farm business has been provided. The applicant does not own the farm business however DAERA has confirmed that the business has been in existence for more than 6 years and the applicant has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years. The farm business has been established since 09 January 1992.
44. The evidence submitted in support of the application demonstrates that the farm business is both active and established and DAERA has confirmed this in their response. Criteria (a) of Policy COU10 is met.

45. A search of the planning portal against the applicants submitted Farm Map confirms that there are no records of any development opportunities having been sold off from the holding in the intervening period. Criteria (b) of Policy COU10 is met.
46. The main dwelling associated with the farm business is located at 57 Magheradartin Road. This is approximately 227 metres away from where the proposed dwelling is shown to be sited. There are a large number of farm buildings and dwellings immediately to the east and west of the main farm dwelling. These include property at 53, 55, 57A and 59. The buildings at 57 and 57A are associated with the farm.
47. The proposed siting for the new dwelling is substantially removed from all of these buildings. There are no farm buildings sited next to where the proposed dwelling is proposed and therefore not sited to cluster with an established group of buildings on the farm.
48. It is also considered that there is no visual linkage between the site and the established farm buildings. When observing both the site and group of buildings from the roadside there is a lack of intervisibility between the two. Furthermore, the significant separation distance between the group of farm buildings and the site and this re-enforces the visual separation.
49. Access to the site is via a new access to the public road at an existing field gate. DfI Roads are content with the details provided and are content with the access in principle.
50. Whilst Policy COU10 provides for an alternative site elsewhere on the farm to be considered by exception no detail has been submitted to demonstrate there are demonstrable health and safety reasons which merits the discounting of sites closer to the farm buildings nor are verifiable plans to expand the farm business presented. Criteria (c) of Policy COU10 is not met.

Integration and Design of Buildings in the Countryside

51. Having regard to the site context, it is considered that a single storey dwelling on the proposed site would not give rise to issues of prominence. Criteria (a) is met.
52. In respect of criteria (b) and for the reasons outlined above within the context of Policy COU10(c), the proposed dwelling is not sited to cluster with an established group of buildings and is therefore unable to integrate with its surroundings.
53. In terms of criteria (c) it is noted that the landform is such that the site begins to slope down towards the northwest therefore a dwelling on this part of the field will respect the existing topography and will be sited below the crest of the drumlin, with the slopes to the south and east which provide a backdrop.

54. There is an existing hedgerow that bounds the site to the west along the length of the agricultural laneway. The remainder of the site is however open with no defined boundaries. The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. For this reason, it will also rely primarily on the use of new landscaping for integration. Criteria (d) and (e) are not met.
55. This is an outline application and as such no design details have been provided. That said, a building could be sited and designed to be appropriate to the site and its locality.
56. The main impact resulting from the ancillary works is the construction of the access. A new access however will follow an existing agricultural laneway and the entrance point is at an existing field gate limiting any impact on the ability for ancillary works to integrate the development into the countryside.
57. For the reasons outlined in the preceding paragraphs it is considered the proposal is contrary to criteria (b), (d) and (e) of COU15.

COU16 - Rural Character

58. For the reasons outlined above, a new dwelling will not be unduly prominent in the landscape. Criteria (a) is met.
59. For the reasons outlined above within the context of Policy COU10(c), the proposed dwelling is not sited to cluster with an established group of buildings and is therefore unable to integrate sympathetically with its surroundings. Criteria(b) is not met.
60. A new dwelling would not respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling not clustered with existing buildings where the pattern is dispersed farmsteads comprised of dwellings and farm buildings. Criteria (c) is not met.
61. The site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside and it does not result in urban sprawl when viewed with the existing buildings. Criteria (d) is met.
62. This proposal will have an adverse impact on the rural character of the area by virtue of the introduction of a new single dwelling in the countryside, which is unacceptable in principle and is not capable of clustered with existing buildings on the farm for the reasons outlined above. Criteria (e) is not met.
63. In respect of criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on residential amenity in respect of any neighbouring properties.
64. In relation to criteria (g) and (h) the proposed services can be provided underground or from existing overheads lines along the road frontage or

adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services. The ancillary works will not harm the character of the area.

65. In respect of criteria (i) for the reasons set out at paragraphs 78-80 access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
66. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to meet criteria (b) (c) and (e) of COU16.

Policy WM2 - Waste Management

67. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soak away and foul sewage via a septic tank.
68. LCCC Environmental Health and NI Water were consulted and offer no objection.
69. Consent to discharge is required as a separate consent outside of the planning process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
70. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

Access and Transport

71. The access currently in use as an agricultural laneway. This is required to be upgraded.
72. DFI Roads have considered the detail and offer no objection in principle to the proposed development.
73. Based on a review of the information and the advice from statutory consultee, it is accepted that an access to the public road can be accommodated in principle without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of Policy TRA2 of the Plan Strategy are met in full.

Natural Heritage

74. As explained above, the site lacks established boundaries. A dwelling on the site therefore will not result in any undue harm to any interests of natural heritage importance. It is recommended that the existing boundary vegetation

along the laneway albeit limited shall be retained by way of condition in order to prevent unnecessary adverse impact on features of natural heritage.

75. It is anticipated that there will be no significant removal of mature vegetation required for the purposes of providing the necessary visibility splays.
76. The tests associated with Policy NH5 are met.

Historic Environment and Archaeology

77. Historic Environment Division (Historic Monuments) have advised that the application site is located in close proximity to a possible archaeological enclosure identified through review of aerial photographs (see below).
78. Historic Environment Division (Historic Monuments) requested additional information to enable them to provide informed and reasonable planning advice. An archaeological evaluation is therefore requested and if not provided, the proposal would be contrary to policy.
79. No Archaeological Evaluation has been made and as such, the applicant has failed to demonstrate that the proposal complies with Policy HE3 of the Plan Strategy and that no unacceptable adverse impact on a potential buried archaeology will arise.

Conclusions and Recommendation

80. It is recommended that planning permission is refused.

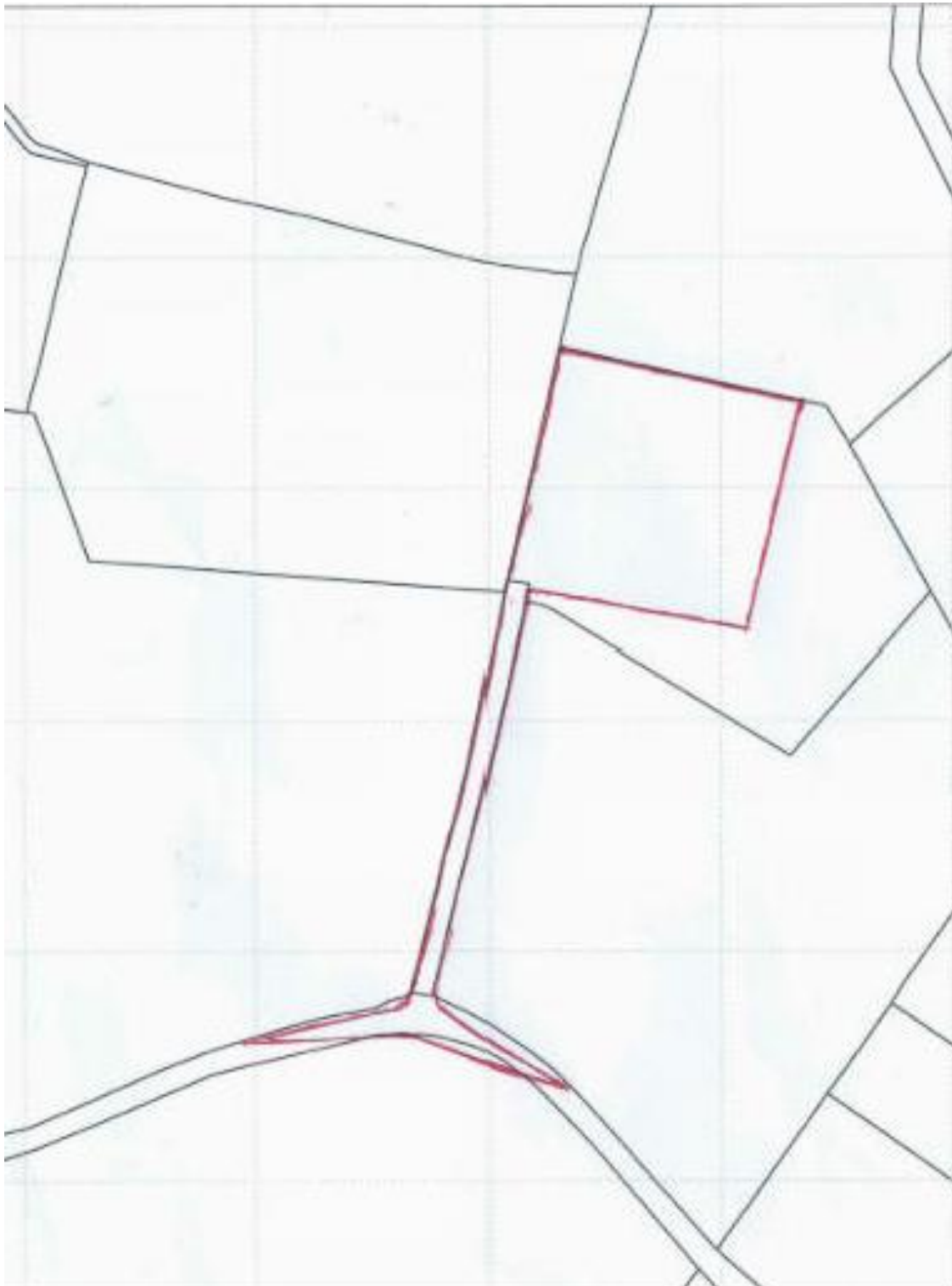
Refusal reasons

81. The following refusal reasons are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposed development is not a type of development which in principle is acceptable in the countryside.
 - The proposal is contrary to Policy COU10 (c) of the Lisburn and Castlereagh Plan Strategy 2032, in that the new building is not visually linked or sited to cluster with an established group of buildings on the farm.
 - The proposal is contrary to criteria (b), (d) and (e) of Policy COU15 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, it lacks long established natural boundaries and is therefore unable to provide a suitable degree of

enclosure for the building to integrate sympathetically with its surroundings and it relies primarily on new landscaping for integration.

- The proposal is contrary to criteria (b), (c) and (e) of Policy COU16 of the Lisburn and Castlereagh Plan Strategy 2032 in that it is not sited to cluster with an established group of buildings, which is not in keeping with the traditional pattern of development and will result in an adverse impact on the rural character of the area.
- The proposal is contrary to Policy HE3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that there will be no unacceptable adverse impact on an Area of Archaeological Importance.

Site Location Plan – LA05/2023/0174/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local Application [Mandatory]
Application Reference	LA05/2022/0625/F
Date of Application	06 June 2022
District Electoral Area	Castlereagh East
Proposal Description	Planning application for the change of use of a loading bay to a new parklet adjacent to Cafe Nosh, Belfast (Retrospective)
Location	Cafe Nosh, 64 Comber Road Belfast, BT16 2AG
Representations	None
Case Officer	Laura McCausland
Recommendation	Approval

Summary of Recommendation

1. This is a local application presented to the Committee for determination in accordance with the Scheme of Delegation in that the Council is the applicant.
2. Parklets are a relatively new innovation within urban settings and are encouraged in terms of general principle of enhancing the overall quality of placemaking and the creation of greater provision of useable, easily assessable communal spaces. The proposal is considered to be consistent with the core principles of positive place making set out within paragraphs 4.23- 4.36 of the SPPS.
3. It is considered that the change of use of an area of on street parking to a new parklet does not create an unacceptable impact on the amenities of people living nearby as a result of general nuisance or noise and there will be no adverse impact on the visual amenity or character of the locality and that public safety will not be prejudiced and that the tests of paragraph 4.12 of the SPPS are met.

4. The parklet is a timber structure that is not visually intrusive given its height, scale and massing. How it impacts upon surrounding land uses are set out in the assessment section of this report.
5. In addition, the proposal satisfies the policy tests associated policy TRA2 of the Plan Strategy in that safe access arrangements are to be provided, the design of the parking is acceptable and adequate provision is made for car parking.
6. Portions of the site lie within an area of pluvial flooding. Having regard to the advice offered by DfI Rivers the development is in accordance with policy FLD 3. The scale and nature of the development does not give rise to the need for a drainage assessment. Care should be taken to maintain the structure so it does not contribute to surface water flooding elsewhere.

Description of Site and Surroundings

Site

7. The application site is triangular in shape and located adjacent to the Café Nosh premises on Comber Road. A timber framed parklet occupies the site. The parklet has three timber clad sides on a decked area with outdoor lights (similar to garden lights) that are draped across along the southern elevation. Outdoor seating and large planters are set on the timber decked area.
8. The site is flat as it was an area of off-street parking on the Comber Road. Two pedestrian accesses with metal hand-rails are provided directly from the pavement on the western side and via timber steps from the eastern side of the parklet.
9. The site abuts Café Nosh and its existing pavement café area, pavement onto Comber Road and Park Drive.
10. Beyond the site boundary there is a playpark, some residential properties, two public car parks and a terrace of commercial properties with parking bays to the front of the premises.

Surroundings

11. The character of the immediate area surrounding the site is mixed use in nature with retail, other commercial, recreational, community and residential uses adjacent to and opposite.
12. Provision of both on and off-street parking is readily available within the immediate vicinity and the site is in walking distance to several bus stops.

Proposed Development

13. Full permission is sought retrospectively for the change of use of a loading bay to a new parklet adjacent to Cafe Nosh, Belfast.

Relevant Planning History

14. There is no planning history relevant to the site. The structure was erected with the support of the Council during the COVID 19 pandemic in response to social distancing regulations to enhance communal shared spaces but not removed when the temporary regulations were withdrawn. The proposal is to change the use of the land and to retain the existing structure.
15. The parklet is adjacent to Cafe Nosh but not solely linked to the operation of any single premises on the Comber Road and was designed to offer an additional seating area to local commercial premises. This objective remains unchanged.

Consultations

16. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
HED	No objection
Environmental Health	No objection
Environmental Health	No objection
NI Water	No objection
DFI Rivers	No objection

Representations

17. No representations have been received in relation to the proposed development.

Local Development Plan

18. 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

19. 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.

20. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
21. The proposed site is located within the settlement limit of Belfast Urban Area in the BUAP. No other designation is associated with the site. Within draft BMAP the site remains within the settlement limit of Metropolitan Castlereagh No other designation is associated with the site.. .
22. The following strategic policies in Part 1 of the Plan Strategy apply.
23. Strategic Policy 01 Sustainable Development states that:

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

24. Strategic Policy 02 Improving Health and Well-being states that:

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

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

Access and Transport

26. The parklet is sited on private land used for the parking of cars. It is adjacent to the public road and over a pedestrian link. 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.

Flooding

27. Portions of the site are impacted by pluvial flooding. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

- *it is located in an area where there is evidence of historical flooding.*

- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

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

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

Regional Policy and Guidance

28. Paragraph 3.8 of the SPPS states

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

29. Paragraph 4.11 of the SPPS states that

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

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

30. Paragraph 4.12 of the SPPS states

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

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

consultation with stakeholders, all relevant environment and amenity considerations for their areas.

31. Paragraph 6.267 of the SPPS states

Town centres are important hubs for a range of land uses and activities, and can have a positive impact on those who live, work and visit them. They provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses. Our town's high streets also play an important role in bringing people together and can foster a sense of community and place.

32. Paragraph 6.269 of the SPPS states

It is important that planning supports the role of town centres and contributes to their success. The SPPS seeks to encourage development at an appropriate scale in order to enhance the attractiveness of town centres, helping to reduce travel demand.

Assessment

33. A parklet is a is an extension of a footway, or similar area that provides more space and amenities for people using the street or road that affords a place to stop, to sit and rest, while taking in the activities of the area.
34. Parklets are a collaborative approach usually installed in conjunction with local businesses, for example bars, cafés, or restaurants wishing to make use of a pavement café licence. In addition, parklets also offer secure public green space for communities.
35. This application seeks to retain a parklet adjoining Café Nosh for the use of local residents, visitors to the area and neighboring businesses. The parklet is sited on land that was previously used as private parking bays. No separate pavement licence is currently in place so it mainly functions as a secure green space for the local community.
36. The parklet is considered to have a greater degree of permanence than existing adjoining pavement café sited to the front of Café Nosh that provides seating for their patrons only. The parklet is considered to form part of the wider public realm as it serves the wider community including patrons of Café Nosh and other local businesses.
37. The parklet is a self-contained timber framed unit that provides a physical separation barrier between users, and traffic on Comber Road and Park Street.
38. The parklet does not create a new town centre use at this location. It is ancillary to the operation of the local businesses along this part of the Comber Road and creates a focal point for the community to stop and meet one another and still have good access to local businesses.

39. The parklet is considered to be of high-quality bespoke design and finish. Regard has been had the setting and to providing a more usable attractive communal space. The planters are considered to improve the biodiversity value of the site.
40. The location of the parklet, is considered to be acceptable as this is the preferred location these types of development.
41. The development is considered betterment of current existing community offering and improve the visual attractiveness of the street.
42. The development is considered to be sustainable in that it creates greater social and community benefits by promoting health and well-being.
43. The development will provide choice for outdoor seating at that may attract greater footfall to this part of the Comber Road and nearby District Centre. This benefits the vitality and viability of neighbouring businesses and the development had the potential to continue to create social and economic benefits.
44. The design, size and layout of the parklet are considered to be acceptable. The development is located opposite residential properties 1 Park Drive and 66 Comber Road. Beyond the site in close proximity to these properties is a playpark and seating area. The parklet is therefore not considered to introduce a new use into the area. No objection has been received from any surrounding land uses in relation to noise, nuisance and disturbance nor has any compliant been made to Council over the duration that the parklet has been erected.
45. Advice received from Environmental Health offers no objection subject to a condition in relation to hours of operation being attached in the interest of protecting residential amenity. The requirement for this condition has been considered and as there is no history of complaint or mechanism to secure the boundaries of the parklet as it provides through access from Comber Road to Park Drive, this condition will not meet the tests of a condition set out at paragraph 5.65 of the SPSS.
46. It is also noted that the tables and chairs in the parklet are put away at night which further reduces the risk of people stopping and using the parklet in the evening and at night further mitigating any further potential loss of amenity as a result of noise or nuisance.
47. Off-street parking has been removed to accommodate the development, during the site inspection it was observed that sufficient communal parking provision is available in the immediate area to permit any overspill of parking demand by increase in visitors to the locality and that suitable arrangements for loading of vehicles who previously availed of the site. DfI Roads have been consulted and offer no objection to the development in respect of road safety.
48. It is also considered that development will not have significant impact on existing business uses, amenity, character of the area.

49. For the reasons set out above, the proposed development is in accordance with core principles of SPPS and supports existing uses at this location and due to modest scale will not create a significant negative impact upon existing business within nearby District Centre or residential properties.

Access and Traffic

TRA2 Access to Public Roads

50. The parklet is adjacent to the public road, off-street parking is lost and two sections of footpath must be connected across the parklet. It was observed from the site visit that there was adequate parking on the street and the loss of the private parking spaces was outweighed by the other wider benefits described above.
51. The parklet does not intrude into the public road and no adverse traffic impact is identified. Pedestrian movements are provided for through the parklet and the two public footpaths are connected. No road safety issues are identified.
52. DfI Roads offer no objection and as such, it is accepted that that the development will not prejudice road safety nor will it significantly inconvenience the flow of vehicles consistent with Policy TRA2 of the Plan Strategy.

Flooding and Drainage

53. Portions of the site are impacted by pluvial flooding. Advice provided by DfI Rivers is that a drainage assessment is not be required. The parklet must be maintained in a manner that minimises flood risk to the proposed development and elsewhere. As a consequence, the parklet is developed in accordance with policy FLD 3.

Conclusions

54. For reasons set out above the proposal is considered to be in accordance with criteria paragraph 4.11, 4.12, 6.267 and 6.269 of the SPPS.
55. For the reasons outline above, the proposal satisfies the tests associated with TRA2, and FLD3 of the Plan Strategy.

Recommendation

56. The application is recommended for approval.

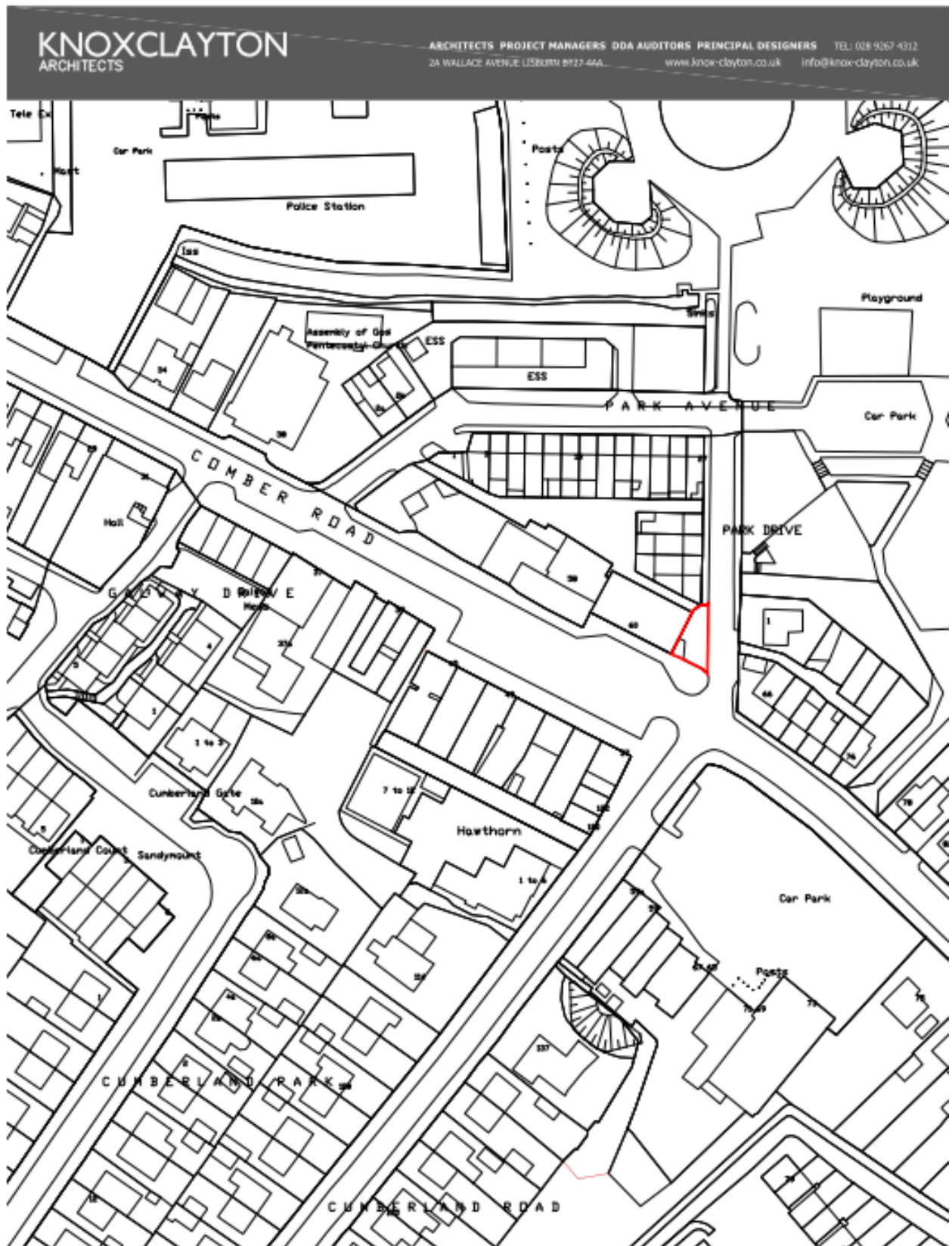
Conditions

57. The following conditions are recommended:

- This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Site Location Plan – LA05/2022/0625/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local (Called In)
Application Reference	LA05/2024/0263/F
District Electoral Area	Downshire East
Proposal Description	Single storey rear extension
Location	57 Old Ballynahinch Road, Lisburn, BT27 6TH
Representations	One
Case Officer	Jade Gillespie
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the requirements of policy HOU7 of the Plan Strategy are met in full. The scale, massing, design and external appearance of the sunroom will not detract from the character of the surrounding area.
3. It is also considered that this proposal does not unduly affect the privacy or amenity of neighbouring residents by reason of overlooking or dominance and that sufficient space remains within the curtilage of the property for recreational and domestic purposes.

Description of Site and Surroundings

Site Context

4. The application site comprises a detached residential bungalow at 57 Old Ballynahinch Road. The host property benefits from off-street parking facilities to the front and side of the dwelling along with a single storey detached garage to the rear. Private amenity space is also available to the rear of the dwelling.

5. The southern boundary of the site is adjacent to the road and is defined by a dark grey pebble dash wall. The eastern and western boundaries are also defined by walls. The northern boundary to the site is defined by hedging.
6. In relation to topography, the application site has a gentle downwards sloping gradient from the southern to the northern boundary of the site. The site also slopes downwards from the eastern to the western boundary.
7. The host property is finished in grey pebbledash with a smooth render base that has been painted light blue. The roof tiles on the property are brown concrete and the fenestration is white PVC with the exception of the front door which has been painted blue to match the render base. The guttering on the property is black PVC while the downpipes are white PVC.

Surrounding Area Context

8. The surrounding area is predominately rural in character as it is located beyond the limits of any settlement. There are a few other residential dwellings within the direct locality of the host property, the closest being 59 Old Ballynahinch Road which is a detached bungalow. The rest of the area directly surrounding the host property is agricultural fields.

Proposed Development

9. This application seeks full planning permission for the erection of a single storey rear extension.
10. The proposed extension will measure a minimum depth of 3.11 metres and a maximum depth of 4.73 metres as it projects from the staggered rear elevation of the dwellinghouse.
11. The extension will also have a width of 4.16 metres and an eaves and maximum height of 3.82 metres to the flat roof. From the extension, a patio will project with 2 access steps that lead into the rear garden. The patio will measure 1.84 metres in depth, 4.16 metres in width and 0.97 metres in height. Metal railings with a height of 1.00 metre will surround the patio. The side walls of the extension will project beyond the rear elevation of the extension by 0.81 metres to create an enclosed area for the patio.
12. The proposed extension will be finished in dark vertical cladding with dark framed windows and doors. The base of the extension and the patio will be finished in concrete.

Relevant Planning History

13. There is no relevant planning history associated with the application site.

Consultations

14. Having regard to the nature and scale of the application, no consultations were required to inform this assessment.

Representations

15. One representation in opposition to the proposal has been received. The representation raises concern that the proposed rear extension would completely remove the existing northwestern visual amenity for 59 Old Ballynahinch Road.

Local Development Plan

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

Plan Strategy 2032

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

'Transitional arrangements will apply in relation to the existing Plan designations. The existing Development Plans which remain in effect for different parts of the Council area are set out in Chapter 2 (Existing Development Plans). Following adoption the Development Plan will be the Plan Strategy and any old Development Plan, with the Plan Strategy having priority in the event of a conflict. Regulation 1 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.'

18. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.

19. The application site is located beyond the settlement limits of Lisburn, in the countryside as defined in the Lisburn Area Plan (2001).
20. In draft BMAP (2014), the application site also resides outside the settlement limits of Lisburn within the countryside.

Residential Extensions and Alterations

21. The proposal is to construct a sunroom to the rear of the dwelling. Policy HOU7– Residential Extensions and Alterations states:

‘Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- a) *the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area*
- b) *the proposal does not unduly affect the privacy or amenity of neighbouring residents*
- c) *the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality*
- d) *sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.*

The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes.

Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.’

22. Regarding Context and Design, Supplementary Planning Guidance, Page 4 states:

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design.

23. It also states that:

An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property

24. On page 5, Supplementary Guidance also states:

Alterations or an extension to a dwelling should not infringe upon a neighbour's property. For example, it is an infringement of a neighbour's property rights should foundations or guttering encroach onto their land or if an extension overhangs or attaches to their property.

25. In relation to external finishes, the Supplementary Planning Guidance states:

The external finish of a proposal should aim to complement the type of materials, colour and finish of both the existing building and those of neighbouring properties, particularly where certain materials strongly predominate. Using similar or complementary materials to those of the existing property is more likely to produce a successful extension or alteration.

26. In relation to residential amenity, the guidance states that:

It is important that the amenity of all residents is protected from 'unneighbourly' extensions as these can cause problems through overshadowing/loss of light, dominance and loss of privacy. The extent to which potential problems may arise is usually dependent upon the separation distance, height, depth, mass and location of an extension and window positions. Single-storey extensions to the rear of a semi-detached or terraced dwelling will generally be acceptable where the depth does not exceed 3.5 metres from the back wall of the original building, at the boundary with an adjoining dwelling.

27. In relation to overshadowing / loss of light, it states:

In terms of daylighting, the effect on all rooms, apart from halls, landings, bathrooms and utility rooms will be considered. Where an extension would be likely to reduce the amount of light entering the window of a room, other than those indicated above, to an unreasonable degree, planning permission is likely to be refused.

Significant problems of sunlight or daylight loss are most likely to occur in terraced or semi-detached housing situations and it is here that most care needs to be taken. An extension should be kept as far as possible from neighbouring windows and boundaries to minimise impact.

28. In relation to access and parking:

Proposed works that would result in the significant loss of car parking spaces or a turning area, with no reasonable alternative being available, will not be acceptable.

Regional and Policy Guidance

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

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

30. This proposal is for a residential extension. Paragraph 3.8 of the SPPS states:

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

31. Paragraph 4.12 of the SPPS states:

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

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

33. 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.

Assessment

34. Detailed plans submitted with the application demonstrate that the proposed extension will measure a minimum depth of 3.11 metres and a maximum depth of 4.73 metres as it projects from the staggered rear elevation of the dwellinghouse.

35. The extension will also have a width of 4.16 metres and an eaves and maximum height of 3.82 metres to the flat roof. From the extension, a patio will project with two access steps that lead into the rear garden.
36. The patio will measure 1.84 metres by 4.16 metres with a height of 0.97 metres. Metal railings with a height of 1.00 metre are shown to extend around the patio. The side walls of the extension will project beyond the rear elevation of the extension by 0.81 metres to create an enclosed area for the patio.
37. The proposed extension will be finished in dark vertical cladding with dark framed windows and doors. The base of the extension and the patio will be finished in concrete.

Scale, massing, design, and external materials.

38. It is considered that the proposed rear extension and associated patio have been appropriately designed to appear as subordinate additions to the host property. The extension is not prominent or dominating to the rear elevation of the dwellinghouse. It is of an appropriate scale and massing and design.
39. Whilst the external materials of the rear extension do not match the materials of the main dwellinghouse, the materials proposed are not considered to be detrimental to the appearance of the host property. Furthermore, given that the extension is to the rear of the property and having regards to the nature and scale of the proposal, the contrasting material finishes are not considered to be detrimental to the character of the surrounding area.

Impact on residential privacy and amenity.

40. The application site shares its eastern boundary with 59 Old Ballynahinch Road.
41. The proposed extension will measure 4.73 metres in maximum depth from the back of the existing dwelling.
42. In the case of ground floor extensions, the 60-degree light test line is taken from the centre of the closest neighbouring window. In this instance the 60-degree sight line from the closest window at 59 will not be broken as a result of the proposed building works.
43. Along the boundary shared with 59, there is a single storey detached garage. The plans submitted indicates that the proposed rear extension and associated patio will not extend beyond the rear elevation of the detached garage.
44. The plans also show that the proposed rear extension will have a height no greater than the height of the existing garage as it sits on a higher level. It is therefore considered that the proposed extension and the patio will be largely screened from the view of the side window at 59.

45. The proposal in its entirety is therefore not considered to have any significant detrimental impact on the amenity of 59 in regard to causing loss of privacy, loss of light, loss of outlook, or appearing overbearing or dominant.

Impact on trees and other landscape features.

46. The proposed extension would be sited in an existing area of hardstanding/grass. The proposal does not involve the unacceptable loss of or damage to trees or other landscape features which contribute significantly to the local environmental quality.
47. No TPO trees were identified within or in close proximity to the application site.

Impact on parking and private amenity.

48. The existing access and parking at the site will remain unaltered. The private amenity space to the rear of the dwelling will be reduced slightly as a result of the proposed extension and patio being erected. However, sufficient space for recreational and domestic purposes remains.
49. Taking all of the above into account, there are no concerns with regards to the proposal insofar as it pertains to Policy HOU7 – Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy.

Consideration of Representations

50. The representation received in relation to the application expressed concern that the proposed rear extension would completely remove the existing northwestern visual amenity for 59 Old Ballynahinch Road.
51. Whilst the right to a private view is a material consideration, it is not given any weight as the extent of the loss of the view is subjective and cannot be quantified as a significant and adverse impact..
52. It is considered that the proposed rear extension is very marginally in excess of the criteria associated permitted development within the curtilage of a dwelling house and no significant harm is caused to the amenity of the residents in the neighbouring property.
53. An assessment of the proposal against the requirements of Part 1 - Class A of the Planning (General Permitted Development) Order (Northern Ireland) 2015 is provided below.

A.1 - Development is not permitted by Class A if—

- (a) *as a result of the works the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);*
54. The proposed single storey rear extension would not result in over 50% of the total area of the curtilage being covered by buildings.
- (b) *the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;*
55. The proposed single storey rear extension would not exceed the height of the highest part of the roof of the existing dwellinghouse.
- (c) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;*
56. The eaves of the proposed single storey rear extension would not exceed the height of the eaves of the main dwellinghouse.
- (d) *the enlarged part of the dwellinghouse would extend beyond a wall which—*
- (i) *faces onto a road; and*
- (ii) *forms either the principal elevation or a side elevation of the original dwellinghouse;*
57. The proposed single storey rear extension would not extend beyond a wall that faces the road nor would it extend beyond a wall that forms the principal elevation or a side elevation of the original dwellinghouse.
- (e) *the enlarged part of the dwellinghouse would have a single storey and—*
- (i) *extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse;*
- (ii) *exceed 4 metres in height; or*
- (iii) *be within 3.5 metres of the boundary of the curtilage of the dwellinghouse with a road opposite the rear wall of the dwellinghouse;*
58. The host property is a detached dwellinghouse. The proposed single storey rear extension would have a minimum depth of 3.11 metres and a maximum depth of 4.73 metres.
59. The proposed extension therefore exceeds the depth limit of 4.00 metres but only by 0.73 metres. The proposed single storey rear extension would not

exceed 4.00 metres in height with a height of 3.82 metres to the flat roof. There is no road opposite the rear wall of the dwellinghouse.

- (f) *the enlarged part of the dwellinghouse would have more than one storey and—*
 - (i) *extend beyond the rear wall of the original dwellinghouse by more than 3 metres; or*
 - (ii) *be within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;*

60. The proposed rear extension will be single storey.

- (g) *the enlarged part of the dwellinghouse would be within 2 metres of any boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;*

61. The eaves of the proposed single storey rear extension will measure 3.82 metres in height which exceeds the limit of 3.00 metres. However, the extension will not be located within 2.00 metres of any boundary of the curtilage of the dwellinghouse.

- (h) *The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—*
 - (i) *exceed 4 metres in height; or*
 - (ii) *have a width greater than half the width of the original dwellinghouse;*

62. This application proposes a single storey rear extension.

- (i) *it would consist of or include—*
 - (i) *an alteration to any part of the roof of the dwellinghouse;*
 - (ii) *the construction or provision of a deck, balcony, veranda or other raised platform;*
 - (iii) *the provision of a basement;*
 - (iv) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe;*
 - (v) *the installation, alteration or replacement of a microwave antenna; or*

63. There is no alteration to any part of the roof of the dwellinghouse proposed within this application.

64. The proposal will involve the construction of a raised patio with a height of 0.87 metres. Whilst the proposed patio is not permitted development, the proposed patio is not a concern of the objector.

65. The proposal does not include the provision of a basement. Nor will it involve the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of a microwave antenna.

- (j) *the dwellinghouse is within the curtilage of a listed building unless listed building consent for the development has previously been granted.*

66. The host property is not listed.

A.2 - Development is not permitted by Class A if—

In the case of a dwellinghouse which is within a conservation area, World Heritage Site, area of outstanding natural beauty or National Park, development is not permitted by Class A if—

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles;*
- (b) *the enlarged part of the dwellinghouse would have more than one storey or would exceed 4 metres in height; or*
- (c) *the enlarged part of the dwellinghouse would extend beyond a wall forming the principal or a side elevation of the original dwellinghouse.*

67. The application site is not located within a conservation area, World Heritage Site, Area of Outstanding Natural Beauty or a National Park.

68. The above assessment has established that the proposed single storey rear extension would largely fall within the realms of permitted development with the exception of its minimally larger depth of 4.72 metres. Nevertheless, the applicant could erect a single storey rear extension with a depth of up to 4.00 metres (within the realms of permitted development) at any time without the need for neighbour consultation.

Recommendation

69. It is therefore recommended that this planning permission is approved.

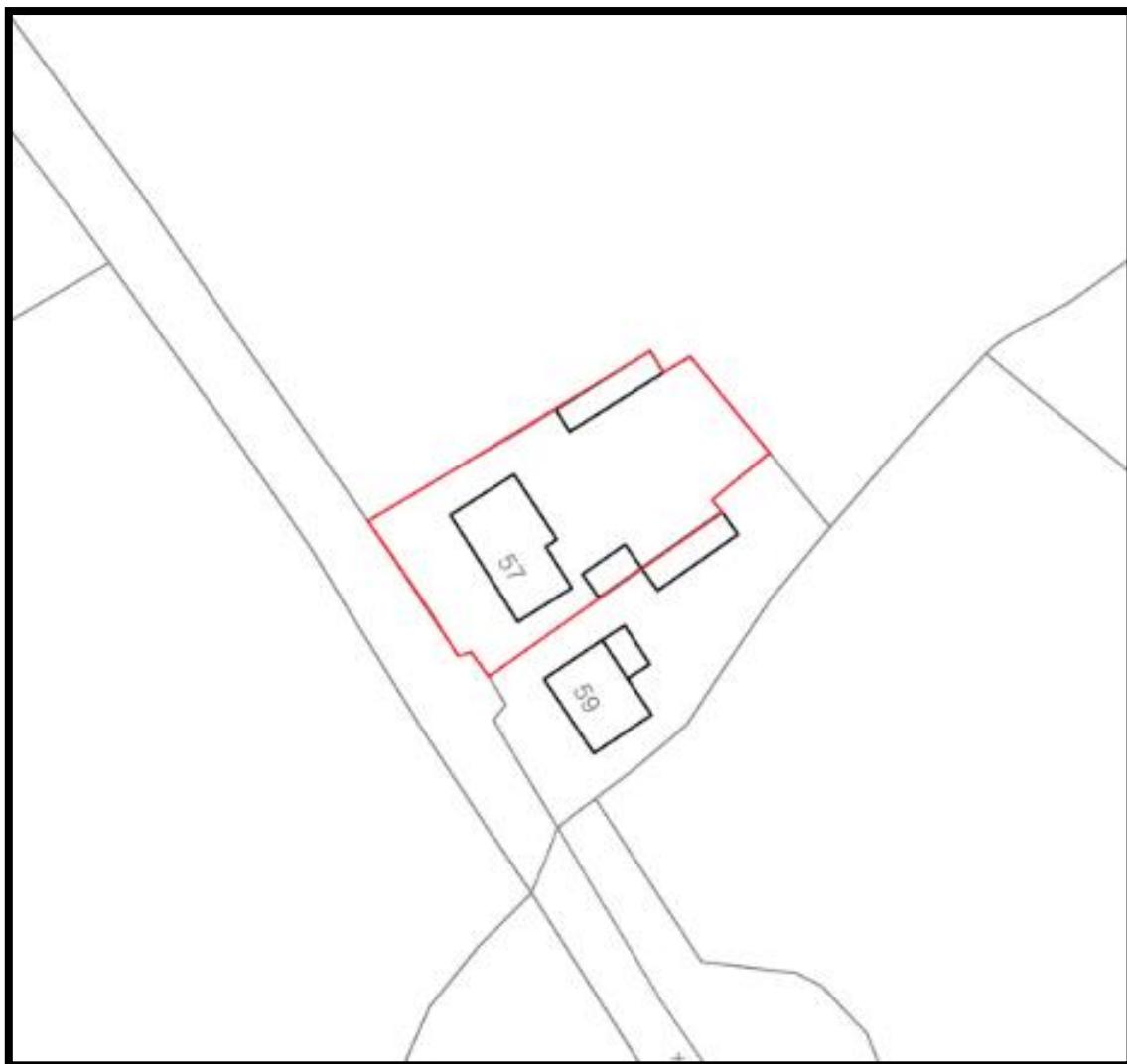
Conditions

70. The following condition is recommended:

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

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

Site Location Plan – LA05/2024/0263/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	01 July 2024
Committee Interest	Local (Called In)
Application Reference	LA05/2023/0053/F
Date of Application	17 January 2023
District Electoral Area	Castlereagh East
Proposal Description	Retention of carport and raised decking (with amendments)
Location	8 Robbs Road, Dundonald, Belfast, BT16 2NA
Representations	Two
Case Officer	Joseph Billham
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to refuse as the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area and for these reasons is contrary to criteria (a) of policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy.
3. The proposal is also contrary to criteria (b) of Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal would adversely impact on the privacy and amenity of neighbouring residents through overlooking and general noise and disturbance.

Description of Site and Surroundings

4. The site is located at the west side Robbs Road. The site is similar in size to the adjacent plots and is triangular in shape narrowing towards the rear of the site.
5. The site has a front paved area for parking and manoeuvring of vehicles on site. The site has a small side garden that runs from the rear of the dwelling to the front along the shared boundary with 10 Robbs Road.
6. The site comprises a semi-detached two storey dwelling with a large two-storey rear return. The dwelling has a standard pitched roof with a single chimney on the ridge and a matching pitched roof on the extension at the rear. The dwelling has a single storey front porch with a lean on roof. The front elevation of the dwelling has vertical emphasis windows. At the rear of the site is a detached single storey garage. The site at the rear has a paved for parking of vehicles.
7. The dwelling has an existing car port and raised decking that runs the length of the dwelling. The car port and decking consists of timber support posts and railings. The car port and decking are unauthorised.
8. The dwelling is finished in cream pebble dashed render and red brick. The roof comprises of cement fibre slate roof tiles. The windows are white uPVC. The rainwater goods are black uPVC.
9. The site is bounded to the west and rear by a 1.8 close boarded fencing. The west north boundary shared with 10 Robbs Road consists of boundary comprises of a mix of vertical and horizontal fencing. Fronting the road the boundary treatment comprises of red brick wall with two entrance pillars and concrete coping top. There is existing small row of hedging between No 8 and 6 at the front.
10. The topography of the site is relatively flat land overall and the side garden rises slightly to meet the boundary shared with No. 10.

Surroundings

11. The site is bounded by two dwellings at 6 and 10 Robbs Road to the north and south which are a two-storey detached and a semi-detached dwelling.
12. The surrounding area is mainly residential. There are some commercial businesses to the northwest of the site.

Proposed Development

13. The application seeks full planning permission the retention of an unauthorised carport and raised decking (with amendments).
14. The current proposal reduces the length of carport on the ground floor from 10.6 metres to 10.2 metres due to the whole structure being set back 0.4 metres from the front of the dwelling.
15. The application proposes to reduce raised decking area from 10.6 metres in length to 6.6 metres in length. The height of the rear portion of the structure adjacent to number 10 Robbs Road is increased by 900mm to 4.4 metres which includes the proposed glass balustrade which has increased in height from 900mm to 1.8 metres. The width of the structure remains 3.5 metres wide.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2015/0426/F	2 storey extension to rear of dwelling	8 Robbs Road Dundonald BT16 2NA	Permission Granted
LA05/2022/0133/F	Car port with decking over the top 900mm balustrading on decking (Retrospective)	8 Robbs Road Dundonald BT16 2NA	Withdrawn

17. The planning history associated with planning application LA05/2022/0133/F is an important material consideration. Whilst the application was withdrawn before a decision of the Committee issued, an enforcement notice served by the Council was the subject of an appeal [2022/E0056].
18. The outcome of the enforcement appeal process was that the Notice was upheld and the unauthorised carport and raised decking was deemed under ground (a) to be refused. The period for compliance with the notice was amended to three months from the date of the appeal decision and this is due to expire early in July

Power to Decline to Determine subsequent applications

18. This proposal is similar to the one deemed refused by the Planning Appeals Commission. The Council has the power under Section 46 of the Planning Act (Northern Ireland) 2011 (The Act) to decline to determine subsequent applications.
19. The earlier application reference LA05/2022/0133/F was withdrawn on 14 November 2022 before any decision issued and as such, none of the requirements of subsections 2, 3, or 4 of Section 46 of the Act were met to allow officers to decline to determine this application.
20. No similar application had been received and refused within two years under sub-section 2, no appeal was dismissed against refusal of permission under sub-section 3 and not more than one similar application was refused under sub-section 4 of Section 46 of the Act.
21. Section 46 does not deal with enforcement appeals made and refused planning permission under ground 1(a) deemed applications. In the absence of such a provision the Council has a duty to process an application for which a fee has been paid.

Consultations

22. The following consultations were carried out:

Consultee	Response
HED	No objection
EHO	No objection

Representations

23. There have been two letters of representation received in opposition to the application from the owner/occupier of 10 Robbs Road.
24. These representations are available to view on the Planning Portal via the following link: [Northern Ireland Public Register \(planningssystemni.gov.uk\)](https://planningssystemni.gov.uk)
25. The issues raised in these representations have been considered as part of the assessment of this application. The issues within the representations received included:
 - Loss of amenity and privacy

- The structure is illegal and subject to enforcement action
- Illumination
- Dominance, construction, style and appearance detract from the appearance and character of the surrounding area
- Accuracy of drawings
- Loss in value to property

Local Development

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

Plan Strategy 2032

27. It is stated at page 16 of Part 1 of the Plan Strategy that:

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

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

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

28. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
29. The site is within the Settlement Development Limit of Metropolitan Castlereagh in the BUAP and draft BMAP.
30. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

The Plan will support development proposals which further sustainable development including facilitating sustainable housing growth; promoting

balanced economic growth; protecting and enhancing the historic and natural environment; mitigating and adapting to climate change and supporting sustainable infrastructure.

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

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

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

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

33. The strategic policy for Housing in the Settlement Limits is set out in Part 1 of the Plan Strategy. The following operational policies in Part 2 of the Plan Strategy also apply.
34. This application is for an extension to an existing dwelling in the settlement limit. It falls to be assessed against policy HOU 7.

Residential Extensions and Alterations

35. Policy HOU 7 Residential Extensions and Alterations states:

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents

c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

a. It also states that:

The above policy applies to all residential extensions and alterations and for extensions and/or alterations to other residential uses as set out in Parts C2 and C3 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 (or as amended), such as guest houses, hostels and residential/nursing homes

Supplementary Planning Guidance, Part A: Guidance for Residential Extensions and Alterations, will be taken into account when assessing proposals against the above criteria.

36. Guidance contained within Part A states:

An extension or alteration to a residential property should be designed to become an integral part of the property both functionally and visually. Such works should not be designed in isolation solely to fit in a required amount of accommodation. Proposals that are badly sited or designed, or that are incompatible with their surroundings, can lead to an undesirable change in the character of the existing property and the area in which they are located. Success depends upon striking the right balance between adaptation and sensitivity to the original design.

The overall aim is to encourage high quality design solutions irrespective of whether the approach followed seeks to mirror the style of the existing property or adopts a contemporary modern design approach. To ensure good design any extension or alteration will need to complement the host building and respect its location and wider setting.

An extension or alteration should not be so large or so prominent as to dominate the host property or its wider surroundings, rather development proposals should be in scale with existing and adjoining buildings. All such works should have proportion and balance, fitting in with the shape of the existing property. The height, width and general size of an extension should generally be smaller than the existing house and subordinate or integrated so as not to dominate the character of the existing property, although it is accepted that on occasion a larger extension may be required.

A further concern may arise where a side extension to a semi-detached dwelling is proposed at the same height and follows the same building line as the block comprising an original pair of dwellings. This will often compromise the appearance and architectural integrity of the block, and if repeated throughout a neighbourhood is likely to have an adverse impact upon the

character of the wider area. To address this particular problem, proposals of this nature should be 'set back' from the building line or front of the house and also 'set down' from the ridge line.

Extensions or alterations to the front of a property require great care as the front elevation is often the most visible to public view. Poor design can upset the architectural integrity of the existing property and have an intrusive effect on the street scene. It is important, therefore, to ensure that extensions and alterations to the front of property do not detract from the street scene, especially where there is a clear and visually obvious 'building line' or architectural features. In such cases they should appear to be part of the existing property and not an obvious addition. This can be achieved by ensuring any such works are in proportion with the property, its fenestration and detailing, with matching materials, roof design and pitch.

Extensions, particularly to the side of a residential property, whereby refuse and garden equipment will need to be carried through the house or stored in the front garden, will not normally be permitted. An exception may be made where a route can be maintained through the extension via a garage or utility room on the ground floor.

Historic Environment and Archaeology

37. The site was noted on records, as being within the zone of influence of an archaeological site/monument and an area of archaeological potential.
38. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states that:

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

Flooding

39. The site is shown on a DfI Rivers constraints map to be subject to surface water flooding. Policy FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

development, where:

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

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

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

Regional Policy and Guidance

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

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

41. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

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

42. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.

43. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
44. Paragraph 3.8 of the SPPS states:
that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance
45. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

Assessment

Policy HOU7 – Residential Extensions and Alterations

46. The proposal seeks permission to retain a carport and raised decking with amendments that include alterations to erect screen fencing and to alter the appearance of the retained structure. The car port and decking has been erected to the side of the dwelling an extends out 3.5 metres from the side of the existing dwelling.
47. The existing development on site extends the length of the dwelling and rear return and has a total length of 10.6 metres and a maximum height of approximately 3.55 metres. The development is flush with the front of the dwelling. The finishes on the existing structure include timber support posts and horizontal slatted timber railings.
48. The current proposal reduces the length of the carport on the ground floor from approximately 10.6 metres to 10.2 metres due to the whole structure being set back 0.4 metres from the front of the dwelling.
49. The application also proposes to reduce the raised decking area from 10.6 metres in length to 6.6 metres in length. The height of the rear portion of the structure adjacent to number 10 Robbs Road is increased by 900mm to approximately 4.4 metres which includes the proposed glass balustrade which has increased in height from 900mm to 1.8 metres. The width of the structure remains 3.5 metres wide.
50. Access to the raised deck is proposed through a new doorway replacing a window at first floor level.

51. While the proposal has been set back 0.5 metres from the front of the existing dwelling and the first floor decking reduced in length, this does not overcome the overall impact the structure has on the existing dwelling and surrounding area.
52. The structure as a whole is still considered to be large in scale and massing that is dominant and unsympathetic to the existing dwelling and surrounding area. The height of the overall structure is increasing in height with the balustrade being raised at the front, rear and side.
53. The commissioner states in paragraph 20 of the enforcement appeal decision:

At the hearing, it was suggested that provision of a 1.8m screen around the perimeter of the deck could be erected to protect residential amenity in the event of an approval. However, whilst such an addition could potentially address residential amenity issues, the position of the structure, flush with the dwelling's frontage and along the majority of the side gable, coupled with its overall size, is such that a higher screen could increase its visual impact and consequent harm.
54. The structure is open to public view on the front elevation when travelling along Robbs Road and is considered to be visually intrusive in the street scene. It is not considered to be similar in style to the existing dwelling and does not respect the wider surroundings.
55. Officers agree with the Commissioner's assessment that the 1.8 metre high screen which has been proposed in this instance could increase its visual impact. The fact that the structure is increased in height in this way will continue to detract from the appearance and character of the surrounding area.
56. The finishes of the structure include the supporting timber posts to be painted black. The wooden horizontal slats are being replaced with black polyester powder coated steel balustrade railings and uprights with frosted panels.
57. The proposed changes to the finishes do not change the concerns previously expressed by officers in respect of this unauthorised development as the structure remains open to public view on the front elevation and are inappropriate and not considered to complement the existing dwelling or surrounding area. The proposed materials are not deemed acceptable when compared to the surrounding area mainly comprise of red brick and render.
58. While the agent has demonstrated in the supporting statement black railings are present across the road at Bailey Manor development, the steel up rights and painted timber as advised above on a dominant structure are not acceptable. The external materials of the proposal are unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area.

59. In relation to amenity the decking has been reduced in length and a 1.8 metre screen proposed along the side and rear. The decking sits 2.6 metre to the finished floor level at first floor.
60. The raised decking has a separation distance of 6 metres to the side gable wall of 10 Robbs Road. The 1.8 metre screening has a length of 2.6 metre across the side of the raised decking and the full length of the rear. The 1.8 metre screening will minimise the impact on a portion of overlooking however were the screening drops to 1.1 metre on the side elevation if a person were to stand and look towards the rear amenity space of 10 it would be considered direct and intrusive (my emphasis). A loss of amenity would be caused to the residents of 10 Robbs Road from overlooking even if the mitigation is provided.
61. The raised decking is considered to directly overlook into the most private area of the garden at 10 Robbs Road. Taking into consideration the close proximity and orientation the decking will still have an unacceptable level of overlooking towards the most private area of the garden at 10 Robbs Road. The proposal is considered to have an adverse impact on the amenity and privacy of neighbouring residents by way of overlooking from the raised decking.
62. It should be noted that whilst EHO had no objections the commissioner as part of the enforcement appeal noted above advised in paragraph 21:

Given its position on the first floor side gable of the property and its proximity to the neighbouring properties, noise and general disturbance from its use is likely to be more obtrusive than that caused by a gathering in a typical ground level garden.

63. Officers agree with the comments of the Commissioner that this proposal will have an adverse impact on the amenity of residents living in adjacent properties by reason of noise and general disturbance because of the elevated position of the deck.
64. There will be no loss of or damage to, trees or other landscape features resulting from the proposal.
65. This proposal will not adversely affect the curtilage of the property in regard to parking and manoeuvring of vehicles. There remains sufficient space on site for the parking and manoeuvring of vehicles.
66. The agent had provided supporting information by way of medical information for a person who resides at the property. This person is not named as the applicant.
67. The specific needs of a disabled person are an important material consideration but the reasons presented would not outweigh the visual and amenity concerns. Officers note that the commissioner had stated in paragraph 24 of her report that:

Whilst I have no reason to doubt the medical circumstances of the individuals, within the evidential context before me I am not persuaded that the stated personal circumstances taken in isolation would necessarily require the retention of the first floor deck, nor that all other alternatives have been adequately investigated. Accordingly, the circumstances presented in this deemed application are not considered sufficient to outweigh the visual and amenity concerns with the development that have been considered above.

68. This proposal is considered to be contrary to criteria (a) and (b) of policy HOU7 for Residential Extensions and Alterations for the reasons set out above.

The Preservation of Archaeological Remains of Local Importance and their Settings

69. The application site is situated within an archaeological site and monument buffer zone. HED had been consulted.
70. HED replied stating:

Historic Environment Division (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements. Historic Environment Division; Historic Buildings has considered the effects of the proposal on the listed building HB25/05/004 and on the basis of the information provided, has no comment to make as the proposal is far enough away from the listed building that its setting will remain unaffected.

71. The advice of HED is accepted and officers have no concern with the proposal and its impact on any known archaeological remains or the closest listed building.

Flooding

72. The site is located within a surface flood zone as indicted on a DfI Rivers Flood constraints map.
73. Taking into consideration the scale and nature of the unauthorised works it is not considered the proposal would have an adverse impact because of surface water flooding. A drainage assessment is not required given the scale of the proposal.

Consideration of Representations

74. Two letters of representations have been received in relation to the proposal from the same household.

Loss of amenity and privacy

75. The proposal is considered to have adverse impact on the amenity and privacy of neighbouring residents by way of overlooking from the raised decking. The decking has been reduced in length and a 1.8m screen proposed along the side and rear. The raised decking has a separation distance of 6m to the side gable wall of No 10 Robbs Road. The 1.8m screening measures 2.6m across the side of the raised decking. Taking into consideration the close proximity and orientation the decking will still have an unacceptable level of overlooking towards the most private area of the garden at No 10 Robbs Road.

The structure is illegal and subject to enforcement action under application LA05/2022/0133/F.

76. There are currently enforcement proceedings on the site that have been taken in consideration during the processing of this application.

Illumination

77. Environmental Health have been consulted and offered no objection on the basis that lighting is installed at an elevated level. The general amenity objection of using the deck has been sustained and the use of lighting to allow the deck to be used in the evening falls within this general objection.

Dominance, construction, style and appearance detract from the appearance and character of the surrounding area

78. The current proposal reduces the length of carport on the ground floor from 10.6 metres to 10.2 metres due to the whole structure being set back 0.4 metres from the front of the dwelling.
79. The application proposes to reduce raised decking area from 10.6 metres in length to 6.6 metres in length. The height of the rear portion of the structure adjacent to number 10 Robbs Road is increased by 900mm to 4.4 metres which includes the proposed glass balustrade which has increased in height from 900mm to 1.8 metres. The width of the structure remains 3.5 metres wide.
80. The material finishes include black powder coated steel balustrade railings and black painted timber posts that support the structure. The proposal is considered to be large in size that is dominant and unsympathetic to the existing dwelling. The material finishes do not complement the dwelling. The proposal is open to public views when travelling along Robbs Road and is considered to have an intrusive effect on the street scene. The proposal is

considered to detract from the appearance and character of the surrounding area.

Accuracy of drawings

81. The drawings submitted are checked and considered to be accurate.

Loss in value to property

82. Whilst the impact on property value is not a material consideration afforded much weight it is considered the proposal would adversely impact the amenity of neighbouring properties by way of overlooking. A refusal of permission is recommended and a remedy exists with a live enforcement notice.

Conclusions

83. All material considerations have been assessed and all objections were considered during the assessment of this application. This proposal is contrary to criteria (a) and (b) of policy HOU7 of the Plan Strategy for the reasons detailed above.

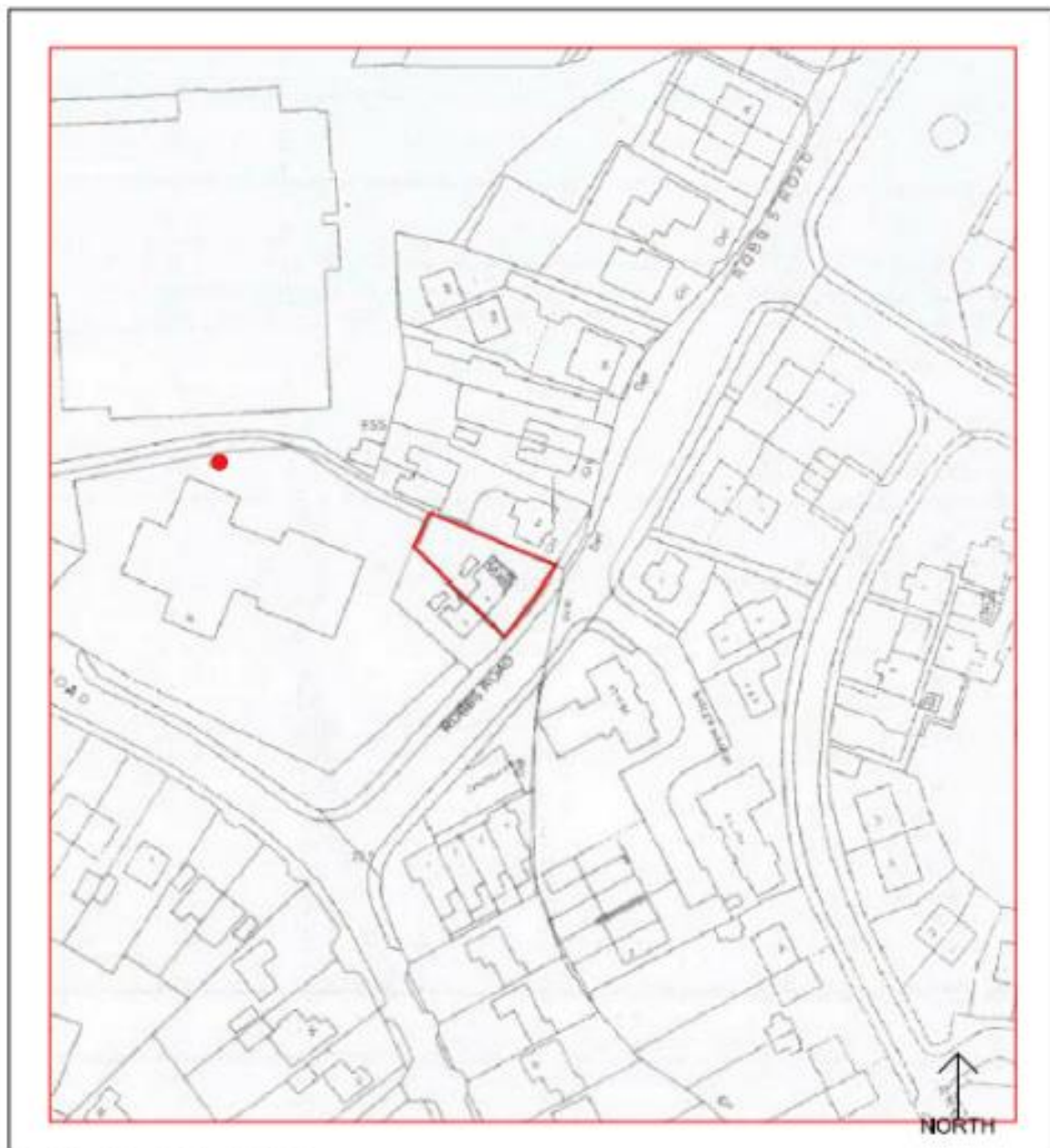
Recommendations

84. It is recommended that planning permission is refused.

Refusal Reasons

85. The following refusal reasons are recommended:
1. The proposal is contrary criteria (a) of Policy HOU7 criteria of the Lisburn and Castlereagh City Council Plan Strategy in that the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
 2. The proposal is contrary to criteria (b) of Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal would unduly impact on the privacy and amenity of neighbouring residents through overlooking.

Site Location Plan – LA05/2023/0053/F



Location Map. Scale 1:1250

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

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

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of May 2024.
2. This data is invalidated management information. The data has been provided for internal monitoring purposes only. They are not validated official statistics and should not be publicly quoted as such.
3. Members will note that the performance against the statutory target for local applications for May 2024 was 34.3 weeks. This is based on 60 applications having been decided. This percentage number of cases processed within 15 weeks is increased from 12.2% in April to 23.3% in May.
4. The team is now focused on improving performance whilst continuing to reduce the number of older applications. The implementation of a structural review and an improvement plan should see an overall improvement against this target in this business year. Key performance indicators are in draft to assist in measuring this performance.
5. It is important to note that legal challenges and ongoing resourcing pressures continue to impact on our ability to improve performance in relation to local applications. It is expected that the team will be at full complement by July 2024 and a programme of improvement is planned to assist in improving the timeliness of decision making.

6. Performance in relation to major applications for May 2024 was 59.2 weeks with one decision having issued. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.
7. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review and a protocol is in draft to speed up the processing of planning agreements.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the information in relation to the May 2024 Statutory Performance Indicators.	
3.0	<u>Finance and Resource Implications</u>	
	There are no finance or resource implications.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required. .	

Appendices:

Appendix 2 – Statutory Performance Indicators – May 2024

Statutory targets monthly update - May 2024 (unvalidated management information)

Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	1	49.4	0.0%	60	49	32.6	12.2%	19	19	46.6	63.2%
May	2	1	59.2	0.0%	61	60	34.3	23.3%	34	40	33.6	80.0%
June	-	-	-	-	-	-	-	-	-	-	-	-
July	-	-	-	-	-	-	-	-	-	-	-	-
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	3	2	54.3	0.0%	121	109	34.2	18.3%	53	59	33.8	74.6%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Appeal Decision – LA05/2021/0894/O

1.0 **Background**

1. An application for a replacement dwelling and garage on land to the rear of 144 Ballygowan Road, Dromore was refused planning permission on 21 June 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 05 July 2023.
3. The procedure followed in this instance was written representation and an accompanied site visit took place on 12 March 2024.
4. The main issues in the appeal were whether the proposed development was acceptable in principle in the countryside, whether it would result in a detrimental change to the rural character of the area and its impact adversely on any natural heritage features.
5. A decision received on 03 June 2024 indicated that the appeal had been allowed and full planning permission granted subject to conditions.

Key Issues

1. A summary of the planning authority case is set out at paragraphs 3.1 to 3.25 and the appellants case at paragraphs 4.1 to 4.19 of the Commissioner's Report. The Commissioner's consideration of the evidence is set out at paragraphs 5.1 to 5.37.
2. At paragraph 5.8, the Commissioner describes the building identified to be replaced as being constructed on a linear plan with external walls intact. The view is also expressed that it exhibits a broad vernacular style and has been constructed in a traditional manner, largely using local materials, including natural stone. Observations noted that the front elevation had been rendered and painted white.
3. The Council had argued that the building lacked the essential features typical of a dwelling house. Whilst the Commissioner did agree that it is reasonable to expect to see a chimney, a chimney breast and some internal room divisions together with original features such as window and door openings, it was important to examine every aspect of the building to ascertain if it exhibited the essential characteristics of a dwelling.
4. At paragraph 5.10 of his report, the Commissioner makes reference to historical photographs provided by the appellant. The view is expressed that from the front,

- the appeal building resembles similar features shown in the photographs with particular reference made to the domestic scaled windows and a front door with a lean-to-porch.
5. The windows of the appeal building were also supported by sills there were in his assessment akin to those evidenced in the photographs submitted in support of the appeal case.
 6. The Commissioner's report notes that the fenestration in the front and rear elevations lacked symmetry, varied in size and exhibited a low proportion of void to mass. The red brick found around the rear window openings and under the eaves is aged and weathered. The red brick has also been used to increase the height of the northeastern gable.
 7. At paragraph 5.12, the Commissioner explained that the access to the building is through the domestic scaled doorway and a porch on the front elevation. The inner wall of the porch is finished in rough render and it curves into the buildings central room. The Commissioner confirmed that the external walls are original and that the building is separated into three rooms. A fourth room located to the south of the building cannot be accessed internally. This room was accessed via double doors on the front elevation and was being used to store bikes, hand tools and work bench. He further explained that electrical fittings were evident.
 8. At paragraph 5.17 of his report, the Commissioner expressed a view that the building exhibited some of the essential characteristics of a dwelling.
 9. Evidence provided by the appellant in relation to the history of the use of the building was examined by the Commissioner at paragraph 5.18 of the report. The evidence included land registry folio information and historical maps. The Commissioner, having regard to the evidence, accepted on balance that the appeal building was historically used as a dwelling.
 10. The Commissioner's consideration of the balance of the policy tests associated with policy COU3 are set out at paragraphs 5.22 – 5.28. The view expressed is that the curtilage of the replacement building has been subsumed into the curtilage of 144 Ballygowan Road and was acceptable. Furthermore, the construction of the dwelling at an alternative position would not have a visual impact significantly greater than that of the existing building or indeed NI Water structures beyond.
 11. Whilst not explicitly referenced in his report, the Commissioner appeared to justify the replacement of the building onto a road frontage site with limited integration and justify the siting of the new building on the basis of the criteria in policy COU3 that the curtilage is too restricted, and this is the closest available location for the new dwelling.
 12. This is important as the Commissioner then engages with the operational tests associated with policy COU8 and paragraphs 5.29 to 5.30. It is the Commissioner's opinion that a ribbon of development does not exist and that the reason for refusal cannot be sustained on the basis of the new building adding to an existing ribbon of development.
 13. Two buildings beside one another fronting the road does create a ribbon as set out in the justification and amplification of policy COU8. The Commissioner does not engage with this point however and if this was the only site onto which the building

could have been located then this should have been weighed in the Commissioner's consideration.

14. Officers will consider the findings of this decision and examine how reasons for refusal in respect of ribboning are presented in the future where dwellings are replaced along a road frontage and the curtilage of the site is so restricted that there is no alternative location to site the dwelling.

15. The operational tests associated with COU16 are addressed at paragraph 5.31 of the Decision report. Whilst the Commissioner, for the reasons outlined, expresses the view that there is no ribbon of development, the Commissioner does not engage with the potential for the development to create a ribbon of development and balance this against the requirements of policy COU3. For the same reasons described above officers of the Council will consider how these reasons are presented in the future.

16. Considerations as to the impact of the proposal on Natural Heritage features is addressed at paragraphs 5.32 and 5.33 of the Commissioner's report. Based on the evidential context, and having regard to the fact that the alternative site is observed as grassland and that the appellant is undecided as to whether the building will be demolished or retained as a store, the Commissioner was not persuaded that the proposed development with the retention of the appeal building along with removal of a portion of roadside hedgerow was likely to harm protected species or have an adverse impact on natural heritage.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the report, decision of the Commission in respect of this appeal and the learning arising from this appeal process.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 3 – Appeal Decision – LA05/2021/0894/O
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Appeal Decision

Park House
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156

Appeal reference:	2023/A0028.
Appeal by:	Mr George Cunningham
Appeal against:	The refusal of outline planning permission.
Proposed development:	Replacement Dwelling
Location:	Rear of 144 Ballygowan Road, Dromore
Planning authority:	Lisburn and Castlereagh City Council
Application reference:	LA05/2021/0894/O
Procedure:	Written representations and Commissioner's site visit on 12 th March 2024
Decision by:	The Commission, dated 3 rd June 2024

The Commission has considered the report by Commissioner McCallion and accepts his analysis of the issues and recommendation that the appeal should succeed. The Commission agrees that the reasons for refusal have not been sustained.

Decision – the appeal is allowed and full planning permission is granted, subject to the following conditions: -

1. Except as expressly provided for by condition 5, the following reserved matters shall be as approved by the planning authority – the design and external appearance of the dwelling.
2. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels for the dwelling, all in relation to a known datum point.
3. The building shaded green on the attached drawings PAC1 and PAC2 shall be retained and shall be used for domestic storage purposes only.
4. The dwelling including its curtilage area shall be sited within the area shaded blue on the attached drawing PAC 3, date stamped 22nd of February 2022.
5. The ridge height of the dwelling shall not exceed 6 metres above existing ground level at the lowest point within its footprint.
6. Road and visibility splays of 2.4 metres x 90 metres shall be laid out in both directions onto Ballygowan Road before any building operations commence and thereafter shall be retained.

7. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing:
- trees and hedgerows to be retained along the northern, western and eastern boundaries of the site,
 - new planting along the proposed access verge to the site and associated southern site boundary of the site,
 - hedge planting to the rear of the visibility splays and
 - and the location, numbers, species and sizes of trees and shrubs to be planted within the site.

The scheme of planting, as finally approved, shall be carried out during the first planting season after the dwelling is occupied. Trees and shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

8. An application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
9. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

10. This decision relates to the following drawings: -

Drawing No.	Title	Scale	Date
Council No. 01/PAC 1	Location Plan	1:2500	13 August 2021
Council No. 02/PAC2	Site Location Plan	1:500	13 th August 2021
Council No. 04/PAC 3	Site Layout Plan	1:500	22 nd February 2022

PAMELA O'DONNELL

Deputy Chief Commissioner

PLANNING APPEALS COMMISSION

THE PLANNING ACT (NORTHERN IRELAND) 2011

SECTION 58

**Appeal by Mr George Cunningham
against the refusal of outline planning permission for a replacement dwelling
to the rear of 144 Ballygowan Road, Dromore, BT26 6EG**

**Report
by
Commissioner Gareth McCallion**

Planning Authority Reference: LA05/2021/0894/O

Procedure: Written Representations

Date of Site Visit: 12th March 2024

Report Date: 23rd May 2024

1.0 BACKGROUND

- 1.1. Lisburn and Castlereagh City Council (the Council) received the planning application on 13th August 2021. By notice dated 21st June 2023 the Council refused permission giving the following reasons: -
- 1. The proposal is contrary to the SPPS and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the structure (to be replaced) does not exhibit the essential characteristics of a dwelling and insufficient supporting information has been provided to establish otherwise.**
 - 2. The Proposal is contrary to the SPPS and Policy CTY3 of PPS 21 in that it has not been demonstrated that either (a) the curtilage is so restricted that it could not reasonably accommodate a modest size dwelling, or (b) an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits to justify replacement off-site.**
 - 3. The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would, if permitted create a ribbon development along the Ballygowan Road and would therefore result in a detrimental change to the rural character of the countryside.**
 - 4. The development is contrary to the SPPS (paragraph 6.179) and Policies NH2 and NH5 of PPS2 – Natural Heritage, in that it has not been demonstrated that there will be no adverse impact upon features of natural heritage importance.**
- 1.2. The Commission received the appeal on 4th July 2023 and advertised it in the local press on 21st July 2023. No representations were received from third parties.
- 1.3. In accordance with Section 12 of the Planning Act (Northern Ireland) 2011 and Regulation 24 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council adopted its Local Development Plan 2032, Plan Strategy (PS) on the 26th September 2023. Following this change in circumstances, the Council stated that their refusal reasons should be superseded with the following:
- 1. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it is not a type of development which in principle is considered to be acceptable in the countryside.**
 - 2. The proposal is contrary to policy COU 3 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the structure to be replaced does not exhibit the essential characteristics of a dwelling.**
 - 3. The proposal is contrary to policy COU3(a) (i)(ii) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) an alternative**

position nearby would result in demonstrable landscape, heritage, access or amenity benefits to justify replacement off-site.

- 4. The proposal is contrary to policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that if approved, add to ribbon of development along the Ballygowan Road [sic].**
- 5. The proposal is contrary to Policy COU 16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the proposal would not have an adverse impact on the rural character of the area by virtue of ribbon development.**
- 6. The proposal is contrary Policies NH2 and NH5 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that not been demonstrated that there will be no adverse impact upon features of natural heritage importance [sic].**

- 1.4. The Appellant was provided with the opportunity to comment on the revised reasons for refusal.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site is in the countryside, off the Ballygowan Road, Dromore, County Down. The building to be replaced is an outbuilding located to the rear of No. 144 Ballygowan Road. The appeal site also comprises of an occupied dwelling, No. 144 Ballygowan Road, lands to the rear of the appeal building, a stone barn and a field to the southwest of the appeal building. Access, via a driveway, is taken from the Ballygowan Road. There is a north westerly verge off this driveway, which provides an approach road to lands beyond the appeal site.
- 2.2 The appeal building is of a vernacular form. Its external walls support a pitched corrugated tin roof. The front elevation, which has a rendered and white painted finish, contains two doors and four, single glazed windows. The single door is circumscribed by a stone doorstep and a small porch, whilst each of the windows are supported by sills. The set of double doors are situated southwest of the composite porch and door with a single glazed window in between. All these anterior doors, have an external finish of, red painted, corrugated metal. Metal rainwater goods, also painted red, are present on the front elevation. On the ground, directly beneath the front elevation, extending c 0.5 metres out from the building, there is a section of stone paving. This stonework runs the length of the façade.
- 2.3 The external finish of the northeastern gable of the appeal building, is that of natural stone and red brick. At the centre of the gable, is a broad external arched doorway containing a green painted, corrugated metal door. An additional enclosed storeroom adjoins the appeal building's southwestern gable. It is used as store for firewood, coal, and kindling.
- 2.4 The rear elevation of the appeal building is comprised of natural stone, interspersed with red brickwork around five, uneven and irregularly spaced, single glazed, windows. Red brick is also found under the eaves.

- 2.5 A two-storey stone barn sits perpendicular to the appeal building. The barn and the appeal building are adjoined via the storeroom which is sited in the gap between the two buildings. No. 144 Ballygowan Road, a single storey dwelling, is sited directly c.6.5 metres southeast of the appeal building. The external rear and gable walls of this building have been rendered and painted white. The front elevation is finished with stone cladding. This dwelling faces onto an area of hardstanding and a garden which extends, in length, to the Ballygowan Road.
- 2.6 Internally, the appeal building is made up of four similar sized rooms. Three of the rooms are internally connected. The fourth room, whilst still confined to the appeal building in terms of its external walls and the roof, is accessed through the double doors and contains outdoor equipment and tools.
- 2.7 The siting and orientation of the appeal building, the stone barn and the dwelling, forms a small courtyard area, the surface of which is comprised of paving stone and concrete. There are two water pumps of a traditional style, present in the yard. One is located close to the main entrance of the appeal building, whilst the other is sited near to the southwestern gable of No. 144 Ballygowan Road.
- 2.8 The land directly behind the appeal building is elevated grassland. The north easterly boundary of this area is defined by mature trees and scrub. The north westerly boundary of the appeal site is undefined. Beyond this there are several coops containing domestic fowl (pheasants). Further west of the coops is a site, under the control of NI Water. This site is enclosed by c. 2.5 metre-high security fencing and contains two large concrete and steel structures. The south-westerly boundary of the open grassland area is delineated by a lane leading to the NI Water structures.
- 2.9 The field, to the southwest of the appeal building is the preferred site of the proposed replacement dwelling. It comprises a mixture of grassland with several vegetable plots located in the southeast corner of the same. The field inclines from the Ballygowan Road to the northwest. The northeastern boundary, adjoining the approach to the NI Water structures, is raised by a minor, grass embankment with several mature trees interposed along it. The northwestern boundaries of the field are demarcated by large mature trees, intermittent hawthorn hedges and scrub. The northwestern and northeastern boundaries converged to form a point at the most northern part of the field. The southern and southeastern boundaries of the field are delimited by mature, well-maintained hawthorn hedgerows. Post and wire fencing has also been employed, in places, to secure the field's boundaries.
- 2.10 In the wider environs, lands surrounding the appeal site comprises of agricultural fields, bounded by mature hedgerows, trees and post and wire fencing. There are also several farms and dispersed dwellings in the locality.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 The proposal is contrary to Policies COU1, COU3, COU8 and COU16 along with NH2 and NH5 of the Council's Plan Strategy (PS). The site is located within the countryside. The surrounding area comprises of agricultural fields and dispersed single dwellings, specifically to the east of the appeal site. There is no relevant planning history associated with the appeal site.

- 3.2 Section 6(4) of the Planning Act (NI) 2011 requires that in determining planning applications regard must be had to the requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.
- 3.3 In accordance with the transitional arrangements, the existing Local Development and draft BMAP remain material considerations. The Council's reasons for refusal in its decision notice were framed upon the policies contained within in the Department of Infrastructures Planning Policies Statements (PPSs). The suite of Planning Policy Statements retained by the Department for Infrastructure no longer apply in the Lisburn & Castlereagh City Council area. Therefore, having regard to the publication of the Plan Strategy, the refusal reasons have been updated to take account of the most up to date policy. Policies COU1, COU 3, COU8, COU16, NH2 and NH5 of the new PS are now the relevant policies in terms of assessment of the proposal.
- 3.4 The proposal is not considered to be a type of development which in principle is acceptable in the countryside. As such, it is contrary to Policy COU1 of the PS.
- 3.5 The issue of essential characteristics of a dwelling have been examined by the Commission within the Appeal 2019/A0254: *"Although there is no question that all of the external walls of the structure and its roof are substantially intact, the policy also requires buildings to exhibit the essential characteristics of a dwelling. The essential characteristics of a dwelling are not prescribed by the policy, however, it would not be unreasonable to expect to see a chimney, domestic scaled window and door openings, a chimney breast and some internal room divisions all of which would give a building the appearance of a dwelling"*. Furthermore, a description of the essential characteristics of a dwelling is provided within the justification and amplification of Policy COU 3 of the PS which states *"the essential characteristics of a dwelling includes original features such as doors/window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms"*. The building to be replaced is fully intact. However, it lacks the essential features typical of a dwelling house.
- 3.6 Externally, the roof is corrugated and appears to have been rebuilt more recently. There are no external chimneys and there is no evidence of external domestic style doors. The openings appear to be more typical of an outbuilding/stables. Although the windows to the front elevation are of a vertical emphasis, they do not appear to be domestic in style and again seem to have been more recently replaced.
- 3.7 No evidence has been presented to Council to suggest that the building would have internal features typical of a dwelling. From the information submitted the evidence does not point to the building having an internal chimney breast, fireplace, or internal partitioned walls.
- 3.8 Supporting evidence was submitted to suggest that this building was the original house in existence in 1920. It was also suggested that a new house was built to the front of this, known as No. 144 Ballygowan Road and that the widow lived in the original dwelling until 1962. The roof was said to be thatched originally suggesting it has been replaced.

- 3.9 Land registry information refers to folio details for 144 Ballygowan Road. There is no other known address for this site which suggests that at one point prior to 1962 this building was replaced already. The policy does not allow for the building to be replaced again if this was the case.
- 3.10 The evidence presented to Council is not sufficient in demonstrating the building to be replaced has the appearance of a dwelling and thus exhibits the essential characteristics of a dwelling house and/or that it was previously used as a dwelling house. The proposal is unacceptable in principle and contrary to COU3.
- 3.11 Policy COU3 criterion (a) states that the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
- 3.12 The appellant provided no evidence as to why the replacement dwelling cannot be located within the established curtilage. Following a site inspection, it is considered that there is sufficient space at the current location to construct a reasonable sized dwelling with adequate private amenity space to serve a new dwelling.
- 3.13 The Appellant has stated that locating the dwelling in the preferred location will provide for improved amenity provision for the existing dwelling at No. 144 Ballygowan Road. The Council have considered that a replacement dwelling within the existing curtilage can be provided without negatively impacting upon the residential amenity of No. 144 Ballygowan Road in terms of overlooking or loss of privacy without the requirement of an alternative site.
- 3.14 The preferred location of the dwelling is sited within an existing agricultural field located to the west of the site, which has established tree planting on two of its boundaries. The agent states that this will allow for the proposed dwelling to blend into the landscape. The information submitted in support of the application does not clarify to any extent what other landscape benefits this preferred location may offer.
- 3.15 The Appellant also indicates that the existing access will be utilised to serve the proposed dwelling but does not expand on how this will bring demonstrable benefits.
- 3.16 The limited case advanced by the agent that an alternative position for the dwelling nearby would result in demonstrable landscape, heritage, access or amenity benefits is not accepted for the reasons outlined in the previous paragraphs. Furthermore, rather than bring any demonstrable benefits, it is considered that the proposed location for the dwelling would have an adverse impact on the character in that it would add to an existing ribbon of development along the Ballygowan Road.
- 3.17 For reasons set out above it is deemed that the curtilage is not so restricted that it could not reasonably accommodate a modest sized dwelling. It has subsequently not been shown that an alternative position nearby would result in demonstrable landscape, access or amenity benefits therefore the proposed development is not in accordance with COU3 (a)(i) and (ii) and an alternative location is not acceptable in principle.

- 3.18 Policy COU8 states that planning permission will be refused for a building which creates or adds to a ribbon development.
- 3.19 The appeal site is a roadside site and is located adjacent to and west of an existing ribbon of development along the Ballygowan Road. The existing ribbon of development consists of the property at No. 144 Ballygowan Road, a barn style outbuilding and the building which is the subject of this appeal.
- 3.20 The application site is a roadside site adjacent to No. 144 Ballygowan Road and for this reason, the proposal would be contrary to Policy COU8 of the plan strategy in that it would add to an existing ribbon of development along the Ballygowan Road.
- 3.21 Policy COU16 Rural Character and other Criteria, states that in all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations. It is considered that the location of the off-site replacement [dwelling] will add to an existing ribbon of development.
- 3.22 For the reasons outlined above, it is considered that proposed development, in this instance, would damage the rural character of the area contrary to policy COU16.
- 3.23 The statement submitted in support of the application indicates that the existing building is to be demolished and replaced off site. No biodiversity checklist or ecological statements were submitted with the application. Council requested a biodiversity checklist from the agent and were advised that one had been commissioned and that a report would be submitted within 6 weeks. At the time the application was refused some 6 months later the requested ecological information had not been submitted.
- 3.24 Given that the building is to be demolished and no ecological reports have been submitted it has not been demonstrated that there would be no adverse impact on natural heritage issues.
- 3.25 The Council is satisfied that the refusal reasons are warranted, and the Council's interpretation of policy has been applied correctly in this case. However, if the PAC are of the opinion to approve, draft conditions are provided on a without prejudice basis:
- Time Limits;
 - Details of siting, design and external appearance;
 - Finished floor levels and levels;
 - Access arrangements and visibility splays;
 - Parking arrangements;
 - Septic tank provisions;
 - Landscape and screening; and
 - Demolition of the appeal building.

4.0 APPELLANT'S CASE

- 4.1 The planning application was issued and decided two months prior to the adoption of the Lisburn and Castlereagh Local Development Plan 2023 - Plan Strategy (PS). The planning application was submitted on 13th August 2021 and a decision taken 12th June 2023 under the previous planning policy, Planning Policy Statement 21 'Sustainable Development in the Countryside (PPS 21) Policies CTY1 and CTY3. The appeal should have regard to the planning policy in place at the time that the application was decided.
- 4.2 The Council did not submit a statement of case. The Commissions request for comments on the adoption of the PS should not be used as an opportunity for the Council to submit a statement of case. The wording of both policy documents [PPS 21 and Policies within the PS] remains essentially the same, there should be no necessity to consider any new evidence or a full statement of case from the Council.
- 4.3 The Council has assessed the application as a 'full' application and not one which seeks outline permission. The application was submitted to establish the principle of replacement. Applications seeking outline planning permission need not go into the house design etc at this stage. All the finer details within the planning policy can be dealt with at reserved matters stage if the appeal were to succeed.
- 4.4 The Council was supplied with a notional layout only and a red line application area for consideration. There are no objections from NI Water, Department of Agriculture, Environment and Rural Affairs (DAERA), Environmental Health, or Transport NI.
- 4.5 The main arguments relate to refusal reasons 1 through to 3. Refusal reason 4 requires the submission of information from a qualified ecologist, which has not been provided. However, the proposal is for outline planning permission. Typically, a reserved matters application will be required, within a short period, following the grant of outline permission. Any ecology report submitted at the outline stage will be required to be repeated as matters recorded on site will be required to be revised one year after the date of the initial report. Therefore, it would be sensible to provide the ecological report at the reserved matters stage of the process. Consequently, any forthcoming planning permission could be granted subject to a condition requiring the ecological works to be undertaken in advance of implementation of the proposal.
- 4.6 The existing structure is an historic vernacular building. Currently, demolition of the building is not being sought as it has not been established whether the building is required to be demolished. As the Council states in its [development management] report, it may be in everyone's interest to retain the building for use associated with the existing dwelling. This use, as a store or utility building could be conditioned.
- 4.7 Policy CTY 1 clearly states that planning permission will be granted for individual houses in the countryside in the following cases: A replacement dwelling in accordance with Policy CTY 3 'Replacement Dwellings'. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' includes buildings previously used as dwellings.

- 4.8 The details of the new planning policies COU1 and COU3 now in place do not differ from previous regional policy. The wording of the relevant part of policy is exactly the same. The policy COU3 for replacement dwellings states - planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.
- 4.9 The policy further states that in all replacement cases, proposal for a replacement dwelling will only be permitted where the following criteria are met: (i) the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; (ii) the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building; (iii) the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness; (iv) the necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and (v) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. If it is accepted that the building to be replaced meets the criteria of CTY1 and CTY 3 then the additional requirements of criteria (i) through to (v) could be covered with conditions attached to the outline planning permission.
- 4.10 To address the main criteria of Policy CTY 3, information has been submitted which provides an historic account of the small holding. The information includes the original deeds, photographs for illustration purposes, the history map of the area from 1903 and information regarding the occupants of the original dwelling. The original deeds were first registered in 1910, the folio details Down – 5649. The Mercer family were registered owners of the lands until 1997, when the folio ownership was transferred to the Cunningham family. The deeds and associated map are still held under the same folio as can be seen from map attached to deeds.
- 4.11 The history map, surveyed sometime between 1903 and 1920, clearly shows the original buildings on site at that time. The additional history map surveyed between 1964 to 1971 shows the additional building No. 144 Ballygowan Road to the front of original dwelling. That map confirms a neighbour's narrative that a new dwelling was built on the holding around 1960 onwards. Both history maps show the original dwelling with a stone storage building running at right angles, this has been well maintained and can be seen on site. The original dwelling combined with attached storage, which is now a garage, and the detached farm building would have been enough for a small holding of between 8 and 9 acres.
- 4.12 The Appellant, through discussions with Winnifred Mercer the owner of the property in 1996, was able to confirm that the new house was built to the front of the existing dwelling and the widow of the owner of the holding at that time, Mrs Mercer, had lived on in the original dwelling until her death in 1962. Winnifred Mercer unfortunately could not provide any clear evidence or even a supporting letter due to recent health issues. It is difficult to give any additional evidence to justify that the

existing building on site, the subject of this appeal, was originally used as a dwelling house by the Mercer family.

- 4.13 The photographs of the appeal building denote the front and rear elevations and the eastern gable. These photographs show a vernacular style dwelling built per 1900. The gap from the top of the windows to the underside of the tin roof indicates that the building was originally built with a thatched roof. The photograph of the end gable denotes the wall having been possibly rebuilt when the original thatch roof was removed. The rear elevation has existing windows which are similar style to those at the front. The irregular windows and no rear door are consistent features of dwellings dating from pre-1900. An internal photograph shows the inner wall of the porch is rounded. This detail is not seen in outbuildings but is common in older stone houses.
- 4.14 The appeal building is well maintained, has been kept intact and used for storage. The original wooden front door was replaced due to issues with rodents and to secure the building. The intact original porch is an indicator of the building's use as dwelling. There are the remains of a dry toilet to the rear elevation. When you go through the characteristics of the existing building on site it meets almost all the requisite criteria. The building is long and narrow, it measures approximately 5.6 metres front to back. The walls are 500mm thick and mostly consist of stone, there is a small wind porch to the front and the window openings both on front and rear elevations lack symmetry and regularity.
- 4.15 The building cannot have been a barn originally as stated in the planner's report, barns did not have the window and door openings as can be seen and would not have had a porch. The small holding has an existing barn and small agricultural buildings attached to the barn and house. The outbuildings would have been adequate to farm this small holding of approximately 6 acres. This configuration of a long narrow dwelling with adjacent taller out houses would have been typical of a small holding in the period it was constructed. Two photographic examples of dwellings in rural Ireland which are of a similar style to the appeal building were provided.
- 4.16 It is considered that during the removal of the thatch and installation of the tin roof, quite often the chimney would have been removed. The flue is usually found within the wide external stone wall and the chimney. With the chimney and flue no longer in use, these elements could have caused structural problems. The fireplace would have been removed long ago, as that was quite often a target feature for uninvited collectors.
- 4.17 The preferred location for the new dwelling is to the southwest of the appeal building. The main reasons for the new location of the replacement dwelling are that trees to the rear of the existing would have to be removed to accommodate a reasonably sized dwelling. Furthermore, a house built and occupied to the rear of the appeal building would take away from the privacy of the family occupying No. 144 Ballygowan Road. No. 144 would be left with no amenity space and restricted movement, as both dwellings would be using the area between dwellings to park cars. The parking and access arrangements for both existing and replaced dwelling may cause a nuisance to either party especially at nighttime.

- 4.18 The policy wording for Policy CTY3 allows for re-siting. The proposed location for the dwelling is within 10-15 metres from the original dwelling. The preferred site benefits from mature landscaping of both mature hedging and tall trees providing an opportunity for the new dwelling to integrate into the surrounding landscape. Therefore, it would not have a visual impact significantly greater than the existing building. The policy does not allow for all the landscaping to be new as it would take several years to mature. However, it is accepted generally that a small amount of additional landscaping can be provided if the majority of the landscaping exists. Any approval can be conditioned to provide a small amount of additional landscaping to the front of the new dwelling.
- 4.19 Regarding the Council's refusal reason that, if permitted, the proposal would create a ribbon of development, it is clear on site that the proposed dwelling will be set back approximately 70m from the edge of the road. The proposed dwelling, with some additional planting to the front, will not create a ribbon of development or result in a detrimental change to the rural character of this area. There is an existing building belonging to water service already visible to the rear of the site the proposed dwelling will replace this in terms of what is viewed from the road.

5.0 CONSIDERATION

- 5.1 The main issues in this appeal relate to whether the proposal would be acceptable in principle in the countryside, whether it would result in a detrimental change to the rural character of the area and its impact on natural heritage.
- 5.2 Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.
- 5.3 The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) on 26th September 2023. The PS sets out the strategic policy framework for the Council area. Pursuant to the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan now becomes a compilation of the Departmental Development Plan (DDP) and the PS read together. The Lisburn Area Plan 2001 is the DDP for this appeal. In accordance with the legislation, any conflict between policy contained in the DDP and that of the PS must be resolved in favour of the PS.
- 5.4 At the request of the Commission, comments were submitted to the appeal by both parties following the adoption of the PS. In compliance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), operational policies set out in Part 2 of the Plan Strategy are now in effect. Existing policy retained under the transitional arrangements has ceased to have effect in the district. Despite the arguments advanced by the Appellant, the previous Regional Policies have now been superseded. The length of time the proposal has been in the planning system does not represent exceptional circumstances that outweigh the transitional arrangements outlined above. It now falls to the Commission to assess the appeal

proposal in the context of the PS, in accordance with the legislative provisions and the amended reasons for refusal as proposed by the Council.

- 5.5 In the DDP, the appeal site is in the countryside and is located within the green belt. The DDP policies relating to the green belt are now outdated. Accordingly, limited weight is attached to them. There is no conflict between the DDP and the PS insofar as it relates to the appeal development.
- 5.6 Policy COU 1 of the PS 'Development in the Countryside' states that "*there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development*". Under Policy COU1, details of operational policies relating to acceptable residential development proposals in the countryside, are set out in policies COU2 to COU10.
- 5.7 The appeal before me relates to a proposal which sought outline planning permission for a replacement dwelling. Policy COU 3 'Replacement Dwellings' states that "*planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings*".
- 5.8 The appeal building has been constructed on a linear plan and the external walls are intact. The roof is pitched and has been enclosed with corrugated tin. The Appellant has advanced that this roof replaced a thatched one. The building exhibits a broad vernacular style. It has been constructed in a traditional manner, largely using local materials, including natural stone. The front elevation has been rendered and painted white. The depth of the building is approximately 6 metres from front to back.
- 5.9 There is no dispute that all the external walls are substantially intact. However, the Council states that the appeal building "*lacks the essential features typical of a dwelling house*". The Council referred to and provided appeal decision 2019/A0254 and cited "*the essential characteristics of a dwelling includes original features such as doors/window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms*". I would agree that it is reasonable to expect to see a chimney, a chimney breast and some internal room divisions, together with original features such as window and door openings. However, it is also important to examine every aspect of the building to ascertain if it exhibits the essential characteristics of a dwelling.
- 5.10 The Appellant provided photographs of both the appeal building and two vernacular rural dwellings within his evidence. When viewed from the front, the appeal building resembles similar features of those examples as shown in photographs. The appeal building, like the photographs, has domestic scaled windows and a front door, which is defined by a lean-to porch that projects from the building's façade. This porch has an external stone doorstep and subsequent threshold, which is a feature associated with domestic use. These are comparable characteristics with a dwelling as depicted in one of the photographs. One photograph of a dwelling depicts its front windows being supported by sills. Likewise, each of the front windows of the appeal building are supported by sills, again, which are domestic features.

- 5.11 Externally, the rear wall of the building has been constructed using natural stone and there are 5, domestic scaled, single glazed windows. The fenestration of the building's windows, front and rear, lack symmetry, vary in size, and exhibit a low proportion of void to mass. Red brick is found around the rear window openings and under the eaves. This red brick is aged and weathered and has also been used to increase the height of the northeastern gable. The brick has been placed directly on top of the c. 2m high natural stonework of this wall. This gable includes a tall and broad arched doorway, containing a green painted, corrugated metal door. There is also a natural stone path which runs the length of the appeal building's front elevation.
- 5.12 The building is accessed through the domestic scaled doorway and porch on the front elevation. The inner wall of the porch is finished with a rough render. A feature of this inner wall is that it curves into the building's central room. My site visit confirmed that the external walls are original and are largely constructed from natural stone. The building is separated into three rooms. The internal walls have been constructed using modern block work with doorways providing intramural access between the three rooms. However, the fourth room, located to the south of the building, cannot be accessed internally. Access to this room is taken through the double doors found on the front elevation. This is discussed further below.
- 5.13 The central room was largely empty at the time of my site visit. Centrally, along the rear wall there is a single domestic scaled window. Another window is located on the front wall to the right of the doorway as one enters. The floor has been finished in concrete and modern electric ceiling lights including corresponding switches are present.
- 5.14 The room north of the central room was also largely empty at the time of inspection. The original stone floor remains underfoot. The room contains domestic scaled windows, two along the front elevation and another two along the rear. Corresponding to my external observations, the northern gable has been vertically extended, with red brick placed on top of the c.2-metre-high original stone wall and converging to a point at ridge height. To the righthand side of the arched doorway and affixed to the gable wall is a modern oil-fired boiler and associated flue, which exits through the red brickwork, just below the roof. The boiler was not operating at the time of my inspection. There are no radiators or other heating appliances found within the appeal building. Therefore, the boiler, if connected and functioning, facilitates a heating system beyond the appeal building, possibly that of No. 144 Ballygowan Road. Like the previous room, modern electric ceiling lights and corresponding switches are present.
- 5.15 The final internal room, located to the south of the central room, was being used to store domiciliary and garden furniture, including an assortment of other household possessions, with paintings mounted on the southern internal wall. This room also contained a domestic scaled window on the front elevation and a similar scaled window, on the rear wall.
- 5.16 The double doors, found along the front elevation, provide access to a fourth room in the building. At the time of my inspection, this room was being used to store several quadbikes, hand-tools and a large wooden workbench with tools and other

equipment placed on and around it. Electric fittings are present throughout and a domestic scaled window is located on the rear wall of this room.

- 5.17 There is no evidence of a chimney on the appeal building. The flue pertains to an oil-fired boiler which is not connected to a heating system within the appeal building. As advanced by the Appellant, these characteristics would have been removed during the execution of renovations to the appeal building, including the works to increase the height and pitch of the roof. These fixes also include the use of modern block to separate the internal rooms and the installation of modern electrical fittings. The rebuilding appears to be for maintenance only and is not of a significant amount. From my site visit, it is evident to me that the appeal building exhibits some of the essential characteristics of a dwelling. It has been developed on an informal linear plan, the depth of the appeal building (front to back) is no greater than 6 metres and the building exhibits external walls of mass load-bearing materials. Domestic scaled windows are present. The window openings exhibit a lack of symmetry and regularity. The domestic scaled front entrance is defined by a lean-to porch and the windows along the front elevation incorporate established domestic sills. Combined, these characteristics, as the Appellant's photographs demonstrate, are exhibited on vernacular style or old dwellings and are not features typically required for, or found on, barns or other types of ancillary and non-domestic outbuildings – in particular, the presence of a threshold and a rounded internal wall. Whilst the stated features do not replicate all of the typical characteristics, as catalogued within the justification to Policy COU 3, the list is non-exhaustive. For the reasons given, I am broadly satisfied that the building exhibits the essential characteristics of a dwelling.
- 5.18 The policy also requires that the building to be replaced, should have been previously used as a dwelling. The Land Registry folio information, provided by the Appellant, reveals that the appeal site, including the building to be replaced, was registered in 1929 to a Thomas Mercer of Ballygowan, Hillsborough. Reference is made within the register to the transfer of these lands to Mrs Mercer, a widow. However, the date of this transfer and other details are not legible.
- 5.19 The Appellant also provided historical maps of the appeal site, with the lands pertaining to the Land Registry folio depicted on them. The first map, Down Sheet 21, dated between 1919-1920 denotes the footprint of the appeal building, and the stone barn, together with the associated access point and driveway to it from the Ballygowan Road. The second map, Sheet 183 is dated between 1964 – 1971. This map denotes the footprint of the appeal building, the stone barn and that of No. 144 Ballygowan Road. The map also depicts other properties in the vicinity of the appeal site which correspond to structures which are still, as noted from my site visit, on the ground currently. The second historical map, which denotes the footprint of No. 144 Ballygowan Road, points to the erection of this building before 1964. The Council has provided no substantive evidence that this building was an actual replacement opportunity.
- 5.20 Whilst the Appellant's conversations with a member of the Mercer Family in relation to the appeal building being used as a dwelling up until 1962 is anecdotal, I consider that the Land Registry information, historical maps which show a building on the site and the overall appearance of the building have established that, on balance, the appeal building was historically used as a dwelling. Therefore, this aspect of the

policy is satisfied. Thus, for the above reasons, I consider that the proposal represents a replacement opportunity.

- 5.21 Additionally, Policy COU 3 requires that proposals for a replacement dwelling will only be permitted where all the three criteria as listed in the Policy are met. Criterion (a) states that the *“proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits”*. As the PS advises, for the purposes of Policy COU3 ‘curtilage’ means the immediate, usually defined, and enclosed area, for example by landscaping, hedging or fencing surrounding an existing or former dwelling house.
- 5.22 From my site visit, the appeal building does not have an appreciable curtilage. Whilst it may have done in the past, it has now been subsumed within the curtilage of No. 144 Ballygowan Road. Therefore, criterion (a)(i) of Policy COU 3 is met.
- 5.23 Notwithstanding the above, even if I had found in the alternative, the elevated nature of this land and its proximity to the existing dwelling would result in unacceptable amenity issues, with the replacement dwelling being constructed in tandem with 144 Ballygowan Road. These issues would include overlooking and the loss of privacy of the occupants of No. 144 Ballygowan Road. Whilst access to a dwelling within the curtilage could be taken from the verge that serves the NI Water structures, and the mature boundary treatments of the in-curtilage site would provide a suitable backdrop, it is considered that an alternative position for a dwelling nearby would result in demonstrable amenity benefits. Therefore, as I have assessed, criterion (a)(ii) of Policy COU 3 is also satisfied.
- 5.24 The preferred replacement site is located southwest of the appeal building. It is proposed to position the dwelling in an excised area to the northwest of this field. The preferred site’s topographical elevation would be comparable to that of No. 144 Ballygowan Road, and the established mature trees would provide a suitable backdrop. The existing trees and hedgerows, along the southwestern boundary, would assist with the integration of a dwelling at this location.
- 5.25 The NI Water structures, whilst sited at a greater elevation than that of the appeal building, are visibly larger in terms of their height, width and overall footprint to the domestic buildings and farm shed in front of them. These structures are moderately screened from the Ballygowan Road by mature trees. However, they are appreciable in the landscape, particularly when viewed from the junction of Listullycurran Road and the Ballygowan Road.
- 5.26 Minor landscaping would therefore be required along the southern boundary of the preferred site, where access to it is proposed to be taken from the existing driveway to No. 144 Ballygowan Road. This marginal requirement would also demarcate a physical boundary between the preferred site and the public road, with the proposed dwelling having no frontage extending to the public road. Therefore, even with its elevated siting, the construction of a dwelling on the preferred site would not have a visual impact significantly greater than that of the existing building or indeed the NI Water structures beyond.

- 5.27 Regarding the design and layout, and notwithstanding the provision of a notional site layout plan, as discussed further below, matters pertaining to the ultimate design and layout would be considered at reserved matters stage. The ridge height and levels could be regulated by condition, if planning permission was to be granted.
- 5.28 I am satisfied that the proposal meets the policy tests of COU 3. The appeal building exhibits the essential characteristics of a dwelling and, for the reasons given, an off-site replacement dwelling is merited. Due to its condition and use in association with No. 144 Ballygowan Road and its inter-relationship to the host dwelling, the appeal building could be retained, as advocated in the justification and amplification of the policy, subject to a planning condition for its retention as an ancillary domestic building. This would ensure that the appeal building could not be considered for a further replacement opportunity. Hence, for the above stated reasons, the Council's second and third reasons for refusal are not sustained.
- 5.29 Policy COU 8 states that "*planning permission will be refused for a building which creates or adds to a ribbon of development*". The justification and amplification of policy states that, "*a ribbon development cannot be defined by numbers, although if **there are two buildings fronting a road and beside one another**, there could be a tendency to ribboning*" (emphasis added). The Council advise that the existing ribbon development consists of the property at No. 144 Ballygowan Road, a barn style outbuilding and the appeal building. Consequently, the Council consider that the appeal proposal would, if permitted, add to ribbon development.
- 5.30 No. 144 Ballygowan Road fronts onto the road. The appeal building is situated behind No. 144 Ballygowan Road and therefore it does not front onto the road. The barn does not front onto the Ballygowan Road due to its orientation. Accordingly, within the context of Policy COU 8, which differs from previous retained policy on this matter, I find that there is only one building fronting onto the road, that of No. 144 Ballygowan Road. Based on the buildings identified by the Council, there is no ribbon of development present at this location. Therefore, the proposal before me does not offend Policy COU 8 and the Council's fourth reason for refusal is not sustained.
- 5.31 Policy COU 16 'Rural Character and other Criteria' states that "*in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area*". The Council contend that the off-site replacement will add to an existing ribbon of development and as such would have an adverse impact on and damage the rural character of the area. It is for this reason only that they consider the proposed development is contrary to the policy. I have considered the ribboning development aspect above and concluded that there is no ribbon of development. In any case, unlike former Policy CTY14, Policy COU 16 does not address ribbon development. Therefore, the Council's fifth reason for refusal is not sustained.
- 5.32 Policy NH2 of the PS states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species; or not likely to harm other statutorily protected species and which can be adequately mitigated or compensated against. Policy NH5 states planning permission will only be granted for development which is not likely to result in an unacceptable adverse impact on, or damage to, known natural heritage features worthy of protection.

Within the evidential context, the Council has not provided any information regarding the nature or type of species or any adverse effects of the proposed development on same. Indeed, no consultation was carried out with the statutory authority on these matters, in this case the Department for Agriculture, Environment and Rural Affairs (DAERA). Additionally, the Council have considered the requirement for a biodiversity checklist is based upon their conviction that the appeal building will be demolished. However, the Appellant is undecided whether the building to be replaced will be demolished. Nevertheless, given its upkeep and current use, its retention and future use could be conditioned if planning permission was to be forthcoming.

- 5.33 The Appellant has demarcated the preferred location of the replacement dwelling together with details like its footprint including width and size. This location is acceptable for the reasons outlined earlier in this report. Matters regarding the siting, and design could, if planning permission is forthcoming, be conditioned and brought forward at reserved matters stage.
- 5.34 The Council's Environmental Health Department raised no objection in principle to the proposal, subject to a plan being submitted at reserved matters stage detailing, inter alia, the location of the septic tank/biodisc and area of sub-soil irrigation for disposal of effluent. As per the submitted plans, the Appellant is proposing a minor alteration to the existing access onto the public road. The Department for Infrastructure (Roads) consultation response raised no objection subject to the provision of access details including visibility splays of 2.4m x 93m. However, given my on-site observed access arrangements and road speeds, I am not persuaded that the extant visibility splays width require augmentation beyond the 90m as depicted on the submitted plans. Whilst the provision of these splays will involve the realignment of the existing hedgerow fronting onto the public road, it could be replanted behind the proposed splays. All the above matters could be conditioned in the event of permission being granted.
- 5.35 Following my site inspection, I concluded that the preferred site for the replacement dwelling largely comprised of grassland which has been improved by agricultural undertakings. There are no water courses traversing the appeal site. Areas of established woodland were identified on site, although, as per the notional site layout plan, these are being retained, and their retention can be conditioned if planning permission was to be forthcoming. Therefore, in the context of the appeal before me, I am not persuaded that the proposed development with the retention of the appeal building and the removal of a portion of roadside hedgerow is likely to harm protected species or have an unacceptable adverse impact on natural heritage. Subsequently, the Council's sixth reason for refusal is not sustained.
- 5.36 The Appellant, on notional layout plan 04 dated stamped 22nd February 2022, has demarcated the preferred siting of the replacement dwelling. This plan also denotes the curtilage of the proposed dwelling, including an area to its front, which is to be restricted and can be conditioned. Given this and the preferred site's sloping nature, in the interests of visual amenity, levels will be required as will a ridge height restriction.
- 5.37 In line with the above reasoning, I find that the proposal meets with Policies COU 3, COU8 and COU16 of the PS. Thus, it follows that the proposal is compliant with

Policy COU 1 of PS. Furthermore, objections pursuant to Policy NH2 and Policy NH5 have not been upheld. For the reasons given above, the Council has not sustained any of its reasons for refusal.

6.0 RECOMMENDATION

6.1 I recommend to the Commission that the appeal be allowed and that outline planning permission be granted, subject to the following conditions: -

1. Except as expressly provided for by condition 5, the following reserved matters shall be as approved by the planning authority – the design and external appearance of the dwelling.
2. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels for the dwelling, all in relation to a known datum point.
3. The building shaded green on the attached drawings PAC1 and PAC2 shall be retained and shall be used for domestic storage purposes only.
4. The dwelling including its curtilage area shall be sited within the area shaded blue on the attached drawing PAC 3, date stamped 22nd of February 2022.
5. The ridge height of the dwelling shall not exceed 6 metres above existing ground level at the lowest point within its footprint.
6. Road and visibility splays of 2.4 metres x 90 metres shall be laid out in both directions onto Ballygowan Road before any building operations commence and thereafter shall be retained.
7. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing:
 - trees and hedgerows to be retained along the northern, western and eastern boundaries of the site;
 - new planting along the proposed access verge to the site and associated southern site boundary of the site;
 - hedge planting to the rear of the visibility splays; and
 - and the location, numbers, species and sizes of trees and shrubs to be planted within the site.

The scheme of planting, as finally approved, shall be carried out during the first planting season after the dwelling is occupied. Trees and shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Planning Authority gives written consent to any variation.

8. An application for approval of reserved matters shall be made to the Planning Authority before the expiration of three years from the date of this decision.
9. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

6.2 This recommendation relates to the following drawings: -

Drawing No.	Title	Scale	Date
Council No. 01/PAC 1	Location Plan	1:2500	13 August 2021
Council No. 02/PAC2	Site Location Plan	1:500	13 th August 2021
Council No. 04/PAC 3	Site Layout Plan	1:500	22 nd February 2022

List of Documents

Planning Authority: - Comments submitted on Behalf of Lisburn City and Castlereagh Council in relation to the Plan Strategy.

Appellant: - Statement of Case submitted on behalf of the Appellant.
Comments submitted on behalf the Appellant regarding the Planning Strategy



Land & Property Services
Seirbhísí Talún & Maoine
 THE LAND REGISTRY | CLÁRLANN NA TALÚN

Date: 10 Dec 2020
 County: Down
 Folio: 5649
 Scale: 1:2500
 Our Ref: 2020/794191
 Your Ref:
 Map Ref(s): 18311NE,18312NW

Sheet 1 of 1

Key to folio labels:

proposal - replacement dwelling to the rear of 144 Ballygowan Road Hillsborough

SITE LOCATION PLAN

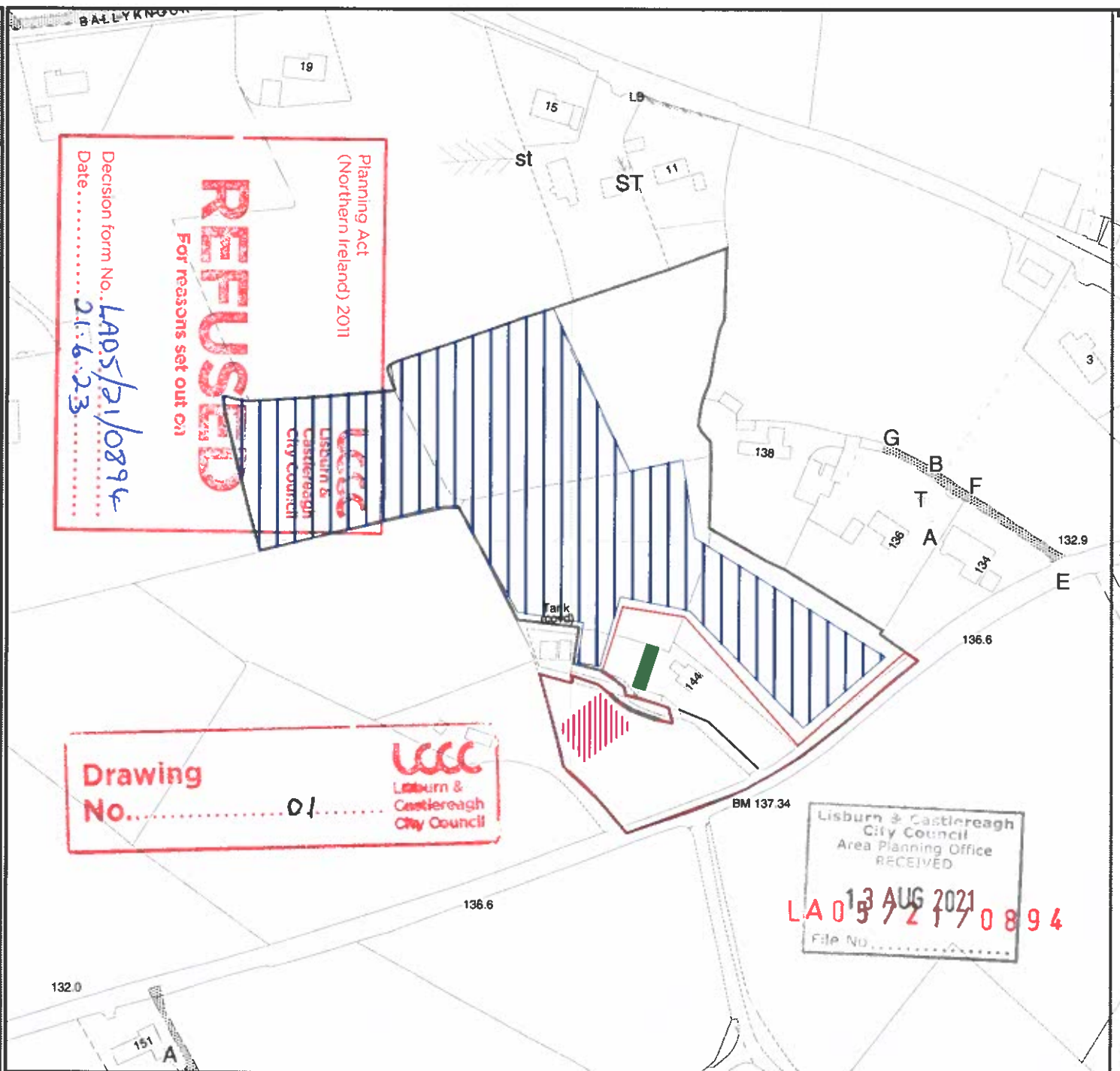
This map is for location purposes only (Rule 14(1)(1) of the Land Registration Rule (Northern Ireland) 1994 as amended by paragraph 19 of the Schedule to the Amendment Rules 2003)). Folio boundaries are not guaranteed (Section 64 of the Land Registration Act(Northern Ireland) 1970). The co-incident of Land Registry markings and OSNI features may have been affected by revisions of the OSNI map subsequent to registration.

This map has been prepared using the largest scale Land Registry map available for the area. Any future Deed map should be based on the largest scale OS Irish Grid Plan available for the area.
 N.B. Folio boundaries are not conclusive (unless so described on the folio). See 64 of the Land Registration Act (NI) 1970. Where there is any doubt concerning boundaries, the original instrument or Document should be inspected.

This copy map shows the location of the lands comprised in the folio listed above.

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Tank
(covid)

dwelling
to be
replaced

144



PATRICK JOHNSON
DESIGN

Patrick Johnson - Design & Planning Services Ltd
 100 Ballygowan Road, Drogheda, Co. Dublin, Ireland
 Tel: 01764 611111 | Email: info@patrickjohnsondesign.com

PROJECT Proposed replacement dwelling to the rear of 144 Ballygowan Road Drogheda BT20 8EG	
PROJECT No.	DRAWING No.
ISSUED FOR Site location	
CLIENT Mr Cunningham	
DATE August 5th 2021	SCALE 1:500

Lisburn & Castlereagh
 City Council
 Area Planning Office
 RECEIVED

13 AUG 2021
 LA0521/0894
 File No.

Drawing No. 02

LCCC
 Lisburn & Castlereagh
 City Council

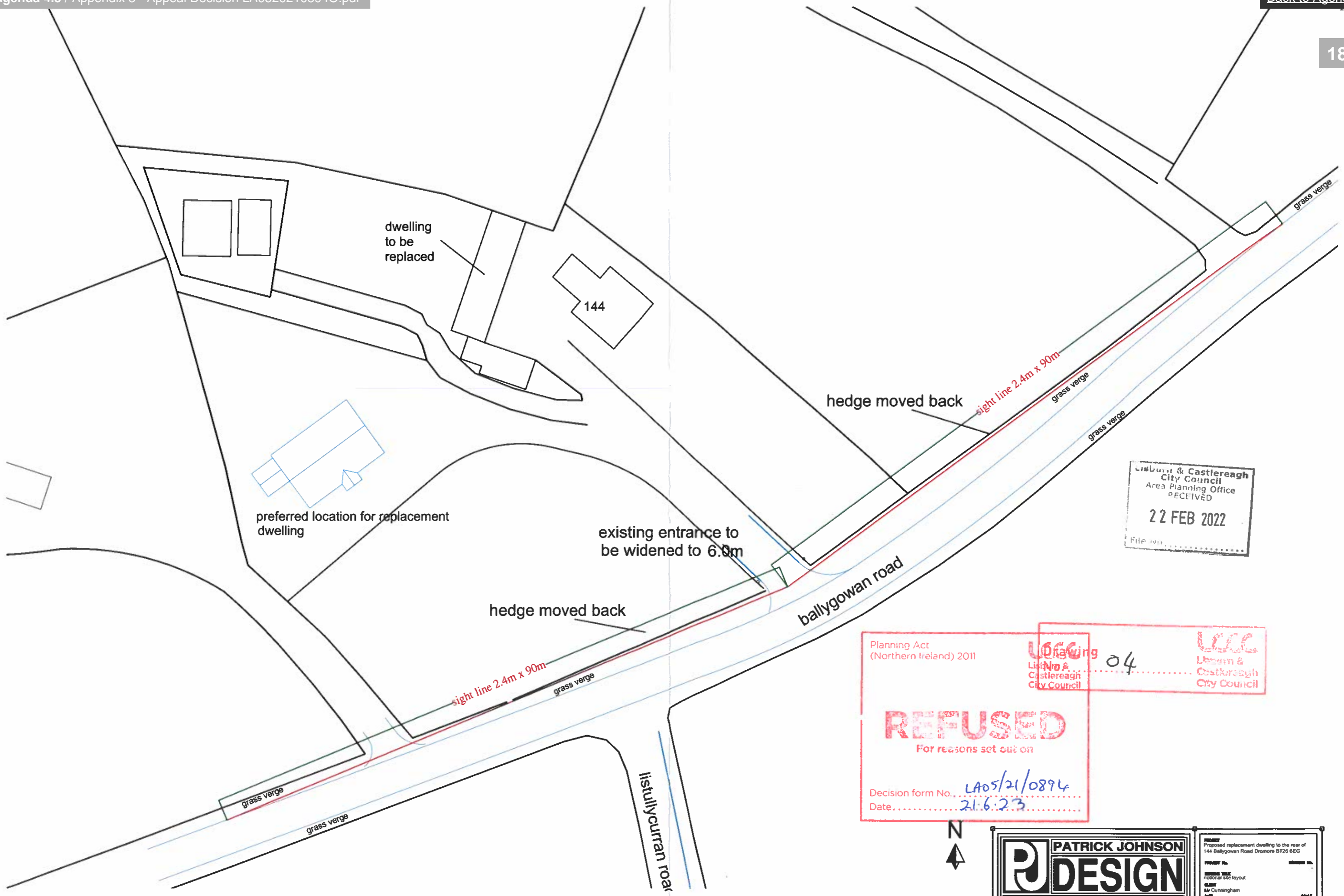
Planning Act
 (Northern Ireland) 2011

REFUSED
 Planning Refusals set out in...

Lisburn & Castlereagh
 City Council

Application No. LA05/21/0894
 21.6.23

BM 137.34



Lisburn & Castlereagh
City Council
Area Planning Office
REFUSED
22 FEB 2022
File No.

Planning Act
(Northern Ireland) 2011

REFUSED
For reasons set out on

Decision form No. LA05/21/0894
Date. 21.6.23

04
Lisburn & Castlereagh
City Council



PATRICK JOHNSON DESIGN

PROJECT: Proposed replacement dwelling to the rear of 144 Ballygowan Road Droemore BT26 8EG

DATE: 21.6.23

SCALE: 1:500



Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2021/1358/O

1.0 **Background**

1. An application for a dwelling and garage on lands between 21 and 25 Mill Road West was refused planning permission on 14 February 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 30 March 2023.
3. The procedure followed in this instance written representation and an accompanied site visit took place on 02 May 2024.
4. The main issues in this appeal are whether the proposed development was acceptable in principle and whether it had an impact on rural character.
5. A decision received on 28 May 2024 indicated that the appeal was dismissed.

Key Issues

1. A preliminary matter is addressed by the Commissioner at paragraph 2 of the Commissioner's report. The matter related to the view expressed by the appellant that the application was invalid because the Council did not advertise the amended description or the site boundary before the decision issued.
2. The Commissioner expressed the view that the application was initially advertised as a dwelling and garage, that the description of the proposal did not change and the reduction in the site boundary did not as a consequence go to the heart of the planning permission. As such, no prejudice was considered to have been caused.
3. At paragraph 11, the Commissioner has regard to the Council's assessment dealing with the two policy scenarios – a dwelling in a cluster and infilling. The Commissioner's report notes that the appellant, in their statement of case, chose not to challenge the refusal reasons cited under CTY2a (the dwelling in a cluster) and as such, consideration of the proposal in relation this policy was unnecessary.
4. The requirements of policy COU8 is set out in the report at paragraphs 12 to 16. It is accepted that the dwellings at 21 and 25 Mill Road West have frontages to the road, were also visually linked and that the land between was a gap.
5. With regard to the shed within the curtilage of 21 Mill Road West, the Commissioner, notwithstanding the proximity and position of the structure in relation to the dwelling,

commented that even if it was accepted as a building with a frontage to the road, the policy excludes domestic ancillary buildings. For this reason, the proposal was not considered to be an exception under Policy COU8 as there were not enough buildings to demonstrate that the frontage was built up and the exception test was met.

6. Paragraph 16 provides commentary in relation to the tendency to ribboning. The view expressed in this case was that the dwellings at 21 and 25 Mill Road West both front onto Mill Road West but they are not beside one another as they are separated by the intervening appeal site and as such, the dwellings are not considered to constitute a ribbon for the purposes of the policy. The Council's reason that the proposal would add to a ribbon was not sustained. The Commissioner did not engage with the potential for the proposal to create a ribbon. Officers will consider this finding and examine whether the wording of the refusal reasons for similar types of proposals needs to be adjusted.
7. Consideration of the operation policies associated with Policy COU15 and COU16 are set out at paragraphs 17 to 19 of the report. The Commissioner acknowledged that there would be sustained views of the site when travelling east on approach to 21 Mill Road West. The Commissioner also accepted that a dwelling would be prominent in the landscape and that the site lacked natural vegetated boundaries to provide adequate enclosure and integration. Concerns in relation to integration and rural character were sustained.
8. The Council's concerns in relation to the impact of the proposed development to the Area of Outstanding Natural Beauty were also sustained for the same reasons as outlined above.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p>	

This is a report updating the committee on a decision by the PAC and RNIA is not required.

Appendices:

Appendix 4 – Appeal Decision – LA05/2021/1358/O



4th Floor
92 Ann Street
Belfast
BT1 3HH

188

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81023) (direct line)
Phone: 028 9024 4710 (switchboard)
Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Claire Millar

Our reference: 2022/A0201
Authority
reference: LA05/2021/1358/O
28 May 2024

Dear Sir/Madam

Re:

Appellant name: Mr. K Clarke

Description: Proposed dwelling and garage

Location: Between 21 and 25 Mill Road West, Belfast

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team



Appeal Decision

4th Floor
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T: 028 9024 4710

189

E: info@pacni.gov.uk

Appeal Reference:	2022/A0201
Appeal by:	Mr K. Clarke
Appeal against:	The refusal of outline planning permission
Proposed Development:	Dwelling and garage
Location:	Between 21 and 25 Mill Road West, Belfast
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/1358/O
Procedure:	Written representations and Commissioner's site visit on 2 nd May 2024
Decision by:	Commissioner Cathy McKeary, dated 28 th May 2024

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant considers that the application is invalid because the Council did not advertise the amended description and reduced red line before the decision was issued. The appellant provided the Council with a detailed amended description updating the proposal to an infill opportunity instead of development as part of a cluster as originally submitted. The application was initially advertised by the Council as a "dwelling and garage", therefore adequately describing the proposal even though the appellant subsequently amended the detailed description. The reduction of the site area from the whole field to a smaller portion of the field did not alter or go to the heart of the proposal. No prejudice has been caused. These matters did not invalidate the application and therefore the appeal remains valid.

Reasons

3. The main issue in this appeal is whether the proposal is acceptable in principle in the countryside, and whether it has an impact on rural character.
4. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

5. Whilst the SPPS remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained Planning Policy Statements have now ceased to have effect.
6. On 26th September 2023, the Council adopted the PS. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations 2015 (as amended) the Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. Again, in accordance with the subject legislation any conflict between a policy contained in the DDP and those of the Plan Strategy must be resolved in favour of the PS.
7. The Belfast Urban Area Plan 2001 (BUAP) operates as the relevant DDP. In that plan, the site is located in the countryside, within the Green Belt and an Area of High Scenic Value. Subsequently the Draft Belfast Metropolitan Plan (dBMAP) was published in 2004 and then purportedly adopted, but the 2014 iteration was declared unlawful in 2017. Consequently, dBMAP 2004 is material in certain circumstances. In the PS the appeal site falls in the countryside within an Area of High Scenic Value (AHSV). There is no conflict between the relevant plans insofar as they relate to the proposal before me. Furthermore, the Council raised no issue regarding the AHSV. The site is also identified as being within the Lagan Valley Area of Outstanding Natural Beauty (AONB).
8. In light of the adoption of the PS, the Council provided six amended refusal reasons. The appellant considers that the appeal should be decided based on the refusal reasons and policy that were in place at the time the decision was issued. However, Sections 6(4) and 45(1) of the Act requires that regard is to be had to the PS, as part of the LDP, therefore I must consider the proposal within this new policy context.
9. The appeal site is located on land between 21 and 25 Mill Road West, Belfast and is a rectangular roadside plot cut out of a larger host field. Immediately to the east of the site is the remaining field parcel which is then abutted by the plot of a dwelling at 25 Mill Road West. To the west and abutting the western boundary of the appeal site is a dwelling at 21 Mill Road West. The northern boundary of the appeal site comprises of a post and wire fence, mixed hedgerow and mature trees. The eastern and southern boundaries of the appeal site are undefined. The western boundary is defined by the hedgerow which also defines the boundary of 21 Mill Road West. The appeal site slopes steeply upwards from the road to the south. The area is predominantly rural in character.
10. Strategic Policy 09, 'Housing in the Countryside' within the PS states that the Plan will support development proposals that: a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment; b) resist urban sprawl in the open countryside which mars the distinction between the rural area and urban settlements and; (c) protect the established rural settlement pattern and allow for vibrant sustainable communities. Policy COU1 'Development in the Countryside' states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

11. One of the acceptable types of development is a dwelling in an existing cluster. However, the appellant amended their P1 description from “*dwelling and garage under CTY2a*” to “*proposed 1no. dwelling (development of a small gap site within an otherwise substantial and continuously built up frontage – PPS21, CTY8 where 2nd dwelling would be subject to separate application)*”. This was done after the application was presented to Committee but before the decision was issued. While the decision notice refers to both scenarios and their related policies, it is clear that the appellant no longer sought to pursue development within an existing cluster. The appellant clearly said in their statement of case that the refusal reasons under CTY2a are not challenged, nor were there any arguments in this regard within either their statement of case or rebuttal. As such consideration of the proposal in relation to development within an existing cluster is unnecessary.
12. Another acceptable type of development is the development of a small gap, within an otherwise substantial and continuously built up frontage in accordance with Policy COU8 ‘Infill/Ribbon Development’. It indicates that planning permission will be refused for a building which creates or adds to a ribbon of development. However, an exception will be permitted for the development of a small gap site sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage and provided that this respects the existing pattern of development in terms of size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
13. For the purpose of this policy the definition of a substantial and built-up frontage is a line of four or more buildings, of which at least two must be dwellings, excluding domestic ancillary buildings such as garages, sheds, and greenhouses, adjacent to a public road or private laneway. Both parties agree that the dwellings at nos. 21 and 25 Mill Road West have frontage onto the road. Policy COU8 also requires that buildings forming a substantial and continuously built up frontage must be visually linked. In this case the dwellings at nos. 21 and 25 are also visually linked when viewed travelling east along Mill Road West and, therefore, comprise two of the four requisite buildings.
14. The appellant considers that the shed structure within the curtilage of no. 21 should be considered part of the frontage for the purposes of this policy. Notwithstanding the proximity and position of the structure in relation to the dwelling at no. 21, even if this structure were accepted as a building, and that it had a frontage onto the road, the policy excludes domestic ancillary buildings such as garages and sheds. Consequently, there are only two buildings which can be considered to be part of the substantial and continuously built up frontage rather than the four required by Policy COU8. The proposal, therefore, does not constitute an exception under Policy COU8.
15. There was some analysis provided by the appellant in relation to the size of the gap and plots. There was no dispute regarding the acceptability of the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated in relation to the pattern of development. Regardless of this, for the reasons already given above, there is no substantial and continuously built up frontage, therefore the appeal development does not qualify as an exception for infill development.

16. The Justification and Amplification of Policy COU8 states that a ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning (my emphasis). It notes that most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. In this case the dwellings at nos. 21 and 25 both front onto Mill Road West, however they are not beside one another, being separated by the intervening host field within which the appeal site is located. The two dwellings referred to by the Council therefore do not constitute a ribbon for the purposes of this policy. The Council's concerns that the proposal would add to a ribbon of development are not sustained. However, notwithstanding this, for the reasons given above, the Council's concerns in relation to the proposal not being an exception under Policy COU8 are well founded.
17. Policy COU1 goes on to say that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 and COU16. Policy COU15 'Integration and Design of Buildings in the Countryside' states, that a new building will not be permitted if any of seven criteria apply (my emphasis). The Council considers that the proposal fails to comply with three criteria of Policy COU15 in that: a) it would be a prominent feature in the landscape; d) the site lacks long established natural boundaries or would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and e) it would rely primarily on the use of new landscaping for integration. Criterion (a) of Policy COU16 in that the proposal is unduly prominent in the landscape was also raised in this regard.
18. There would be sustained views when travelling east on the approach to no. 21 and along the front of the appeal site. Given that any proposed dwelling would be situated in the exposed roadside portion of the host field it would be prominent in the landscape. When viewed along the front of the site, this would not be adequately mitigated by the rising landform to the rear, the mature boundaries provided by the host field, nor any proposed planting. As the appeal site is a cut out of a larger host field, it lacks any natural vegetated boundaries on both the southern and eastern boundaries to provide adequate enclosure and integration.
19. The Appellant drew my attention to paragraph 4.2.1 of 'Building on Tradition – A Sustainable Guide for the Northern Ireland Countryside' which advises that sites which have two or preferably three boundaries already in place are preferable and will help achieve integration. Notwithstanding any vegetation to be removed on the roadside northern boundary to provide visibility splays, the two existing vegetated boundaries of the host field would not adequately mitigate against the undue prominence of the appeal development within the landscape given the overall landform, inadequate backdrop and the location of the existing vegetation relative to the proposed site. The appeal site would still rely primarily on new landscaping on at least two boundaries for integration into the landscape. Overall, the proposal fails to comply with criteria (a), (d) and (e) of Policy COU15 and criterion (a) of Policy COU16. The Council's concerns in relation to integration and rural character are sustained.

20. Policy NH6, 'Areas of Outstanding Natural Beauty', states that planning permission for new development within an Area of Outstanding Natural Beauty (AONB) will only be granted where it is of an appropriate design, is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and all three criteria are met. Of these criteria, the Council has concerns regarding only criterion (b) which requires that the proposal respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape, which in regard to the appeal development entailed prominence, lack of integration and impact on rural character. As already concluded above, the proposal would be unduly prominent, and would not be adequately integrated due to the lack of boundaries, and therefore would have an adverse impact on the sensitive landscape of an AONB which provides the rural character for the immediate area. For the reasons given above, and regardless of the removal or retention of any mature vegetation, the proposal fails to meet criterion (b) of Policy NH6 and, given the critical nature of this deficiency in relation to the appeal development, the policy read as a whole. The Council's concerns in relation to the impact on the AONB are sustained.
21. In conclusion, the proposal is not one of the types of development that is acceptable in the countryside under Policy COU8, does not comply with the provisions of Policy COU15 and Policy COU16, and therefore fails to comply with Policy COU1. It also fails to comply with Policy NH6 of the PS. The Council's concerns in relation to the appeal development are sustained to the extent specified above. Accordingly, the appeal must fail.

This decision is based on the following drawing:-

Drawing No.	Title	Scale	Date
01A	Proposed Location Map and Entrance Details	1:2500/500 @ A2	Stamped refused by Lisburn and Castlereagh City Council on 14 th February 2023

COMMISSIONER CATHY MCKEARY

List of Documents

Planning Authority:- Statement of case by Lisburn and Castlereagh City Council
Rebuttal by Lisburn and Castlereagh City Council

Appellant:- Statement of case by Claire Millar on behalf of Mr K. Clarke.
Rebuttal by Claire Millar on behalf of Mr K. Clarke.

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2022/0195/F

1.0 **Background**

1. An application for the proposed change of use from agricultural outbuildings to remote document storage facility including new access onto Lisnabreeny Road on land 20 metres south of 20 Lisnabreeny Road was refused planning permission on 27 April 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 01 August 2023.
3. The procedure followed in this instance was an informal hearing which took place on 15 February 2024. The main issues were whether the proposed development is acceptable in principle in the countryside and whether it would adversely impact on rural character.
4. A decision received on 31 May 2024 indicated that the appeal was dismissed.

Key Issues

1. A preliminary matter was dealt with at paragraphs 2 to 4 of the Commissioner's report. The matter related to an updated drawing submitted at the appeal stage which moved the position of the proposed access and lane running parallel to the Lisnabreeny Road.
2. The Commissioner accepted that the nature of the amendments would not alter or go to the heart of the proposal and no prejudice was considered to be caused to any party by the proposed change.
3. At paragraph 13 of the report, it is confirmed that there was consensus between all the parties that the proposed use falls under Part B Industrial & Business Uses: Class B4 Storage and Distribution of the Planning (Uses Classes) Order 2015. It was also acknowledged that externally, minimal changes to the buildings were proposed, that the existing access would be closed, and a new access created in the adjoining field to the south. A new gravel laneway would travel some 42 metres from the newly created access to the yard adjacent to the building.
4. At paragraph 14, the appellant confirmed that the proposed development was presented under policy COU11 as a Farm Diversification proposal.

5. The Commissioner explained at paragraph 18 that policy COU11 does not provide a definition of farm diversification nor does it provide an explanation of the policy requirement 'to be run in conjunction with the agricultural operations on the farm'.
6. The Commissioner further acknowledged in her report that policy COU11 references the promotion of sustainable forms of farm diversification however, the list was not considered to be exhaustive, nor could it be used to restrict uses to those that serve or are linked with agriculture exclusively.
7. It was not disputed that the appellant had an active and established farm business. The Commissioner accepted that the proposed document storage facility was a diversification scheme. She stated that the term 'run in conjunction with agricultural operations on the farm' whilst unclear does suggest that the agricultural and diversification activities on the holding should have some sort of joint management or business connection with each other.
8. Appeal decision 2012/A0073 whilst not sitting on all fours with this case, it was cited as providing useful direction as to the interpretation of this term.
9. In terms of rural character, the Commissioner stated at paragraph 26 that the justification and amplification to policy COU11 states that large scale proposals more suitable to the urban area or existing urban based enterprises seeking relocation will not be acceptable. That said, the policy does not provide specific examples of what is appropriate in terms of character and scale.
10. In this case, the Commissioner had already concluded, having regard to the joint management information provided by the appellant, that the use itself was an acceptable farm diversification project and as such it followed that it was a use acceptable to the character of the area as it involved the reuse of existing buildings.
11. The case advanced by the Council and third party in relation to the impact of ancillary works associated with the access and yard on critical views is dealt with in the report at paragraphs 28 to 33.
12. The Commissioner did not accept the argument advanced by the appellant that the access could be put in place under permitted development as the onus was on the appellant to demonstrate that such works could benefit from agricultural permitted development.
13. The Commissioner, having regard to the development proposal as a whole, concluded that the scale of the ancillary works required to facilitate the construction of a new access was inappropriate resulting in the subdivision of an adjoining field.
14. At paragraph 34, the Commissioner stated that refusal reason four is mis-directed as the related criteria of policy COU15 are specific to the construction of a new building.
15. The tests of policy COU16 were considered at paragraph 35 to 37. Whilst the Commissioner did not agree with the view expressed by the Council in relation to the unacceptable adverse impact on the overall Area of High Scenic Value [AHSV] they did agree that the proposal did not comply with Policy COU16 when read as a whole.

	<p>16. The findings of the Commission in respect of the wording of the policy and what is an acceptable diversification proposal will be kept under review by officers for similar applications.</p> <p>17. Other matters raised by a third party and the appellant are dealt with at paragraphs 39 to 42 of the Decision report and the conclusion reached overall was that the appeal must fail.</p>		
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>		
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>		
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>		
4.1	<table border="1"> <tr> <td>Has an equality and good relations screening been carried out?</td> <td>No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>		
4.3	<table border="1"> <tr> <td>Has a Rural Needs Impact Assessment (RNIA) been completed?</td> <td>No</td> </tr> </table>	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
Has a Rural Needs Impact Assessment (RNIA) been completed?	No		
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>		

Appendices:

Appendix 5 – Appeal Decision – LA05/2022/0195/F



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198

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Lisburn & Castlereagh City Council

Our reference: 2023/A0038
Authority
reference: LA05/2022/0195/F
31 May 2024

Dear Sir/Madam

Re: Appellant name: Mr. Rodney Young

Description: Proposed change of use from agricultural out buildings to remote document storage facility including new access onto Lisnabreeny Road, all under PPS21 Policy CTY 11 Farm Diversification

Location: Lands 20m south of 20 Lisnabreeny Road, Belfast BT6 9SD

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Frankie Vattamattathil
PACWAC Admin Team



Appeal Decision

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199

Appeal Reference:	2023/A0038
Appeal by:	Rodney Young
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed change of use from agricultural out buildings to remote document storage facility including new access onto Lisnabreeny Road, (Farm Diversification)
Location:	Lands 20m south of 20 Lisnabreeny Road, Belfast BT6 9SD
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2022/0195/F
Procedure:	Informal Hearing on 15 th February 2024
Decision by:	Commissioner Trudy Harbinson, dated 31 st May 2024

Decision

1. The appeal is dismissed.

Preliminary matters

2. An updated drawing was submitted at appeal stage by the Appellant. It was included within the Appellant's Statement of Case. The drawing (no. 2174 03C) Proposed Site Layout Plan, moves the position of the access lane that runs parallel to the Lisnabreeny Road, closer to that road, specifies the material to be used in its construction and details proposed new planting.
3. The Council had no objection to the amended drawing being admitted for consideration under this appeal. Given the nature of amendments in the updated drawing, it does not alter or go to the heart of the proposal, I am satisfied that no third party unaware of it would be prejudiced in their consideration. The updated drawing will form the basis of my appeal consideration.
4. The description of the appeal proposal is 'Proposed change of use from agricultural out buildings to remote document storage facility including new access onto Lisnabreeny Road, all under PPS21 Policy CTY 11 Farm Diversification'. As referred to later in this decision, Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21) is no longer relevant having been replaced by the Council's Plan Strategy (PS). The new relevant policy context was discussed at the hearing. I have amended the description to remove reference to PPS21.

Reasons

5. The main issues in this appeal are whether the appeal development would:
 - be acceptable in principle in the countryside; and
 - adversely impact on rural character.
6. In the determination of this appeal, Section 45 (1) of the Act states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
7. The Council has adopted the PS entitled 'Lisburn and Castlereagh Local Development Plan 2032'. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.
8. The Belfast Urban Area Plan (BUAP) is the relevant DDP. In that plan the site is located outside any settlement and within the Belfast Urban Area Green Belt and within an Area of High Scenic Value (AHSV). The rural policies in the DDP are outdated having been taken over by regional policies, now replaced by the PS. Policy L4 'City Setting' of the DDP seeks to protect Areas of High Scenic Value in the Antrim and Castlereagh Hills, the Lagan Valley and Lough Shores. While the Draft Belfast Metropolitan Area Plan 2004 (dBMAP) is not a DDP as it was never adopted, it could still be a potential material consideration in certain cases. Within dBMAP the appeal site is located in the open countryside and is also within an AHSV. dBMAP therefore remains material insofar as it relates to this designation. The Council point to policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria' of the PS in considering the appeal development within the AHSV. There is no conflict between the DDP and the PS in relation to the AHSV.
9. In accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), as the Council has now adopted the PS, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs) have now ceased to have effect within this Council area.
10. Following adoption of the PS the Council provided updated reasons for refusal in their Statement of Case. These were based on Policies COU1, COU4, COU11, COU14, COU15, COU16 and ED6 of the PS. The Appellant was afforded opportunity to comment on the updated reasons for refusal at the hearing so no prejudice arises.

The appeal proposal
11. The appeal site is located on the eastern side of Lisnabreeny Road, south of a dwelling and outbuildings at number 20. It comprises a yard containing agricultural buildings and hardstanding and it takes in part of a field to its south. The agricultural outbuildings are single storey comprising of a larger outbuilding and smaller shed. The roof form varies from pitched to mono pitch and the buildings

are finished in concrete blockwork, corrugated metal sheeting, render and brickwork. There are silage bales on the area of hardstanding within the yard. The yard is accessed by an agricultural gate off the Lisnabreeny Road.

12. There is a timber fence, access field gate and hedge along the western roadside boundary. The northern boundary is mostly defined by the gable of the existing buildings. Within the existing yard a block wall, approximately 1.6m high, defines part of the eastern boundary, the remainder, given it is part of a larger field, is undefined, as is the southern boundary. The yard and field within the appeal site are relatively flat, the remainder of the field undulates, rising gently to the south and east. There are rolling fields to the south and west. On the opposite western side of the Lisnabreeny Road the fields fall to a lower level. There are a number of electricity pylons in the area, including one within the field to the east of the appeal site and two to the south.
13. The appeal seeks to change the use of the agricultural outbuildings to a remote document storage facility. Both parties agreed that the proposed use falls under Part B Industrial & Business Uses: Class B4 Storage and Distribution of the Planning (Use Classes) Order (NI) 2015. Internally the buildings would accommodate a document storage area alongside an office, reception and toilet. Externally there are minimal changes to the buildings, with a fire exit door replacing a window on the rear elevation and the introduction of a fire exit door, roller shutter door and an entrance door in lieu of a window on the side elevation. The existing access to the outbuildings and yard would be closed and a new access created in the adjoining field to the south. A new gravel laneway will travel a distance of some 42m from the newly created access into the external yard which provides circulation and parking spaces for 2 cars and 2 vans. A new native double hedgerow is to be planted adjacent to a new fence along the eastern boundary of the access laneway. New tree and hedge planting are also proposed behind the required visibility splays.

The Principle of Development

14. Six reasons for refusal were advanced in total. Refusal reason three, as amended, states that the proposal is contrary to Policy COU14 and COU 4 of the PS in that it has not been demonstrated that the building is non-listed vernacular or suitably locally important to qualify for conversion to a non-residential use and the nature and scale of the proposed non-residential use is not appropriate to a countryside location as the buildings have been designed and used for agricultural purposes. Refusal reason six states that the proposal is contrary to Policy ED6 of the PS in that the storage use is not ancillary to a proposal for a community enterprise park/centre. The Appellant confirmed that no case was being made under Policy COU4, COU14 or ED6 and that they accept that those policies were of no assistance to them. I agree that the buildings can not be considered to be non-listed vernacular or locally important buildings, nor is the proposal one to develop a small community enterprise centre or a small rural industrial enterprise. The proposal is not in compliance with those policies. The Appellant stated that their case rested on Policy COU11.
15. Policy COU1 Development in the Countryside states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It further states that details of operational policies relating to acceptable non-

residential development proposals are set out in policies COU11 to COU14. It goes on to state that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 and COU16.

16. Policy COU11 Farm Diversification states that planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm and where four criteria are met. It further states that proposals for farm diversification must involve the conversion or reuse of existing farm buildings. The Council found that in the first instance the Appellant had failed to demonstrate that the proposed storage facility is to be run in conjunction with the agricultural operations on the farm. They also considered that the proposal failed to comply with criterion (b) in that it had not been demonstrated that the character and scale of the proposal would be appropriate to its location.
17. The Council considered that the information they had been provided with demonstrated the potential for a stand alone storage and distribution facility in the open countryside with no association with the operations of the farm holding, apart from providing an additional revenue stream.
18. Policy COU11 of the PS provides no definition of farm diversification, nor does it provide an explanation of the policy requirement 'to be run in conjunction with the agricultural operations on the farm'. At the hearing the Council stated that whilst there was no definition of diversification given in the PS the reference in the Justification and Amplification (J&A) text to suitable tourism or agri-tourism schemes gives an idea of such schemes. There is no definition in the PS of the policy requirement 'to be run in conjunction with the agricultural operations on the farm', their position was that the use would be connected to the farming activity. They considered information required to demonstrate such a connection would include linkages to the farming activity and to the farmers ability and experience, alongside a need for the proposal and benefits to the community. The Appellant stated that the Council were going beyond the requirements of the policy. He referenced the Oxford Dictionary definition of the word 'conjunction' as 'the action or an instance of two or more events or things occurring at the same point in time or space'. Whilst the Council did not dispute this definition, they asserted that the criteria must be considered as a whole, and that the nature of the proposed use is divorced from the farming activity.
19. The strategic policy (SP) for economic development in the countryside (SP12) states that the Plan will support development proposals that facilitate and benefit the rural economy and support rural communities, whilst protecting rural character and the environment. The J&A text states that it is recognised that certain economic development, namely those associated with farm diversification and expansion of existing enterprises, require a countryside location having been established at that location. Whilst farm diversification is recognised within the SP there are no specific examples presented that assist in the consideration of this appeal proposal against Policy COU11.
20. Again, the J&A text at Policy COU11 references the promotion of sustainable forms of farm diversification *including* (my emphasis) suitable tourism or agri-tourism schemes. However this list is not exhaustive and it cannot therefore be used to justify or restrict uses to those that serve or are linked with agriculture

exclusively. Neither does Policy COU11 require that a need for the farm diversification proposal or community benefit be demonstrated.

21. The Appellant has advised that he owns 60 acres of farmland half of which he farms himself and the remainder he lets in conacre. He keeps 30 beef cattle housed and wintered in sheds at his home, which lies further south of the appeal site. Typical farming activity includes feeding the cattle, cleaning sheds, sewing fertiliser, cleaning sheughs and cattle testing. He is also involved in the family's aluminium and glass façade company. He states that this income assists his farming activity, which is not profitable. There is no dispute that the Appellant has an active and established farm business.
22. The Appellant intends to start and operate the proposed document storage business from existing farm buildings. He states that these buildings, given their outlying position and proximity to an unconnected dwelling, are unsuited to intensive livestock farming. The business would be run alongside his farming activity, for which he will continue to claim single farm payments. He intends to manage and work the operation himself. There would be no third-party involvement. As such it is more than a rental income as it would be managed and operated by him alongside the farming business. According to the Appellant he chose a low intensity business that would allow him to do both. He will attend farming duties first thing in the morning, then dispatch and retrieve files from the document store as and when required, attending to farming duties as necessary upon return.
23. To diversify is to become varied or different. The proposed document storage represents a diversification scheme when read against Policy COU11. The phrase 'run in conjunction with the agricultural operations on the farm', whilst unclear, suggests that the agricultural and diversification activities on the holding should have some sort of joint management of the business or business connection with each other. This is consistent with the approach taken by the Commission in planning appeal 2012/A0073 to which both parties refer in their evidence. In that appeal the phrase was set out under a now defunct PPS policy, however the language used remains the same. That appeal provides useful direction as to the interpretation of the phrase 'run in conjunction with the agricultural operations on the farm' however it is not on all fours with this appeal proposal, as the appellant in that case had no involvement in the setting up, running or future of the business and derived a rental income only.
24. The Appellant in this case has indicated that it is his intention to jointly manage and run both the document storage business and his farm business. In an effort to allay the Council's concern he suggests a restrictive condition to prevent the sale or subdivision of the business from the holding. He states that this could be registered as a charge against the land to alert any conveyancer that there is a planning condition in place.
25. I agree with the Appellant that a restrictive condition registered as a charge against the land would address the Council's concern that the proposed document storage facility could be operated as a stand alone business independent of the farm. Whilst the Council were concerned that such a condition would be difficult to enforce, I am not persuaded that it would be unenforceable. A suitably worded condition could also require that the Appellant provide a yearly statement of

accounts to the Council, demonstrating their continued joint management of the storage facility alongside their agricultural business. This would ease the burden on the Council to monitor compliance with the condition and place the onus on the Appellant to demonstrate same. In the round I consider that the Appellant has demonstrated that the proposed document storage facility is to be run in conjunction with the agricultural operations on the farm, meeting the initial test as set out in the policy headnote of Policy COU11. It also meets the penultimate requirement that it must involve the conversion or reuse of existing farm buildings. Criterion (b) of the policy requires that in terms of character and scale, the farm diversification scheme is appropriate to its location, and I consider this requirement below.

Rural character

26. The J&A text to Policy COU11 states that large scale proposals more suitable to the urban area or existing urban based enterprises seeking relocation will not be acceptable. It does not set out specific examples of what is appropriate in terms of character and scale. At the hearing the Council stated that it was the nature of the use which was considered inappropriate. I have already concluded that, given the Appellant's information with respect to joint management, the use itself is an acceptable farm diversification proposal. It therefore follows that it is of an acceptable character. As it involves the reuse of existing buildings it is of an appropriate scale in terms of built form. The Council however stated that the ancillary works to be undertaken to provide the use on the site are unacceptable within this rural location.
27. The Council consider that the development proposal, in order to facilitate access, removes roadside hedging and extends into the field to the south, with its undefined southern and eastern boundary, opening the site up to public views from Lisnabreeny Road and Lisnabreeny Road East, failing to integrate into the landscape and damaging the rural character of the area. They are concerned that the additional intrusion into the countryside as a result of the ancillary works will result in increased exposure. A third party objector echoed some of these concerns.
28. The existing agricultural buildings and yard are accessed directly through a discreet field gate. It is not however of an acceptable standard to serve the proposed use. In order to facilitate the proposed use the creation of a new access is required. That access requires visibility splays of 2.4m x 79m and as such it is proposed be located in the adjoining field some 42m south of the existing yard. A new laneway is then required to provide access from the new road access to the existing buildings and yard within which the proposed document store would operate. The field gate, post and wire fence and block wall that currently define the southern boundary of the existing yard would be removed. Where the block wall is removed the hardstanding would encroach into the adjoining field to facilitate a turning head within the yard. A new post and wire fence and native species double hedgerow are proposed along the newly defined south and eastern boundaries. The new 6m wide laneway is to be finished in gravel.
29. All existing planting within the visibility splays is to be removed with a new hedge planted behind. Given the curvature in the road, the 79m forward sight splay requires the splays on the opposite side of the road to also be cleared. A new

hedgerow is proposed 0.5m to the rear of the forward sight splay with trees and shrubs set 3m to the rear of the sight splay to allow for future growth.

30. On approach from the north the road dips and undulates. The site itself is screened by the dwelling at number 20. The gable of the existing buildings on the northern boundary of the appeal site would also screen any ancillary works on approach from this direction. The Lisnabreeny Road on approach from the south and travelling in a northern direction sits at a higher level, dipping on approach to the site. The sub-division of the southern field and extension of the appeal site into it with the new laneway would be visible from the higher level of the road as one approaches the site. It would come into view as one passes number 33. The views from Lisnabreeny Road East, given the undulating nature of the road together with the high roadside verge, are more fleeting and localised to the two field gates along that roadside.
31. The Appellant stated that the lane will not be accompanied by ornate walls, gates or fencing, or suburban piers, lighting, tarmacadam, kerbing or other conspicuous features and proposed that permitted development rights could be removed to preserve the area's rural character. Whilst that may be the case, the lane, given its width and length coupled with the higher topography upon approach from the south, would be conspicuous locally within the landscape. Even with the proposed planting the extension of the appeal site into the southern field and its subdivision of same would be noticeable within its rural locality.
32. The Appellant further stated that there is a fallback for the laneway in that it could be put in place under permitted development (PD). It is open to the Appellant to demonstrate that he can benefit from agricultural PD. There is a legal process in statute that should be followed in such circumstances. This is set out at Sections 169 to 174 of the Act in respect of the determination of lawfulness by application to the planning authority for a certificate. As it stands there is no such certificate for the laneway proposed and it is not for me to determine the lawfulness or otherwise and as such I cannot give determining weight to the Appellant's fallback argument.
33. The Appellant stated that taking the use in isolation the policy is simply not offended. Whilst the change of use itself is confined to the existing buildings I must consider the development proposal as a whole and this includes the ancillary access works required to facilitate the change of use. The policy requires consideration be given to the scale as well as the character of the proposal and the appropriateness of both within the location. Taken as a whole, I consider that the scale of the ancillary works required to facilitate access to the proposed farm diversification proposal, are inappropriate to its location resulting in the subdivision of an adjoining field and the creation of a new laneway that is not insubstantial in size. The extent of the works required is indicative that the existing buildings and yard are unsuitable for the proposed document storage facility. Criterion (b) of Policy COU11 is not met.
34. Refusal reason four as amended finds the proposal contrary to Policy COU15 Integration and Design of Buildings in the Countryside. This states that in all circumstances proposals for development in the countryside must be in accordance with and sited and designed to integrate sympathetically with their surroundings and of an appropriate design. It states that a new building will not be permitted where any of seven criteria apply. The Council stated that criteria (d)

and (e) were offended however the criteria as listed relate to a new building. The proposal is to put existing buildings to an alternative use. As such the criteria contained in the policy do not apply and the Council's reliance on these and their fourth reason for refusal is misplaced. The Council's concern with the extension into the field to the south to provide a laneway to serve the existing buildings falls to be considered under Policy COU16.

35. Refusal reason five, as amended, states that the proposal is contrary to Policy COU16 in that the impact of ancillary works required to provide the development would damage the rural character of the area. Policy COU16 states that development proposals in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of the area. It sets out criteria under which a development proposal will be unacceptable. The Council consider that the proposal would offend criterion (h) the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character. The Council considered that it followed that the adverse impact on rural character would also result in an unacceptable adverse effect on the AHSV.
36. Whilst I appreciate that the Appellant has made an effort to minimise impact by moving the lane closer to the roadside boundary, finishing in gravel and excluding any ornate features, it nonetheless is a substantial laneway encroaching into the adjacent field, increasing the overall size and visibility of the existing outlying farmyard. I have already concluded above that the scale of the proposed ancillary works will be conspicuous and inappropriate to their rural location. The proposal therefore also fails the requirement as set out in Policy COU16 as the scale of the ancillary works would have an adverse impact on rural character. The Council's and Objector's related concerns in this regard are well founded.
37. Notwithstanding this, the proposed works in isolation would not compromise the continued protection of the city's setting and I do not agree with the Council that they would result in an unacceptable adverse impact on the overall AHSV within which the site is located. This particular element of objection is not sustained. Nevertheless, the proposal does not comply with Policy COU16 when read as a whole and refusal reason five is sustained.
38. The Appellant references case law and a second appeal decision with respect to the interpretation of policy, in particular CTY13 and CTY14 of PPS21 which are now both defunct policies. Full copies of these were not provided. In any event I have fully considered the relevant policies in my consideration above.

Other matters

39. An objector to the planning application, in addition to concerns in respect of the proposed use and visual impact of ancillary works which I have already considered above, raised concern with the impact of the proposed development on a national trust property however no details of that property were provided. They also raised a traffic concern that the access was at a hazardous road junction. I note that the Council, following consultation with DfI Roads, has not objected to the proposal on road safety grounds. The Appellant has detailed adequate visibility splays and DfI Roads have no objection subject to provision of same. I have not been presented with any evidence that the access would present a danger and this issue in isolation would not warrant rejection of the appeal development.

40. The Appellant refers to other uses along the road including a dog groomers, commercial kennels, a farm shop, butchery and commercial dairy. No detailed information or planning history was provided for these sites and their associated uses therefore I cannot conclude with any certainty if there were similarities with the appeal proposal. In any event each case falls to be assessed on its own merits.
41. The Appellant provides a transcript of the Planning Committee meeting at which the appeal development was presented and discussed. They consider that refusal of the planning application was not based upon a sound application of the policy and that there was a real possibility of a different outcome had the policy been interpreted as written. For this reason they ask that the Appeal should be allowed. The debate at planning committee primarily centred on the interpretation of farm diversification however the scale of ancillary works to facilitate the diversification and their impact on rural character was briefly referenced. The policy debated at the meeting, CTY11, is from a now defunct PPS.
42. I note from the transcript that the Appellant also addressed the Committee and presented their case on how the policy should be interpreted. The Committee was advised that they could weigh the case presented by the Appellant as a material consideration in the decision-making process against what was submitted by the officer. The final vote was in favour of the officer's recommendation to refuse the application. I cannot be certain that the Committee would have come to a different conclusion on the recommendation made to them as suggested by the Appellant. Notwithstanding this, I have considered the appeal development against the applicable policy of COU11 and have found it wanting against criterion (b) of that policy for the reasons given above.

Conclusions

43. The Appellant accepts the proposal finds no support in Policies COU4, COU14 and ED6, and I agree that is the case, refusal reasons three and six, as amended, are therefore sustained. Whilst the use of the existing buildings for the proposed farm diversification document storage facility is acceptable, the adverse impact of the proposed means of access on its rural location render the appeal development unacceptable against Policy COU11 when read as a whole. The Council's second reason for refusal, as amended, is therefore sustained to the extent specified above. As the proposal is not a type of development which in principle is considered to be appropriate in the countryside and also fails to meet all of the general criteria set out in Policy COU 16, it also fails Policy COU1. The first reason for refusal, as amended, is sustained. The Council's amended reasons for refusal and related concerns of the Objector are sustained to the extent specified and are determining. The appeal must fail.

The decision is based on the following drawings:

Drawing No. 01A Site Location Plan

Drawing No. 02 Existing Site Plan

Drawing No. 03(c) Proposed Site Layout (submitted at appeal).

Drawing No. 04 Proposed Ground Floor Plan & Elevations

Drawing No. 05 Existing Plans & Elevations

COMMISSIONER TRUDY HARBINSON

List of Appearances

Planning Authority:- Brenda Ferguson, Lisburn and Castlereagh City Council

Appellant:- Mr Colin O'Callaghan, O'Callaghan Planning

List of Documents

Planning Authority:- Statement of Case (Lisburn and Castlereagh City Council)
Post Hearing Comments on DDP AHSV

Appellant:- Statement of Case (O'Callaghan Planning)
Post Hearing Comments on DDP AHSV

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2021/0387/F

1.0 **Background**

1. An application for a dwelling on a farm including alterations to access on lands approximately 90 metres west of 26 Lany Road was refused planning permission on 03 April 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 08 June 2023.
3. The informal hearing procedure was followed in this instance and took place on 14 December 2023.
4. The main issues in the appeal were whether the proposed development was acceptable in principle in the countryside and whether it would have an adverse impact on rural character.
5. A decision received on 07 June 2024 confirmed that the appeal was dismissed.

Key Issues

1. A preliminary matter is dealt with at paragraph 2 to 4 of the Commissioner's report. A third party claimed that the application had not been advertised correctly. The Commissioner noted that the application had been advertised three times and commented that the information associated with the initial advertisement was adequate in its own right to alert any interested party to the proposal and its location. The subsequent advertisements were also adequate.
2. An additional refusal reason added by the Council at the hearing was also considered as preliminary matter with the view reached that no prejudice had arisen as all the parties were present at the hearing.
3. Further information in relation to the farm business had been circulated prior to the hearing and whilst a third party expressed the view that this was new information, the Commissioner disagreed and confirmed that this was a matter before the Council when the application was considered. For this reason, the additional information could be considered at the appeal.
4. At paragraph 10, the Commissioner noted that the third party disputed that the farm business was currently active and that it had not been established for at least 6 years. The third party also considered policy COU10 to be stricter than CTY10 in

that it specifies active and established needs to be demonstrated with sufficient evidence such as independent verifiable business accounts.

5. Whilst the Council considered the farm business to be active and established, the Commissioner, having regard to the evidence submitted as a whole was not persuaded that sufficient evidence had been provided.
6. In response to a view expressed by a third party that the site was not on the holding, the Commissioner noted that the appellant had a farm business ID and this was accepted as evidence relating to the farm holding. The appellant had also completed Certificate A on the application form confirming full ownership of the appeal site. The Commissioner in considering this point accepted that the farm business and farm holding may not necessarily be one and the same in all cases, he was satisfied that they were the same in this case.
7. Both the Council and third party considered that the appellant had not demonstrated that development opportunities outwith settlement limits had been sold of the farm holding. This matter is considered by the Commissioner at paragraph 17 of the report. Based on a review of the evidence the Commissioner confirmed that the Council's refusal reason in relation to criteria (b) had been sustained.
8. Criteria (c) is considered at paragraph 20. The Commissioner agreed with the view expressed by the Council that the development would be visually linked with existing buildings despite the presence of a lane in between.
9. The requirements of policy COU8 was considered at paragraph 21. The view expressed by the Commissioner was that only one building – an agricultural building - fronted onto the laneway. A dwelling and adjacent building were excluded by virtue of them being sited gable onto the lane. The view held by the Commissioner was that there was no existing ribbon and that the proposed dwelling did not add to the ribbon. The Commissioner did not engage with the potential for the proposal to create a ribbon. Officers will consider this finding and examine whether the wording of the refusal reasons for similar types of proposals need to be adjusted.
10. Policy COU16 is considered at paragraphs 22 to 25 of the Commissioner's report. Whilst the third refusal was sustained, the Commissioner did comment at paragraph 24 that the inclusion of criteria (d) was misplaced as this relates to the extension of settlements in the countryside and not the potential build-up caused by single dwellings in the countryside. Again, officers will consider this finding and examine whether the wording of the refusal reasons for similar types of proposals need to be adjusted.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 6 – Appeal Decision – LA05/2021/0387/O
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Appeal Decision

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212

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Appeal Reference:	2023/A0016
Appeal by:	Adriane Lewis
Appeal against:	The refusal of outline planning permission
Proposed Development:	Proposed dwelling on a farm including alteration of existing access
Location:	Approximately 90m West of 26 Lany Road, Moira
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/0387/O
Procedure:	Informal hearing on 14 th December 2023.
Decision by:	Commissioner Cathy McKeary, dated 7 th June 2024

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The third party has raised concerns that the proposal was not correctly advertised. The application was advertised three times using the location “90m west of 26 Lany Road, Moira”, the first time as a ‘dwelling on a farm’, the second time as a ‘dwelling on a farm (amended address)’ and the third time as a ‘dwelling on a farm including alteration of an amended access onto Lany Road (amended description)’ to reflect a change in the red line and ownership certificate. I am satisfied that the information within the initial advertisement was adequate to alert any interested party to the proposal and its location. In the two subsequent advertisements it was also adequately clear that the application had been amended, offering any interested party the opportunity to seek further information, and to comment. No prejudice has arisen.
3. At the hearing the Council introduced an additional refusal reason relating to Policy COU8 ‘Infill/Ribbon Development’. The concerns regarding adding to a ribbon of development were already raised in both the decision notice and the statement of case provided by the Council. All parties had submitted a statement of case, were represented at the hearing, and had the opportunity to comment. No prejudice has arisen.
4. Information relating to the farm business was circulated post hearing and the third party had raised concerns that this constituted new information under S59 of the Planning Act NI (2011) ‘the Act’. These matters were before the Council when considering the planning application and therefore additional information pertaining to them can be considered as part of this appeal. The additional

information provided by the appellant was circulated to the other parties who then had the opportunity to comment. No prejudice has arisen.

Reasons

5. The main issues in this appeal are whether the proposal is acceptable in principle and whether it would have an adverse impact on rural character.
6. The appeal site is a cut out of a larger roadside field approximately 4 Km west of Hillsborough. It is sited adjacent to a shared laneway which accesses onto Laney Road. The appeal site is located across the laneway and approximately 90m west of the dwelling at 26 Laney Road. The laneway also leads to a number of other dwellings and farm buildings at nos. 28, 30, 32 and 34 Laney Road. The appeal site is bounded to the east by a vegetated earth bund which is approximately 2m high. The western and northern boundaries are defined by mature vegetation with some post and wire fencing. The southern boundary is defined by ranch fencing. The immediate area is rural with dispersed single dwellings and associated outbuildings.
7. On 26th September 2023, the Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032 - Plan Strategy (PS). In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations 2015 (as amended) the Local Development Plan now becomes a combination of the Departmental Development Plan (DDP) and the Plan Strategy (PS) read together. In this appeal the Lisburn Area Plan 2001 is the relevant DDP. Again, in accordance with the subject legislation any conflict between a policy contained in the DDP and those of the Plan Strategy must be resolved in favour of the Plan Strategy.
8. In accordance with paragraph 1.9 of the Strategic Planning Policy Statement (SPPS), as the Council has now adopted the Plan Strategy the previously retained policies such as the Planning Policy Statements have now ceased to have effect within this Council District.
9. In the DDP, the appeal site is located in the countryside and within the Greenbelt. The site is also within the Greenbelt in draft Belfast Metropolitan Area Plan 2004 (dBMAP). Greenbelt policies were overtaken by a succession of regional policies which, in this Council area, have now been superseded by those policies within the PS. There is no conflict between the DDP and the PS insofar as they relate to the proposal. I now turn to consider the policies in the PS.
10. Policy COU1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. The acceptable residential development proposals are then set out in Policies COU2 to COU10. It also requires that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 and COU16. A type of acceptable development in the countryside is laid out in Policy COU10 which relates to a dwelling on a farm such as this proposal. One area of dispute is that the third party does not accept that the farm business is currently active and that it has been established for at least 6 years in accordance with criterion (a) of the policy.

11. The third party considers that the policy test in Policy COU10 is stricter than that within Policy CTY10 of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21) in that it specifies that active and established must be demonstrated, with sufficient evidence, such as independent, professionally verifiable business accounts. The Council accepts that the proposal meets the requirements of criterion (a) of Policy COU10 in terms of the farm being both active and established. The farm business is accepted by DAERA as having been in existence for more than 6 years.
12. The third party considers that the evidence pertaining to farming activity supplied by the appellant does not cover the requisite 6 year period. The evidence supplied by the appellant relates to vet receipts, feed invoices and herd information. The information from the vet provides a summary of treatments from 2019 to 2022 for John Lewis of 26 Lany Road (the appellant's husband). This is limited to a three year time period and does not relate to the appellant who is the person associated with the farm business. The bovine, poultry and equine feed invoices provided are made out to John Lewis with no address provided. They cover the period 2018 to 2022 and do not state where the feed was sent. Within these invoices, there is limited detail that would allow the information to be linked to the appellant, their holding or the farm business. John Lewis is not the appellant, nor has it been demonstrated that he is part of the farm business. Moreover, this evidence provided only covers a four year period. It is of limited benefit to the appellant's case.
13. The DAERA herd information supplied by the appellant provides an ID, registration date of 2013 and relates to the appellant at 26 Lany Road, however, it only refers to three animals. The detailed herd record shows that multiple animals have been moved off a holding or died between 2016 and 2021, however, the records do not demonstrate how they relate to the appellant, the holding or the farm business. Notwithstanding any concerns the third party has that this is unstamped or handwritten, the herd information as a whole only demonstrates limited farming activity over the required period.
14. Despite DAERA having confirmed that the business ID has been in existence for over six years, limited and patchy evidence of farming activity has been provided to demonstrate that the farm business is currently active and has been established for six years. The evidence comprises snapshots over part of the required period between 2016 and 2022, with some of it not specific to the farm business under which the proposal was made. Taken as a whole, I am not persuaded that it constitutes sufficient evidence to demonstrate that criterion (a) of Policy COU10 is met when read as a whole. The third party's concerns in this regard are well founded.
15. With regards to the farm holding, the third party considers that the appeal site is not on the holding. The PS does not provide any definition of holding and the parties were not in agreement on what constitutes the holding. The farm map provided by the appellant is not a DAERA authenticated farm map. The farm map shows four parcels of land, one of which is the appeal site, clustered around the dwelling at 26 Lany Road. There are two parcels of land on each side of and immediately adjacent to the shared laneway. The appellant stated that Category 3 farms such as this are not provided with farm maps by DAERA. The map provided

merely shows the lands that the appellant considers to be their holding. I have no reason to doubt this and in any event it would not be to their benefit to show fewer fields than those that constitute the holding.

16. The appellant has a farm Business ID and I accept that it relates to a farm holding. Within the planning application the appellant has signed Certificate A to indicate full ownership of the appeal site and adjacent lands were shown outlined in blue over which the appellant has control. While the certificate was disputed in other regards, it was not disputed that the appellant was the owner of the appeal site or had control over the blue outlined lands. I acknowledge that the farm business and farm holding may not necessarily always be one and the same, however, from the evidence before me I am satisfied that they are the same in this instance. For the reasons given above I accept that all lands shown by the appellant on the supplied map constitutes their farm holding for the purposes of Policy COU10.
17. The Council and third party both consider that it has not been demonstrated that development opportunities outwith settlement limits have not been sold off from the farm holding within 10 years of the date of the application, contrary to criterion (b) of Policy COU10. The dwelling at 26 Lany Road, identified by the appellant as part of the holding in their application, was transferred to Stephen Lewis (the son of John Lewis and the appellant) on 23rd December 2020. This falls within 10 years of the date of the application. The justification and amplification of Policy COU10 states that, for the purposes of this policy, 'sold off' will mean any development opportunity disposed of from the farm holding to any other person, including a family member. The policy does not make exceptions for family members who are not part of the holding or farm business but who work on the farm. Nor does it make any exception for cases such as this, where the appellant continues to live in the transferred dwelling. At the time of the transfer, the new owners of the site at 26 Lany Road (Stephen and Amanda Lewis) were not part of the farm business and therefore must be considered to be outside the holding for the purposes of Policy CTY10 of PPS21 and the subsequent Policy COU10 of the PS.
18. It was also argued that the appellant's husband John Lewis was the sole owner of the site at 26 Lany Road, and therefore that it had not been transferred off the holding when transferred to Stephen Lewis. If I were to accept this line of argument and conclude that John Lewis and his land did not form part of the farm holding, this would be contradictory to other evidence given. It would further contradict the farming evidence supplied, most of which relates to John Lewis. This particular line of argument does not further the appellant's case and in any event I will consider the evidence in its totality.
19. The appellant advised that both her husband and son were part of the farm business at the time of the application but no evidence was supplied to support this. Information supplied by DAERA via the Council shows that Stephen Lewis joined the farm business on 1st December 2022. This is both after the transfer of the dwelling at 26 Lany Road on 23rd December 2020 and after the submission of the application, now subject of this appeal, on 9th April 2021. Even though Stephen Lewis subsequently became part of the farm business after the dwelling was signed over to him, this does not negate the fact that a site had been transferred off the holding within 10 years of the application. The proposal,

therefore, is contrary to criterion (b) of Policy COU10. The Council's second refusal is sustained.

20. The third party considers that criterion (c) of Policy COU10 is not met in that the proposal is physically and functionally separated from "the alleged farm group". The policy requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Notwithstanding the lack of certificates of lawfulness for these buildings, the Council accepts that they are agricultural permitted development and cited S169(2) of the Act relating to lawfulness. They had no concerns regarding visual linkage. The proposal would be sited on the opposite side of the shared lane from the appellant's buildings and therefore would not cluster with them. However, it would still be visually linked with the existing buildings even with the presence of the intervening lane when viewed from both the laneway and Laney Road travelling east. Criterion (c) would be satisfied.
21. Policy COU8, 'Infill/Ribbon Development', of the PS states that planning permission will be refused for a building which creates or adds to a ribbon of development. The justification and amplification of this policy indicates that if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. The dwelling at no. 28 and one of the adjacent farm buildings are sited gable onto the shared laneway, and therefore do not front onto the road as required for a ribbon. The only building which fronts onto the shared laneway is an agricultural building to the north of the dwelling at no. 28. Therefore, there is no existing ribbon along the shared laneway for the purposes of the policy. For the reasons given, the proposal is not contrary to Policy COU8. The Council's fourth refusal reason is not sustained.
22. Policy COU16, states that a new development proposal will be unacceptable where it fails to meet any of the nine criteria laid out which would cause a detrimental change to, or further erode the rural character of an area. Criteria (a), (b), (c), (d) and (e) are in dispute. The third party considers that the proposal would be read in isolation from other buildings. The proposal would be unduly prominent when viewed from Laney Road directly in front of the appeal site due to the flat land and limited vegetation on the southern boundary of the appeal site which would fail to provide adequate integration for the site. Given the lack of enclosure, the flat landform and proximity of the site to the road, the proposal would be a prominent feature in the landscape, irrespective of the design of any dwelling and therefore would be contrary to criterion (a) of the policy. Even though the proposal would have some visual linkage with the buildings across the lane, it fails to satisfy criterion (b) in that it would not be sited to cluster with an established group of buildings for the reasons given above.
23. The Council also considers the proposal to be out of keeping with the established pattern of development found within the local area which is that of dispersed rural dwellings with associated outbuildings/agricultural buildings contrary to criterion (c) of the policy. The pattern of development in the immediate area for the most part is of single dwellings with only their associated outbuildings nearby. The proposal would read with the other existing buildings at no. 28 to the north of the appeal site

which would not respect the pattern of settlement exhibited. Criterion (c) is not met.

24. With regards to criterion (d) the Council considers that the proposal will add to a ribbon of development which will result in urban sprawl and have an adverse impact on the rural character of the area. For the reasons given above I consider that the proposal would not add to an existing ribbon. Furthermore, I do not accept that this constitutes urban sprawl. When criterion (d) and the policy is read as a whole, it is clear that it relates to the extension of settlements into the countryside and does not relate to the potential build up caused by single dwellings in the countryside. This argument is misplaced and this criterion is not offended.
25. The Council and third party both consider that the proposal would result in a build-up of development when viewed with existing and approved buildings to the east and north of the site. Due to the mature vegetation along the shared laneway and around no. 26, the roadside vegetation and the disposition of the agricultural buildings, the proposal would not be read with the dwelling to the east at no. 26 Laney Road when viewed from Laney Road or from the laneway. However, I concur that the proposal would contribute to a suburban style build up in this area when read with the existing buildings along the laneway to the north at no. 28 when viewed from the laneway and when travelling east along Laney Road in front of the site. It therefore would further erode rural character, contrary to criterion (e). Not all the criteria would be satisfied and Policy COU16 would not be met when read as a whole. The Council's third refusal reason is sustained insofar as concluded above.
26. The proposal fails to constitute any of the acceptable types of residential development in the countryside laid out under Policies COU8 and COU10. It also fails to meet the requirements of Policy COU16. Overall, it will not contribute to the aim of sustainable development and fails to meet the requirements of Policy COU1. The Council's first refusal reason is sustained.
27. The Council's fourth reason for refusal is not sustained. However, for the reasons given above, the Council's first, second and third refusal reasons along with the third party concerns, are sustained to the extent specified above and are determining. The appeal must fail.

This decision is based on the following drawings stamped received by Lisburn and Castlereagh City Council:-

Drawing No.	Title	Scale	Date
01C	Location Plan	1:2500	8 th February 2023
02	Business Owned Map	1:10,000	9 th April 2021
03	Site Plan	1:500	8 th February 2023

COMMISSIONER CATHY MCKEARY

List of Appearances

Planning Authority:-	Brenda Ferguson (Lisburn and Castlereagh City Council) Mark Burns (Lisburn and Castlereagh City Council)
Appellant:-	Tom Wilson (Tom Wilson Planning) Jeffrey Morrow (JEM Architectural Services Ltd.)
Third Party:-	Andy Stephens (Matrix Planning Consultancy)

List of Documents

Planning Authority:-	Statement of Case by Lisburn and Castlereagh City Council Amended refusal reasons based on the PS Comments on post hearing evidence
Appellant:-	Statement of Case by Tom Wilson DAERA information (submitted post hearing)
Third Parties:-	Statement of Case by Matrix Planning Consultancy on behalf of Mr Morgan Crone Comments on the amended refusal reasons Comments on post hearing evidence



Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 12 relating to the phasing of the approved scheme LA05/2022/0830/F

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p> <p>3. This is a new PAN submitted on behalf of the applicant to vary Condition 12 relating to the phasing of the approved scheme LA05/2022/0830/F which is a mixed use development comprising 38 dwelling houses, 53 apartments, 6 Class B2 industrial/employment units, 3 flexible work spaces and Wi-Fi hub, 2 take away coffee pod units and associated ancillary site works.</p> <p>4. Condition 12 states that no more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1 – W6 on the proposed site plan bearing the Council date stamp 16 March 2022 are fully constructed. This application seeks to increase the number of residential units that can be built and occupied before the commercial/industrial premises are constructed.</p>
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p>
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>

4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 7(a) - Report in relation to LA05/2024/0436/PAN</p> <p>Appendix 7(b) – LA05/2024/0436/PAN – PAN Form</p> <p>Appendix 7(c) – LA05/2024/0436/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	01 July 2024
Responsible Officer	Conor Hughes
Date of Report	18 June 2024
File Reference	LA05/2024/0436/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for an application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 12 relating to the phasing of the approved scheme LA05/2022/0830/F on lands at 160 Moira Road, Lisburn.
2. This application seeks to increase the number of residential units that can be built and occupied before the commercial/industrial premises are constructed. As the previous application fell within the major category of development any application to amend the scheme requires pre-application community consultation.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above-described development was received on 29 May 2024. The earliest possible date for the submission of a planning application is 22 August 2024.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Thompson Lacuna Limited, 74A High Street, Holywood.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

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

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

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

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

The PAN form indicates that a public exhibition event will be held in the Laganview Enterprise Centre, 69 Drumbeg Drive, Lisburn on 08 August 2024 at 3pm.

The event will be publicised in the Ulster Star on 26 July 2024.

Meetings with local representatives and stakeholders will be facilitated where requested.

Leaflets will be distributed residents and businesses within 250 metre radius from the edge of the site, including information on the public event and contact details for the applicant team.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 07 June 2024.

Recommendation

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



www.lisburncastlereagh.gov.uk/resident/planning

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

Tel: 028 9244 7300

E-mail: planning@lisburncastlereagh.gov.uk

224

Proposal of application notice

Planning Act (Northern Ireland) 2011

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Are you an agent acting on behalf of the applicant?

Yes

No

Applicant Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

225

Contact Details

Telephone number

Mobile number

Email address

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

363824

226

Site Area

What is the area of the site?

3.59

Hectares

Please note - due to the size of site area this application may also be subject to the completion of an Environmental Impact Assessment report (EIA).

Please give a concise and accurate description of all elements of the proposed development that requires consent, including the purpose for which the land / buildings are to be used. Provide details of all buildings proposed and any ancillary works including access arrangements associated with the proposal. Please also include details of any demolition if the site falls within a designated area.

Description of Proposed Development

Please give a brief description of the proposed development

An application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition No. 12 relating to the phasing of the approved scheme ref: LA05/2022/0830/F

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Determinations

Has a determination been made as to whether the proposed development would be of Regional Significance?

- Yes
 No

Has an Environmental Impact Assessment determination previously been made?

- Yes
 No

Please add separate details for each proposed consultation

Proposed public event: Public Exhibition Event
 Venue: Laganview Enterprise Centre 69 Drumbeg Drive, Lisburn BT28 1QJ
 Date and time: 08/08/2024 15:00

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

Publication

Name of publication Ulster Star
 Proposed advert date start 26/07/2024
 Proposed advert date finish 26/07/2024

Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom)

Meetings with local representatives and stakeholders, where requested
 Leaflets to be circulated to residents and businesses within a 250metre radius from the edge of the site, including information on the public event and contact details for the applicant team

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

Details of Other Parties Receiving a copy of this PAN

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

Yes No

Please state which other parties have received a copy of this Proposal of Application Notice

Details for elected member(s) for District Electoral Area

Elected member(s) for District Electoral Area:

Cllr Andrew Ewing (DUP) Cllr Alan Givan (DUP) Ald Amanda Grehan (Alliance) Cllr Peter Kennedy (Alliance) Cllr Tim Mitchell (UUP) Ald Paul Porter (DUP)

Date notice served:

07/06/2024

Other(s):

Lagan Valley- Mr Robbie Butler MLA,UUP; Ms Sorcha Eastwood MLA,Alliance; Mr Paul Givan MLA,DUP; Mr David Honeyford MLA,Alliance
Mrs Emma Little-Pengelly MLA,DUP; Sir Jeffrey Donaldson MP,Independent

Date notice served:

07/06/2024

Other(s):

Lagan Valley MP - notice to be served post election

Date notice served:

11/07/2024

Authority Employee/Member

Are you/the applicant/applicant's spouse or partner, a member of staff within the council or an elected member of the council?

- Yes
- No

Are you/the applicant/the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

- Yes
- No

It is an important principle of decision-making that the process is open and transparent.

Declaration

The information I / We have given is correct and complete to the best of my knowledge and belief.

I / We agree to the outlined declaration

Signed

Sheila Murphy

Date

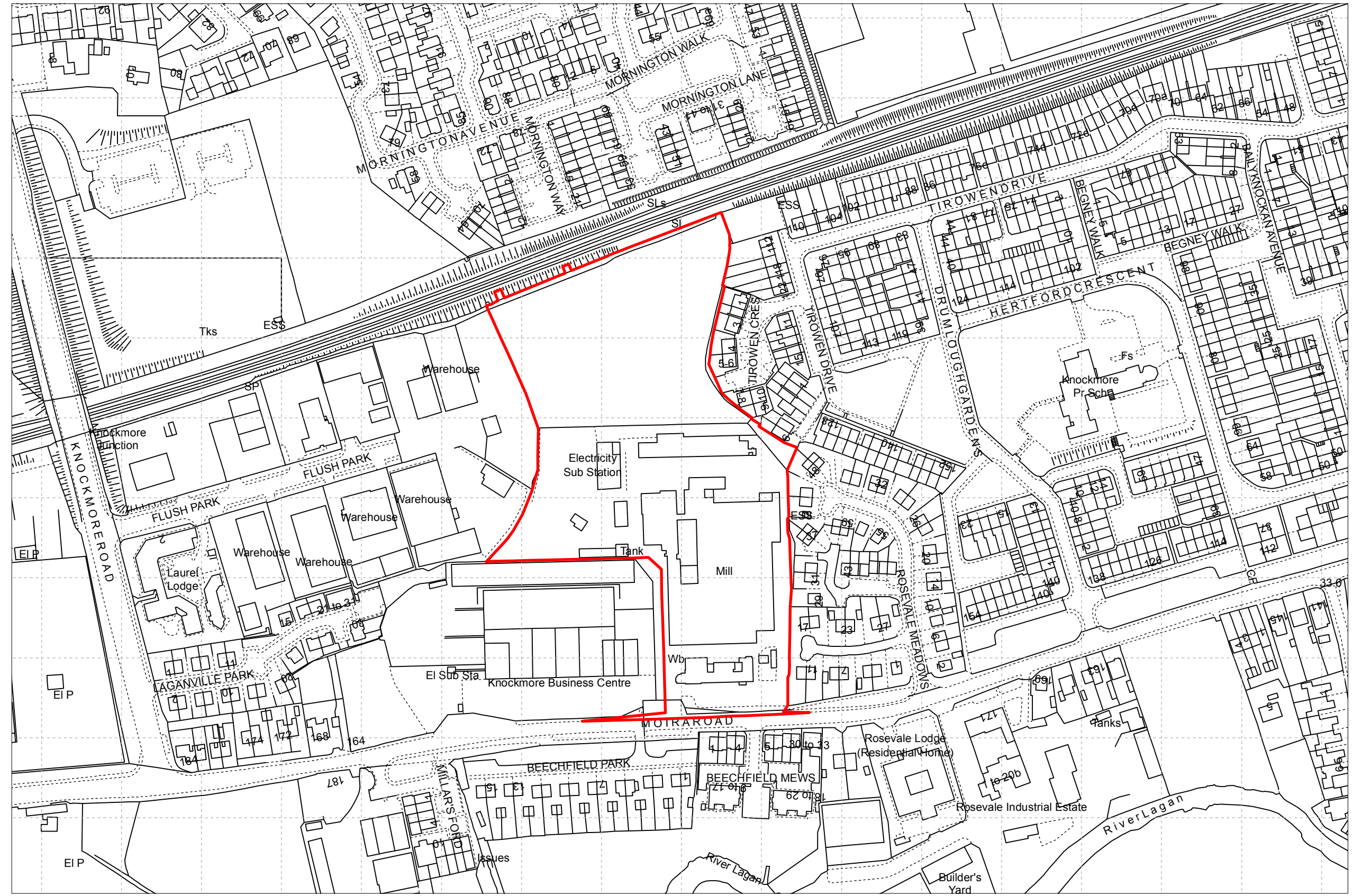
30/05/2024

This information may be shared with other departments within the authority for the purposes of promoting investment. Please indicate by ticking the box below that you are providing your personal data on the basis of consent and are positively agreeing that it is shared with these departments and used for the purpose described, who may contact you and consider tailored support to meet your needs. Please note that availing of this service will have no influence on the planning process or the likelihood of you receiving planning permission.

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

ALL DIMENSIONS TO BE CHECKED ON-SITE, PRIOR TO COMMENCEMENT.
 ANY DISCREPANCIES/OMMISSIONS TO BE HIGHLIGHTED TO ARCHITECT IMMEDIATELY.
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REVISION HISTORY		
REV	DESCRIPTION	DATE
D	RED LINE REVISED FOR PLANNING ISSUE	24/02/20



RPP REFERENCE NO: 2646	PROJECT: Mixed Use Development at Moira Road, Lisburn
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DRAWING: Site Location Map	DRAWING NR: 2646-DR-16-0001
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STATUS CODE	SHEET SIZE	SCALE(S)
	A3	1:2500
REVISION	DATE DRAWN	DRAWN BY
	MAY'22	AH
	STATUS	APPROVED BY
	PLANNING	HMC



BELFAST 155-157 DONEGALL PASS BELFAST BT7 1DT T 028 9024 5777	L'DERRY 18 CLARENDON ST L'DERRY BT48 7ET T 028 7136 2782
EMAIL INFO@RPPARCHITECTS.CO.UK	WEB RPPARCHITECTS.CO.UK

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – Holding Direction from Department in relation to the proposed park and ride facility at Moira train station (LA05/2021/1245/F)

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. At a meeting of the Planning Committee on 05 February 2024 Members agreed with the recommendation to grant planning permission for a proposed Park and Ride facility including ancillary infrastructure at Moira Train Station, Moira . 2. This decision followed careful consideration of a report presented by officers, a site visit and having received and heard representations from third party objections. 3. Before the decision issued a letter from the acting Director of the Regional Planning Governance & Legislation Group within the Department for Infrastructure Strategic Planning Group, brought the Council’s attention to Articles 17 and 18 of the Planning (General Development Procedure) Order (Northern Ireland) 2015(GDPO) and directed that no decision be issued. 4. The letter advised that a Direction had been made under the relevant article of the GDPO restricting the grant of planning permission to allow the Department an opportunity to consider whether or not the proposal raises issues that warrant referral of the application to it for determination. 5. The letter further indicated that it is the Department’s intention to finalise its consideration of this matter as soon as possible. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. In a letter dated 29 May 2024, the acting Director of the Regional Planning Governance & Legislation Group within the Department for Infrastructure confirmed that after careful consideration and consultation with the Minister for Infrastructure, it had been concluded that the above application does not raise issues of such importance that their impact is considered to extend to a sub-regional or regional level, and the circumstances of the case are not exceptional such as to warrant the use of the Departments ‘call-in’ power under Section 29 of the Planning Act (Northern Ireland) 2011. 2. The Council is not directed to hold a Pre-Determination Hearing prior to concluding the application process. Officers will now proceed to finalise and issue the decision notice.
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	<p>3. In a separate letter dated 05 June 2024, the acting Director of the Regional Planning Governance & Legislation Group provides a response to the Council's request for information in relation to the reasons for issuing the Direction and the reasons for not agreeing to the request.</p> <p>4. Officers will, before the decision notice is issued, review the information attached at Annex A of the EIR response.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the content of the correspondence from the Department for Infrastructure Strategic Planning Group and that the officers will now proceed to finalise and issue the decision.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report for noting correspondence from the Department for Infrastructure. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>This is a report for noting correspondence from the Department for Infrastructure. RNIA not required.</p>	

Appendices:	<p>APPENDIX 8(a) – Letter from Department for Infrastructure – Holding Direction – LA05/2021/1245/F dated 29 May 2024</p> <p>APPENDIX 8(b) – Letter from Department for Infrastructure dated 05 June 2024 in relation to response to EIR request from the Council.</p>
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Regional Planning Governance & Legislation

Department for

Infrastructure

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Mr Conor Hughes
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Your Ref: LA05/2021/1245/F

Our Ref:

29 May 2024

Dear Mr Hughes

PLANNING ACT (NORTHERN IRELAND) 2011

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

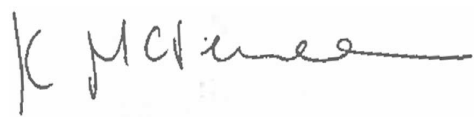
I refer to the Article 17 'holding' Direction issued by the Department, on 21 March 2024, in relation to the above planning application.

After careful consideration, it has been concluded that the above application does not raise issues of such importance that their impact is considered to extend to a sub-regional or regional level, and the circumstances of this case are not exceptional such as to warrant the use of the Department's 'call-in' power under Section 29 of the Planning Act (Northern Ireland) 2011.

The Minister has therefore decided that application LA05/2021/1245/F should not be 'called in' to the Department for determination and Lisburn and Castlereagh City Council

can continue to process the application accordingly.

Yours sincerely

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

DR KATHRYN McFERRAN
(Acting) Director



Department for

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234

Regional Planning Governance & Legislation

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Email: kathryn.mcferran@infrastructure-ni.gov.uk
julie.maroadi@infrastructure-ni.gov.uk

Your Ref:

Our Ref: DFI/2024-0197

05 June 2024

Dear Mr Hughes

ENVIRONMENTAL INFORMATION REGULATIONS 2004**RE: FREEDOM OF INFORMATION REQUEST IN CONNECTION WITH CALL IN REQUEST LA05/2021/1245/F – MOIRA TRAIN STATION PARK & RIDE**

Thank you for your letter, dated 8 May 2024, requesting information held by the Department in relation to the above referenced planning application.

In considering your information request, on behalf of the Department, I have determined that the information requested falls under the aegis of the Environmental Information Regulations 2004. A guide explaining the Environmental Information Regulations can be found at:

<https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/guide-to-the-environmental-information-regulations/>

Your request, which references the letter to your council directing it not to issue a decision until it has heard further from the Department, is as follows:-

“Under the Environmental Information Regulations, the Council requests the following information from the Department in relation to this matter:

- *All correspondence received by the Department in relation to the application.*

E-mail: planning@infrastructure-ni.gov.ukWebsite: www.infrastructure-ni.gov.uk/topics/planning

- *All internal emails/meeting notes/notes of telephone calls had by officers of the Department in relation this application.*
- *Copies of reports prepared to inform the decision to issue the Direction by Departmental officials to enable it to consider whether an application warrants referral.”*

In line with your request, the information being released, and attached at Annex A, is dated from 06 March 2023 to 08 May 2024. The earliest date is when information, in relation to this matter, has been held by the Department's Regional Planning Governance & Legislation Directorate. Information has been provided up to the 08 May 2024 when your EIR request was received.

The documents to be released within Annex A are as follows: -

1. COR-1139-2024: 3rd Party Correspondence WhatsApp Message – 7 March 2024
 - 1.a COR-1139-2024: Public Transport Operations Advice
 - 1.b COR-1139-2024: Advice to Minister – 21 March 2024
 - 1.c COR-1139-2024: 3rd Party Issued Reply -16 April 2024.
2. COR-1162-2024: 3rd Party Correspondence - 6 March 2024
 - 2.a COR-1162-2024: Advice to Minister – 20 March 2024
 - 2.b COR-1162-2024: 3rd Party Issued Reply - 11 April 2024.
3. INV-1172-2024: 3rd Party Correspondence - 8 April 2024
 - 3.a INV-1172-2024: Attached 3rd Party Letter – 6 March 2024
 - 3.b INV-1172-2024: Advice Memo to Minister – 12 April 2024
 - 3.c INV-1172-2024: Issued 3rd Party Reply - 16 April 2024
4. Email Chain regarding the issuing of a holding direction – 21 March 2024
5. Email to LCCC representative – Holding Direction - 21 March 2024
 - 5.a Letter to LCCC representative - Holding Direction - 21 March 2024
6. Note of call with LCCC representative – 10 April 2024
7. Email chain with DfI Roads – 27 March 2024
8. Email chain with LCCC representative– 20 March 2024

With regards to your request for information related to '*copies of reports prepared to inform the decision to issue the Direction by Departmental officials to enable it to consider whether an application warrants referral*,' I can advise that no information is held by the Department in this regard. The Department received a third party 'call in' request on 12 March 2024. To ensure that officials had time to consider whether or not to 'call in' the application, on 21 March 2024, the Department issued a 'holding' direction, under the power conferred on it by Article 17 of The Planning (General Development Procedure) Order (NI) 2015. I have included emails relating to the decision to issue the 'holding' Direction which I hope addresses your request.

Following consideration of the public interest in this case, I have attached all information held that is suitable for disclosure to the public. However, I have determined that some of the requested information is not suitable for release and the attached records have been redacted as the information constitutes third party personal data within the meaning of the Data Protection Act 2018 (DPA). A public authority may only release third party personal data if to do so would be fair, lawful and would meet the conditions in Schedule 2, 3 or 4 of the DPA. The Department may not disclose personal information to the public in contravention of any of the data protection principles (Article 5(1) UK General Data Protection Regulation or sections 34(1) and 85(1) DPA) and must consider all consequences of disclosure in each case. The Information provided has therefore been redacted under the exception provided under EIR by Regulation 12(3) & 13: Personal information. I am satisfied that the public interest is best served by withholding this information.

The Department received, as part of a third party correspondence (referenced above under point 2-2.b as COR-1162-2024), a section of the draft minutes of the Lisburn and Castlereagh City Council Planning Committee Meeting held on 5 February 2024. These draft minutes have not been released under the exception provided under EIR by Regulation 12(4)(d): Material in the course of completion, unfinished documents, and incomplete data. The Department has also not disclosed draft letters prepared as part of correspondence received as this information concerns material in the course of completion and the council's internal decision making process. I am satisfied that the public interest is best served by withholding this information.

In addition, some information comprising of internal communications have not been disclosed, this information relates to internal administrative emails. This is considered Internal Communications under Regulation 12(4)(e). I have considered the public interest in disclosure of this information and I am satisfied, in this case, that it supports the Department's use of the exceptions to withhold this information.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Head of DfI Information Management Unit
DfI Information Management Unit
James House
2-4 Cromac Avenue
The Gasworks
Belfast, BT7 2JA

dfiimu@infrastructure-ni.gov.uk

Please remember to quote the reference number above in any future communications. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:-

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF.
Tel: 0303 123 1113.
Email: icocasework@ico.org.uk.

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>.

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Yours sincerely



DR KATHRYN McFERRAN
(Acting) Director

Committee:	Planning Committee
Date:	01 July 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

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

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

Appendices:	Appendix 9 – Notifications from an Operator in respect of intention to utilise permitted development rights
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**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
July 2024 Planning Committee**

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Openreach	BT	91 Cumberland Road, Dundonald	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	04/06/2024
2	Openreach	BT	18 Newton Park, Belfast	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	14/06/2024
3					
4					
5					
6					
7					
8					