



August 28th, 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, 2nd September 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)

📎 *Disclosure of Interests form.pdf*

Page 1

3.0 Minutes of the Planning Committee Meeting held on 5 August, 2024

For Approval

📎 *PC 05.08.2024 - Draft Minutes for adoption.pdf*

Page 3

4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined:

For Decision

📎 *Item 1 - Schedule of Applications.pdf*

Page 11

- (i) **LA05/2023/0914/F - The development is seeking full retrospective planning permission for the retention of an earthen screening bund located along the western extents of the permitted quarry at Temple Quarry 26 Ballycarngannon Road**

📎 *Appendix 1.1 - DM Officer Report - LA0520230914F - Quarry Bund - FINAL.pdf*

Page 14

- (ii) **LA05/2022/0226/O – Site for Dwelling on land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough**

📎 *Appendix 1.2(a) - DM Officers Report - LA05 2022 0226 O Ballykeel Road - Addendum - FINAL.pdf*

Page 34

📎 *Appendix 1.2(b) - Note of Site Visit - LA0520220226O - FINAL.pdf*

Page 39

📎 *Appendix 1.2(c) - DM Officers Report - LA05 2022 0226 O Ballykeel Road - FINAL.pdf*

Page 41

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

Zenda Park, Drumbeg

Appendix 1.3(a) - DM Officer Report - LA0520220033F - Quarterlands - FINAL.pdf Page 61

Appendix 1.3(b) - Note of Site Meeting - 19.09.2023 - Quarterlands Road.pdf Page 111

- (iv) LA05/2021/1181/O - Proposed new two storey detached dwelling on lands to the rear of existing houses on Lands to the rear of 11a and 15 Wallace Avenue, Lisburn

Appendix 1.4 - DM Officer Report - LA0520211181O - Wallace Avenue - FINAL.pdf Page 113

- (v) LA05/2024/0291/F - Two storey extension to side of dwelling at 8 Fairhaven Park, Lisburn

Appendix 1.5 - DM Officer Report - LA0520240291F - Extension - FINAL.pdf Page 133

- (vi) LA05/2022/0538/F - Proposed farm dwelling adjacent to and south of 9a Pothill Lane

Appendix 1.6 - DM Officer Report - LA0520220538F - Pothill Lane - Farm Dwelling Page 146
FINAL.pdf

- (vii) LA05/2023/0022/F - Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary 135m north of 14b Feumore Road, Lisburn

Appendix 1.7 - DM Officer Report - LA0520230022.F - Feumore Road - FINAL.pdf Page 164

- (viii) LA05/2021/0789/F - Erection of 10 residential units comprising two-storey semi-detached dwellings, provision of hard and soft landscaping including retaining walls, provision of in curtilage car parking spaces, electric charging points and all associated site works on land to the north of 56 Magheralave Road, Lisburn

Appendix 1.8 - DM Officer Report - LA0520210789F - Magheralave - FINAL.pdf Page 189

- (ix) LA05/2023/0339/F - Erection of 8 dwellings (change of house type to site 398a-e, 399a-e and 400a-e previously approved under LA05/2018/0512/F), garages and all associated site on lands surrounding 9 Millmount Road comprising lands North East of Comber Greenway, East of Millmount Road and 150m West and South West of 60 Greengraves Road, Dundonald

Appendix 1.9 - DM Officer Report - LA0520230339F - Millmount - change of house types - 8 houses - FINAL.pdf Page 218

4.2 Submission of an application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 8 of planning approval S/2014/0884/F to allow submission and approval of a Construction

Environmental Management Plan (CEMP) on a phased basis (enabling works and main works). If required, submission of a further application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary or remove Condition 9 & 10 of planning approval S/2014/0884/F which relate to the requirement for noise insula

For Decision

- 📄 *Item 2 - LA0520240553PAN.pdf* *Page 243*
- 📄 *Appendix 2(a) - Report in relation to LA0520240553PAN - FINAL.pdf* *Page 245*
- 📄 *Appendix 2(b) - LA0520240553PAN - PAN Form (1).pdf* *Page 248*
- 📄 *Appendix 2(c) - LA0520240553PAN - Site Location Plan (1).pdf* *Page 255*

4.3 Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on Lands located circa 60m east of 10 Quarterland Road, circa 80m west of 28 Quarterland Road, circa 80m east of 27 Carnaghliiss Road and circa 150m east of 29 Carnaghliiss Road, Crumlin

For Noting

- 📄 *Item 3 - LA0520240568PAN.pdf* *Page 256*
- 📄 *Appendix 3(a) - Report in relation to LA0520240568PAN - FINAL.pdf* *Page 258*
- 📄 *Appendix 3(b) LA05 2024 0568PAN application form (1).pdf* *Page 262*
- 📄 *Appendix 3(c) LA05 2024 0568PAN Site Location Plan (rev.4)(1) (1).pdf* *Page 268*

4.4 Proposed redevelopment of the Poole's SuperValu site in Moira incorporating 1 replacement retail unit and 3 lettable hot food units. Proposed demolition of the existing retail units and associated outbuildings. Proposed adjustment of site entry and exist point locations. Proposed construction of associated car parking including 3 DDA, 2 parent & child, 1nr air/water/vac spaces and 4 EV car charging points. Proposed pedestrian footpaths with protection bollards and landscaped areas. Proposed dedicated secure

For Decision

- 📄 *Item 4 - LA0520240580PAN.pdf* *Page 269*
- 📄 *Appendix 4(a) - Report in relation to LA0520240580PAN - FINAL.pdf* *Page 271*
- 📄 *Appendix 4(b) LA05 2024 0580PAN application form (1).pdf* *Page 274*
- 📄 *Appendix 4(c) LA05 2024 0580PAN Site location plan (1).pdf* *Page 280*

4.5	Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2023 – March 2024)	
	<i>For Noting</i>	
	▢ <i>Item 5 - Northern Ireland Annual Statistics Annual Statistical Bulletin.pdf</i>	<i>Page 281</i>
	▢ <i>Appendix 5(a) - Analysis of 20232024 Bulletin relative to LCCC - FINAL.pdf</i>	<i>Page 284</i>
	▢ <i>Appendix 5(b) - NI Planning Statistics - Annual Bulletin 202324.pdf</i>	<i>Page 293</i>
4.6	Statutory Performance Indicators – July 2024	
	<i>For Noting</i>	
	▢ <i>Item 6 - Statutory Performance Indicators - July 2024 - FINAL.pdf</i>	<i>Page 309</i>
	▢ <i>Appendix 6 - Statutory Performance Indicators - July 2024.pdf</i>	<i>Page 311</i>
4.7	Council Validation Checklist Requirements	
	<i>For Noting</i>	
	▢ <i>Item 7 - Council Validation Checklist Requirements.pdf</i>	<i>Page 312</i>
	▢ <i>Appendix 7 - LCCC Validation Checklist - FINAL draft.pdf</i>	<i>Page 315</i>
4.8	Notification by telecommunication operator(s) of intention to utilise permitted development rights	
	<i>For Noting</i>	
	▢ <i>Item 8 - Notifications from an Operator in respect of intention.pdf</i>	<i>Page 331</i>
	▢ <i>Appendix 8 - List of Notifications - September 2024.pdf</i>	<i>Page 333</i>
4.9	Local Development Plan 2032 Quarterly Update	
	<i>For Noting</i>	
	▢ <i>Item 9 - Draft Report for Noting LDP Quarterly Update September 24.pdf</i>	<i>Page 334</i>
	▢ <i>Appendix 9a CEO Lisburn Castlereagh - NI Water Development Constraints July 2024.pdf</i>	<i>Page 337</i>
	▢ <i>Appendix 9b WwTW Headroom LC June 2024.pdf</i>	<i>Page 339</i>
4.10	Enforcement Quarterly Update	
	<i>For Noting</i>	
	▢ <i>Item 10 - Planning Committee Enforcement Quarterly Update Sept 2024.pdf</i>	<i>Page 343</i>
	▢ <i>Appendix 10 Enforcement Quarterly update Sept 2024 (002).pdf</i>	<i>Page 345</i>

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

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

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

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

1. Pecuniary Interest

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

Date of Meeting: _____

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

Nature of Pecuniary Interest:

2. Private or Personal non Pecuniary interest

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

Date of Meeting: _____

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

Nature of Private or Personal non Pecuniary Interest:

Name:
Address:

Signed:	Date:

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

PC 05.08.2024

3

LISBURN & CASTLEREAGH CITY COUNCIL**Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 5 August, 2024 at 10.00 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, P Catney, A Martin and G Thompson

IN ATTENDANCE:

Head of Planning & Capital Development

Principal Planning Officer (RH)

Senior Planning Officer (MB)

Senior Planning Officer (GM)

Member Services Officers (CR and CH)

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 U Mackin.

2. Declarations of Interest

Councillor P Catney declared an interest in planning application LA05/2023/0953/F. He stated that, in respect of the original application, he had met with local residents and the developer to help address issues; however, at no time had he spoken on or given his views on the proposed development.

At the conclusion of the meeting, Alderman J Tinsley submitted a written declaration in respect of planning application LA05/2022/0079/F due to having set up a meeting with the applicant and Planning Officers. He had informed them that he was on the Planning Committee and would not take part in the meeting as he was required to remain neutral.

PC 05.08.2024

4

3. Minutes of Meeting of Planning Committee held on 1 July, 2024

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 1 July, 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 5 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) LA05/2022/1005/F – Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM, landscaping and all other associated site works on lands approximately 44 metres west of 32 Millmount Village Crescent, and 9 metres west of 9 Millmount Road, Dundonald

and

- (ii) LA05/2022/1006/F – Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM, landscaping and all other associated site works on lands approximately 88 metres west of 32 Millmount Village Crescent and 45 metres west of 9 Millmount Road, Dundonald

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

The Committee received Mr N Salt to speak in support of the applications and a query raised by the Chair, Alderman M Gregg, was responded to.

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

Debate

During debate:

- the Chair, Alderman M Gregg, thanked Officers for clarification provided regarding the flood plain. He welcomed works that had commenced in respect of the wider site, ie. traffic lights. With these applications being considered under the new Local Development Plan, he welcomed the provision of affordable housing in the area. Alderman Gregg was in support of the recommendation of the Planning Officer to approve planning permission.

PC 05.08.2024

5

Vote

- (i) LA05/2022/1005/F – Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM, landscaping and all other associated site works on lands approximately 44 metres west of 32 Millmount Village Crescent, and 9 metres west of 9 Millmount Road, Dundonald

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

- (ii) LA05/2022/1006/F – Erection of 19 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM, landscaping and all other associated site works on lands approximately 88 metres west of 32 Millmount Village Crescent and 45 metres west of 9 Millmount Road, Dundonald

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

- (iii) LA05/2023/0953/F – Residential development comprising of 8 affordable units for the over 55's with associated and ancillary site works on lands off Old Kilmore Road, Moira, Down. Located to the immediate west of residential properties (1, 3, 5, 7, 9, 11, 15, 17, 19) of Danesfort and to the immediate north of Fitzwilliam House

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

The Committee received Ms C Doyle, accompanied by Mr A Larkin, to speak in support of the application. There were no queries raised by Members.

There were no Members' queries put to Planning Officers.

Debate

During debate:

- Councillor P Catney stated that, having engaged with the developer and local residents, all concerns had been addressed. He welcomed the over 55's element of the application and was in support of the recommendation of the Planning Officer to approve planning permission; and
- Alderman O Gawith welcomed the fact that any queries raised in respect of the original application had been dealt with and he was in support of the recommendation of the Planning Officer to approve planning permission.

PC 05.08.2024

6

- (iii) LA05/2023/0953/F – Residential development comprising of 8 affordable units for the over 55's with associated and ancillary site works on lands off Old Kilmore Road, Moira, Down. Located to the immediate west of residential properties (1, 3, 5, 7, 9, 11, 15, 17, 19) of Danesfort and to the immediate north of Fitzwilliam House (Contd)

Vote

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

In response to a query raised by Councillor P Catney at this point, the Head of Planning & Capital Development agreed to provide him with an update on the timeline in respect of the discharge of a condition relating to archaeological investigations that had been attached to an earlier application.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.01 am).

Resumption of Meeting

The meeting was resumed at 11.06 am.

- (iv) LA05/2022/0079/F – Proposed 1 infill dwelling with detached garage and all other associated site works on lands approximately 44 metres north east of 173 Ballycoan Road, Belfast

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

The Committee received Mr D Donaldson, accompanied by Mr G Marshall and Mr D Law, 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:

- Alderman J Tinsley stated that the timing of this application was unfortunate. The Committee had to take cognisance of the LCCC Local Development Plan. The application did not meet with the required policies relating to infill or clusters. Alderman Tinsley did not consider that there was a social community building present. He was in support of the recommendation of the Planning Officer to refuse planning permission;

PC 05.08.2024

7

(iv) LA05/2022/0079/F – Proposed 1 infill dwelling with detached garage and all other associated site works on lands approximately 44 metres north east of 173 Ballycoan Road, Belfast (Contd)

- Councillor P Catney stated that, having considered the application from a historical point of view, having listened to the comments made by Mr Marshall about the past community uses of the barn and taking account of the painting by Tom Carr that depicted the historical significance of the area, he was not in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that the Council had policies it was required to follow when making decisions. With a great deal of reluctance and a huge amount of sympathy for the applicant, procedurally and policy-wise Alderman Gawith considered that the correct decision had been made and he was in support of the recommendation of the Planning Officer to refuse planning permission; and
- Councillor G Thompson stated she did not consider the barn as a social community building used in the sense of what the policy required, which she deemed would have been a community centre, Orange Hall or the likes. Whilst she sympathised with the applicant, she was in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Alderman O Gawith, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson and the Chair, Alderman M Gregg (7)

Against: Councillor P Catney (1)

Councillor P Catney advised that he was leaving the meeting at this point (12.12 pm). Prior to his departure, the Chair, Alderman M Gregg, expressed condolences on the recent death of Councillor Catney's father-in-law.

(v) LA05/2022/0226/O – Site for dwelling on land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough

Prior to this application being presented, Alderman O Gawith proposed that it be deferred to allow for a site visit to take place. This proposal was seconded by Councillor A Martin and, on a vote being taken, agreed, the voting being 6 in favour and 1 against.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.14 pm).

PC 05.08.2024

8

Resumption of Meeting

The meeting was resumed at 12.19 pm.

4.2 Housing Development Comprised of 121 Dwellings (all social housing) on Land to the Immediate West of 29 Enterprise Crescent, and to the Immediate East of Home Bargains, Ballinderry Road, Lisburn (PAN)

It was proposed by Councillor D Bassett, seconded by Councillor G Thompson and agreed that the information on 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.

4.3 Non-compliance with Condition 1 of Appeal Decisions 2000/A277 and 2000/A278 to Create Two Units with Associated Elevational Changes at Unit 5 Drumkeen Retail Park, Upper Galwally, Belfast (PAN)

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that the information on 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.

4.4 Statutory Performance Indicators – June 2024

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

4.5 Draft Procedure for Dealing with Section 76 Planning Agreements for Affordable Housing

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed that the draft procedure for dealing with Section 76 Planning Agreements be noted and that a report be presented to the September meeting of the Regeneration and Growth Committee for agreement.

4.6 Appeal Decision – LA05/2021/0069/O

It was proposed by Councillor S Burns, seconded by Councillor D Bassett and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.7 Appeal Decision – LA05/2021/1178/F

It was proposed by Alderman O Gawith, seconded by Councillor G Thompson and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

PC 05.08.2024

9

4.8 Appeal Decision – LA05/2020/0971/F

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.9 Update to DAERA Website regarding Advice on its Consultation Procedure and the Use of Checklists

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed to note the update to the DAERA website regarding advice on its consultation procedure and the use of checklists.

4.10 Letter from Natural Environment Division (NED) of DAERA Providing Update on Planning Consultations for Agricultural Development

It was proposed by Councillor S Burns, seconded by Councillor G Thompson and agreed to note the update provided by the Director of NED in relation to planning consultations for Agricultural Development.

4.11 NI Water Wastewater Capacity Update

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note the detail of the capacity update from NI Water.

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

It was proposed by Alderman J Tinsley, seconded by Councillor S Burns and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at locations in the Council area.

In response to comments by Alderman O Gawith regarding tree removal in respect of the works to be carried out at Castlereagh Motors, the Head of Planning & Capital Development agreed to refer this matter to the Council's Tree Officer.

5. Any Other Business

5.1 Pre-Application Notice for Cemetery Site Chair, Alderman M Gregg

The Chair, Alderman M Gregg, referred to the recently published list of planning applications validated and the fact that a further Pre-Application Notice (PAN) had been submitted for a cemetery at Quarterland Road. The Head of Planning & Capital Development confirmed that this was the case. He stated that Officers had expressed some frustration with the applicant, through the agent, in relation to the quality of submissions received previously. There was utter confusion in the local community about what was being proposed and when the application would come forward. It was hoped that this latest submission was a reset of the previous two processes. Officers had highlighted that any pre-application community

PC 05.08.2024

10

5.1 Pre-Application Notice for Cemetery Site (Contd)
Chair, Alderman M Gregg

consultation process report that came forward must resolve that there were two failed consultation processes previously and this must be taken account of as part of the overall community consultation exercise.

The Chair, Alderman M Gregg, asked that, given the confusion that existed within the local community, could the Council ensure that any responses to previous PANs were carried forward in consideration of this PAN and an indication given as to how issues had been addressed or were no longer relevant due to whatever changes had been made. The Head of Planning & Capital Development stated that Officers had made clear that the applicant should take account that there had been two failed consultations so that people could understand the chronology. The community would then know why the two previous consultations had failed and that what the public had said had been taken account of.

5.3 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 2 September.

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 12.58 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

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

1.0 **Background**

1. The following applications have been made to the Council as the Local Planning Authority for determination.
2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting.

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There is one major and eight local applications. Of the eight local application three are presented by way of exception and five have been Called In.
 - a) LA05/2023/0914/F - The development is seeking full retrospective planning permission for the retention of an earthen screening bund located along the western extents of the permitted quarry at Temple Quarry 26 Ballycarngannon Road
Recommendation – Approval
 - b) LA05/2022/0226/O – Site for Dwelling on land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough.
Recommendation - Refusal
 - c) LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Recommendation – Approval

- d) LA05/2021/1181/O - Proposed new two storey detached dwelling on lands to the rear of existing houses on Lands to the rear of 11a and 15 Wallace Avenue, Lisburn.
Recommendation – Refusal
- e) LA05/2024/0291/F - Two storey extension to side of dwelling at 8 Fairhaven Park, Lisburn
Recommendation – Refusal
- f) LA05/2022/0538/F - Proposed farm dwelling adjacent to and south of 9a Pothill Lane.
Recommendation – Refusal
- g) LA05/2023/0022/F - Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary 135m north of 14b Feumore Road, Lisburn.
Recommendation – Refusal
- h) LA05/2021/0789/F - Erection of 10 residential units comprising two-storey semi-detached dwellings, provision of hard and soft landscaping including retaining walls, provision of in curtilage car parking spaces, electric charging points and all associated site works on land to the north of 56 Magheralave Road, Lisburn
Recommendation – Approval
- i) LA05/2023/0339/F - Erection of 8 dwellings (change of house type to site 398a-e, 399a-e and 400a-e previously approved under LA05/2018/0512/F), garages and all associated site on lands surrounding 9 Millmount Road comprising lands North East of Comber Greenway, East of Millmount Road and 150m West and South West of 60 Greengraves Road, Dundonald.
Recommendation – Approval

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

2.0 **Recommendation**

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

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the

	<p>appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.</p> <p>In all decisions there is the right for applicants and third parties to seek leave for Judicial Review. The Council will review on an on-going basis the financial and resource implications of processing applications.</p>		
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>		
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 or rationale why the screening was not carried out</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>		
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>Summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>		

Appendices:	<ul style="list-style-type: none"> Appendix 1.1 - LA05/2023/0914/F Appendix 1.2(a) - LA05/2022/0226/O – Addendum Report Appendix 1.2(b) - LA05/2022/0226/O - Note of Site Visit Appendix 1.2(c) - LA05/2022/0226/O – Initial Report Appendix 1.3(a) - LA05/2022/0033/F Appendix 1.3(b) – LA05/2022/0033/F - Note of Site Visit Appendix 1.4 - LA05/2021/1181/O Appendix 1.5 - LA05/2024/0291/F Appendix 1.6 - LA05/2022/0538/F Appendix 1.7 - LA05/2023/0022/F Appendix 1.8 - LA05/2021/0789/F Appendix 1.9 - LA05/2023/0339/F
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Major
Application Reference	LA05/2023/0914/F
Proposal Description	Retention of an earth screening bund located along the western extents of the quarry.
Location	Temple Quarry 26 Ballycarngannon Road, Lisburn, BT27 6YA
Representations	None
Case Officer	Peter McFadden
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare in size.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies MD1, MD2, and MD6 to MD9 of the Plan Strategy in that the bund is part of the restoration works associated with the operation of the quarry and whilst taller than initially planned are constructed from overburden within the quarry consistent with the conditions of an earlier planning permission.
3. Furthermore, the development is considered to satisfy Policy COU1 and the relevant criteria of Policy COU16 of the Plan Strategy. No harm is caused to the rural character of this part of the countryside and undulating nature of the landscape allows for filling of this scale to hide the quarrying operations behind. The landscaping works soften the impact of the development and assist in integrating the restoration works into the landscape.
4. The proposal complies with Policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor will it result in an unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.

5. It is considered that the development complies with policy TRA2 of the Plan Strategy in that it will not prejudice road safety or significantly inconvenience the flow of traffic in that the existing access is used. The bund is set back from the road edge and does not extend to the public road and impede visibility along the Ballycargannon Road.

Description of Site and Surroundings

Site Context

6. The application site is located within the Temple Quarry, 26 Ballycarnannon Road. The quarry is currently active and has a secure entrance point off the Ballycarnannon Road.
7. A screen bund is in place along the western boundary of the site. The bund is contained entirely within the confines of the quarry and set back from the Ballycarnannon Road.
8. The bund is planted with grass and other vegetation covering its surface. The road frontage along Ballycarnannon Road covering the extent of the bund is also heavily planted.

Surrounding Context

9. The site is located in the countryside and the area is rural in character with sporadic development comprised mainly of single dwellings and farmsteads dotted around the landscape in the wider locality. The land is undulating beyond the quarry boundaries.

Proposed Development

10. The application is seeking planning permission for the retention of an earth screen bund located along the western extents of the permitted quarry.
11. The application was supported by the following documents:
 - Pre-application Community Consultation Report
 - Supporting Statement

Relevant Planning History

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

Reference	Site Address	Proposal	Decision
S/1974/0701	Townlands of Ballycarngannon and Car, Lisburn	Quarry	Permission granted 19/5/1975
S/1996/0890/F	Temple Quarry Ballycarngannon Road, Lisburn	Quarry product processing plant	Permission Granted 15/9/1997
S/1997/0889/F	Temple Quarry Ballycarngannon Road, Lisburn	Quarry	Permission Granted 6/11/1998
S/2002/1596/F	Temple Quarry Ballycarngannon Road, Lisburn	Block manufacturing facility	Permission Granted 11/3/2005
S/2003/0906/F	Temple Quarry Ballycarngannon Road, Lisburn	Quarry material washing plant	Withdrawn
S/2004/1193/F	Temple Quarry Ballycarngannon Road, Lisburn	Quarry material washing plant and lagoon	Permission Granted 11/3/2005
S/2004/1791/F	Temple Quarry Ballycarngannon Road, Lisburn	Lateral extension of existing quarry	Permission Granted 28/9/2005
S/2007/0604/F	Temple Quarry Ballycarngannon Road, Lisburn	Extension to existing quarry incorporating landscaping and progressive restoration programme	Permission Granted 8/1/2009
S/2007/1511/F	Temple Quarry Ballycarngannon Road, Lisburn	Installation and operation of mobile crushing and screening plant	Permission Granted 17/12/2008
LA05/2021/0234/F	Temple Quarry Ballycarngannon Road, Lisburn	Planning application made under Section 54 of the Planning Act 2011 to develop land without compliance condition 16 (bund details) attached to permission	Application withdrawn

		S/2007/0604/F (extension to existing quarry incorporating landscaping and progressive restoration programme) to seek approval of revised bund details along western boundary of quarry with proposed woodland planting (retrospective) Amended description/details provided.	
LA05/2023/0597/PAN	Temple Quarry Ballycarngannon Road, Lisburn	Application under Section 55 of the planning Act 2011 for retrospective planning permission for the retention of an earthen screening bund and associated woodland planting located along the western extents of the permitted quarry.	Valid

Consultations

13. The following consultations were carried out:

Consultee	Response
DfI Roads	No Objection
Health and Safety Executive	No Objection
LCCC Environmental Health	No Objection
NI Water	No Objection
NIEA Marine and Fisheries Division	No Objection

Consultee	Response
NIEA Water Management Unit	No Objection
NIEA Regulation Unit and NED	No Objection
NIEA Natural Environment Division	No Objection
Shared Environmental Services	No Objection
DfC Geological Survey	No Objection

Representations

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

Environmental Impact Assessment (EIA)

- 15. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
- 16. The site area is 4.3 hectares and exceeds the threshold set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
- 17. An EIA determination was carried out 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.

Pre-Application Community Consultation

- 18. The application exceeds the threshold for major developments as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
- 19. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application. A Proposal of Application Notice (PAN) was served on LCCC planning department and elected members of the Council for the Electoral Area on 21st July 2023. The PAN was deemed as acceptable in a letter from LCCC dated 11th September 2023.

20. A public event was held to provide an opportunity for the local community to view plans for the proposal and provide feedback. The public event took the form of a public drop-in event held at the Offices at Temple Quarry, 26 Ballycarngannon Road, Lisburn. The event ran between 4pm and 6pm on Tuesday 15th August 2023.
21. The public event was advertised in the Belfast Telegraph which is circulated in the locality. The advertisement was placed in the Monday 31st July 2023 edition of the newspaper. Should members of the public have been unable to attend the event, the advertisement also welcomed comments on the proposals up to 29th August 2023. Letters were also sent to nearby residents living within 300 metres of the proposed site, who have the greatest potential to be impacted upon.

22. The applicant recognised the importance of community consultation in providing information to the local community through appropriate consultation and communication. To this end, a community consultation strategy was adopted by the applicant which centred around a public drop-in event held on 15th August 2023. Local residents living within 300 metres of the site were contacted directly, via letter, and invited to attend the event.
23. The event was attended by six local residents who have the potential to be impacted the most by the development due to their proximity to the site. Details of the proposals were presented and explained. The planning application process and how residents can comment on the proposals following submission to LCCC was also explained.
24. The attendees identified no areas of concern in relation to the bund and were in support of the development. It was considered that the low number of people attending the consultation event and the lack of any further feedback or responses following the advertisement of the event and undertaking of a local letter drop reflects the minimal impacts caused by the proposals. It was considered likely that residents who are unaffected by the proposals have not deemed it necessary to request further information or attend the event.
25. It is accepted that the format and content of the Pre-Application Community Consultation report is in accordance with the Practice Note published by DfI Planning Group. It advises that no issues were raised by members of the public at this event and that there was adequate opportunity for the local community to participate in the public consultation process in advance of the submission of this application

Local Development Plan

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 the determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

27. 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.

28. In accordance with the transitional arrangements the existing Lisburn Area Plan and draft BMAP remain material considerations.
29. The site is located in the open countryside in both Plans and within Landscape Character Area 96 - Castlereagh Plateau (LCA96) in 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. This quarry produces materials for the construction industry. The strategic policy for supporting Sustainable Economic Growth is set out in Strategic Policy 04 – Supporting Sustainable Economic Growth Creating and Enhancing Shared Space and Quality Places states that:

The Plan will support development proposals that support sustainable economic growth without compromising on environmental standards. Economic growth can contribute to an enhanced society and improve health and well-being through the creation of job opportunities.

32. Quarrying can have significant impact on the visual amenity of the landscape and the natural environment from the operations. 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.

33. Whilst this is not a proposal to extend the quarry it is for works linked to the operations and restoration of the Quarry. Strategic Policy 13 Mineral Development states that the Plan will support development proposals that:
- a) facilitate a sufficient supply of minerals through balancing the need for the mineral development against the need to safeguard the environment, taking account of appropriate designations;
 - b) allow for careful exploitation of minerals; and
 - c) provide for the sustainable and safe restoration and reuse of mineral sites.
34. The following operational policies in Part 2 of the Plan Strategy also apply.

Development in the Countryside

35. Temple Quarry is located in the Countryside. Policy COU1 Development in the Countryside states:

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

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

Details of operational policies relating to acceptable non-residential development proposals are set out in policies COU11-COU14. There are a range of other non-residential development proposals that may in principle be acceptable in the countryside. Such proposals must comply with all policy requirements contained in the operational policies, where relevant to the development. Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6.

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

36. The bund has the potential to impact on the character of the rural area. 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.*

Minerals Development

37. The bund is provided in accordance with a permission that allows for active mineral extraction at Temple Quarry. Policy MD1 Environmental Protection states:

The Council will support minerals development where proposals can demonstrate the need for that mineral resource balanced against the need to protect and conserve the natural and historic environment.

Minerals development within or in close proximity to an area that has been designated, or is proposed for designation to protect its landscape, scientific, natural or built heritage significance will not normally be granted permission where this would prejudice the essential character of the area and the rationale for its designation.

Permission for the extraction of peat for sale will only be granted where the proposals are consistent with the protection of Boglands valuable to nature conservation interests, and with the protection of landscape quality particularly in an Area of Outstanding Natural Beauty (AONB)

38. The bund has the potential to have a visual impact on the landscape. Policy MD2 Visual Impact states that:

Where permission is granted for minerals development, landscape quality should be protected by attaching conditions designed to avoid or mitigate any adverse visual impacts. Particular regard should be paid to the preservation of skylines and to the proposed location of plant, stockpiles and overburden/ waste within the development.

39. The location of the bund has the potential to prejudice future exploitation of an identified mineral resource. Policy MD6 Mineral Safeguarding Areas states:

Surface development which would prejudice future exploitation of an identified mineral resource of economic or conservation value will not be permitted.

40. Mineral development has the potential to impact on Safety and Amenity. Policy MD7 Safety and Amenity states that:

Proposals for minerals development must have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. Minerals development likely to compromise safety or to significantly impair the amenity of people living or working in proximity to the site will not normally be acceptable.

41. Traffic movements associated with Minerals developments have the potential to impact on road safety. Policy MD8 Traffic Implications states that
Where traffic from a minerals development proposal would prejudice the safety and convenience of road users, planning permission will normally be refused unless the access road and/ or local road network can be satisfactorily improved.

42. Restoration is an important aspect of mineral development. Policy MD9 Restoration Proposals states:

Applications for the extraction of minerals must include satisfactory restoration proposals.

Natural Heritage

43. The development has the potential to impact the natural environment. 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.

44. 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.

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

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

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

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

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

Access and Transport

46. The proposal does not involve the creation off or alteration to an access as the material used to create the bund is sourced from within the existing Quarry site. That said the proximity of the works to the public road and the potential for them to impact on road safety and traffic progression is considered. 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.

Regional Policy and Guidance

Regional Policy

47. 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.

48. 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.

49. 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

50. 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.

51. Paragraph 3.8 of the SPPS states:

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

52. 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.

Assessment

53. The planning history in relation to the application provides context for this retrospective proposal in that planning permission was granted by the Department of Environment on 12 January 2009 [S/2007/0604/F]. This permission allowed for the extension of the existing quarry and it incorporated landscaping and a progressive restoration programme. The planning permission was granted subject to 25 conditions.

54. In the interest of visual amenity, condition 16 of the permission stated that:

Prior to the extraction of rock as hereby permitted, a 4-metre high, tree planted bund and a 4 metre high grassed bund shall be created along the boundaries of the site, the location of bunds shall be in accordance with Drawing Number 03, date stamped received by the Department on 12 June 2008. Earth bunds shall have a gradient no steeper than 1 in 3 on the outward side and no steeper than 1 in 1 on the inward side. Tree planting shall be in accordance with the planting schedule on Drawing 03. If any of the trees planted is removed, uprooted or destroyed or dies within 3 years from the date of commencement of the development as hereby approved, another tree or trees shall be planted at the same place and that/those trees shall be of such size and species and shall be planted at such time as may be specified by the Department.

55. On the 25 of February 2021, an application [LA05/2021/0234/F] was submitted under Section 54 of the Planning Act 2011 to develop land without compliance with condition 16. The applicant sought to amend the size and extent of the bund located along the western extents of the permitted quarry, in order to further screen potential views of the operations within the quarry, further enhance habitats along the boundary and provide additional attenuation against potential noise and dust emissions emanating from within the quarry void.

56. During the processing of this application, the applicant was advised that the bund as constructed extended beyond the scope of the section 54 planning application in terms of its size and scale.

57. The applicant team advised that when stripping back the topsoil to allow for further extraction in accordance with the earlier permission, more material than was require for the bund was available.

58. The material was used to create the bund in accordance with condition 21 which stated:

All stripped topsoil and overburden shall be retained within the site and used to create the earth bunds as described in condition 6. Any additional overburden or topsoil shall be used for progressive restoration of the site.

59. The impacts of created bunds larger than envisaged in the original application process is considered in the sections of the report that follow.

COU1 Development in the Countryside

60. The application is for a bund within an existing and operational quarry void which benefits from an extant planning permission. As there is an operational quarry the development is linked to that existing non-residential development the requirements of policy COU 1 are met.

COU16 Rural Character and other Criteria

61. The area around the existing quarry is open in nature which open countryside beyond the bund is not considered to be prominent in nature along the edge of the existing quarry. Criteria (a) is considered to be met.
62. The bund extends along the edge of the quarry with buildings associated with quarrying activities located within the wider site. The bund is provided in the interest of visual amenity, and it does serve to screen the quarrying operations and structures from view. Criteria (b) is considered to be met.
63. The bund is located with an operational quarry where mineral reserves are present. Whilst the bund does not respect the traditional pattern of development in the rural location, it is a typical feature of quarry development. Criteria (c) is met.
64. The bund is not located adjacent to the settlement limit and as such, the tests associated with criteria (d) are not engaged.
65. As explained above, the bund is provided for by way of condition and it is a typical feature of quarry sites. For the reasons outlined earlier in the report within the context of MD2 considerations, the bund will not have an adverse impact on the rural character and criteria (e) is met.
66. As explained above, the bund is provided for by way of condition to ensure the protection of visual amenity. The bund further assists in containing noise and dust generated by quarrying activities within the quarry void, thereby further reducing any potential impacts upon the nearest sensitive receptors to the north/ east of the quarry. For these reasons, criteria (f) is met.
67. The construction of the bund did not require access to services and as such, criteria (g) is not engaged.
68. For the reasons outlined above, the works associated with the construction of the bund will not have an adverse impact on rural character and criteria (h) is met.

The creation of the bund did not require access to the public road as material was obtained from within the quarry void. As such, no prejudice to road safety or flow of traffic arose.

Minerals Development

69. This application does not seek the approval for any further mineral development. It seeks permission for the retention of an earth bund larger than was planned as part of the 2007 approval.
70. The size is increased as a result of more overburden material being available than expected. The bund is provided by way of mitigation in the interest of visual amenity.
71. No mineral processing is proposed and as such, no impact upon soil quality is expected. Runoff from the bund will be accommodated within the quarry void and will be managed as part of the existing surface water drainage strategy for the quarry; therefore, no impact upon water quality is expected.
72. The bund location forms part of the permitted quarry site and as such, it is considered to have negligible potential for ecology. The proposed woodland mix planting, will result in an improvement in biodiversity, providing habitats for range of species.
73. In terms of sites of archaeological and historic interest, the development is not located within or adjacent to any designated historic sites. Furthermore, no earthworks (i.e. stripping of soils) are required and therefore the bund does not pose any impact upon buried archaeology.

Policy MD2 Visual Impact

74. The condition to which the requirement for this bund relates was to mitigate against any adverse visual impacts associated with the quarry operations at this location. This remains the objective with the bund being larger for the reasons outlined.
75. The bund as constructed remains in the same position as directed by the original condition and when viewed from the surrounding road network it is not of any greater visual significance.
76. The Planning Supporting Statement explains that the bund design was prepared by Geotechnical engineering specialists, Quarry Design Ltd, with input from relevant experts (landscape and visual) in order to ensure that the design can be achieved safely, and with minimum impact on the surrounding environment.
77. The bund has been constructed from overburden formed during the course of mineral extraction at the quarry. The construction material is a generally cohesive material with some granular content and represents the original glacial till overburden excavated from the quarry site. It was constructed using a dump truck and hydraulic excavator.
78. The bund design features an undulating ridgeline in order to allow for assimilation into the surrounding landscape and has been planted with woodland and species rich meadow grass.
79. The existing vegetation along the northwestern boundary of the quarry, adjacent to Ballycarnannon Road has been retained. The outer slopes of the bund have been planted with a woodland mix with the inner slopes partially planted with a nurse

grassland mixture. The mixture is a combination of low growing grasses and flower friendly sward. The mix allows for natural regeneration and colonisation of grassland species whilst surpassing perennial weeds.

80. The development has allowed the existing quarry to be managed in a more sustainable and efficient manner by avoiding the need to relocate the overburden material to separate locations or moving the material multiple times. The bund also offers further visual screening of the operations within the quarry, has enhanced habitats along the boundary and provides additional attenuation against potential noise and dust emissions emanating from within the quarry void.
81. The approved drawings from the original permission allowed for a permanent tree plant bund and temporary grassed bund to be erected along the western boundary of the quarry. The combined length of the 2 approved bunds was approximately 525 metres. Condition 16 of the original permission required the bunds to be 4 metres in height.
82. The bund as built extends the same distance along the western boundary as the 2 approved bunds, however they have been constructed to a greater height of 8 -10 metres.
83. In visual terms, this increase, further screens views of the permitted quarry workings from the north and west, resulting in an overall improvement in visual amenity to the local area.
84. Whilst it is acknowledged that it is a manmade structure introduced into the rural landscape, it does assimilate into the local landscape and provides additional screening of the permitted workings within the quarry void.
85. The use of planting of native woodland species and grassland as noted on the drawings aid its integration into the existing wider landscape with minimal impact on designated Landscape Character Areas.

Policy MD6 Mineral Safeguarding Areas

86. In relation to MD6 Mineral Safeguarding Areas policy states that; surface development which would prejudice future exploitation of an identified mineral resource of economic or conservation value will not be permitted.
87. The retention of the bund as constructed using overburden material in no way prejudices the exploitation of any identified mineral resource at this location.

Policy MD7 Safety and Amenity

88. Policy MD7 Safety and Amenity states that

proposals for minerals development must have particular regard to the safety and amenity of the occupants of developments in close proximity to the mineral workings. Minerals development likely to compromise safety or to significantly impair the

amenity of people living or working in proximity to the site will not normally be acceptable.

89. As explained earlier in the report, this application does not seek to extract minerals. The requirement for the bund was conditioned as a mitigation measure to screen the quarry from view and to contain noise and dust generated by operations within the quarry void.
90. The additional scale and extent of the bund serves to enhanced mitigation for the nearest sensitive receptors to the north/ east of the quarry. It will not impair the amenity of people living or working in proximity to the site. The Councils Environmental Health Unit have considered the detail associated with the extended bund and no objection is raised.
91. Furthermore, HSENI has also reviewed the information provided and has no objection to full retrospective planning permission being granted for the retention of the earthen screen bund located along the western extents of the quarry.

Policy MD8 Traffic Implications

92. The bund was constructed using material from within the application site with no access to the local road network involved. For this reason, the creation of the bund did not have the potential to prejudice the safety and convenience of road users on the local network.

Policy MD9 Restoration Proposals

93. Detail submitted with the application confirms that the bund has been planted with a native woodland mix and nurse grassland mixture enhancing the biodiversity value of the structure. The works carried out to construct and landscape the bund are consistent with the restoration proposals

NH1 - European and Ramsar Sites – international

94. Advice received from Shared Environmental Services having regard to the nature and scale of the bund confirmed that it could not have any conceivable effect on a European site as there were not viable pollution pathways to affect any European site. Water Management Unit raised no objection in relation to impacts on the surface water environment.

NH2 - Species Protected by Law

NH5 – Habitats, Species or Features of Natural Heritage Importance

95. The bund is constructed within an active quarry void using overburden material from site clearance in preparation for mineral extraction. Advice obtained from Natural Environment Division [NED] acknowledged that the application sought to retain an earthen screening bund located along the western extents of the

- permitted quarry. They also acknowledged the planning history outlined earlier in the report.
96. Whilst no ecological information has been submitted with the application, the landscaping drawing 03, Landscape/Restoration Plan, published to the NI Planning Portal 20/11/2023 showed the retention of existing woodland planting within the application site boundary and the proposed woodland screen planting consisting of a mix of native plant species.
 97. NED confirmed that they were content that the landscape plan corresponded with the previously submitted landscaping plan Landscape proposals – Temple Quarry Landform, produced by Mullin Design Associates date stamped the 2nd of July 2021 by the Lisburn & Castlereagh City Council. No objection was raised.
 98. Advice from Inland Fisheries confirmed that the proposal was not likely to have any significant impact on inland fisheries interests in the vicinity of the works assuming appropriate mitigation was in place to prevent suspended solids (sediments) or other deleterious materials from entering the aquatic environment while the planting becomes established.
 99. For the reasons outlined and having regard to the nature and scale of the proposal, it is accepted that the bund as constructed will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value.

Access and Transport

100. The development is retrospective in nature and relates the construction of an earthen bund within the Quarry Void using material from within the quarry site. No movements in and out of the quarry were involved and as such prejudice was caused to road safety and no inconvenience caused to the flow of traffic in that the existing access is used. The bund is set back from the road edge and does not extend to the public road and impede visibility along the Ballycargannon Road.

Recommendation

101. The application is presented with a recommendation to approve as the proposal is in accordance with the requirements of policies MD1, MD2, and MD6 to MD9 of the Plan Strategy.
102. Furthermore, the development is considered to satisfy Policy COU1 and the relevant criteria of Policy COU16 of the Plan Strategy.
103. The proposal complies with Policies NH1, NH2 and NH5 of the Plan Strategy in that the development will not harm any protected species nor will it result in an unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance including any European designated sites.

104. It is considered that the development complies with policy TRA2 of the Plan Strategy in that it will not prejudice road safety or significantly inconvenience the flow of traffic.

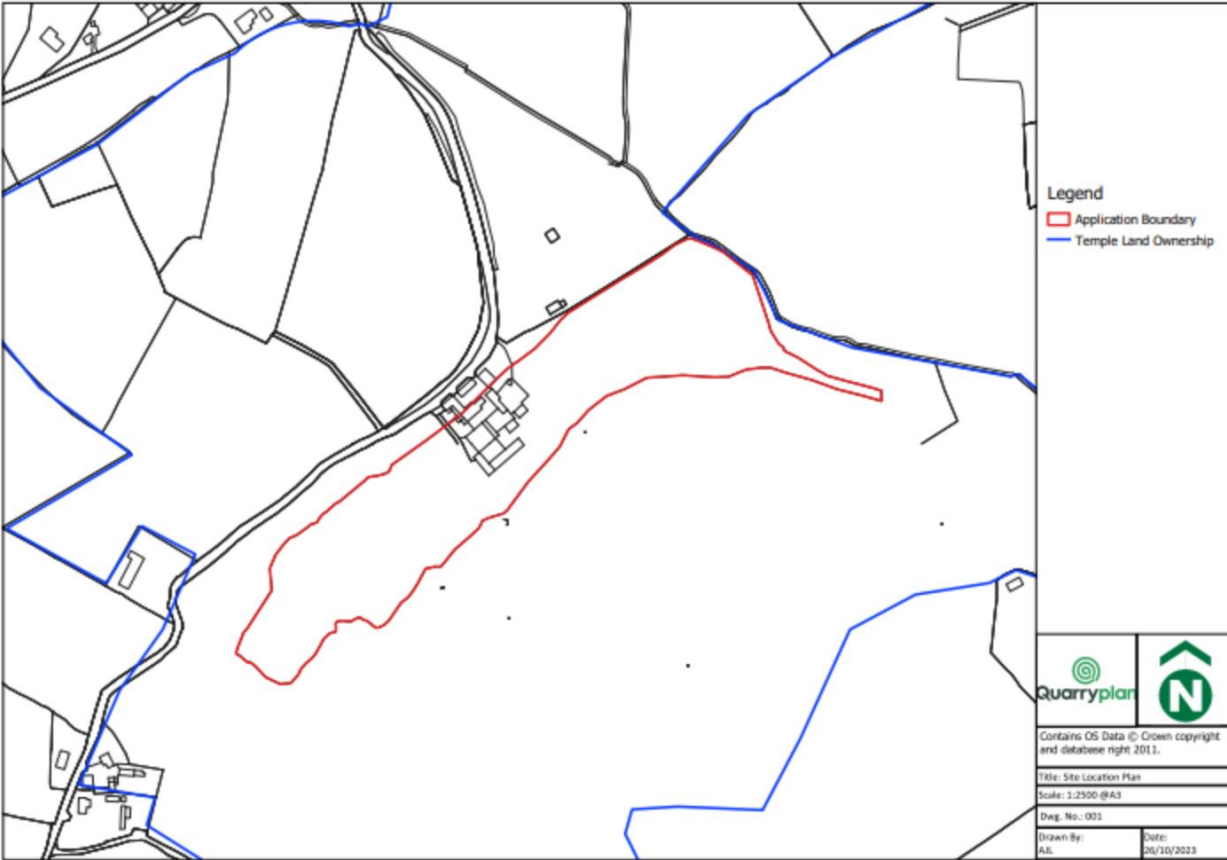
Conditions

105. The following condition is 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 – LA05/2023/0914/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	02 September 2024
Committee Interest	Local Application (Called In) - Addendum
Application Reference	LA05/2022/0226/O
Date of Application	28 February 2022
District Electoral Area	Downshire East
Proposal Description	Site for dwelling
Location	Land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough
Representations	None
Case Officer	Cara Breen
Recommendation	Refusal

Summary of Recommendation

1. This application was included on the Schedule of Applications for consideration by the Committee in August 2024. The recommendation was to refuse planning permission.
2. Before the application was presented, Members agreed to defer consideration of the application to allow for a site visit to take place. A site visit took place on Tuesday 20 August 2024. A separate note of this site visit is provided as part of the papers.

Further Consideration

3. Members were reminded that the site visit was arranged to provide them with an opportunity to observe the proposed site in its context.
4. The site location plan was used to demonstrate the extent of the site boundary. The existing agricultural buildings within the site were observed as was the community building at the crossroads at the junction with Ballykeel Road and Glebe Road.

5. To assist with their observations, the Members were advised of the detail of Policy COU2 of the Plan Strategy and reminded that all 5 criteria (a)-(e) were required to be met. Members were also advised of the refusal reasons presented in the earlier report.
6. Members also had the opportunity to observe the position of the agricultural buildings/structures within the application site along with neighbouring buildings.
7. Officers agreed to check when single farm payments were last claimed and to provide clarification on whether the site was being sold as a dwelling with farm building, yard, and land.

Single Farm Payments

8. Following the site visit, officers contacted officials in DAERA who advised that single farm payments were last claimed in 2019.
9. It is however important to note that a farm holding being active and established are not tests associated with Policy COU2. The buildings observed by the officer at the site visit were agricultural buildings in terms of their layout, form, and design. There was also a large silage clamp on lands to the east of the application site accessed from the same yard. The same access for the agricultural buildings and yard was linked to the neighbouring dwellings typical of a farm complex.

Extent of land associated with recent Sale

10. Details of the recent sale were posted to Shooter Property Services website with the red line comprising some 6.3 acres to include detached bungalow and yard, selection of hay sheds and outbuildings. A google map image showing the extent of the lands associated with the recent sale is provided for below.

Conclusions and Recommendation

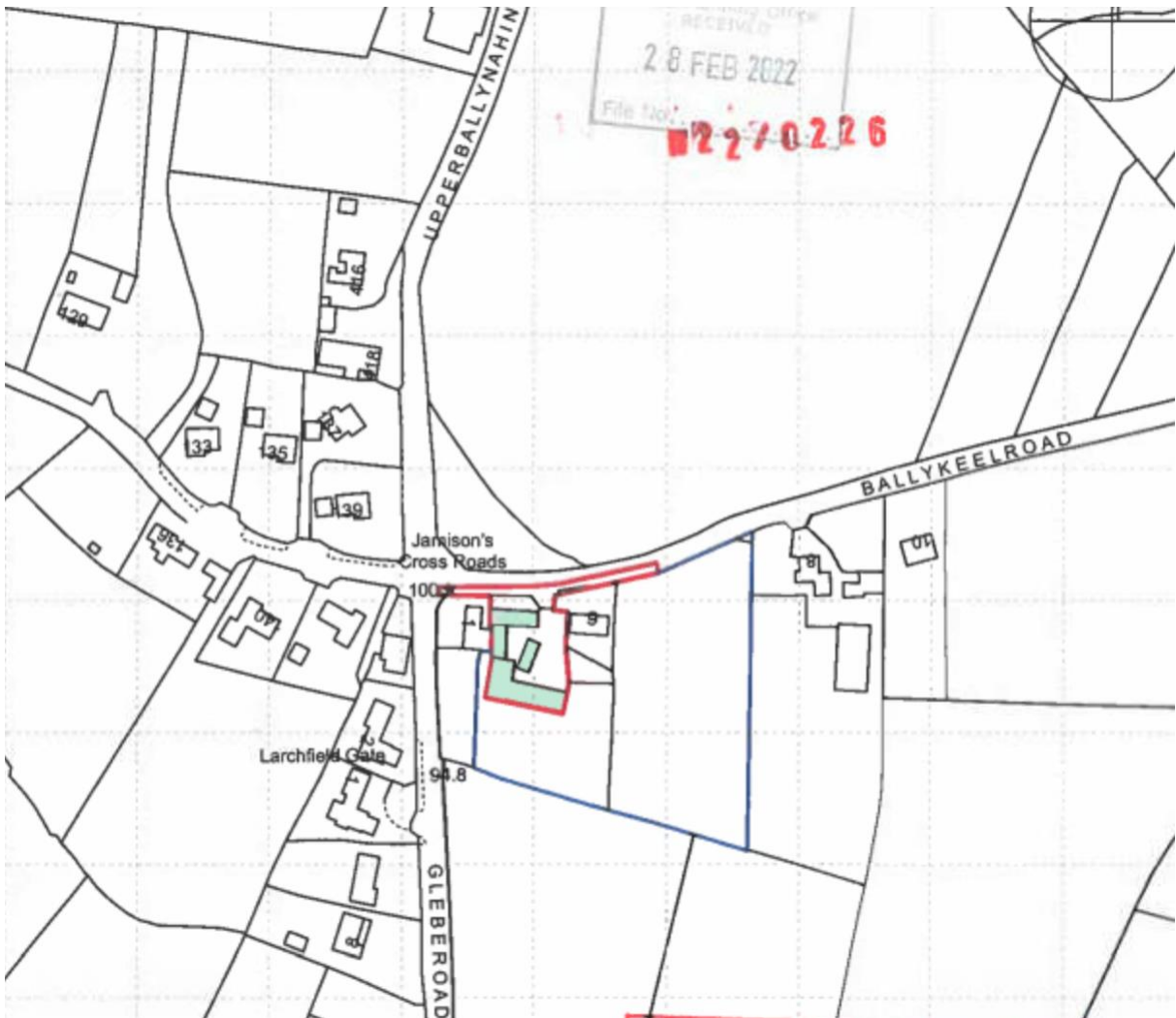
11. The purpose of the site visit was to afford Members an opportunity to visit the site and observe the proposed development in its context. No new issues were raised that require further consideration. The advice previously offered that planning permission should be refused is not changed. Irrespective of when the farm buildings were last used the site is not outside a farm. This is based on a visual inspection of the site by the officer and the fact that the land is comprised of farm buildings and a yard.
12. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 05 August 2024.

Refusal Reasons

13. The following reasons for refusal are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to criteria (a) and (e) Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not lie outside of a farm and the application site would not constitute rounding off and consolidation into the existing cluster.
- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development if approved would create a ribbon of development along Ballykeel Road. Furthermore, the site is not a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, result in an adverse impact on the area's rural character.

Site Location Plan – LA05/2022/0226/O



Extent of Lands associated with Recent Sale



Source: Shooter Property Services website

LISBURN & CASTLEREAGH CITY COUNCIL**Note of a site visit made by the Planning Committee on Tuesday 20 August 2024 at 3.30 pm on lands at 6 Ballykeel Road and 1 Glebe Road, Hillsborough.**

<u>PRESENT:</u>	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
<u>IN ATTENDANCE:</u>	Head of Planning & Capital Development Principal Planning Officer (RH) Member Services Officer (BS)

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

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

- LA05/2022/0226/O – Site for a dwelling on land between 6 Ballykeel Road and 1 Glebe Road Hillsborough, BT26 6NW

Before the application was presented, the Committee agreed at its meeting held on 5 August 2024 to defer consideration of the above application so as to provide Members with an opportunity to visit the application site and observe and examine the proposal in its setting.

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. The Members were advised of the wording of Policy COU2 of the Plan Strategy and reminded that all 5 criteria (a)-(e) were required to be met and that advice had been provided that the proposal failed to comply with criteria (a) and (e).

The site location plan was used to demonstrate the location of the proposed dwelling. Members also had the opportunity to observe the position of the agricultural buildings/structures within the application site.

The Head of Planning and Capital Development highlighted the different types of buildings within and adjacent to the site and referenced also the community hall opposite the site. Members moved across the site to observe the proposed dwelling from different

viewpoints. The extent of the rear boundary which extended along the rear of an open sided agricultural shed was explained. It was also explained that the rear elevation of the proposed dwelling was shown on plan to align with the dwelling house adjacent to the front of the site.

Officers responded to questions from Members in relation to clustering and ribbon development. The Principal Planning Officer indicated that the proposal failed to meet criteria (a) as the cluster did not lie outside of the farm and therefore the proposal was considered to be part of the farm.

The Head of Planning & Capital Development advised that the issues raised by Members were central to the argument, namely, criteria (a) and (e) of policy COU2. In response to further questions, he undertook to request the officer to seek clarification on the current status of the farm including confirming what the site was being sold as a dwelling with farm buildings, yard and lands (a for sale board was at the site entrance).

The Head of Planning & Capital Development emphasised that it was for Members to consider if policy COU2 was being met and that it was important that Members contextualise the buildings associated with this planning application.

The Principal Planning Officer provided Members with a further overview of criteria (a) of policy COU2. Officers then answered questions from Members on the issue of 'rounding off' and consolidation; and how this criterion would be impacted by removal or demolition of existing structures. Further comments were raised in regard to the issue of the farm being active or not.

Members then walked down to the crossroads and observed the site from the community building.

The Officers undertook to check the details of when the farm was last used. In concluding it was noted that it was a matter for the Agent to demonstrate that the site was outside of a farm. The officer's recommendation was based on their observations following an inspection of the site.

The site visit concluded at 4.00 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	05 August 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0226/O
Date of Application	28 February 2022
District Electoral Area	Downshire East
Proposal Description	Site for dwelling
Location	Land between 6 Ballykeel Road and 1 Glebe Road, Hillsborough
Representations	None
Case Officer	Cara Breen
Recommendation	Refuse

Summary of Recommendation

1. This application is categorised as a Local Application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented with a recommendation to refuse in that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, as this is not a type of development which is acceptable in the countryside.
3. The proposal is contrary to criteria (a) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not lie outside of a farm and the application site would not constitute rounding off and consolidation into the existing cluster.
4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if approved would create a ribbon of development along Ballykeel Road.
5. The proposal is also contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy as there is no small gap site sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage.

6. The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, result in an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

7. The application site is located at lands between 6 Ballykeel Road and 1 Glebe Road, Hillsborough.
8. The application site is an irregular shaped parcel of land which is part of a farmyard associated with the dwelling at 6 and agricultural lands to the south and east of the application site.
9. There are a number of agricultural buildings/structures (5) within the application site at the time of site inspection. The application site is accessed via an existing vehicular access entrance from Ballykeel Road.
10. The northern (roadside) boundary of the application site is defined by 1m (approximately) high post and rail timber fence and stone wall. The western boundary is predominantly demarcated by the elevations of the existing buildings in situ on the application site. The southern boundary is defined by the rear elevation of the open fronted structure within the site and the eastern boundary is partly undefined, partly defined by the side elevation of the open fronted structure and by a tiered render wall.
11. In relation to the topography, the application site falls away from north to south from the Ballykeel Road.

Surroundings

12. The application site is neighboured by the residential dwelling at 6 Ballykeel Road immediately to the east of the site and by 1 Glebe Road directly to the west of the site. Jamison's Cross-Roads is located to the north west of the application site and Legacurry Orange Hall is located directly opposite 1 Glebe Road at the junction with Windmill Road. Other residential dwellings are located within the general vicinity of the application site. Larchfield Estate is located opposite the application site.
13. The area is rural in character and predominantly agricultural in use, characterised by drumlin topography.

Proposed Development

14. Outline Planning permission is sought for a dwelling. Supporting documentation for the application includes;

Consultations

15. The following consultations were carried out:

Consultee	Response
DAERA Water Management Unit	No Objection
DAERA Natural Environment Division	No Objection
NI Water	No Objection
DfI Roads	No Objection
DfC Historic Environment Division	No Objection
LCCC Environmental Health	No Objection

Representation

16. No representations have been received in opposition to the proposed development.

Local Development Plan

17. 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

18. 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.'

19. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
20. The site is located within Green Belt in the Lisburn Area Plan (2001) and at page 49 it states:

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

21. In draft BMAP (2015), the application site is located in the open countryside, outside any defined settlement limit. There are no other designations pertaining to the application site.
22. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

Development in the Countryside

23. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

New Dwellings in Existing Clusters

24. Policy COU2 – New Dwellings in Existing Clusters states:

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

- a) the cluster of development lies outside of a farm and consists of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) forming a close grouping of buildings, of which at least three are dwellings*
- b) the cluster appears as a visual entity in the local landscape*
- c) the cluster is associated with a focal point such as a social/community building*
- d) the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*
- e) development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.'*

Infill/Ribbon Development

25. Policy COU8 – Infill/Ribbon Development states:

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

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

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

Integration and Design of Buildings in the Countryside

26. 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

27. 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*
- f. *it has an adverse impact on the rural character of the area it would adversely impact on residential amenity*
- g. *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h. *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i. *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.'*

Waste Management

Treatment of Waste Water

28. A septic tank is required to serve the proposed development. Policy WM2 - Treatment of Waste-Water states:

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

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

Access and Transport

Access to Public Roads

29. A new access is proposed to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

Natural Heritage

Species Protected by Law

30. The proposal requires the demolition of existing buildings. A bio-diversity checklist and species survey are submitted with the application. 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 them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.'

Habitats, Species or Features of Natural Heritage Importance

31. Policy NH5 – Habitats, Species or Features of Natural Heritage Importance states;

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

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

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

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

Historic Environment and Archaeology

Historic Parks, Gardens and Demesnes of Special Historic Interest

32. The site is opposite Larchfield Estate. Policy HE5 – Historic Parks, Gardens and Demesnes of Special Historic Interest states;

'The Council will not permit development which would lead to the loss of, or cause harm to, the overall character, principal components or setting of historic parks, gardens and demesnes of special historic interest. Where exceptionally, planning permission is granted this will be conditional on the accurate recording of any features of interest which will be lost as a result of the development.'

Development affecting the Setting of a Listed Building

33. The site is adjacent to a listed dwelling at 136 Windmill Road. 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.'*

Regional Policy and Guidance

34. 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.

35. 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.'

36. It is 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.'

37. 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.

Development Control Advice Note 15 – Vehicular Access Standards

38. The policies in PPS 3 are replaced by the Plan Strategy. However, the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It states (Paragraph 1.1);

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

Assessment

Development in the Countryside

Policy COU1 – Development in the Countryside

39. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
40. Whilst it is acknowledged that the proposal description only refers to site for dwelling, it is noted that Drawing No. 02, bearing the Lisburn and Castlereagh City Council date stamp 28th February 2022, clearly indicates that the application is presented for assessment as a dwelling in a cluster and is considered against the requirements of - Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032.

Policy COU2 – New Dwellings in Existing Clusters

41. Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy states that planning permission will be granted for a dwelling at an existing cluster of development provided **all** (my emphasis) the criteria are met.

42. Criterion (a) of Policy COU2 requires the cluster of development to lie outside of a farm **and** (my emphasis) be comprised of four or more established buildings (excluding ancillary buildings such as garages, outbuildings and open side structures) forming a close grouping of buildings, of which at least three are dwellings.
43. It is not It is notdisputed that there is a clear compact cluster of development centred around the existing Jamison's Crossroads and comprised of four or more established buildings (of which at least three are dwellings). These include the existing dwelling in situ immediately to the east of the application site at No. 6 Ballykeel Road and the existing dwelling in situ at 1 Glebe Road which abuts the application site to the west and the existing dwellings on the ground to the northern side of Windmill Road to include 135, 137 and 139 Windmill Road and the existing dwellings to the southern side of Windmill Road to include 140 and 142 Windmill Road.
44. Whilst it is accepted that there is a cluster of development, it is not considered that the site lies outside of a farm as the application site itself forms part of land associated with the dwelling at 6 Ballykeel Road and essentially the farmyard which is comprised of 5 agricultural buildings/structure
45. Criterion (b) of Policy COU2 requires that the cluster appears as a visual entity in the local landscape. The Justification and Amplification text associated with Policy COU2 defines a visual entity in the local landscape as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.
46. The cluster does appear as a visual entity in the landscape due to the collective buildup of predominantly single residential dwellings within this one area centered around Jamison's Crossroads.
47. Visually, there is a clear awareness of the cluster when traveling westwards along Ballykeel Road on approach to the crossroads, when traveling eastwards along Windmill Road towards the crossroad, when traveling northwards along Glebe Road towards the crossroads and when traveling southwards along Upper Ballynahinch Road towards to the crossroads. Criterion (b) is met.
48. Criterion (c) of Policy COU2 prescribes that the cluster is associated with a focal point such as a social/community building. The Justification and Amplification text of Policy COU2 defines a focal point as a social/community building, usually visually significant within the cluster and which defines a different built form and use to the rest of the buildings within the cluster.
49. Legacurry Orange Hall is located on the corner at the junction of Windmill Road with Glebe Road. Given its location at the crossroads, it is considered to be visually significant within the cluster. Taking its use as a community building, it is of a different built form and use to the predominant use of buildings within the cluster which are residential in nature.

50. Legacurry Orange Hall is considered to be the focal point with which the cluster is associated with. Criterion (c) is met.
51. Criterion (d) of Policy COU2 requires that the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
52. It is considered that the application site would be able to provide a degree of enclosure by virtue of the presence of the existing dwelling at 6 Ballykeel Road and its tiered render wall which would provide enclosure along the eastern side of the site. The existing two storey dwelling in situ at 1 Glebe Road and its associated hedgerow which encloses its garden to the east would provide a degree of enclosure to the west of the application site. It is contended that 6 Ballykeel Road and 1 Glebe Road constitute development in the cluster and therefore the application site is bounded on at least two sides with other development in the cluster. Criterion (d) is met.
53. Criterion (e) of Policy COU2 requires that development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside through the creation of ribbon development.
54. It is acknowledged that the application site is already occupied by 5 existing buildings/structures, all of which would require demolition to accommodate the proposed development, as indicated by the plan (drawing no. 02 bearing the Lisburn and Castlereagh City Council date stamp 28th February 2022). Rounding off and consolidation implies that the application site is not already occupied by development. Taking into account that the application site is not currently vacant, it is considered that the proposed scheme would not constitute rounding off/consolidation. Criterion (e) is not met.
55. Given that the cluster is comprised primarily of residential dwellings it is not considered that a dwelling on the application site would significantly alter its existing character. That said, the application site is currently occupied by a number of agricultural buildings. These would be required to be demolished to accommodate the proposal. A dwelling on the site would intrude into the countryside through the creation of ribbon development for the reasons discussed later in this report.
56. For the reasons outlined above, it is considered that the proposal is contrary to criteria (a) of Policy COU2 in that the cluster of development does not lie outside of a farm. Furthermore, it is contended that the application is also contrary to criteria (e) of Policy COU2 in that development of the site would not constitute rounding off and consolidation.

Policy COU8 – Infill/Ribbon Development

57. Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy states that planning permission will be refused for a building which creates or adds to a ribbon of development.
58. The first step is to consider if there is a ribbon of development at this location. 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. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.'
59. At this location along Ballykeel Road there are three buildings beside one another along the road – a dwelling at 1 Glebe Road, a farm building on the application site then a dwelling at 6 Ballykeel Road.
60. It is considered that the dwelling at 1 Glebe Road and the farm building on the application site, by virtue of their orientation, are not fronting onto Ballykeel Road and therefore there is no ribbon as only one building (dwelling at 6 Glebe Road) fronts the road.
61. If a dwelling was to be approved on the application site and built in accordance with the indicative site layout plan (drawing no. 02), it would create a ribbon of development along Ballykeel Road as it would be fronting the road and beside the dwelling at 6 Glebe Road. Under Policy COU8 as the proposal would create a ribbon of development planning permission should be refused.
62. The proposal is also contrary to Policy COU8 as there is no gap site sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage as the site is developed with several farm buildings.
63. It is therefore contended that a dwelling on the application site would create a ribbon of development which is contrary to Policy COU8.

Policy COU15 - Integration and Design of Buildings in the Countryside

64. An indicative layout plan (drawing no. 02) has however been provided for consideration. Full design details are not provided.
65. Drawing no. 02, bearing the Lisburn and Castlereagh City Council date stamp 28 February 2022, depicts a dwelling with an approximate footprint of 118m² set almost in line with the rear elevation of the existing dwelling at 6 Ballykeel Road within the application site.
66. Taking the proximity of the existing dwellings directly to the east (6 Ballykeel Road) and to the west (1 Glebe Road), surrounding vegetation and boundary

- treatments and the build up of development already in the immediate vicinity into account, it is perceived that a dwelling of an appropriate ridge height (assessed at Reserved Matters stage following the grant of any approval) could be accommodated within the application site without appearing as a prominent feature in the landscape.
67. Whilst it is acknowledged that the proposed scheme would require the demolition of the existing farm buildings, it is noted that there is an existing established build-up of development already in the immediate vicinity which would remain and which a dwelling on the application site could cluster with.
 68. It is considered that a dwelling of an appropriate scale, mass and design could blend with features such as the mountains in the backdrop to the south, the existing buildings to the east and west and the stonewall and trees which bound Larchfield Estate to the north. Therefore, there are no concerns in relation to Criterion (c).
 69. There are no natural boundaries to the application site. However, it is contended that the existing dwelling at 6 Ballykeel Road and its associated tiered render wall (to its western boundary) which lie directly to the east of the application site would provide a degree of enclosure to the east and the existing dwelling in situ immediately to the west at 1 Glebe Road would provide a degree of enclosure to the west.
 70. Whilst it is acknowledged that new landscaping would be required, considering the above, it is not perceived that it would rely mainly on it for integration.
 71. Full design details have not been submitted for consideration. That said an indicative layout plan (drawing no. 02) was submitted in conjunction with the application. This depicts a 118m² (approximately) dwelling centrally positioned within the application site with private amenity space to the rear. With the aid of appropriate conditions, such as requiring that the dwelling is designed in accordance with Building on Tradition, it is considered that an appropriately rural designed dwelling could be achieved. The design of any dwelling would be assessed in full at Reserved Matters stage following the granting of any approval. Therefore, there are no concerns in relation to the proposal insofar as it relates to Criterion (f).
 72. With regards to proposed ancillary works and having regard to the roadside location of the application site, it is considered that a large driveway/laneway would not be required.
 73. Vehicular access to the site could be achieved almost directly from Ballykeel Road with a parking/turning area to the front of the proposed dwelling as shown in the indicative drawing. Considering the existing levels of the application site, it is not perceived that significant cut and fill/excavation would be required to accommodate the proposed dwelling. It is considered that those features which could aid with the integration of the proposed dwelling, could also aid with the integration of ancillary works. Ancillary works would be considered at Reserved Matter stage if the application was approved.

74. For the reasons outlined above, the policy tests associated with Policy COU15 are considered to be met.

Policy COU16 - Rural Character

75. For the reasons earlier in the report within the context of Policy COU15, a dwelling could be accommodated on the application site without appearing as unduly prominent in the landscape.
76. For the reasons outlined earlier in the report within the context of Policy COU15, it is considered that a dwelling on the application site could cluster with an established group of buildings.
77. Whilst the application site falls within the open countryside, out with any defined settlement limit and the site itself is currently composed of farm buildings (which would require demolition to accommodate the proposal if permitted), it is acknowledged that the immediate vicinity predominantly comprises single residential dwellings in close proximity to each other. Therefore, there are no concerns about the proposed development not respecting the traditional pattern of settlement shown in that area.
78. The application site falls wholly within the open countryside, out with any designated settlement limit. Considering this, there are no concerns about the proposal marring the distinction between a settlement and the surrounding countryside or resulting in urban sprawl.
79. The proposed scheme would result in the loss of existing agricultural buildings to accommodate the proposal. In addition, as the principle of development is unacceptable for the reasons outlined above and contrary to Policies COU2 and COU8, it is considered that the proposed development would have an adverse impact on the rural character of the area.
80. In terms of residential amenity, whilst it is acknowledged that the notional site layout drawing depicts a dwelling which would have a front elevation (building line) in line with the rear elevation of 6 Ballykeel Road (which is in close proximity to the application site) and therefore there could be concerns with regards to the siting in the context of the private amenity space of No. 6, it is noted that this is only a notional plan.
81. It is considered that there would be scope to design out any potential features which could have an adverse impact on residential amenity at Reserved Matters stage should the application be approved. LCCC Environmental Health were consulted as part of the application processing and later responded with no concerns. Taking the above into account, there are no concerns in relation to the proposal with regards potential detrimental impact on residential amenity.
82. LCCC Environmental Health, NI Water and DAERA Water Management Unit were all consulted as part of the application processing. None of the above

returned any concerns in respect to the scheme. Considering this, there are no concerns in terms of the proposal and Criterion (g).

83. As outlined earlier in the report within the context of Policy COU15, ancillary works would not have a detrimental impact upon rural character. However, any ancillary works would be considered in full if the application were to be approved and a Reserved Matters application was forthcoming within the required timeframe.
84. As confirmed by Q12 of the submitted P1 Form and as indicated on the indicative layout (Drawing No. 02), the proposal would require the installation of a new vehicular access to the site. This proposed vehicular access would provide access to/from Ballykeel Road and appears to be located adjacent to the western boundary of the site. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 31st May 2022, DfI Roads offer no objection to the proposal, subject to the inclusion of 3no. conditions in any approval as stipulated within their consultation response.
85. Taking all of the above into account, it is contended that the proposed scheme would, if permitted, have an adverse impact on the on the rural character of the area.

Access and Transport

Policy TRA2 - Access to Public Roads

86. As confirmed by Q12 of the submitted P1 Form and as indicated on Drawing No. 02 (indicative layout), the proposed development would require the installation of a new vehicular access from Ballykeel Road. It is acknowledged that Ballykeel Road is not a designated Protected Route.
87. Drawing No. 02 indicates that the proposed vehicular access arrangement would be located adjacent to the eastern boundary of the site and would lead almost directly onto an area for the parking/turning of private vehicles to the front/western side of the proposed dwelling.
88. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 31st May 2022, they offer no objection to the proposed scheme, subject to the inclusion of 3no. conditions with any approval as stipulated within their consultation response.
89. Based on a review of the information and the advice received from the statutory consultee, it is accepted that a vehicular access to the public road could be accommodated without prejudice to road safety or an inconvenience to the flow of traffic. Therefore, there are no concerns about the proposed scheme in that it pertains to Policy TRA2 of the Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

90. Whilst the application seeks Outline permission only and therefore full design details have not been submitted for consideration, it is noted that the P1 Form confirms that the source of water supply is to be public mains supply. Surface water is to be disposed of by soakaway and foul sewage is to be disposed of via septic tank.
91. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 31 March 2022, they state;

*‘Environmental Health have no objection in principle to the above proposed development subject to the following:
Proposed conditions:
At the time of the reserved matters application the applicant shall provide a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.’*
92. DAERA Water Management Unit provided a response on 28th March 2022 which refers the Planning unit to Standing Advice which would be included on any approval.
93. Consideration of flood risk is included as a criteria for assessment in Policy WM2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
94. NI Water were also consulted as part of the processing of the application. In their final consultation response of 25 March 2022, they offer no objection to the proposal.
95. Based on a review of the information and advice received from the above referenced consultees, it is accepted that the proposal is in accordance with the requirements of Policy WM2 – Treatment of Waste-Water.

Natural Heritage

Species Protected by Law and Habitats, Species or Features of Natural Heritage Importance

96. The application site does not contain any natural boundaries as such. It is therefore considered that the proposed scheme would not require the removal of important vegetation.

97. The proposed development would require the removal of five agricultural buildings/structures. A Biodiversity Checklist and Ecological Statement (February 2022) was submitted in conjunction with the application.
98. In their initial consultation response, dated 28th March 2022, DAERA Natural Environment Division confirm that given the results of the Biodiversity Checklist and Ecological Statement further bat surveys would be required in order for them to provide a substantive response.
99. Bat surveys were carried out on the site and the report titled 'Bat Activity Surveys' was prepared in October 2022.
100. It is acknowledged that the application site does not fall within it and that the proposal pertains to a proposed single residential dwelling only.
101. It is noted that the application site is also located within the vicinity of a designated Listed Building Curtilage (136 Windmill Road Grade B2).
102. DfC Historic Environment Division were consulted as part of the processing of the application.
103. In their final consultation response, dated 29th April 2022, DfC Historic Environment Division state that they are content in principle with the application site being used for a dwelling.
104. Taking the advice of HED into account, there are no concerns in relation to the proposal insofar as it relates to the historic environment and archaeology.

Conclusions and Recommendation

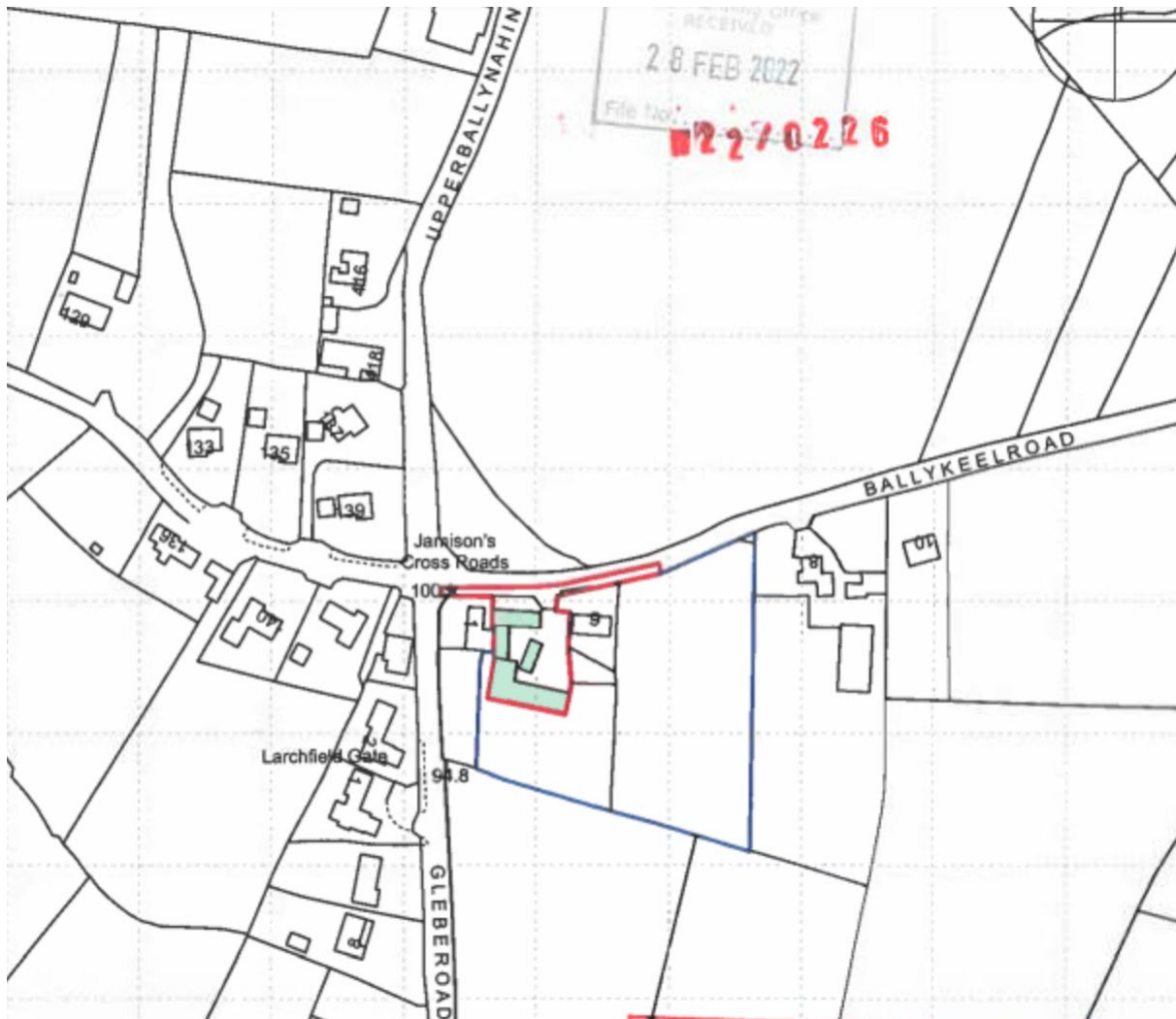
105. The recommendation is to refuse planning permission as the proposal is not in accordance with Policies COU1, COU2, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

106. The following reasons for refusal are recommended:
 - The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to criteria (a) and (e) Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy, in that the cluster of development does not lie outside of a farm and the application site would not constitute rounding off and consolidation into the existing cluster.

- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development if approved would create a ribbon of development along Ballykeel Road. Furthermore, the site is not a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built-up frontage.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would, if permitted, result in an adverse impact on the area's rural character.

Site Location Plan – LA05/2022/0226/O



Lisburn & Castlereagh City Council

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

Background

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

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

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

Summary of Recommendation

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

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

Description of Site and Surroundings

Site

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

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

Surroundings

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

Proposed Development

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

Relevant Planning History

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

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

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

Consultations

32. The following consultations were carried out:

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

Representations

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

Environmental Impact Assessment (EIA)

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

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

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

Local Development Plan

34. 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

35. 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.

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

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

Lagan Valley Regional Park Local Plan 2005

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

Development limits are defined for Ballyaghlis, Ballylesson, Ballyskeagh, Drumbeg, Edenderry, Lambeg and Tullynacross. Within these limits new development may be considered to be acceptable provided that it relates sympathetically to the design, scale and character of the existing village or hamlet.

46. This is an application is for residential development inside a settlement and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.
47. 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.
48. 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.

49. 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.

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

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

51. 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.*

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

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

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

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

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

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

Housing in Settlements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57. The Justification and Amplification states:

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

58. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Accessible Accommodation

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

63. 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.

64. The Justification and Amplification states:

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

65. 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

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

European Protected Species

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

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

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

National Protected Species

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

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

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

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

- 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.*

64. The policy also states that:

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

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

65. The Lagan Valley Regional Park is an AONB. Policy NH6 – Areas of Outstanding Natural Beauty states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and that a number of criteria are met:
- (a) *The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality; and*
 - (b) *It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
 - (c) *The proposal respects*
 - *Local architectural styles and patterns;*
 - *Traditional boundary details by retaining features such as hedges, walls and gates; and*
 - *Local materials, design and colour*

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

67. Policy directs that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality.

Access and Transport

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

69. 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.

70. 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.

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

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

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

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

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

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

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

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

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

Flooding

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

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

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

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

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

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

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

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

Regional Policy and Guidance

Regional Policy

73. Paragraph 3.8 of the SPPS states:

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

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

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

75. 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.

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

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

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

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

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

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

79. Paragraph 6.182 of the SPPS further states that:

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

80. Paragraph 6.198 of the SPPS states that:

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

81. Again, given the size of the site and the potential for surface water run-off to exacerbate flooding elsewhere in regard to flood risk, Paragraph 6.103 of the SPPS states that:

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

82. Paragraph 6.132 of the SPPS further states that:

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

Regional Guidance

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

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

Creating Places

85. Creating Places – Achieving Quality in Residential Developments’ (May 2000) is the principal guide for developers in the design of all new housing areas. The guide is structured around the process of design and addresses the following matters:

- the analysis of a site and its context;
- strategies for the overall design character of a proposal;
- the main elements of good design; and
- detailed design requirements.

86. Paragraph 7.16 provides guidance on separation distances stating

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

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

Housing in Existing Urban Areas

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

that the following detailed design principles need to be considered

- *creating a safe environment;*

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

91. Paragraph 6 states:

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

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

Planning Supplementary Guidance

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

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

Assessment

Housing in Settlements

Policy HOU1 – New Residential Development

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

Policy HOU3 - Site Context and Characteristics of New Residential Development

94. The Quarterlands Road is characterised by in-depth suburban housing development comprising a mixture of house types including two-storey detached, single storey bungalows and semi-detached chalet style one and half storey dwellings.
95. The properties in Hambleton Park to the east of the site are primarily single storey and at Zenda Park to the north are typically a storey and half in height. With the exception of the dwellings at 52B and 54C, the properties along Rural Cottages to the south are primarily single storey.
96. The dwelling at 66 Quarterlands Road to the immediate north of the application site is one and a half storey in height and finished in brick. The dwelling at 58 Quarterland Road is single storey in height with a garden area extending to the road.
97. Car parking is mainly provided in curtilage for the existing housing with private driveways evident to the front and side of most properties.
98. The Design and Access statement submitted in support of the application indicates that the density of development is 14.5 dwellings per hectare which is below the density of the adjacent Zenda Park which is 24 dwellings per hectare.
99. The height of the proposed dwellings were reduced to address concerns expressed by third parties. Amended drawings received in November 2023o indicated that the proposed dwellings are two-storey in height with ridge heights ranging from 7.5 metres – 8.2 metres. This is an overall reduction of 500 millimetres for each of the proposed units. Where garages are proposed they are single storey in height.
100. Taking into account the surrounding context is comprised of suburban residential development of different forms, age, style, scale and mass and where there is no predominant form of housing given the mixed nature of the residential character of this part of Drumbeg the proposed development will

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

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

Policy HOU4 - Design in New Residential Development

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

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

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

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

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

Policy HOU5 – Public Open Space in New Residential Development

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

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

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

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

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

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

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

Policy HOU10 – Affordable Housing

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

Access and Transport

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

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

Natural Heritage

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

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

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

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

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

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

Flooding and Drainage

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

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

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

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

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

NIE Infrastructure

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

Consideration of Representations

188. Consideration of the issues raised by way of third-party representation are set out in the paragraphs below:
 - Impact on Road Safety
189. A number of the representations express concern in relation to road related matters including but not limited to concerns in relation to the capacity of the

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

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

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

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

- Increased risk of Flooding

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

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

- No Housing Need

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

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

- Impact on AONB and Lagan Valley Regional Park

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

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

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

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

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

Neighbour Notification Process

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

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

Planning History

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

Inadequate Environmental Impact Assessment

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

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

Pre-eminence of LDP 2032

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

Fair and Equitable process

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

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

Human Rights

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

Equality Impacts

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

Conclusions

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

Recommendations

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

Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. All hard and soft landscape works shall be carried out in accordance with Drawing 02B – Landscape General Arrangement Plan, and associated planning schedule bearing the Council date [insert date] and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

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

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

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

Reason: To protect breeding/nesting birds.

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

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

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

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

Site location Plan – LA05/2022/0033/F



LOCATION PLAN

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

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Apologies were received from Councillors D Bassett and S Burns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	02 September 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2021/1181/O
Date of Application	25 October 2021
District Electoral Area	Lisburn North
Proposal Description	Proposed new two-storey detached dwelling on lands to the rear of existing houses
Location	Lands to the rear of 11a and 15 Wallace Avenue Lisburn BT27 4AA
Representations	Five
Case Officer	Joseph Billham
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to criteria (a) of Policy HOU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal is an unacceptable form of back land development that does not respect the existing context and is not appropriate to the character of the street in terms of the layout of the proposed building.
3. In addition, the proposal is contrary to criteria (a), (h), (k) and (i) of Policy HOU4 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal if approved would have an unacceptable adverse effect on existing properties in terms of its architectural form, an inadequate provision for parking and other amenities for the existing dwellings, dominance, overbearing, overlooking, loss of light and overshadowing.
4. Finally, the proposal is contrary criteria (b) of Policy HOU8 of the Lisburn and Castlereagh City Council Plan Strategy in that the pattern of development

would not be in keeping with the local character and existing residential amenity of the established residential area.

Description of Site and Surroundings

5. This site is located on the northern side of Wallace Avenue and is a corner plot at the junction of Wallace Avenue and Conway Street.
6. Within the site are the buildings and curtilage of a pair of semi-detached dwellings [11A and 15] that front onto Wallace Avenue.
7. The dwellings are Tudor style with two-storey front projections with matching bay windows. The dwellings each have a single storey rear return. The roof comprises of a hipped form with a single chimney on the ridge. The material finishes include red brick, white render, Tudor style timber boards, white uPVC window and black UPVC rainwater goods.
8. To the rear of the dwellings is an area of hardstanding used for parking cars and for access to the rear of the two properties from Conway Street.
9. The rear (northern) boundary is comprised in part of a of 1.8 metre vertical timber fencing and a red brick wall and horizontal fencing on top. The western boundary is comprised of mature hedging. The eastern boundary that fronts Conway Street is comprised of a stepped wall that is finished white render with coping on top. The boundary fronting Wallace Avenue has a similar white rendered wall and black metal railings. The two curtilages of 11A and 15 Wallace Avenue are separated by a 1.8 metre vertical timber fence.

Surroundings

10. The site is bounded by dwellings including 1 Conway Street to the north. The property at 1 Conway Street is a two-storey semi-detached dwelling. Southwest of the site lies 11 Wallace Avenue that is a two-storey semi-detached dwelling. South of lies the Wallace Apartments on the opposite side of Wallace Avenue. Northeast of the site lies 17 and 19 Wallace Avenue which again is a pair of two-storey dwellings.

Proposed Development

11. The application is for a proposed new two-storey detached dwelling fronting Conway on lands to the rear of existing pair of semi-detached dwellings on Wallace Avenue.

Relevant Planning History

12. There is no planning history associated with the application site.

Consultations

13. The following consultations were carried out:

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

Representations

14. Five letters of representation in opposition to the proposal have been received during the processing of the planning application. These representations are available to view on the Planning Portal via the following link:

[Northern Ireland Public Register \(planningsystemni.gov.uk\)](http://planningsystemni.gov.uk)

15. The issues within the representations received included:

- Issue with road safety and parking
- Look out of place and aesthetic of Conway Street
- Loss of privacy towards surrounding properties
- Loss of light to habitable rooms
- Windows fitted with frosted glass
- Start date for construction and damage to property during construction.
- Issue with tv reception/ariel

16. The issues raised in these representations have been considered as part of the assessment of this application.

Planning Policy Context

Local Development Plan Context

17. 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

18. 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.

19. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
20. In both the Lisburn Area Plan and draft BMAP (2004) this site was located in the settlement limit of Lisburn City and within Lisburn City Centre boundary. The site is also zoned as a Protected City Centre Housing Area in the last revision to BMAP.
21. 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.

22. 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.

23. Creating shared neighbourhoods should provide opportunities for communities to access local employment, shopping, leisure, education and community facilities.
24. 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.

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

HOU1 New Residential Development

26. The application is for new residential development. Policy HOU1 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).

HOU3 Site Context and Characteristics of New Residential Development

27. The application is a single dwelling in the City Centre and in an Area Protected for Housing. Policy HOU3 states that:

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.

28. 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.

HOU4 Design in New Residential Development

29. 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 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 manoeuvrability of waste service vehicles*
- l) *the development is designed to deter crime and promote personal safety.*

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

HOU6 Design Concept Statements, Concept Masterplans and Comprehensive Planning

30. A Design Concept Statement, or where appropriate a Concept Masterplan, must accompany all planning applications for residential development.

A Concept Masterplan will be required for major planning applications involving:

- a) *50 dwellings or more*
- b) *the development, in part or full of sites of 2 hectares or more zoned for housing in development plans*
- c) *housing development on any other site of 2 hectares or more.*

For partial development of a site zoned for housing the Concept Masterplan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken.

Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land zoned for housing.

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

31. Policy HOU8 states that:

Planning permission will be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to

accommodate new housing, where the criteria set out in Policies HOU3 and HOU4 (with the exception of Policy HOU4(d) – Density Bands), and all the additional criteria set out below are met:

- a) *the proposed density is not significantly higher than that found in the established residential area*
- b) *the pattern of development is in keeping with the local character, environmental quality and existing residential amenity of the established residential area*
- c) *all dwelling units and apartments are built to a size not less than those set out in Supplementary Planning Guidance, Part A: Space Standards for Dwellings*

Access and Transport

32. The proposal requires modification of an existing access onto Conway Street. Policy TRA2 – Access to Public Roads states:

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

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

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

33. The justification and amplification states:

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

34. The application site is located close to a Listed Building of special architectural or historic interest and a site of archaeological interest.
35. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance, 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.

36. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the 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.

37. 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.

38. Policy HE9 Development affecting the Setting of a Listed Building states that:

Proposals which would adversely affect the setting of a listed building will not be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met a) the detailed design respects the listed building in terms of scale, height, massing and alignment b) the works and architectural details should use quality materials and techniques (traditional and/or sympathetic) in keeping with the listed building c) the nature of the use proposed respects the character of the setting of the building.

Regional Policy and Guidance

39. 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.

40. Paragraph 3.8 of the SPPS states:

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

acknowledged importance

41. 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.

Development Control Advice Note 8 – Housing in Existing Urban Areas

42. Development Control Advice Notes (DCANs) represent non-statutory planning guidance which is intended to supplement, elucidate and exemplify policy documents, including Planning Policy Statements (PPSs) and development plans.
43. The purpose of this DCAN is to provide advice which will help to ensure that urban and environmental quality is maintained, amenity preserved, and privacy respected when proposals are being considered for new housing development within existing urban areas.
44. The guidance given in this Advice Note is intended to assist prospective developers and their professional advisors when considering proposals for all types of housing in existing urban areas.
45. This DCAN must be read in conjunction with the relevant contents of the Department's policy publications, including Planning Policy Statements (PPSs), development plans, and the Regional Development Strategy for Northern Ireland (produced by the Department for Regional Development), as well as other published supplementary planning guidance documents.

Backland Development

46. There is the potential in appropriate circumstances to integrate new residential development into back land areas to produce a high-quality residential environment. However, to be successful, there are a number of important design principles that should be followed. The study of 'Sustainable Residential Quality' (London Planning Advisory Committee, 1998) identified a number of key principles which are reproduced here. The proposals should:
 - (i) relate to a site which has appropriate plot depth and configuration
47. A fundamental requirement for successful backland development is for the back land plot to be of sufficient depth to accommodate new housing in a way which provides a quality residential environment for new and existing residents.
48. Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting
 - (ii) be of a form and scale which respects the local context

49. It is important to ensure that new development respects the scale and density of existing development. In general, the scale and massing of new housing in backland areas should not exceed that of the existing dwellings fronting the surrounding streets.
- (iii) achieve a coherent and legible form
50. A coherent form is important for all new development; however, it will be different for backland schemes with through access and those without. A through access will effectively sub-divide a large perimeter block into two smaller blocks thus maintaining legibility. Where the development is effectively a cul-de-sac, buildings will be most legible when they are organised into crescents, clusters and squares.
- (iv) integrate existing landscape features
51. Where trees or landscape features form part of a backland plot, the design should seek to retain these and integrate them into the new development.
- (v) provide a residential aspect onto the new road
52. New residential development should seek to reinforce the existing organisation of the fronts and backs of the dwellings. It should also seek to organise aspects to increase street overlooking where this is deficient.
- (vi) take care over the integration of the existing and new landscapes and streets
53. The threshold between the new development and surrounding streets requires very careful attention. The aim must be to achieve continuity in design and character in terms of both the streetscape and landscape. It should not simply be seen as an add-on or solely a road engineering issue.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

54. This is an application for a new two-storey detached dwelling on lands within the settlement limit and in the city centre of Lisburn. As new residential development is acceptable on land within the settlement limits and in the city centre the requirements of policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

55. A Design Concept Statement has been submitted with the application. The statement details how the proposal draws upon the positive aspects of, and respects the local character, appearance and environmental quality of the surrounding area.
56. The lands adjacent to and either side of the site on Wallace Avenue and Conway Street are comprised of semi-detached dwellings that occupy long narrow plots. There is uniformity in the layout and arrangement of the buildings along the street frontage and the buildings are all of a similar scale and size being semi-detached and two-storey.
57. This application seeks permission for a single detached two-storey dwelling on a site in the shared curtilage and rear gardens of 11A and 15 Wallace Avenue. The plot is 160 square metres in size.
58. The proposal is not considered to respect the surrounding context. The existing plots are long, narrow and uniform in depth as indicated on drawing No 02B. The gardens for pair of semi-detached dwellings are not longer and to reduce the size of the curtilage of both these properties and insert a dwelling is not considered to be characteristic of the existing layout and arrangement of the buildings and out of context and character with the existing form of development in both streets.
59. Furthermore, there is insufficient depth in the plot to accommodate a new building and it is a form of back land development that is not in keeping with the established pattern of development on Conway Street and this side of Wallace Avenue.
60. Within Creating Places paragraph 7.08 states:

It will not be acceptable to increase building density by simply 'cramming' conventionally designed semi-detached and detached dwellings closer together.
61. It is considered given the semi-detached dwellings are the pre-dominant form of development and make up the local identity and distinctiveness of the surrounding area that the inclusion of a detached two- storey detached dwelling that results in smaller curtilages for 11a and 15 Wallace Avenue would not respect the surrounding area and is inappropriate at this location.
62. Furthermore, paragraph 5.7 of DCAN 8 makes reference to back land development. It states that:

Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and day lighting.

63. The plot depth associated with this application measures 16 metres from Conway Street to the rear boundary shared with 11 Wallace Avenue. The application as presented falls significantly short of the plot depth standard set out in DCAN 8.
64. For the reasons outlined above, the principle of a single detached dwelling at this location would have a detrimental impact on the established character of Conway Street and the layout is not appropriate to the context and does not enhance the local identity and distinctiveness of the street as the majority of house types in the immediate context are semi-detached. Criteria (a) is not met.
65. With regard to criteria (b), the application site is situated within an archaeological site and monument buffer zone. The site is adjacent to ANT068:002 and nearby listed building: HB19/13/024 Bridge Community Centre, 50 Railway Street, Lisburn. However, no objection is raised by the statutory consultees and the site is too far away to harm the setting of the listed building.
66. Furthermore, no landscape characteristics/features have been identified that require integration into the overall design and layout of the development and as such all the requirements of criteria (b) of policy HOU3 are met.

HOU4 Design in New Residential Development

67. The concept drawing is submitted with the application. No design details have been submitted at this stage. That said, and without prejudice to the view expressed in relation to the principle of the development, a dwelling could be designed to draw upon the best local architectural form, materials and detailing exhibited in this residential area, to be accessible and to be energy and resource efficient.
68. There is however a loss of amenity space for the two existing dwellings and the fragmentation of the curtilage of these two properties to accommodate a new dwelling is not good design and not consistent with the architectural form common to the street. Whilst criteria (a), (e), and (f) of policy HOU4 are capable of being met for the proposed dwelling criteria (a) is not met for the two existing dwellings within the site.
69. No landscaping details have been provided at this stage. That said, and without prejudice to the view expressed in relation to the principle of the development, landscaping to site boundaries could be provided to soften the visual impact of the development and assist its integration into the surrounding area. Criteria (b) of policy HOU4 is capable of being met.
70. This is an application for a single dwelling within an established residential area. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. Criteria (c) is met.

71. The site is located within the settlement limit of Lisburn City where there is existing provision of local community facilities. There already is the provision of walking and cycling infrastructure and existing networks to meet the needs of mobility impaired persons. Criteria (d) is met.
72. Without prejudice to the view expressed in relation to the principle of the development, the proposal will not impact on density bands outlined at criteria (d).
73. The concept drawing does indicate that the site is capable of making adequate and appropriate provision for car and bicycle parking and there is scope within the curtilage to provide an electric vehicle charging point if required. There is also space within the curtilage of the site for bin storage. That said the full parking standard cannot be met for the three dwellings and criteria (h) and (k) are not met.
74. The concept drawing layout indicates that the new dwelling has a separation distance of 1 metre to the north boundary, 5 metres to the west boundary and 4 metres to the south boundary.
75. The separation distance to the rear of 15 Wallace Avenue is 12 metres and to the rear return of 11A Wallace Avenue is 8 metres. The separation distance to the private rear amenity space of the property at number 11 which is described as the first 3 – 4 metres from the rear of the dwelling is 9 metres. Taking into consideration the space between buildings a two-storey dwelling will have adverse effect by way of overlooking and will be dominant and overbearing.
76. Furthermore, the dwelling at 1 Conway Street has a kitchen window at the rear of the dwelling. The separation distance on the indicative layout is 3.5 metres side by side. The separation distance between the property at number 1 and the indicative layout would result in an adverse effect by way of loss of light and overshadowing and will be dominant and overbearing on the property at 1 Conway Street.
77. Within the J&A of Policy HOU4 it states:

The protection of privacy is an important element of quality in a residential environment. It is a particularly important consideration where new development is proposed adjacent to existing properties. Proposals must provide reasonable space between buildings in order to minimise overlooking. This will also assist in providing acceptable levels of daylight to properties.
78. It is considered a two-storey detached dwelling would not provide reasonable space between the existing dwellings on three sides and would result in an adverse impact upon the privacy and amenity of neighbouring properties.
79. Whilst no design details have been provided it is considered that a two-storey dwelling would have an unacceptable adverse effect of existing properties in terms of overlooking, loss of light and overshadowing. The new building will also be dominant and over-bearing. Criteria (i) is not capable of being met.

80. There will not be a significant increase on site by way of impermeable concrete and tarmacadam. The existing entrance and parking area is being utilised and consisting of gravel area.
81. The P1 Form indicates the existing mains sewer is being used for surface water disposal. NI Water and EHO have been consulted and raised no concerns. Criteria (j) and (k) are capable of being met.
82. The proposal is capable of being designed to deter crime and promote personal safety. Criteria (l) is capable of being met.
83. For the reasons outlined above, the proposal is considered to be capable of complying with criteria (i) of Policy HOU4.

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

84. The density is considered not to be significantly higher than that found in the Wallace Avenue and Conway Street which is an established residential area.
85. That said, a detached dwelling is not in keeping with the established character of the local area as the predominant house type is semi-detached. The plot size is also significantly less than that of the established plots and a two-storey detached dwelling would for the reasons outlined above within the context of Policy HOU4 considerations, impact on the residential amenity of residents in neighbouring properties within the established residential area. The proposal is considered to be contrary to criteria (b) of Policy HOU8.

Access, Movement and Parking

86. The detail provided within the application as amended confirms that the existing entrance is to be retained. Neither Conway Street or Wallace Avenue are not Protected Route.
87. DFI Roads having regard to the detail submitted in relation to access arrangements offer no objection. It is therefore accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and that the tests associated with Policy TRA2 are capable of being met.

HE2 The Preservation of Archaeological Remains of Local Importance and their Settings

88. The application site is situated within an archaeological site and monument buffer zone. The site is adjacent to ANT068:002 and nearby listed building: HB19/13/024 Bridge Community Centre, 50 Railway Street, Lisburn. HED have been consulted and stated:

On the basis of the information provided under the policy requirements of the SPPS(NI) and Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS 6), HED advises that it considers the proposal is sufficiently removed in situation and scale of development from the listed building as to have no impact.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

89. Whilst the wrong policy is referred to in the response from HED the Council agree with the general comments that the proposal will not have an adverse impact on the on the preservation of archaeological remains of local importance and their settings in accordance with Policy HE2 of the Plan Strategy.
90. The listed building is distant from the listed building and there is development in between that would mitigate any adverse impact on the setting of the listed building and associated monument.

Consideration of Representations

74. The issues raised in representation are considered below:

Issue with road safety, parking and children safety

75. Concern is raised that the proposal would impact on road safety, parking and safety of children along Conway Street. The proposal is considered to comply with policies TRA2. DfI Roads have been consulted on the application and officers agree with the advice offered. The access arrangements do not give rise to a road safety or an adverse traffic impact for the reasons described above.

Look out of place and aesthetic of Conway Street

76. The proposal is not in keeping with the local character of the area and is contrary to planning policy for the reasons detailed above.

Loss of privacy towards surrounding properties

77. The separation distance between the indicative layout and the rear of 15 is 12 metres and the rear return of 11A is 8 metres. The separation distance to the private rear amenity space of 11 is 9 metres. Following a full assessment of the proposal it is considered the development would result in issues of concern regarding overlooking to the nearby residents.

Loss of light to habitable rooms

78. The proposal is deemed to have an unacceptable impact on loss of light towards No 1 Conway Street. The dwelling at No 1 Conway Street has a rear kitchen window at the rear of the dwelling. The separation distance on the indicative layout is 3.5m side by side. The proposal is considered to have an adverse effect by way of loss of light and overshadowing towards No 1 Conway Street.

Windows fitted with frosted glass

79. The proposal is for outline permission. Officers do not consider the site capable of accommodating a dwelling and this issue on one of detailed design.

Start date for construction and damage to property during construction

80. Officers are not able to comment as the issues raised go beyond the application process and are matters for the applicant to address at the construction stage of a project. They have no bearing on the consideration of the principle of development and the question of whether the site has the capacity to accommodate a new dwelling.

Issue with tv reception

81. This is not a material consideration given any weight and as above beyond the scope of whether the site has the capacity to accommodate a new dwelling.

Conclusions

82. For the reasons outlined in the main body of the report, the proposal is contrary to criteria (a) of Policy HOU3, criteria (a), (h), (k) and (i) of Policy HOU4 and criteria (b) of Policy HOU8 of the Lisburn and Castlereagh City Council Plan Strategy.

Recommendation

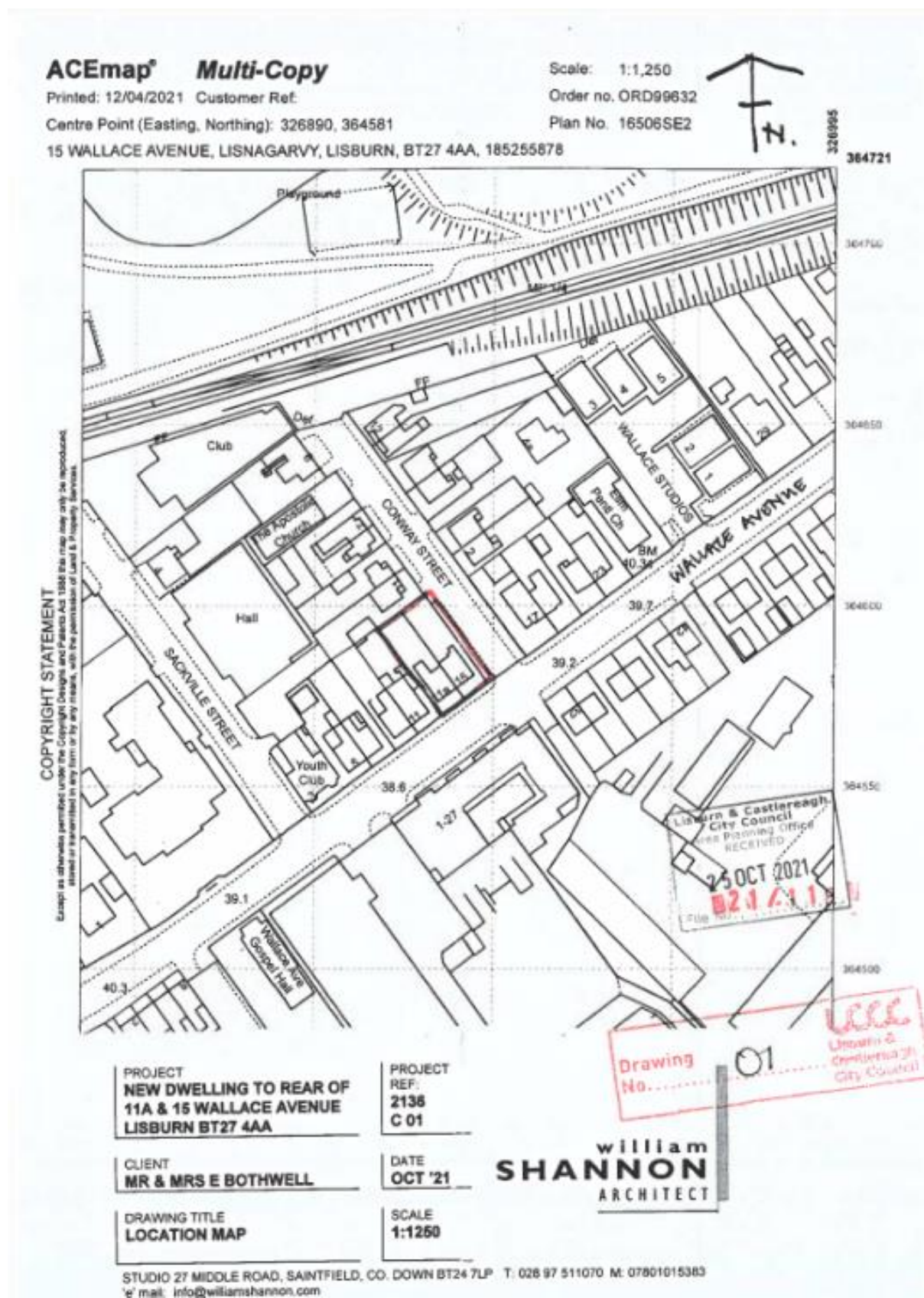
83. It is recommended that planning permission is refused.

Refusal Reasons

84. The following refusal reasons are recommended:
1. The proposal is contrary criteria (a) of Policy HOU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal does not respect the existing site context and is not appropriate to the character of the site in terms of layout.

2. The proposal is contrary criteria (a), (h), (k) and (i) of Policy HOU4 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal if approved would have an unacceptable adverse effect on existing properties in terms of its architectural form, an inadequate provision for parking and other amenities for the existing dwellings, dominance, overbearing, overlooking, loss of light and overshadowing.
3. The proposal is contrary criteria (b) of Policy HOU8 of the Lisburn and Castlereagh City Council Plan Strategy in that the pattern of development would not be in keeping with the local character and existing residential amenity of the established residential area.

Site Location Plan – LA05/2021/1181/O



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2024/0291/F
District Electoral Area	Lisburn North
Proposal Description	Two-storey extension to side of dwelling.
Location	8 Fairhaven Park, Lisburn
Representations	One
Case Officer	Jade Gillespie
Recommendation	Refusal

Summary of Recommendation

1. This is a local application. The application has been referred to the Planning Committee for determination in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to refuse as it is considered that proposal is contrary to Policy HOU7 in that the scale, massing and design of the proposed extension will detract from the appearance and character of the host property and the surrounding area.
3. Furthermore, the proposed development is considered to unduly affect the privacy and amenity of neighbouring residents.

Description of Site and Surroundings

Site Context

4. The application site is one half of a pair of semi-detached bungalows at 8 Fairhaven Park, Lisburn. The property has converted its roof space to provide for additional accommodation. It also benefits from off-street parking facilities to the front of the dwellinghouse and private amenity space to the rear.

5. The front boundary of the site is undefined. The remaining site boundaries are defined by timber fencing.
6. In relation to topography, the application site is fairly level in gradient throughout with a slight downwards slope on the front driveway.
7. The property is finished in pale brown brick and light grey concrete roof tiles. The fenestration and rainwater goods on the property are finished in white uPVC.

Surrounding Area Context

8. The surrounding area is predominately residential in character and comprises of semi-detached bungalows in Fairhaven Park. The surrounding housing is mainly comprised of two-storey dwellinghouses.

Proposed Development

9. This application seeks full planning permission for the erection of a two-storey extension to the side of the dwellinghouse.

Relevant Planning History

10. There is no planning history associated with this site.

Consultations

11. Having regard to the nature and scale of the proposed extension, no consultations were considered necessary.

Representations

12. One representation in opposition to the proposal was received during the application process. The following concerns were raised:
 - Impact on Privacy
 - Overbearing
 - Dwelling being used as an HMO

Local Development Plan

13. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires that in making a determination on Planning applications, regard must be had to the

requirements of the local development plan and that determination of applications must be in accordance with the plan unless material considerations indicate otherwise.

Plan Strategy 2032

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

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

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

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

15. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
16. The application site is located within the settlement limits of Lisburn, as defined in the Lisburn Area Plan (2001). No other designations apply. In draft BMAP (2014), the application site also resides within the settlement limits of Lisburn. No other designations apply.
17. The proposal is to extend an occupied dwelling in the settlement of Lisburn. 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*
18. 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.

19. 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.

20. 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.

21. 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.*

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

Housing in Settlements

23. 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).

Residential Extensions and Alterations

24. As a two-storey side extension is proposed to an existing residential property 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.'

25. In relation to 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.

26. 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

27. 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.

28. 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.

29. 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.

30. 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.

31. 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 Policy and Guidance

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:

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. 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

Residential Extensions and Alterations

35. This application seeks full planning permission for the erection of a two-storey side extension.
36. The description of the existing development states that the main dwellinghouse is a single storey building with a roof conversion. This proposal described as a two-storey extension but when read when the drawings, it is the extension will have two floors of accommodation but the first floor accommodation will be in the roof similar to the existing dwellinghouse.
37. The proposed two storey side extension will measure 5.95 metres in width and 6.02 metres in depth. The extension will have an eaves height of 4.34 metres at the front and 2.83 metres at the rear. The overall height of the extension to the ridge of the roof will measure 6.11 metres.
38. The plans submitted indicate that the materials to be used on the extension will be match the existing materials used to construct the main dwellinghouse.
39. On the 21 May 2024, the following concerns were brought to the attention of the Agent:
 - The extension appearing as a very dominating and prominent addition to the side of the dwellinghouse.
 - The extension creating a terracing effect among the semi-detached pair the host property is part of which is uncharacteristic to Fairhaven Park which is made up of semi-detached bungalows.
 - The first-floor window on the front elevation of the extension would overlook the rest of the estate which would be harmful to neighbouring amenity.
40. The Agent was invited to make amendments to the scheme as follows:
 - The eaves at the front of the extension be reduced in height to match the eaves height at the back of the extension. It was considered that in making this amendment that the overall height of the extension would be reduced which would remove bulk and mass of the extension. It was considered that a smaller extension would appear subordinate and in keeping with the character of the other buildings in the street.
41. On the 21 June 2024, a set of amended plans were received. The following changes had been made:
 - The extension had been reduced in height.
 - The first-floor window on the front elevation of the dwellinghouse had been removed and replaced with a Velux rooflight.

42. The agent noted in the response that the eaves at the front could not be brought down to the same height of the eaves at the back of the house as the accommodation on the first floor would be lost.
43. The agent also made the following points in their response to the Council's request for amendments:
- 8 Fairhaven Park is at a slightly lower ground level than the adjoining dwelling, hence the step down in ridge heights. (A similar arrangement exists at 7 and 9 Fairhaven Park)
 - The view towards the pair of semi-detached dwellings on the approach from Nettlehill Road is dominated by the 12 two-storey houses in the Killowen Grange immediately to the rear and the proposed extension to the side of 8 will not be dominating nor prominent in the street scene because of the buildings in the backdrop.
 - They did not agree that the proposal created a terracing effect as there is a significant set back from the front of the existing building and significant backdrop afforded by the two-storey houses to the rear and left-hand side of 8 Fairhaven Park on the approach.
 - The proposed extension incorporated a further step down and the amended drawing increases this again.
 - The ridge height of the extension had been lowered as much as is practicable and the first-floor window deleted and replaced with a velux rooflight.
 - It was not accepted there was an issue with the "bulk" of the extension as submitted, the amended drawings showed a reduction in height and combined with the first-floor bedroom window being deleted, the proposed extension will appear more subordinate to the existing building.
44. The following assessment is based on the latest set of plans submitted by the agent having regard to the tests associated with Policy HOU7 of the Plan Strategy and supplementary guidance.

Scale, massing, design, and external materials

45. Having regard to Part A of The Supplementary Planning Guidance (SPG) 2023 the scale, mass and design of the proposed extension is considered to be completely inappropriate and will result in a prominent and dominating addition to the side of the dwellinghouse. The extension is excessive in bulk and does not appear subordinate the host property when viewed from Fairhaven Park.
46. The extension is large in scale and would create a terracing effect of as it would appear as a third dwelling in the street because of its size and scale.
47. The host property sits in a prominent location within Fairhaven Park as it looks directly onto the entrance of the estate and sits on a higher ground level. It is therefore considered that the extension would appear as dominant within the street scene due to the degree of prominence.

48. There are no other examples of side extensions of this scale and mass within Fairhaven Park. The proposal is out of character with the prevailing built form of the area and would if approved set an undesirable precedent for similar development which would further erode the character of the locality.
49. The precedent for the proposed two-storey side extension submitted in support of the application has been drawn from the fact that two-storey dwellinghouses exist in the vicinity of Fairhaven Park.
50. The agent makes specific reference to the two-storey houses which reside in Killowen Grange to the side and rear of the application site. These properties are not considered to provide precedent to warrant the erection of a two-storey extension in a housing development that that is defined by single storey semi-detached dwellinghouses as the properties in Killowen Grange are of a completely different design and are part of a different development altogether.
51. The Agent does not agree with the view expressed that the proposal would create a terracing effect as they consider there to be a significant set back from the front of the existing building.
52. Whilst it is acknowledged that the proposed extension is set back from the front elevation of the dwellinghouse, the terracing effect remains due to the overall height of the extension. Furthermore, there is already a step down in ridge height between the host property and its adjoining neighbour 10 Fairhaven Park. The proposed extension would appear in the street as a terrace of three dwellings stepping down the hill.
53. The set down of the proposed extension is not considered significant enough for it to appear subordinate.
54. For the reason outlined above, the proposal as has been amended would have a significantly detrimental impact on the character, appearance and design of the host property, the properties within Fairhaven Park and the semi-detached pair which the host property is a part of.

Impact on residential privacy and amenity

55. The application site shares its northern boundary with 244 and 245 Killowen Grange, its eastern boundary with 10 Fairhaven Park to which it is structurally connected, its southern boundary with 6 Fairhaven Park and its western boundary with 246, 247, 248 and 249 Killowen Mews.
56. Part A of the Supplementary Planning Guidance (SPG) 2024 notes 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.

57. The amenity of 244 and 245 is not considered to be significantly impacted as a result of the proposed extension given that these neighbouring properties are at a higher level and that extension is positioned to projects to the side of the dwellinghouse.
58. The proposed extension will be erected adjacent to the western boundary of the site. As such, the extension would not be seen by the occupants of 10 Fairhaven Park and would have no impact on the amenity of this property.
59. The amenity of 6 Fairhaven Park would not be impacted by the proposed side extension due to the distance between them that will be retained.
60. The properties at 246, 248 and 249 are not considered to be directly impacted by the proposed side extension due to their position along the shared boundary.
61. However, it is considered that the proposal could have an impact on the amenity of 247 as the amenity of this property is directly adjacent to where the proposed extension will be erected. This property is also at a lower level than the application site.
62. The proposed side extension will appear unduly overbearing to the property at 247 and create a sense of dominance. The extension will also result in a degree of overshadowing.
63. As such the proposed side extension is not considered to have an acceptable impact on the residential amenity of 247 Killowen Grange.

Impact on trees and other landscape features

64. The proposed extension would be sited in an existing area of hardstanding and would not involve the unacceptable loss of or damage to trees or other landscape features which contribute significantly to the local environmental quality. No TPOs were identified within or in close proximity to the application site.

Impact on parking and private amenity

65. The existing access and parking provision within the site will remain unaltered. The existing amenity space will be reduced as a result of the extension however this is considered to be acceptable.
66. For the reasons outlined about, the proposal fails to meet criteria (a) and (b) of Policy HOU7 – Residential Extensions and Alterations of the Lisburn and Castlereagh City Council Plan Strategy.

Consideration of Representations

67. Within the assessment above, it has been determined that the proposed side extension will appear unduly overbearing and create a sense of dominance. The extension is also considered to result in a degree of overshadowing. The extension will have a detrimental impact on the amenity of the properties on Killowen Grange.
68. There was no evidence at the site inspection to confirm that this property was being occupied as a HMO. The floor plans indicate a conventional layout for a dwelling and no alterations are made consistent with needs of HMO regulations.

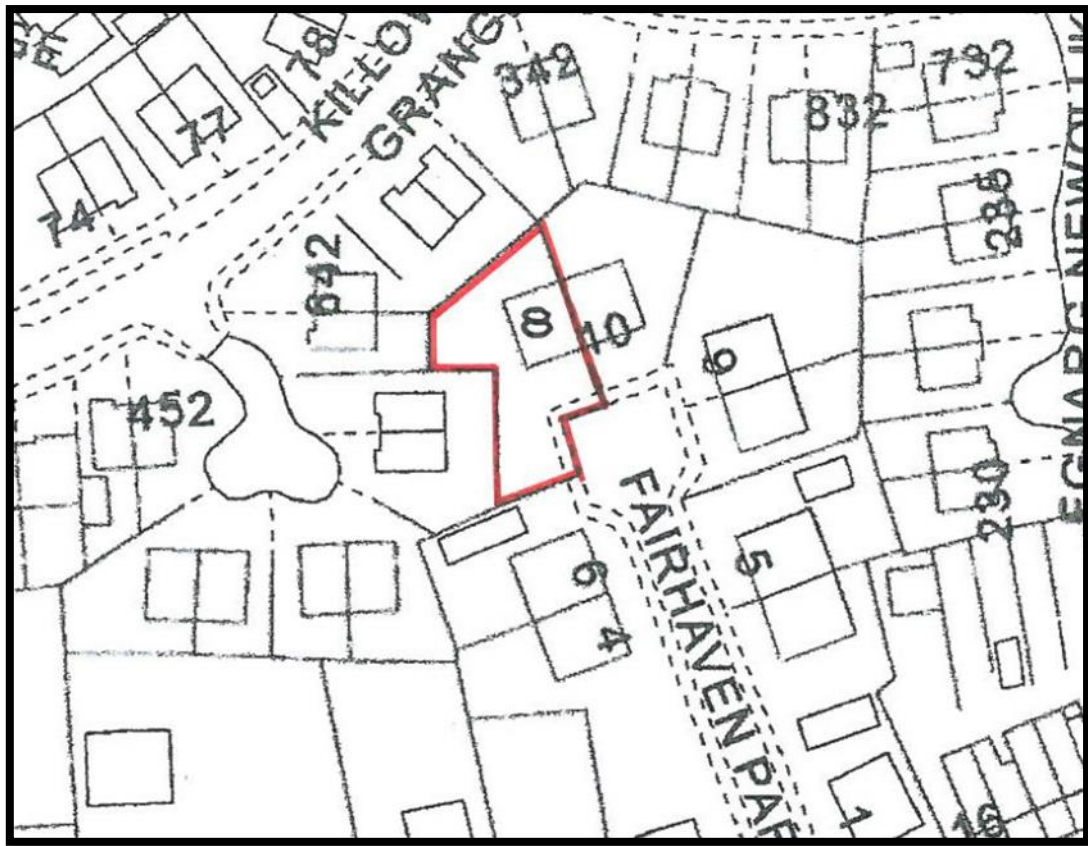
Recommendation

69. It is considered that the proposal is contrary to criteria (a) of Policy HOU 7 of the Lisburn and Castlereagh City Council Plan Strategy in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
70. In addition, the proposal is considered to be contrary to the criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal would unduly affect amenity of neighbouring residents through appearing overbearing, causing overshadowing and creating dominance.
71. It is therefore recommended that this planning permission is refused.

Refusal Reasons

72. The following refusal reasons are recommended:
 - The proposal is contrary to Policy HOU 7 (a) of the Lisburn and Castlereagh Plan Strategy 2032 in that the scale, massing and design of the proposal is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.
 - The proposal is contrary to Policy HOU 7 (b) of the Lisburn and Castlereagh Plan Strategy 2032 in that the proposal would unduly affect the amenity of neighbouring residents through dominance and overshadowing.

Site Location Plan – LA05/2024/0291/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0538/O
Date of Application	30 May 2022
Proposal Description	Proposed farm dwelling
Location	Adjacent to and south of 9a Pot Hill Lane, Lisburn
Representations	Three
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is contrary to Policy COU1 of the Lisburn and Castlereagh Plan Strategy 2032, in that as the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that dwellings or development opportunities out with settlement limits have not been sold off from the farm holding within 10 years of the date of the application.

Description of Site and Surroundings

4. The application site is comprised of a rectangular portion of a larger agricultural field that is accessed via a private laneway which leads to Pot Hill Lane.
5. There are a number of large agricultural sheds positioned north of the field, set within a yard area. The field lies to the rear of 9A Pot Hill Lane. It is set down at

a lower level than the dwelling and the farm buildings to the north. Buildings associated with 7 and 9 Pot Hill Lane lie to the west of the farm buildings.

6. The northern boundary consists of dense vegetation and the eastern boundary has mature hedging along its entire length. The southern boundary is undefined, and the western boundary is delineated by post and wire fencing.

Surroundings

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

Proposed Development

8. Outline planning permission is being sought for the erection of a proposed new farm dwelling. Supporting information provided in respect of this application consists of the following:
 - Supporting statement
 - Supporting information
 - Biodiversity Checklist
 - Preliminary Ecological Appraisal

Relevant Planning History

9. The planning history associated with the site and relevant to the proposed development is set out in the table below:

Reference Number	Description	Location	Decision
S/2009/1213/O	Erection of a replacement dwelling and garage.	Opposite 11 Pot Hill Lane Cargacroy Lisburn BT27 6tj.	Permission granted
S/2013/0450/O	Erection of an off-site replacement dwelling and garage for farm worker.	Adjacent to 9 Pot Hill Lane Cargacroy Lisburn BT27 6TJ.	Permission granted
S/2014/0214/RM	Erection of a replacement dwelling and garage (Additional plans)	Opposite 11 Pot Hill Lane Cargacroy Lisburn BT27 6TJ.	Permission granted 06/08/14

S/2015/0539/RM	Erection of an offsite replacement dwelling and garage for farm worker.	Adjacent to 9 Pot Hill Lane Cargacroy Lisburn BT27 6TJ	Permission granted 07/12/15
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Consultations

10. 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

Representations

11. Three representations in opposition to the proposal have been received. The following issues are raised:

- P2 Challenge.
- Neighbour Notification
- Opportunity has been sold off the farm
- Previous permissions not properly implemented.
- Road Safety and concern that sightlines cannot be achieved without impacting on tree.
- Drawings not fully accurate
- Access design agreed for 3 previous approvals not reflected in advice from DfI Roads.
- Tree removal and need for Bat survey

Local Development Plan

12. 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

13. 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.

14. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
15. In both the Lisburn Area Plan 2001 and the draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
16. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside.
17. This application is for new housing in the open countryside. Strategic policy 09 for new housing in the countryside states:

The Plan will support development proposals that:

- (a) provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*
- (b) resist urban sprawl in the open countryside which mars the distinction*

between the rural area and urban settlements

- (c) *protect the established rural settlement pattern and allow for vibrant sustainable communities.*

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

19. 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.

20. 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

21. 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

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

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

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

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

Rural Character and other Criteria

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

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

A new development proposal will be unacceptable where:

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

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

Habitats, Species or Features of Natural Heritage Importance

24. The proposal has the potential to impact on natural heritage interests. 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

25. A septic tank is proposed and Policy WM 2 - Treatment of Wastewater 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

26. The proposal involves the alteration of an existing access to a public road 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.

Regional Policy and Guidance

Regional Policy

27. 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.

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 interest of acknowledged importance

29. 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.

30. 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

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

Building on Tradition

32. Paragraph 2.7.0 of Building on Tradition states that:

In addition to villages and towns, evidence of less formalised settlement patterns is 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.

33. 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.

34. 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).*

35. 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.*

36. With regards to wastewater 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

Policy HOU10 Farm Dwelling

37. This is an outline application for a dwelling on a farm. The applicant and owner of the farm business has been identified on the P1c form. Advice from DAERA has confirmed that the business has been in existence for more than 6 years and payments are claimed through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years.
38. The supporting evidence submitted establishes that the farm business is both active and established and DAERA has confirmed this in their response. Additional evidence was not deemed necessary as the Council are satisfied on

the basis of the advice received that the land identified on the site location plan and farm maps has been actively farmed over the required period.

39. Based on a review of the information submitted and advice from DAERA, it is accepted that the farm business is active and established. Criteria (a) of HOU10 is met.
40. With regard to criteria (b), a search of planning records against the applicants Farm Maps demonstrates that there is a complex history of planning permissions on the farm holding.
41. A review of land registry records has been carried out to ascertain whether any dwelling or development opportunities have been sold off the farm holding within 10 years of the date of the application. The application was received as valid on 30 May 2022 and the following records are identified:
 - Planning Permission was granted for an off-site replacement dwelling (previously occupying a site on the opposite side of the lane adjacent to the farm buildings) under planning applications S/2009/1213/O and S/2014/0214/RM at 18 Pot Hill Lane was granted approval. The applicant for both the outline and reserved matters application was Mr Trevor Malcolmsen.

A land registry search against this property and the surrounding curtilage confirms that the dwelling was sold to a third party on 08 September 2017. This sell off is within 10 years of the date of the application.

- Planning Permission was granted for an off-site replacement dwelling and garage (adjacent to 9 Pot Hill Lane) at No. 9A Pot Hill Lane for a farm worker. Planning application S/2013/0450/O identified the applicant and landowner as Mr Trevor Malcolmsen. The related reserved matters application [S/2015/0539/RM] was submitted in the name of a Mr M Malcolmsen [applicant]. The certificate of ownership had not been filled in on the P1 form associated with the Reserved Matters application hence information pertaining to the ownership of the land referred back to the details identified on the outline permission – Mr Trevor Malcolmsen.

A land registry check has confirmed that the property at 9A Pot Hill Lane was sold off from the farm holding on 07 November 2023 to a third party. This sell off is within 10 years of the date of the application.

42. Regard is had to this information and to the justification and amplification to Policy COU10, which states that

planning permission will not be granted for a dwelling where a rural business is artificially divided solely for the purpose of obtaining planning permission or has recently sold off a development opportunity from the farm (replacement dwelling or other building capable of conversion/reuse). 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.

43. Evidence submitted on 23 April 2024 showed the farm holdings for farm businesses 604237 (subject of this application) and 615677. A case was advanced that the dwelling at 18 Pot Hill Lane was not associated with this farm business [604237] and as such, it does not count as a sell off under the terms of the policy.
44. This is the only piece of evidence submitted in response to the advice offered by officers to explain that the dwelling at 18 Pothill Lane has not been sold off. It still remains that Mr Trevor Malcomson was the applicant for the replacement dwelling granted under approvals S/2009/1213/O and S/2014/0214/RM and the same applicant for this proposal.
45. Even if officers were to be persuaded that 18 Pot Hill Lane may not have been included as part of the farm holding and was potentially associated with another farm meaning that this sell off could be discounted, the evidence does not negate the fact that the property at 9A has also been sold off to another third party within 10 years of the date of the application and that it represents a sell off within the farm holding.
46. For the reasons outlined above, criteria (b) of Policy COU10 has therefore not been met and the applicant has failed to demonstrate that both these dwellings have not been sold off from the farm holding within 10 years of the date of the application.
47. With regard to criteria (c), the proposed site block plan shows that the dwelling associated with this application is to be sited in a northerly portion of a lower lying rural field which is to the south of a group of existing and established farm buildings and farmyard.
48. The farm maps identify these buildings as being included within the farm holding. A dwelling on the site would be both visually linked and sited to cluster with these buildings. In addition, access is to be obtained from an existing lane that leads to the group of farm buildings. Criteria (c) has been met.

Integration and Design of Buildings in the Countryside

49. Turning to Policy COU15, it is noted that a suitably designed dwelling on the proposed site would not give rise to issues of prominence. The field where the dwelling is to be located is set down at a lower level than the road and set back from the road to the rear of no. 9A Pothill Lane. The site is also well screened on two sides. Criteria (a) is met.
50. In relation to criteria (b) and for the reasons outlined above within the context of Policy COU10 considerations, the proposed dwelling will be sited to cluster with the established group of agricultural farm buildings to the north.
51. In terms of criteria (c) it is noted that there is dense vegetation to the northern boundary and hedging to the east both of which provide a backdrop for the proposed dwelling. The existing farm buildings to the north and dwelling and

garage to the west will also provide a suitable backdrop with which the dwelling can integrate.

52. The site has also established natural boundaries and is able to provide a suitable degree of enclosure for the building to integrate into the landscape. For this reason, it will not rely primarily on the use of new landscaping for integration. Criteria (d) and (e) are met.
53. This is an outline application and as such no design details have been provided. Without prejudice to the view expressed in relation to the principle of development, a dwelling could be sited within the application site and designed to be appropriate to this rural context having regard to guidance set out in Building on Tradition. Criteria (f) is capable of being met.
54. There will be minimal impact in terms of the ancillary works as there is an existing access to be utilised with proposed alterations to this access only, resulting in the works being capable if integrating with their surroundings. Criteria (g) can be met.

COU16 - Rural Character

55. For the reasons outline earlier in this report, a new dwelling will not be unduly prominent in the landscape. Criteria (a) is met.
56. Criteria (b) of policy COU16 requires the dwelling to cluster with an established group of buildings. For the reasons outlined earlier in this report, the proposed dwelling will cluster with the established group of farm buildings. Criteria (b) is met.
57. A new dwelling would respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling into an existing area where the pattern would be that of dispersed rural dwellings and farm buildings. Criteria (c) is met.
58. In respect of criteria (d) this site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside, and it does not result in urban sprawl when viewed with the existing buildings.
59. This proposal will not have an adverse impact on the rural character of the area however by virtue of the introduction of a new single dwelling in the countryside, is unacceptable in principle. Criteria (e) is met.
60. 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.
61. In relation to criteria (g) and (h) all of the proposed services are provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area.

62. 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.

Policy WM2 - Waste Management

63. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul sewage via a septic tank. No flood risk is identified.
64. The Councils Environmental Health Unit have reviewed the detail, and no objection is offered. NI Water have also replied indicating they are content subject to suitable conditions and informatives.
65. 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.
66. 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 capable of being met in full.

Access and Transport

67. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of the alteration of an existing access onto Pothill Lane which will be used for vehicular and pedestrian use. The access currently leads to the agricultural farm buildings and yard area.
68. DfI Roads have considered the location and position of the access and offer no objections in principle to the proposed development.
69. Based on a review of the information and the advice from statutory consultees, it is accepted that an access to the public road can be accommodated in principle without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of Policy TRA2 of the Plan Strategy are met in full.

Natural Heritage

70. The site benefits from long established boundaries on two sides. The proposed site block plan indicates that these are to be retained.
71. A biodiversity checklist was however submitted, and subsequent Preliminary Ecological Appraisal [PEA] was undertaken of the whole site.

72. The trees to the rear of the visibility splays either side of the entrance to Pothill lane were also surveyed for their biodiversity value and bat roost potential. No trees with a moderate Bat Roost Potential were identified. No trees seem to require to be removed or lopped. It is anticipated that there will be no significant removal of mature vegetation required for the purposes of providing the necessary visibility splays.
73. This will ensure no undue harm to any features of natural heritage importance. No issues of concern shall arise consistent with policy tests set out in the Plan Strategy.

Consideration of Representations

74. The issues raised by way of representation are considered below:

P2 Challenge

75. It is claimed on the P1 form that the applicant owns all of the lane adjacent to 7 Pothill Lane. Certificate A is not correct as an easement has been granted to intensify this part of the lane. This should be correctly acknowledged.
76. The P1 form has been amended and certificate C has been completed to serve notice on the part owners of the laneway.

Neighbour Notification

77. Concern is expressed that no neighbour notification has issued to the occupier of 7 Pothill Lane. Records indicate that 7 Pothill Lane was included in the list of neighbour notifications, therefore has been notified of the proposal.

Opportunity sold off the farm holding

78. Concern is expressed that a replacement dwelling approved under S/2014/0214/F has been sold off the farm to a third party. The assessment above demonstrates that a dwelling/development opportunity may have been sold off from the farm.

Previous approvals have not been implemented in full

79. Concern is expressed that previous approvals have not been implemented in full and that there are road safety issues with the lane. fully causing safety issues with lane. DFI Roads have considered the detail pertaining to this application and are content that no prejudice to road safety will arise.

Site Lines cannot be achieved

80. Concern is expressed that sightlines of 4.5m x 147m cannot be achieved without affected the tree foliage and trunks. No part of the structural boundary obscures the sight line. No trees will be impacted by the proposal or felled/looped as identified within the Preliminary Ecological Appraisal. It is concluded and has been confirmed that no mature trees will be removed in order to facilitate the sight splays which are confined to the roadside verge.

Inaccurate Drawings

81. Concern is expressed that the drawings are not accurate and that the absence of topographical survey means that the correct extent of splays is not provided. The extent of the right- and left-hand splays have been shown and overlaid onto aerial photos as well as identifying them on a block plan drawn to scale.

Previous approvals

82. Concern is expressed that advice from DFI Roads does not reflect the access design agreed for three previous approvals. Access width of 8m previously required. DFI roads are content with the access width arrangements identified on the plans and the extent of the splays to be provided.

Tree Remove and need for Bat Survey

83. Concern is expressed that the requirement for tree removal would trigger the necessity for a Bat survey to ensure no loss of roosts or foraging zones. A preliminary Ecological Appraisal and Bat Roost Survey has been completed. No trees with a Moderate bat roost potential were identified. The survey concluded no trees seem to require to be removed or lopped. Natural Environment Division are content with the findings.

Conclusions and Recommendation

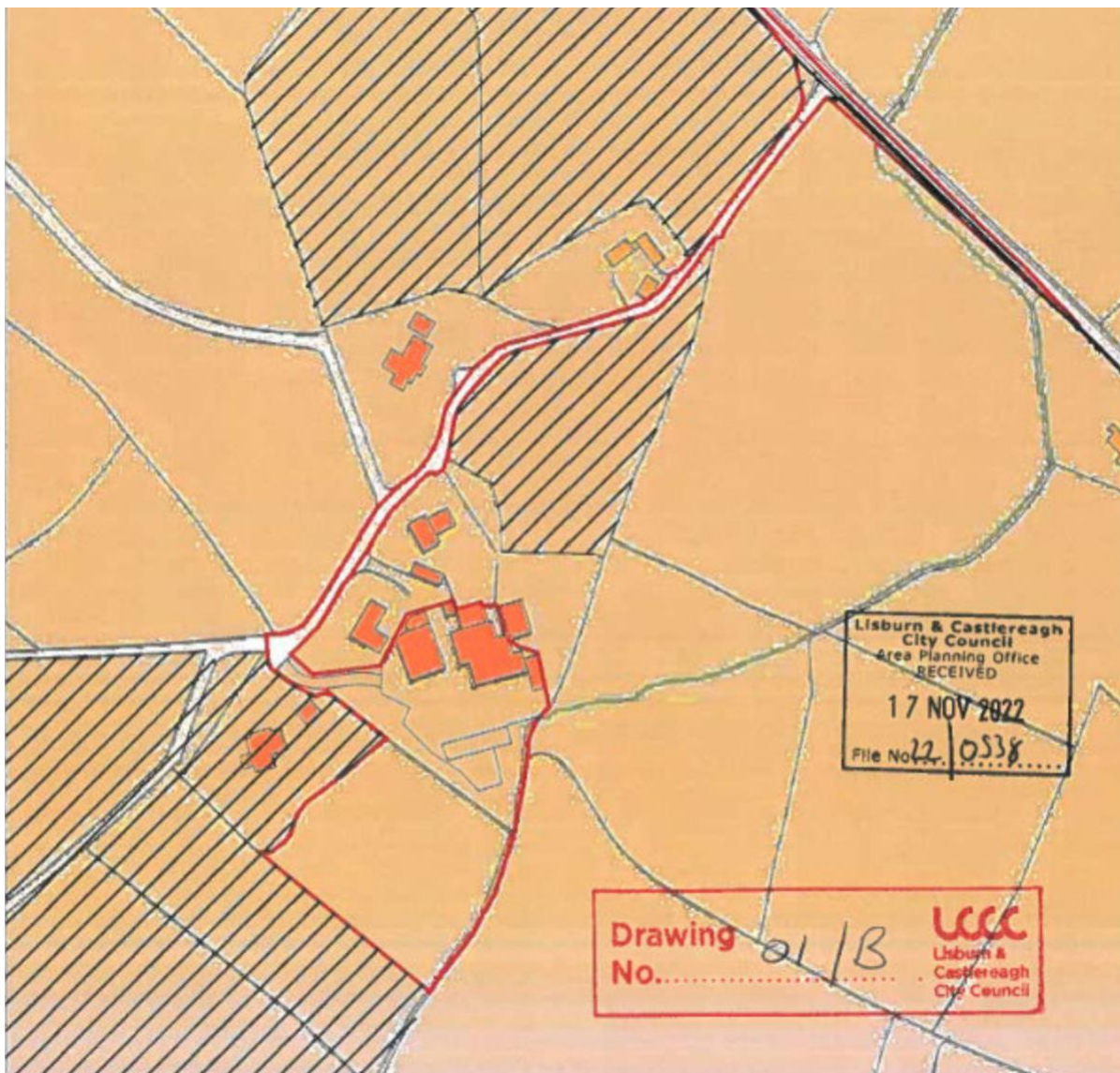
84. It is recommended that planning permission is refused as development opportunities are sold off and the requirements of policy COU10 are not met

Refusal reasons

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

- The proposal is contrary to paragraph criteria (b) of Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that dwellings or development opportunities outwith settlement limits have not been sold off from the farm holding within 10 years of the date of the application.

Site Location Plan – LA05/2022/0538/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2023/0022/F
Proposal Description	Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary
Location	135 metres north of 14b Feumore Road, Lisburn, BT28 2LH
Representations	One
Case Officer	Catherine Gray
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 proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
3. The proposal is contrary to Policy TOU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal does not involve the replacement of an existing rural building nor has it been demonstrated that there is no suitable site within the settlement of Feumore or other nearby settlements to accommodate the proposed development; that there are no suitable opportunities for the proposal by means of the conversion and reuse of a suitable buildings; nor, is this the replacement of a suitable building for tourist accommodation.
4. The proposal is contrary to Policy TOU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not located within the grounds of an existing or approved tourist accommodation or holiday park, nor is it provided at or close to an existing or approved tourism amenity that is a significant visitor attraction in its own right.

5. The proposal is contrary to criteria (b) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.
6. The proposal is contrary to criteria (b) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.

Description of Site and Surroundings

Site

7. The application site is located to the northern side of the Feumore Road and occupies two parts of a larger agricultural field. The first part is located to the front of the field closest to the road where parking is proposed. A narrow pathway connects the parking area to the second part of the field along its northern boundary where the glamping pods are proposed. The field in which the proposed development is located has mature hedgerow boundaries with post and wire fencing along all its boundaries.
8. Access to the site is from the Feumore Road. Adjacent and to the southeast of the application site is a two-storey dwelling house (14b Feumore Road) and with associated outbuildings.
9. North of the application site is marshy agricultural land that is on the edge of Lough Neagh. It is also noted that there is a Wastewater Treatment Works to the east of the application site with an agricultural field in-between.

Surroundings

10. The surrounding area is characterised by domestic properties, agricultural fields and agricultural outbuildings.

Proposed Development

11. The proposed development is for 4 glamping pods, associated communal/recreation area, parking, access, paths and new ranch type fencing along the site boundaries without fencing and hedgerow.
12. The following information has been submitted in support of the application:
 - Landscape Analysis
 - Letter from NIW re: Development in the vicinity of Feumore Wastewater Treatment Works, Glenavy
 - Supporting Statement titled Feumore Green Shores Glamping PPS 16 Compliance

Relevant Planning History

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

Consultations

14. The following consultations were carried out:

Consultee	Response
Dfl Roads	No objection
Dfl Rivers Agency	No objection
LCCC Environmental Health	No objection
NI Water	No objection
DAERA Water Management Unit	No objection
DAERA Natural Environment Division	No objection
Shared Environmental Services	No objection
DfC Historic Monuments	No objection

Representations

15. One representation has been received in opposition to the proposal. The following issues are raised:

- Excessive construction in the vicinity of property 14b Feumore Road.
- Construction results in a loss of trees
- Loss of picturesque view
- Impact on privacy
- Increased traffic
- Noise and disturbance and fear of crime

16. These issues are considered as part of the following assessment.

Local Development Plan

17. 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

18. 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.

19. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
20. Within the Lisburn Area Plan (LAP), the access and proposed parking area is located within the Settlement Development Limit of Feumore and the remainder and majority of the application site is outside the Settlement Development Limit and within a designated Countryside Policy Area.
21. The application site is also within an Area of Constraint on Mineral Development, within a Ramsar/Area of Scientific interest (ASI) and also adjacent to a Special Protection Area (SPA)/Area of Special Scientific Interest (ASSI).
22. Within draft BMAP, the access and proposed parking area remain within the Settlement Development limit of Feumore and the remainder and majority of the application site still is open countryside. The land in the open countryside is also within an Area of Constraint on Mineral Development and within an Area of High Scenic Value.
23. This application is for tourist accommodation in the countryside. The strategic policy for tourism (Strategic Policy 16) states:

The Plan will support development proposals that:

a) promote a sustainable approach to tourism development and accommodation across the district

b) safeguard key tourism assets

c) provide further opportunities for tourism growth having regard to the

environment recognising its contribution to economic development, conservation and urban regeneration.

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

Development in the Countryside

25. This is an application for non-residential development in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

27. 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.*

28. 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.*

Tourism

29. This is an application for glamping pods which are located in the countryside. The ancillary parking is inside the settlement of Feumore.

30. As the principal use is located outside the settlement of Feumore the proposal is considered against the policies for new tourist development in the open countryside.

31. Policy TOU1 Tourism Development in Settlements states:

Planning permission will be granted for tourism development (including a tourism amenity or tourist accommodation) within a settlement, provided it is of a nature appropriate to the settlement, respects the site context and surrounding area in terms of scale, size & design and has regard to the specified provisions of the Local Development Plan.

32. Policy TOU3 Proposals for Tourist Accommodation in the Countryside states:

Planning permission will be granted for Tourist Accommodation in the following circumstances and defined criteria:

Replacement of an Existing Rural Building A definite proposal to replace an existing building in the countryside with tourist accommodation will be permitted subject to all of the following criteria:

a) *the building is of permanent construction*

b) *the existing building and its replacement are both of sufficient size to facilitate the proposed use in accordance with the accommodation requirements set out in Tourism (NI) Order 1992*

c) *the existing building is not a listed building*

d) *where the existing building is a vernacular building or is a suitable locally important building, replacement will only be approved where it is demonstrated that the building is not reasonably capable of being made structurally sound or*

otherwise improved

e) the overall size and scale of the new development, including car parking and ancillary facilities, will allow it to integrate into the surrounding landscape and will not have a visual impact significantly greater than the existing building

f) the design of the replacement building is of a high quality, appropriate to its rural setting.

Tourist Accommodation on the Periphery of a Settlement

A definite proposal to develop tourist accommodation on the periphery of a settlement limit will be permitted subject to all of the following criteria: a) must be demonstrated that there is no suitable site within the settlement or other nearby settlement b) there are no suitable opportunities by means of;

- the conversion and reuse of a suitable building(s) or*

- the replacement of a suitable building(s)*

c) the development will not dominate the settlement, adversely affect landscape setting, visually integrate into the landscape, or otherwise contribute to urban sprawl.

Expansion of Existing Tourist Accommodation

A proposal for the expansion of existing tourist accommodation will be permitted subject to the following criteria:

a) new and replacement buildings remain subsidiary to the existing buildings and will integrate as part of the overall development

b) any extension or new building should respect the scale, design, and materials of the original building.

Any proposed change of use or replacement of tourist accommodation approved under this policy to a non-tourism use will not be permitted.

33. The detail submitted with the application demonstrates confirms that each pod has its own cooking and washing facilities. Policy TOU4 Self-Catering Tourist Accommodation in the Countryside states:

Planning permission will be granted for self-catering tourist accommodation units in either of the following circumstances:

a) one or more new units all located within the grounds of an existing or approved tourist accommodation or holiday park

b) a cluster of 3 or more new units are to be provided at or close to an existing or approved tourism amenity that is/will be a significant visitor attraction in its own right.

With regards to circumstances (a) or (b), self-catering development is required to be subsidiary in scale and ancillary to the primary tourism use of the site.

Where self-catering units are proposed in conjunction with a proposed or approved tourist accommodation, tourism amenity or holiday park, a condition will be attached to the permission preventing occupation of the units before the primary tourism use is provided and fully operational.

All permissions for self-catering accommodation will include a condition requiring the units to be used for holiday letting accommodation only and not for permanent residential accommodation. The overall design of the self-catering scheme, including layout, the provision of amenity open space and the size and detailed design of individual units, must deter permanent residential use.

34. The Justification and Amplification states:

Proposals under criteria a) of this policy will be considered within the grounds of existing or approved tourist accommodation or holiday park.

Under criteria b) the tourism amenity, as the primary function, must be significant in its own right. Considerations will include visitor numbers and the provision of facilities linked to and enabling usage of the amenity. The Council may consult with Tourism NI.

Where self-catering units are permitted, it is imperative that the primary tourism use which provides the justification is in place and functioning, before the units become operational. A condition will be attached to planning approvals to that effect.

Self-catering accommodation approved under this policy will be conditioned to ensure they are retained for tourism use as tourism has an economic benefit for local communities. Their use as permanent residential accommodation will not be acceptable.

Policy COU14 also allows for the conversion and reuse of existing buildings for non-residential uses such as tourism.

35. Policy TOU7 General Criteria for Tourism Development states:

Any proposal for a tourism use, outlined in Policies TOU1 to TOU6 and any extension/ alteration to existing tourism uses will also be required to meet all of the following criteria:

a) the overall design insofar as possible, will indicate walking and cycling provision, meet the needs of people whose mobility is impaired, respect existing public rights of way and provides adequate and convenient access to public transport

b) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality promoting sustainability and biodiversity

c) appropriate boundary treatment and means of enclosure are provided and

areas of outside storage are screened from public view

d) sustainable drainage systems are provided to ensure surface water run-off is managed in a sustainable way

e) it is designed to deter crime and promote personal safety

f) public art linked to a tourism development, need to be of high quality, complementing the design of associated buildings and respecting the surrounding site context

g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area

h) it does not harm the amenities of nearby residents

i) it does not adversely affect features of the natural or historic environment

j) it is capable of dealing with any emission or effluent in accordance with legislative requirements.

k) all proposals that may affect a European or Ramsar site must meet the requirements of NH1.

36. The Justification and Amplification states:

The general criteria are intended to achieve satisfactory forms of sustainable tourism development, providing a high standard of design and service provision. This includes the reuse of redundant buildings for tourism purposes rather than new build on greenfield sites, energy conservation and the use of sustainable drainage systems.

Within the Council area there is one Special Protection Area (SPA) and the Ramsar site at Lough Neagh including the water body of Portmore Lough which could be adversely affected by cumulative disturbance effects. Such disturbance could arise directly from a tourism development or indirectly through increasing visitor pressures beyond the development.

Natural Heritage

37. The application site is within close proximity to a Ramsar site. Policy NH1 European and Ramsar Site – 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.

38. The site is also located in close proximity to Lough Neagh and a number of environmental designations apply which are suitable habitat for protected species. 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.

39. Given the proximity of the site to Lough Neagh there will be priority habitat and species. Policy NH5 Habitats, Species or Features of Natural Heritage Importance states:

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:
a) priority habitats b) priority species c) active peatland d) ancient and long-established woodland e) features of earth science conservation importance f) features of the landscape which are of major importance for wild flora and fauna g) rare or threatened native species h) wetlands (includes river corridors) i) other natural heritage features worthy of protection.

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

Waste Management

40. A treatment tank and soakaway are proposed as part of the proposal. Policy WM 2 - Treatment of Wastewater 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

41. The proposal involves alteration of an existing access point that currently serves property number 14B Feumore Road, to serve the proposed development. 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.

42. The following paragraph in the justification and amplification is modified as follows:

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.

43. Policy TRA7 Car Parking and Servicing Arrangements in New Developments states:

Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published 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.

Historic Environment

44. The proposal is within a buffer zone of an archaeological site and monument - ANT062:060 - Bullaun. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance, 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.

Regional Policy and Guidance

Regional Policy

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

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

46. Paragraph 3.8 of the SPPS states:

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

47. With regards to tourism development. Paragraph 6.260 of the SPPS states:

In the countryside planning authorities must carefully manage tourism development. This is necessary in the interests of rural amenity, wider sustainability objectives and the long-term health of the tourism industry. The guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside (such as appropriate farm diversification schemes, the re-use of rural buildings and appropriate redevelopment and expansion proposals for tourism purposes) where this supports rural communities and promotes a healthy rural economy and tourism sector. Where there is no suitable site within a settlement a new build hotel, guest house, or tourist hostel may be appropriate on the periphery of a settlement subject to meeting normal planning requirements. Other acceptable

tourist development in the countryside may include appropriate self-catering accommodation, particularly in areas where tourist amenities and accommodation have become established or likely to be provided as a result of tourism initiatives, such as the Signature Projects, or a new or extended holiday park that must be a high quality and sustainable form of tourism development.'

48. It is further stated at Paragraph 6.266 of the SPPS that:

Applications for tourism development will also be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts so as to ensure high quality, safe and otherwise satisfactory forms of development. The safeguarding or enhancement of an existing or planned public access to the coastline or other tourism asset will be a particular consideration when assessing proposals for tourism development.

49. 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.
50. The following retained regional guidance documents remain material considerations:

Building on Tradition

51. It 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).
52. 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.

53. With regards to wastewater 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.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

55. This is an application for full planning permission for 4 glamping pods associated communal/recreation area, parking, access, paths with new ranch type fencing to site boundaries without fencing or hedgerow.
56. A parking area for 8 vehicles is proposed adjacent to the Feumore Road with an access pathway to the proposed pods located to the farthest end of the agricultural field from the road.
57. Each pod is 3.3 metres by 6.95 metres including a small, covered porch area. They have a flat roof with one skylight and a small flue for the stove. The external walls are to be finished in painted render and the windows and doors are to be finished in powder coated metal.

58. A communal grass area and a picnic area with tables is adjacent to the proposed pods.
59. Access to the proposal would be taken from an upgraded access that currently serves the property at 14b Feumore Road.

Development in the Countryside

Policy COU1 Development in the Countryside

60. Policy COU1 states that there are a range of type of non-residential development which are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.
61. This application seeks permission for 4 glamping pods and associated infrastructure. It is a type of development which could in principle be acceptable in the countryside as long as it complies with the requirements of policies TOU3, TOU4 and TOU7 of the Plan Strategy.

Tourism

Policy TOU3 Proposals for Tourist Accommodation in the Countryside

62. Whilst the proposed parking is located inside the settlement of Feumore this is ancillary development. The proposed glamping pods and communal area are the principal use. The proposal is assessed against the policies for tourism development in the Countryside.
63. Tourist Accommodation as defined by the Tourism (NI) Order 1992, includes:

hotel, guest house, bed and breakfast, guest accommodation, tourist hostel, bunk house or campus accommodation. Depending on the facilities provided within glamping accommodation, Tourism NI Certification may be required.

A number of glamping sites in NI are already certified, and Quality Graded, under categories such as Guest Accommodation (the provision of ensuite accommodation) or Self Catering (the provision of fully self-contained sleeping accommodation with living and dining space and fully equipped kitchen facilities).
64. Tourist Accommodation in the Countryside is acceptable in three circumstances as follows:
 - Replacement of an Existing Rural Building
 - Accommodation on the Periphery of a Settlement
 - Expansion of Existing Tourist Accommodation
65. New buildings are proposed, and this is not a proposal to replace an existing building in the open countryside. The tests associated with the Replacement of an Existing Rural Building is not therefore met.

66. Whilst it is accepted that the site is located on the periphery of the settlement of Feumore, it has also not been demonstrated that there is no suitable site within the settlement or other nearby settlement that could be used to provide accommodation for tourists.
67. Furthermore, it has not been demonstrated that there are no suitable opportunities by means of the conversion and reuse of a suitable building(s) or the replacement of a suitable building(s) for tourist accommodation. The tests associated with Tourist Accommodation on the periphery of the settlement are not met.
68. There are no existing tourist accommodation facilities on or adjacent to the application site and as such, this proposal is not for the expansion of existing tourist accommodation. The tests associated with Expansion of Existing Tourist Accommodation are not met.
69. The proposal does not comply with the requirements of policy TOU3.

Self-Catering Tourist Accommodation in the Countryside

70. The proposed pods are designed to include facilities for washing and cooking consistent with self-catering accommodation.
71. That said, the pods are not located within the grounds of an existing or approved tourist accommodation or holiday park, nor are they provided at or close to an existing or approved tourist amenity that is in its own right, a significant tourist attraction.
72. Furthermore, the pods are the primary use. They are not ancillary or subordinate to any other use.
73. It is considered that 'at or close to an existing or approved tourist amenity' is development proposed in close proximity to a specific tourist feature or attraction rather than simply being development located within a landscape area known for its tourism value.
74. A tourism amenity is defined by the Tourism (NI) Order as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. A view of Lough Neagh is not considered to be a tourism amenity in its own right.
75. The applicants supporting statement details what they consider to be the Tourist Amenities that what they would use to attract visitors to the proposal, namely Ram's Island, Sandy Bay, Broadwater Canal, Slievenacloy Nature Reserve, Tullynewbank Stables and Nutts Corner Karting.
76. Ram's Island is the largest island on Lough Neagh approximately one mile offshore from the eastern shore of Lough Neagh. Sandy Bay has a Marina off the Shore Road which is approximately 1.5 miles away from the application site and this is where the ferry to Ram's Island is from.

77. Broadwater Canal is closer to Moira and is approximately 8 miles away from the application site. Slievenacloy Nature Reserve is located outside Lisburn and is approximately 12 miles away from the application site. Tullynewbank Stables are located outside Glenavy and is approximately 5 miles from the application site. Nutts Corner Karting is approximately 10 miles from the application site.
78. All of the above tourist amenities referenced by the applicant would only be accessible by car and are not located what is considered to be at or close to the proposal.
79. For the reasons outlined above, it is considered that the proposal fails to comply with the tests associated with Policy TOU4.

Policy TOU7 General Criteria for Tourism Development

80. Without prejudice to the advice outlined above in respect of the principle of tourism development, regard is had to the policy tests associated with General Criteria for Tourism Development.
81. With regard to criteria (a), the proposed development is designed to incorporate walking and cycling provision within the site and is also considered to meet the needs of people with mobility issues. The external finish of the areas is either gravel or grass and the levels are considered to be acceptable.
82. In relation to criteria (b), the proposed site layout, design of the pods and proposed landscaping are considered to be acceptable for the site and its location in that they are high quality and promote sustainability and biodiversity.
83. In terms of criteria (c) all existing boundaries where possible are retained and additional fencing is proposed along the new boundaries. These are considered to be appropriate boundary treatments for a development of this nature and scale as they provide a suitable means of enclosure.
84. With regard to criteria (d), drainage systems will be provided to ensure that run-off is managed in a sustainable way.
85. In relation to criteria (e) the pods are positioned to the rear of the site away from the public road which would help deter crime and promote personal safety.
86. No public art is proposed as part of this proposal or is required and as such, criteria (f) is not engaged.
87. In terms of criteria (g), the proposal for glamping pods is considered to be a compatible use with the surrounding land uses. The parking is within the defined Settlement Limit of Feumore with a path running down the side of the field to the location of the glamping pods in the countryside. It is considered that the proposal would not detract from the landscape quality and character of the surrounding area.
88. With regard to criteria (h), there is ample separation distance from the nearest residential properties (the nearest having a separation distance of circa 135m)

and the positioning and orientation of the pods within the site will not impact amenity of nearby residents.

89. With regard to criteria (i), the site is an agricultural field with no features of the natural or historic importance likely to be harmed.
90. A treatment tank and soakaway are proposed to deal with the sewerage in accordance with legislative requirements. Environmental Health and Water Management Unit have no objections to the proposal.
91. In relation to criteria (k) and for the reasons outlined later in this report within the context of Policy NH1 considerations, the proposal will not have a negative effect on the Ramsar Site.
92. Without prejudice to the view expressed in relation to the principle of development, it is considered that the proposal complies with general tests associated with policy TOU7 of the Plan Strategy.

Policy COU15 Integration and Design of Buildings in the Countryside

93. Turning to the balance of the policy tests associated with New Development in the Countryside, it is noted that the proposed glamping pods are set back from the public road by approximately 165 metres from the public road and that the application site is not elevated.
94. Furthermore, the proposed parking area to the front of the site, adjacent to the Feumore Road will be screened by the existing hedgerow vegetation which is shown to be retained. The rest of the proposal is within in the countryside would not be a prominent feature in the landscape. Criteria (a) is considered to be met.
95. The proposal is not sited to cluster with an established group of buildings. The Pods are a standalone new development within an agricultural field in the countryside and are some 135m distant from the closest building which is the dwelling house associated with property number 14b Feumore Road. Criteria (b) of policy COU15 is not met.
96. The proposed glamping pods are single storey and this with the boundary treatments would ensure that the proposal blends into the landscape. There would be limited public viewpoints of the proposal due to its location in the landscape. Criteria (c) is met.
97. The site makes use of the long-established boundaries, and these boundaries provide a suitable degree of enclosure for the proposal to integrate into the landscape without the reliance on new landscaping. Criteria (d) and (e) are met.
98. For the reasons outline earlier in the report, it is considered that the design of the pods is appropriate to the site and its locality and that the nature and scale of the ancillary works are acceptable. Criteria (f) and (g) are met.

Policy COU16 Rural Character and other Criteria

99. For the reasons discussed above within the context of Policy COU15, the proposal would not be a prominent feature in the landscape.
100. For the reasons set out above within the context of Policy COU15, the Pods are not sited to cluster with an established group of buildings. Criteria (b) is not met.
101. It is considered that the nature and scale of the proposed development would not have an adverse impact on the traditional pattern of settlement exhibited. This is without prejudice to the view expressed in relation to the principle of development.
102. As discussed above, the proposed access and parking is located within the Settlement Development Limit of Feumore, then a pathway is proposed along the existing hedgerow of the agricultural field to the siting of the proposed glamping pods. The proposed glamping pods are located circa 135m away from the Settlement Development Limit. It is not considered that the proposal would mar the distinction between a settlement and surrounding countryside, or otherwise result in urban sprawl. Criteria (d) is met.
103. Having regard to the nature and scale of the proposed development and without prejudice to the view expressed in relation to the principle of development, the proposal would not have an adverse impact on the rural character of the area. Criteria (e) is met.
104. For the reasons outlined earlier in the report within the context of TOU7 considerations, the proposal would not have a negative impact on residential amenity. Criteria (f) is met.
105. It is considered that all necessary services can be provided without adverse impact on the environment or character of the locality and that the ancillary works associated with the carpark and internal path will not have an adverse impact on rural character. Criteria (g) and (h) are met.
106. Access to the public road can be achieved without prejudice to road safety and would not significantly inconvenience the flow of traffic. Criteria (i) is met.

Waste Management

107. The position of the proposed treatment tank and soakaway is to the northeastern corner within the application site. The treatment tank and soakaway are to be positioned and constructed in accordance with
108. Based on a review of the information and advice from Environmental Health and Water Management Unit, it is contented that sufficient information has been provided to demonstrate that these works will not create or add to a pollution problem and complies with WM2 of the Plan Strategy.

Access and Transport

109. The submitted P1 form detailed the use of an existing access from the Feumore Road that currently serves property number 14b Feumore Road. The Feumore Road is not a Protected Route.
110. Concern expressed in relation to the intensification of an existing access resulted in amended drawings being submitted to detail works associated with a proposed upgrade of the existing access with the required visibility splays of 2.4m by 93m and with the shared access being a minimum of 6m wide for the first 10m.
111. An area of land adjacent to the road measuring approximately 13.4m by 24.1m is provided for parking and manoeuvring of vehicles. Provision is made for 8 2.4m by 4.8m parking spaces and also a cycle rack.
112. It is considered that the development provides for adequate space for the safe parking and manoeuvring of vehicles within the curtilage of the site.
113. It is therefore considered that the proposal complies with policy TRA 2 and TRA7.

Natural Heritage

114. The application site is located in within a buffer zone surrounding Lough Neagh and Lough Beg Ramsar Site. Lough Neagh is located in close proximity and to the other side of the northern boundary of the site. There are no watercourses or streams within or adjacent to the site.
115. There are no existing buildings on the site to be demolished as part of the proposal and the existing hedgerows to the boundaries are being retained. Only a small area of semi-improved grassland would need to be removed in order to accommodate the proposal.
116. A Preliminary Ecological Appraisal produced by Sterna Environmental Ltd has been submitted in support of the application.
117. The PEA details survey work carried out and in the summary of baseline conditions it states that: 'there was no evidence of Badgers utilising the site, there was no evidence of Otters utilising the site, there was no evidence of Common Lizards utilising the site and no suitable habitat, there was no evidence of Smooth Newts utilising the site and no suitable habitat, there was no evidence of Red Squirrels being present on site, a limited number of widespread bird species were recorded, the site is assessed as having Low bat foraging potential, the site was assessed as having low potential for foraging Whooper Swans and no invasive species were recorded.'
118. It also details that impacts of the proposal on protected species are considered to be negligible and also negligible on protected sites near the application site.

119. Advice from Natural Environment Division [NED] confirms that they have 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 subject to recommended conditions aimed at protecting the aquatic environment and biodiversity value of the site.
120. Advice from Shared Environmental Services (SES) confirms that an appropriate assessment in accordance with the Regulations has been carried out and having regard to the nature, scale, timing, duration and location of the project, that the project would not have an adverse effect on the integrity of any European Site either alone or in combination with other plans or projects.
121. The Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has no reason not to adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 01/06/2023. This found that the project would not have an adverse effect on the integrity of any European site.
122. Having considered the detail, on the basis of the information submitted, and taking on board the advice from the statutory consultees, it is considered that the proposal would not harm any natural heritage and complies with policies NH1, NH2 and NH5.

Historic Environment

123. The application site is within a buffer zone surrounding an archaeological site and monument – ANT062:060 – Bullaun. The Bullaun is located within the adjacent field, west of the application site.
124. Historic Environment Division (Historic Monuments) has been consulted on the application and state that they have assessed this application and advises that it is acceptable to SPPS and LDP 2032 Plan strategy archaeological policy requirements.
125. Based on the information submitted and taking on board the advice of HED, it is considered that the proposal complies with policy HE2.

Consideration of Representations

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

Excessive construction in the vicinity of property 14b Feumore Road

127. The view is expressed that over the last few years there has been excessive construction in the vicinity of property 14b Feumore Road.

128. It is acknowledged that there has been a number of planning approvals on land within the surrounding area, within the Settlement Development Limit in close proximity to 14b Feumore Road which is also within the settlement. However, each application is assessed on its own merits and there is no evidence to support that this proposal will have a cumulative adverse impact on the setting of the settlement or the character of this part of the open countryside.

Construction results in a loss of trees

129. The view is expressed that construction in the vicinity has resulted in a loss of trees.
130. Previous tree removal within the surrounding area is not relevant to this planning application. The proposal is considered in the context of the prevailing circumstances and no existing trees are impacted.

Loss of picturesque view

131. The view is expressed that construction has spoilt the picturesque view.
132. Previous construction is not relevant to this proposal and the right to view as a material consideration is not given determining weight as this is subjective and there is no objective basis for assessing the harm.

Impact on privacy

133. Concern is raised that development of this glamping site would negatively impact upon the existing privacy at 14b Feumore Road because the site would have visibility to the rear of the property.
134. The proposed positioning of the glamping pods is located circa. 135 metres away from the rear of the dwelling house of 14b Feumore Road. Also, there is an existing boundary treatment to the rear of this property. There are no concerns with regards to overlooking or loss of privacy into their private amenity space due to the separation distances.

Increased traffic

135. Concern is raised that this proposed glamping site would generate increased and unwanted traffic.
136. The proposal is considered to comply with policies TRA2 and TRA7. DfI Roads have been consulted on the application and have no objections to the development proposal.

Noise and disturbance and fear of crime

137. The view is expressed that the glamping site would generate noise and disturbance and that they fear that noise and disturbance could be further exacerbated by the influence of alcohol and recreational drugs by any potential

glamping pod users. And that with this, there is also an increased fear of crime.

138. Environmental Health have been consulted and have raised no objections or concerns with regards to noise or disturbance to neighbouring properties. Fear of a situation is a material consideration that is not given determining weight.

Conclusions

139. The principle of developing this land for tourist accommodation is not acceptable in principle as the requirements of TOU3, TOU4, COU15 and COU16 of the Plan Strategy are not met.

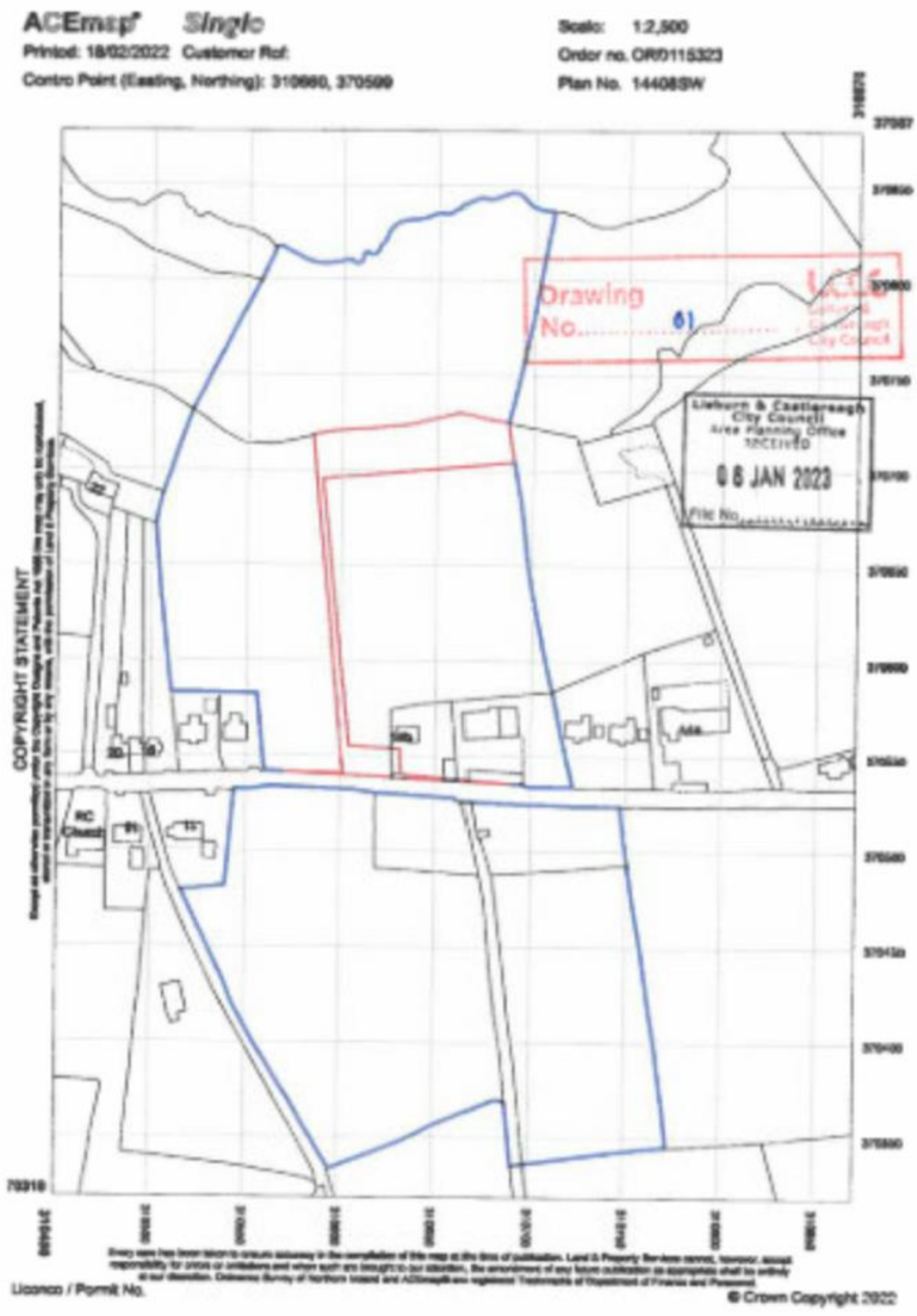
Recommendation

140. It is recommended that planning permission is refused.

Refusal Reason(s)

141. The following refusal reasons are recommended:
- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
 - The proposal is contrary to Policy TOU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal does not involve the replacement of an existing rural building nor has it been demonstrated that there is no suitable site within the settlement of Feumore or other nearby settlements, that there are no suitable opportunities by means of the conversion and reuse of a suitable buildings or the replacement of a suitable building for tourist accommodation.
 - The proposal is contrary to Policy TOU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not located within the grounds of an existing or approved tourist accommodation or holiday park, or, at or close to an existing or approved tourism amenity that is/will be a significant visitor attraction in its own right.
 - The proposal is contrary to Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.
 - The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not sited to cluster with an established group of buildings.

Site Location Plan – LA05/2023/0022/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2021/0789/F
District Electoral Area	Lisburn North
Proposal Description	Erection of 10 two-storey semi-detached dwellings, provision of hard and soft landscaping including retaining walls, provision of in curtilage car parking spaces, electric charging points and all associated site works
Location	Land to the north of 56 Magheralave Road, Lisburn
Representations	Two
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 Scheme of Delegation 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 affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policy NH1, 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. The proposed complies with Policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footway along the front of the site.
7. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of 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.
8. 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.
9. The proposal, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, complies with policies HE2, HE3 and HE4.
10. The proposed development complies with Policies FLD 1, 2 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

11. The application site is located south of Boomers Road and to the east of the Magheralave Road. The access is from the Magheralave Road.
12. The land within is currently undeveloped and backs onto a site partly occupied and partly under construction at Fairfields Manor.
13. Adjacent and south of the site at 56 Magheralave Road is a small semi-detached dwelling on a medium sized plot.

Surrounding Context

14. The land surrounding the site, south, west and east is predominantly residential in character with medium to high density housing. To the other side of the Derriaghy Road, across the road and north of the site is rural in character and mainly open countryside.

Proposed Development

15. This is a full application for the erection of 10 two-storey semi-detached dwellings, provision of hard and soft landscaping including retaining walls, provision of in curtilage car parking spaces, electric charging points and all associated site works.
16. The following documents are submitted in support of the application:
- Planning Supporting Statement
 - Drainage Assessment

Relevant Planning History

17. There is no planning history associated with this application site.

Consultations

18. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
DfI Rivers Agency	No objection
NI Housing Executive	No objection
LCCC Environmental Health	No objection
NI Water	No objection
NIEA Water Management Unit	No objection
DfC Historic Monuments	No objection

Representations

19. Two representations have been received in respect of the application. One objection and one non-committal. The following issues are raised:
- Narrow road
 - Impact on sunlight to neighbouring dwellings
 - Impact of construction vehicles
 - No. 54 and 56 Magheralave Road will be devalued
 - Impact on property number 56 Magheralave Road
20. These issues are considered later in the report.

Environmental Impact Assessment (EIA)

21. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment.
22. The site area is 0.96 hectares and exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2017.
23. 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

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

Plan Strategy 2032

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

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

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

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

26. In accordance with the transitional arrangements the existing Lisburn Area Plan (LAP) and draft BMAP remain material considerations.
27. The LAP identifies the application site as being within the Settlement Development Limit of Lisburn and on lands zoned for housing (Zoning LD6 Lands South of the proposed North Lisburn Feeder Road).
28. In draft BMAP the site is located within the Lisburn City Settlement Development Limit and on land zoned for housing (Zoning LC04/12 Housing Land at Magheralave Road).
29. The application site is a small portion of land within the housing zoning measuring 0.96 hectares. Permission is sought for 10 dwellings.
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.

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

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 Protecting and Enhancing the Environment is set out in Part 1 of the Plan Strategy. Strategic Policy 06 – Protecting and Enhancing the Environment states that:

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

34. 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.*
35. 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.*

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

Housing in Settlements

37. 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).

38. A total of 10 dwellings are proposed on the site. 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.

39. 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.*

40. 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.

41. 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.

42. Whilst the threshold for public open space is not met this is part of a larger zoning and the layout should demonstrate that future residents will have access to open space.

43. 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 take 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.

44. 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.

45. 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.

46. 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

47. Given 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.*

48. 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.

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

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

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

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

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

Access and Transport

50. The application proposes a new access from the Magheralave Road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

52. 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.

53. 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.

Historic Environment and Archaeology

54. The application site is within a buffer zone surrounding an archaeological site and monument which is a Rath. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance, 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.

55. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the 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.

56. 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.

Flooding

57. DfI Rivers Agency 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 proposed the drainage must be designed to take account of the impact on flooding elsewhere.

58. Policy FLD1 Development in Fluvial (River) Flood Plains states:

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

59. Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

60. 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

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

The provisions of the SPSS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and are

material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

62. 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.

63. 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

64. 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.

65. Paragraph 3.8 of the SPPS states:

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

66. 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.

67. 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

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

Creating Places

69. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.
70. 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.
71. 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.

72. 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

73. 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

74. This application is for 10 residential units within the Settlement Development Limit of Lisburn and on land zoned for housing in the LAP under zoning LD6 and in draft BMAP under designation LC04/12. As new residential development is acceptable on zoned housing land the policy tests of Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

75. The application site is a small portion of undeveloped land. The surrounding developed land contains a mix of detached and semi-detached housing of medium to high density plots with in-curtilage parking.
76. This proposal comprises 10 semi-detached dwellings (5 pairs of semi-detached dwellings). The dwellings vary slightly in size and design but are typical of a suburban residential context.
77. The form and general arrangement of the buildings are characteristic of those built and currently under construction within the adjacent Fairfields development.
78. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
79. 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 wither the form or scale of the development proposed.
80. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
81. The separations distances between the existing and proposed developments are acceptable and would minimise any overlooking from existing properties.
82. The buildings are not dominant or overbearing and no loss of light would be caused.
83. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
84. With regard to criteria (b), the site is within a buffer zone surrounding an archaeological monument (a Rath). The site is not adjacent or close to any Listed Buildings.
85. Historic Environment Division: Historic Monuments have been consulted and are content subject to agreement and implementation of a developer-funded programme of archaeological works.

86. No landscape characteristics/features have been identified that require integration into the overall design and layout of the development and as such all the requirements of policy HOU3 are met.

Policy HOU4 - Design in New Residential Development

87. The layout as shown on the proposed site plan 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.
88. Sites 1 and 2 are house type B2 are two-storey 3 bed semi-detached, rectangular in shape with no front or rear projections.
89. Sites 3 and 4 and 5 and 6 are house type B which are two-storey 4 bed semi-detached, rectangular in shape with a two-storey rear projection.
90. Sites 7&8 are house type house type A townhouse and are split level, they are three storey to-the front elevation and two-storey to the rear with a two storey-rear projection and are a 4 bed house.
91. Sites 9 and 10 are also house type A townhouse and are split level, with three-storeys to the front and two-storeys to the rear with a two-storey rear projection, however they have an integral garage on the ground floor to the front access, and are a 4 bed house.
92. The external finishes include selected red brick, smooth render, raised render bands, flat back concrete tiles, seamless aluminium rainwater goods in black, windows to be uPVC and external doors to be composite. These are acceptable for the site and its location in the urban context.
93. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the separation distances between the properties will ensure that no loss of light to any adjacent property will arise.
94. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The development on the site does not conflict with surrounding land uses.
95. 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.
96. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity varies by plot ranging from a minimum of approximately 70 square metres up to 100 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 40 square metres for any individual dwelling.

97. 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.
98. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are met.
99. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. There are local neighbourhood facilities within the wider area and the site is accessible to shops and other neighbourhood facilities in Lisburn. Criteria (c) of policy HOU 4 is met.
100. Boundary treatments around and within the site are proposed to separate each unit. There is a mixture of fencing and boundary walls proposed. These are acceptable for this type of development in the urban context.
101. Landscaped areas are proposed as part of the overall development. The area to the rear of the site to the east is proposed to be left as a biodiversity area. Also, some soft landscaping is proposed throughout the site as detailed in the site layout plan. Along with existing boundaries to be retained. For the reasons outlined above, criteria (b) of policy HOU 4 are considered to be met.
102. With regard to criteria (d) the proposal is for 10 units on a site measuring 0.96 hectares which is not considered to be overdevelopment, and in line with policy HOU 4.
103. 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.
104. 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 meet the required parking standards. Criteria (g) and (h) of policy HOU4 are met.
105. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is met.
106. Provision is made for a designated bin storage for the apartment blocks and provision is available for householder waste storage within the driveways of each dwelling and its safe collection can be facilitates without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

107. Detail submitted with the application indicates that the site does exceed one hectare. As such open space does not need to be provided as an integral part of this development. The layout is design having regard to the housing built

adjacent to the site and future residents will have access to open space within the wider zoning.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 2 units.
103. A draft Section 76 agreement has been submitted for the Councils consideration. It details that 2 units for affordable provision is to be provided within the proposed development.
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 subject to the following trigger

No more than 8 of the dwellings are to be occupied until the two affordable dwellings are constructed and available for occupation.

Natural Heritage

105. The application site is not within or adjacent to any designated areas and there are no existing buildings to be demolished to facilitate this development.
106. The site is comprised of a hard cored area and the majority is semi-improved grasslands on a sloping land. Minimal clearance of vegetation would be required to facilitate the proposed development.
107. Having considered the information submitted and cross referenced it against the Natural Environment Divisions checklist it is considered that consultation with NED is not necessary in this case.
108. Having considered the detail, and on the basis of the information submitted, it is considered that the proposal would not harm any natural heritage and complies with Policies NH1, NH2 and NH5.

Access Movement and Parking

109. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
110. Access to the site will be via the Magheralave Road which is not a protected route.
111. The detail associated with the application indicates that all dwellings will have two in-curtilage car parking spaces.
112. 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.

113. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
114. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of 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.
115. 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.

Historic Environment and Archaeology

116. The application site is within a buffer zone surrounding an archaeological monument (a Rath).
117. Historic Environment Division: Historic Monuments have been consulted and provided comment advising that they are content that the proposal satisfies policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ.
118. Based on the information submitted and taking on board the advice from HED it is considered that subject to conditions, the proposal would comply with Policies HE2, HE3 and HE4.

Planning and Flood Risk

119. The information submitted indicates that water connection would be through the public mains, that the surface water would be disposed of via the main storm sewer and that the foul would be disposed with via the mains.
120. Due to the number of dwellings on site a Drainage Assessment has been submitted in the support of the application. DfI Rivers Agency have been consulted on the application and have no objections.
121. In accordance with policy FLD3 a Drainage Assessment was submitted. DfI Rivers commented that

Rivers Directorate have reviewed the amended Drainage Assessment (DA) by OSM Environmental Consulting dated 1st august 2024 and from a flood risk and drainage perspective comment as follows:

The applicant has received Schedule 6 Consent from DfI Rivers local area office to discharge 9.6 l/s of storm water run-off from the proposed development to the

watercourse running parallel to the south-west of the site.

Furthermore, the applicant has submitted adequate drainage calculations to support their proposals and addressed Rivers Directorates concerns (regarding calculations) raised in our previous response to the Planning Authority.

Although the applicants Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible, it indicates that the 1 in 100 year event could be contained through the additional of an underground system discharging at existing greenfield runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition.

122. The condition states that prior to construction of the drainage network a final drainage assessment should be submitted which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network in the event of a 1 in 100-year event.
123. 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 that there is no public foul sewer within 20m of the proposed development boundary however access is available via an extension of the existing foul sewerage network which can adequately service the proposal.
124. Water Management Unit have also been consulted on the application and have raised no objections and refer to the standing advice.
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 FLD1, 2, and 3 of the Plan Strategy.

Consideration of Representations

125. Consideration of the issues raised in a third party representation are set out in the paragraphs below:

Narrow Road

126. The view is expressed that the existing road is narrow and not fit for that many vehicles of 2/4 per household.
127. The proposal is to upgrade the access road to the application site and in-curtilage parking is provide for each unit with the development. DfI Roads have no objections to the proposal.

Impact on sunlight to neighbouring dwellings

128. The view is expressed that the proposal would cut down sunlight into the neighbouring dwellings.
129. The separation distances between each proposed unit and between the proposal and the existing dwellings are considered to be acceptable and in keeping with the guidance within Creating Places and will ensure that there is no negative impact on the sunlight to neighbouring dwellings.

Impact of construction vehicles

130. The view is expressed that the disruption of heavy vehicles and the diggers will cause havoc to the road and people getting to work.
131. The construction of any development is of a temporary nature and the onus is on the developer to ensure that neighbours are not negatively affected by the construction process.

No. 54 and 56 Magheralave Road will be devalued

132. The view is expressed that numbers 54 and 56 Magheralave Road will be devalued.
133. This is a material planning consideration that is not given determining weight. This is subjective and no evidence is submitted to assess the impact the proposed development will have on the value of neighbouring properties.

Impact on No. 56 Magheralave Road

134. Clarification is sought with regards to the boundary treatment between the proposal and 56 Magehralave Road and requests that any existing boundary treatment be retained. They have also requested additional sections.
135. The layout plan details that the existing boundary treatment between sites 9 and 10 and 56 Magehralave Road is to be retained. The agent has submitted an additional plan for information that details a section between the properties and shows how the proposal sits with the adjacent property. The details are considered to be acceptable.

Recommendation

136. 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

137. 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.
3. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 100 bearing the Area Planning Office date stamp 25 JAN 2024 and the Department for Infrastructure Determination date stamps of 21 FEB 2024.

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

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 100 bearing the Area Planning Office date stamp 25 JAN 2024 and the Department for Infrastructure Determination date stamp of 21 FEB 2024, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward site 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.

5. The access gradient(s) to the dwelling(s) 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.

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

No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 100 bearing the Area Planning Office date stamp 25 JAN 2024 and the Department of Infrastructure Determination date stamp 21 FEB 2024.

The Department hereby attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

8. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No 100 bearing the Area Planning Office date stamp 25 JAN 2024 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.

9. 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.

10. The development hereby permitted shall not be commenced until the formal process for the abandonment has been successfully completed.

Reason: To ensure that there is no appearance bias by the Department in favour of the abandonment.

11. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

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

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

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

13. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 11.

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

14. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 11. 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.

15. 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.

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

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

Site Location Plan – LA05/2021/0789/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local (Exceptions Apply)
Application Reference	LA05/2023/0339/F
District Electoral Area	Castlereagh East
Proposal Description	Erection of 8 dwellings (change of house type to site 398a-e, 399a-e and 400a-e previously approved under LA05/2018/0512/F), garages and all associated siteworks.
Location	Lands surrounding 9 Millmount Road comprising lands northeast of Comber Greenway, East of Millmount Road and 150 metres west and southwest of 60 Greengraves Road, Dundonald.
Representations	One
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 Scheme of Delegation 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 affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policies NH1, 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. The proposed complies with Policy TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of a footway along the front of the site.
7. It is also considered that the development complies with Policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of two new accesses 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.
8. 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.
9. The proposal complies with Policies HE2 and HE4 of the Plan Strategy in that the archaeological conditions of the previous application are still applicable to the current proposal. The developer still is required to identify and record any archaeological remains in advance of any new construction, and to provide for their preservation in situ if necessary.

Description of Site and Surroundings

Site Context

10. This 0.78 hectare site is located within the Millmount development and is accessed from the Greengraves Road. The site is cleared for development and the land has no defined boundaries as it is part of a larger development under construction.
11. In the wider context the site is located northeast of the Comber Road into Dundonald and towards the southern end of the Greengraves Road.

Surrounding Context

12. The surrounding lands are residential in character and comprised of recently constructed dwellings that are part of the Millmount Village development.

Proposed Development

- 13. This is a full application for the erection of 8 dwellings (change of house type to sites 398a-e, 399a-e and 400a-e previously approved under ref: LA05/2018/0512/F), garages and all associated siteworks.
- 14. A Design and Access Statement is submitted in support of the application:

Relevant Planning History

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

Reference Number	Proposal	Decision
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).	Permission Granted 25/03/2020
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).	Permission Granted 05/07/2017
Y/1996/0407	Residential Development	Permission Granted September 2002

Consultations

- 16. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection

Consultee	Response
Housing Executive	No objection
LCCC Environmental Health	No objection
DfC Historic Environment Division: Historic Monuments	No objection

Representations

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

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 0.78 hectares and 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. The BUAP identified the application site as being located outside the settlement limit of Metropolitan Castlereagh.
24. 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.
25. Significant weight is attached to the housing zoning in draft BMAP with development having already been completed on a large part of the zoning.
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. Although the site is less than a hectare in size and comprised of only eight dwellings it is part of a larger development and open space is required as part of the comprehensive development of the land, 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 take 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. 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.

40. 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.

41. 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

42. Given 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.*

43. 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 application proposes an access from the Greengraves Road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

46. 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.

47. 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.

Historic Environment and Archaeology

48. The application site is within a buffer zone surrounding an Archaeological Monument. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states:

Proposals which would adversely affect archaeological sites or monuments which are of local importance, 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.

49. Policy HE3 Archaeological Assessment and Evaluation states:

Where the impact of a development proposal on important archaeological remains is unclear, or the relative importance of such remains is uncertain, the 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.

50. 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.

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 interest 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 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 8 residential units [6 detached dwellings and 2 semi-detached dwellings] within the Settlement Development Limit of Metropolitan Castlereagh. Significant material weight is attached to the proposed housing zoning in draft BMAP under designation MCH 03/12. As new residential development is acceptable on zoned housing land the policy tests of Policy HOU1 are met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

65. The application site is a portion of land within the wider Millmount housing development that is currently under construction.
66. The surrounding developed land contains a mix of detached, semi-detached and terrace housing and apartment blocks. The dwellings are set in medium sized plots with in-curtilage parking and communal off-street parking. Areas of open space and two playparks are also provided as part of the overall Millmount scheme.
67. The dwellings vary in size and design but are typical of suburban residential setting.
68. The form and general arrangement of the buildings are characteristic of those built and currently under construction within Millmount Village.
69. The plot sizes and general layout proposed is consistent with and comparable with other built development in the general vicinity of the site.
70. 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 wither the form or scale of the development proposed.
71. The layout of the rooms in each of the units, the position of the windows and separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
72. The separations distances between the existing and proposed developments are acceptable and would minimise any overlooking from existing properties.
73. The buildings are not dominant or overbearing and no loss of light would be caused.
74. Having regard to this detail and the relationship between the buildings in each plot and considered the guidance recommended in the Creating Place document, criteria (a) of policy HOU3 is met.
75. With regard to criteria (b), the site is within a buffer zone surrounding an archaeological monument (DOW005:060 – A.P. Site). 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.
76. The site is not adjacent or close to any listed buildings. It is noted that Millmount House is located within the wider development but is too far away from the site to require consultation with Historic Buildings. This proposal would not negatively impact on the setting of the listed building.
77. No landscape characteristics/features have been identified that require integration into the overall design and layout of the development and as such all

the requirements of policy HOU3 are met.

Policy HOU4 - Design in New Residential Development

78. The layout as shown on the proposed site plan 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.
79. House type A standard (drawing 08) is a 4 bed two-storey detached dwelling with a floorspace of 1324 square feet. It has a ridge height of 8.0m above the finished floor level. It is rectangular in shape with a single storey side and rear return.
80. House type A standard handed (drawing 09) is a 4 bed two-storey detached dwelling with a floorspace of 1324 square feet. It has a ridge height of 8.0m above the finished floor level. It is rectangular in shape with a single storey side and rear return.
81. House type A (drawing 19) is a 4 bed two-storey detached dwelling with a floorspace of approximately 1318 square feet. It has a ridge height of 8.2m above the finished floor level. It is rectangular in shape with a single storey rear return.
82. House type B (drawing 21) is a 4 bed two-storey detached dwelling with a floorspace of approximately 1536 square feet. It has a ridge height of 8.4m above the finished floor level. It is rectangular in shape with a small single storey front porch and a single storey rear return.
83. House type B handed (drawing 20) is a 4 bed two storey detached dwelling with a floorspace of approximately 1536 square feet. It has a ridge height of 8.4m above the finished floor level. It is rectangular in shape with a small single storey front porch and a single storey rear return.
84. House type LAQ01 (drawing 23) are a pair of two-storey semi-detached dwellings with a ridge height of 7.2m above the finished floor level. The dwellings are rectangular in shape with vertical emphasis windows and an appropriate solid to void ratio. They are 2 bed each of which have an internal space of 759 square feet.
85. The external material finishes include concrete interlocking roof tiles with blue or black coloured ridge tiles; uPVC rainwater goods in dark grey; walls to be smooth self-coloured render, select stone wall details, blackened timber to rear garden rooms and brick base; windows to be double glazed uPVC, precast concrete cills and solid hardwood doors. These are acceptable for the site and its location in the urban context.
86. A single storey garage is proposed at three of the sites. They are single storey with a pitched roof and with material finished to match that of the dwelling house.
87. The size and design of the buildings means that they are not dominant or overbearing. This in combination with the separation distances between the

- properties will ensure that no loss of light to any adjacent property will arise.
88. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties.
 89. The development on the site does not conflict with surrounding land uses.
 90. 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.
 91. Each dwelling will be provided with their own private rear amenity space. The provision of private amenity varies by plot ranging from a minimum of approximately 43 square metres up to 143 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 40 square metres for any individual dwelling.
 92. 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.
 93. For the reasons outlined above, criteria (a), (e) and (f) of policy HOU 4 are met.
 94. There is no requirement for the provision of local community or neighbourhood facility for this scale of development. A local neighbourhood facility has however been provided within the larger development at Coopers Mill and the site is accessible to shops and other neighbourhood facilities in Dundonald. Criteria (c) of policy HOU 4 is met.
 95. Boundary treatments around and within the site are proposed to separate each unit and details of these are provided in the proposed site boundary detail drawing. There is a mixture of fencing and boundary walls. These are acceptable for this type of development in the urban context.
 96. Landscaped areas are proposed as part of the overall development. The submitted landscape plan details the proposed landscaping to the area north of the dwellings and within the overall site. The proposed landscaping uses appropriate spaces of planting, and it softens the visual impact of the development. For the reasons outlined above, criteria (b) of policy HOU 4 are considered to be met.
 97. With regard to criteria (d) the proposal is for 8 units on a site measuring 0.78 hectares which is not considered to be overdevelopment, and in line with policy HOU 4.
 98. 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.

99. 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 meet the required parking standards. Criteria (g) and (h) of policy HOU4 are met.
100. The careful delineation of plots with appropriate fencing and privacy walls will serve to deter crime and promote personal safety. Criteria (i) is met.
101. Provision is made for a designated bin storage 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

102. Detail submitted with the application indicates that the site does not exceed one hectare. As such open space does not need to be provided as an integral part of this development.
103. The application provides for a change of house type for 8 dwellings that were previously approved as part of a wider housing development under Y/2009/0303/RM. Detail submitted with that application demonstrates that areas of open space were provided throughout the site. The site is also easily accessible to the Comber Greenway.
104. 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. The residents of this scheme will have access to the areas of open space beyond the site.

Policy HOU10 - Affordable Housing

102. Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to 2 units.
103. A draft Section 76 agreement has been submitted for the Councils consideration. It details that 2 units for affordable provision is to be provided within the proposed. The two affordable housing units should be built and available for occupation before the sixth 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.

Natural Heritage

105. The application site is not within or adjacent to any designated natural heritage designation and there are no existing buildings to be demolished as part of the proposal.
106. The proposal does not involve the removal of any vegetation, and the site has already been cleared for development.
107. Having considered the information submitted and cross referenced it against the Natural Environment Divisions checklist it is considered that consultation with NED is not necessary in this case.
108. Having considered the detail, and on the basis of the information submitted, it is considered that the proposal would not harm any natural heritage and complies with policies NH1, NH2 and NH5.

Access Movement and Parking

109. The P1 Form indicates that the proposal involves the construction of a new access to the public road for both vehicular and pedestrian use.
110. Access to the site will be via Greengraves Road and is on a roadway that was approved under LA05/2018/0512/F and has been constructed. The wider development follows onto Millmount Road.
111. The detail associated with the application indicates that all dwellings will have at least two in-curtilage car parking spaces.
112. 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.
113. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways.
114. It is also considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the creation of 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.
115. 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.

Historic Environment and Archaeology

Policy HE4 - Archaeological Mitigation.

116. Historic Environment Division (Historic Monuments) were consulted and provided comment that they are content with the proposed change of house type involved in this application. They further noted that the archaeological conditions attached to a related application LA05/2018/0512/F, would remain and have not fully discharged.
117. These conditions are still applicable to the current site. Based on the information submitted and taking on board the advice from HED it is considered that the proposal complies with Policy HE4.

Recommendation

118. 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

119. The following conditions are recommended:

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

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

- The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 02B published to the Planning Register on 15th Aug 2024 prior to the commencement of any other works or other development hereby permitted.

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

- 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.

- 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.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing No. 02B published to the Planning Register on 14th August 2024 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

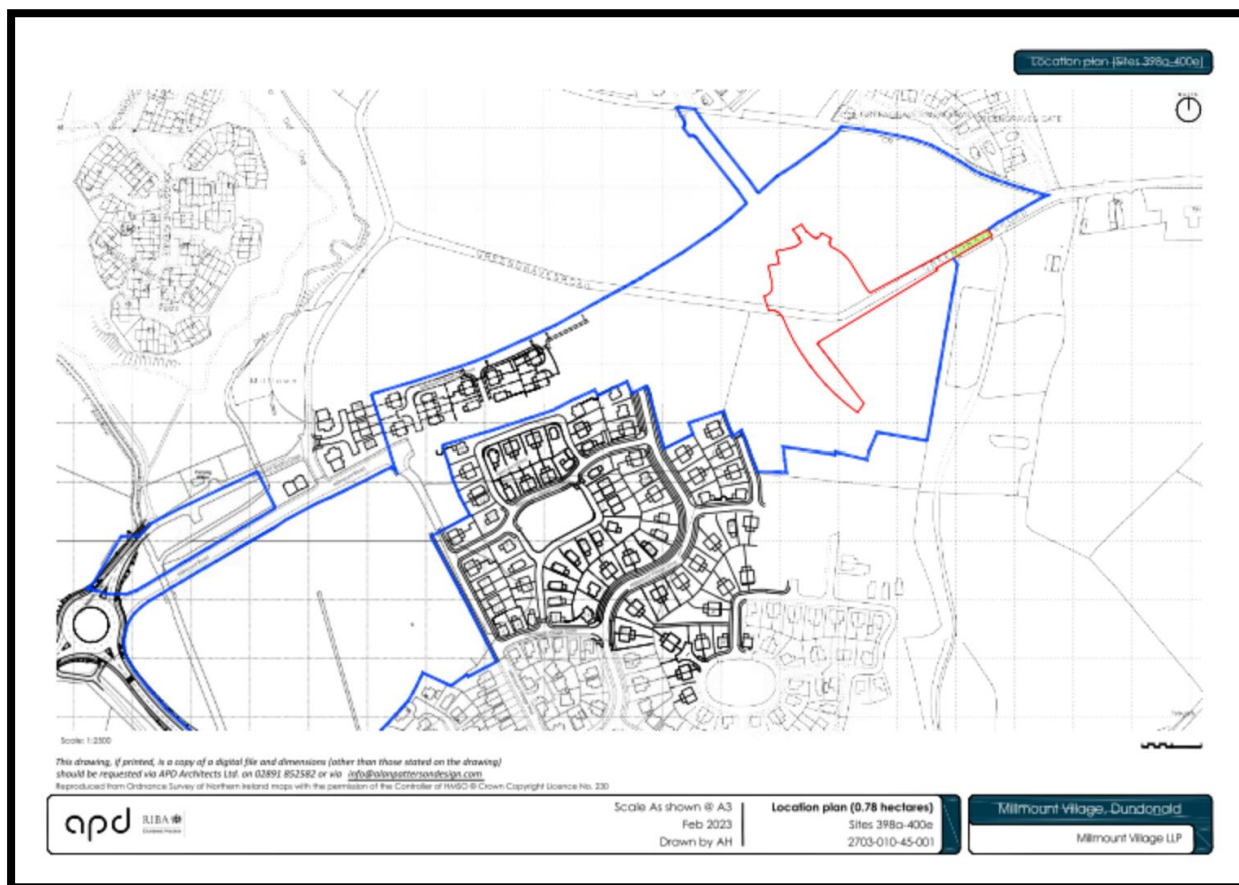
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 04A published to the Planning Register on 14th Aug 2024 and the approved details. The works shall be carried out no later than the first available planting season after occupation of the first dwelling.

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

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

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

Site Location Plan – LA05/2023/0339/F



Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 2 – Submission of an application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 8 of planning approval S/2014/0884/F to allow submission and approval of a Construction Environmental Management Plan (CEMP) on a phased basis (enabling works and main works). If required, submission of a further application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary or remove Condition 9 & 10 of planning approval S/2014/0884/F which relate to the requirement for noise insulation measures, subject to agreement of appropriate noise mitigation measures during construction on land Land east of Knockmore Road, south of 68-80 Addison Park and 8-10 Knockmore Road and North of Flush Park, Lisburn

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree 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	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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. 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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.	

Appendices:	<p>Appendix 2(a) - Report in relation to LA05/2024/0553/PAN</p> <p>Appendix 2(b) – LA05/2024/0553/PAN – PAN Form</p> <p>Appendix 2(c) – LA05/2024/0553/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	02 September 2024
Responsible Officer	Conor Hughes
Date of Report	14 August 2024
File Reference	LA05/2024/0553/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the submission of an application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition 8 of planning approval S/2014/0884/F (for the Knockmore Rail Halt) to allow submission and approval of a Construction Environmental Management Plan (CEMP) on a phased basis (enabling works and main works) on lands east of Knockmore Road, south of 68-80 Addison Park and 8-10 Knockmore Road and North of Flush Park, Lisburn.
2. The PAN also describes that if required, a further application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary or remove Condition 9 & 10 of planning approval S/2014/0884/F which relate to the requirement for noise insulation measures, subject to agreement of appropriate noise mitigation measures during construction will be submitted.

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 24 July 2024. The earliest possible date for the submission of a planning application is week commencing 21 October 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 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent RPS, Elm House, 74 Boucher Road, Belfast, BT21 0PQ
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 drop in public information event would take place at T3 Conference Centre, House of Vic-Ryn, 4 Moira Road, Lisburn on 22 August 2024 and 03 September 2024 at 3pm. Team members will be in attendance from 3pm – 7pm.

The event will be published in the Ulster Star on 09 August 2024 and the Belfast Telegraph on 09 August 2024.

A leaflet drop is proposed to residences, businesses and other relevant organisations located within 250 metre radii from the edge of the site. The leaflet will contain event information and consultation website address. An email and telephone number will also be provided.

A dedicated webpage [www.translink.co.uk/lisburnwest] will also host information for those unable to attend in person.

Key local, political and community stakeholders have also been identified and there will be engagement with these stakeholders during the planning application community consultation process.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 24 July 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 agrees the information is submitted in accordance with the legislation and related guidance.



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

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

249

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

United Kingdom

Contact Details

Telephone number

02890667914

Mobile number

Email address

erin.donaldson@rps.tetrattech.com

Ref no.

794-NI-P&E-02840

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)

363993

251

Site Area

What is the area of the site?

4.78

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

Submission of an application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary Condition no. 8 of planning approval S/2014/0884/F to allow submission and approval of a Construction Environmental Management Plan (CEMP) on a phased basis (enabling works and main works).
If required, submission of a further application under Section 54 of The Planning Act (Northern Ireland) 2011 to vary or remove Condition nos. 9 & 10 of planning approval S/2014/0884/F which relate to the requirement for noise insulation measures, subject to agreement of appropriate noise mitigation measures during construction.

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

Yes No

252

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Drop in public information event with team members in attendance (3pm to 7pm)

Venue: T3 Conference Centre, House of Vic-Ryn, 4 Moira Road, Lisburn

Date and time: 22/08/2024 15:00

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

Publication

Name of publication Ulster Star

Proposed advert date start 09/08/2024

Proposed advert date finish 09/08/2024

Publication

Name of publication Belfast Telegraph

Proposed advert date start 09/08/2024

Proposed advert date finish 09/08/2024

Proposed public event: Drop in public information event with team members in attendance (3pm to 7pm)

Venue: T3 Conference Centre, House of Vic-Ryn, 4 Moira Road, Lisburn

Date and time: 03/09/2024 15:00

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

Publication

Name of publication Belfast Telegraph

Proposed advert date start 09/08/2024

Proposed advert date finish 09/08/2024

Publication

Name of publication Ulster Star

Proposed advert date start 09/08/2024

Proposed advert date finish 09/08/2024

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)

Leaflet drop to residents, businesses and other relevant organisations within a c.250m radius from the edge of the subject site. The leaflet will contain consultation event information and consultation website address. Also included will be an email address and telephone number to facilitate feedback on the proposals. There will also be information on the pre-application community consultation process and contact details for the team.

A dedicated webpage (www.translink.co.uk/lisburnwest) will also host this information online providing those that are unable to attend the in-person event the opportunity to view the proposals, ask questions and provide feedback to the team.

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

Key local, political and community stakeholders have been identified and there will be engagement with these stakeholders during the pre-application community consultation process. Details of the proposals and a link to the consultation webpage will also be emailed to stakeholders as well as contact details for the technical team if they wish to seek further information on the proposals.

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 Cllr Alan Givan Alderman Amanda Grehan Cllr Peter Kennedy Cllr Tom Mitchell Alderman Paul Porter

Date notice served:
 24/07/2024

Details for Other Parties

Other(s):
 MP Sorcha Eastwood MLA Robbie Butler MLA Paul Givan MLA Michelle Guy MLA David Honeyford MLA Emma Little-Pengelly Knockmore Community Association

Date notice served:
 24/07/2024

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

Erin Donaldson

Date

24/07/2024

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

Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on Lands located circa 60m east of 10 Quarterland Road, circa 80m west of 28 Quarterland Road, circa 80m east of 27 Carnaghliiss Road and circa 150m east of 29 Carnaghliiss Road, Crumlin.

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree that it is submitted in accordance with the relevant section of the legislation and related guidance.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.</p>	
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Appendices:	<p>Appendix 3(a) - Report in relation to LA05/2024/0568/PAN</p> <p>Appendix 3(b) – LA05/2023/0568/PAN – PAN Form</p> <p>Appendix 3(c) – LA05/2023/0568/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	02 September 2024
Responsible Officer	Conor Hughes
Date of Report	13 August 2024
File Reference	LA05/2024/0568/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for a new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on Lands located circa 60 metres east of 10 Quarterland Road, circa 80 metres west of 28 Quarterland Road, circa 80m east of 27 Carnaghliiss Road and circa 150 metres east of 29 Carnaghliiss Road, Crumlin.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 30 July 2024. The earliest possible date for the submission of a planning application is week commencing 22 October 2024.

Consideration of PAN Detail

5. Members are advised that this is the third submission for the same proposal. The previous submissions are withdrawn, and it is understood that the consultation as described below will be the basis for any planning application that follows.

6. Officers have requested in the interest of openness and transparency that the earlier consultations be described in any pre-application community consultation report so the chronology that took the applicant to this consultation can be understood by all those people with an interest in the application process.

7. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

8. The description associated with the FORM PAN1 is as described above.
9. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

10. The postal address identified on the FORM PAN1 is as described above.
11. 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;

12. 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;

13. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
14. 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 Turley, Hamilton House, 3 Joy Street, Belfast.
15. 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;

16. 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.
17. 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

18. 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

19. 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 drop in public event would take place at the Ballymac Hotel, 7A Rock Road, Lisburn on 19 September 2024 at 3pm.

The event will be publicised in the Ulster Star on 06 September 2024.

Leaflets will also be distributed to properties within 1000 metres of the proposed development.

A consultation website www.dundrodconsultation.co.uk will be developed.

A consultation phone line will be promoted on the project leaflet.

Hard copies of materials can be provided to parties unable to access the public event.

Leaflets will include free-post feedback form, and a social media campaign will also be utilised to draw public attention to the consultation.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 12 August 2024.

Recommendation

20. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information is submitted in accordance with the legislation and related guidance.



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

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

Other

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

263

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

264

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

375388

265

Site Area

What is the area of the site?

21.2

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

Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works.

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 Information Event (3pm-7pm)
 Venue: The Ballymac Hotel, 7A Rock Road, Lisburn, BT28 3SU
 Date and time: 19/09/2024 15:00

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

Publication

Name of publication Ulster Star
 Proposed advert date start 06/09/2024
 Proposed advert date finish 06/09/2024

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)

Leaflets distributed to properties within 1,000m of the proposed development.
 Develop a consultation website www.dundrodconsultation.co.uk
 Consultation phone line promoted on project leaflet.
 Hard copies of materials can be provided to parties unable to access public event.

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

Leaflets will include free-post feedback form and will provide a postal address, email address and consultation telephone number for interested parties to use to provide feedback or ask questions.
 A social media campaign will also be utilised to draw public attention to the consultation.

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:

Killultagh DEA Cllr Gary McCleave (Sinn Fein), Cllr James Tinsley (DUP), Cllr Ross McLernon (UUP), Cllr Thomas Beckett (DUP), Cllr Claire Kemp (Alliance) Notifications will be issued W/C 12/08/24

Date notice served:
 12/08/2024

Elected member(s) for District Electoral Area:

South Antrim MLAs Robin Swann (UUP), John Blair MLA (Alliance), Trevor Clarke MLA (DUP), Steve Aiken MLA (UUP), Declan Kearney MLA (Sinn Fein), Pam Cameron MLA (DUP).

Date notice served:
 12/08/2024

Details for Other Parties

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

Donna Lyle

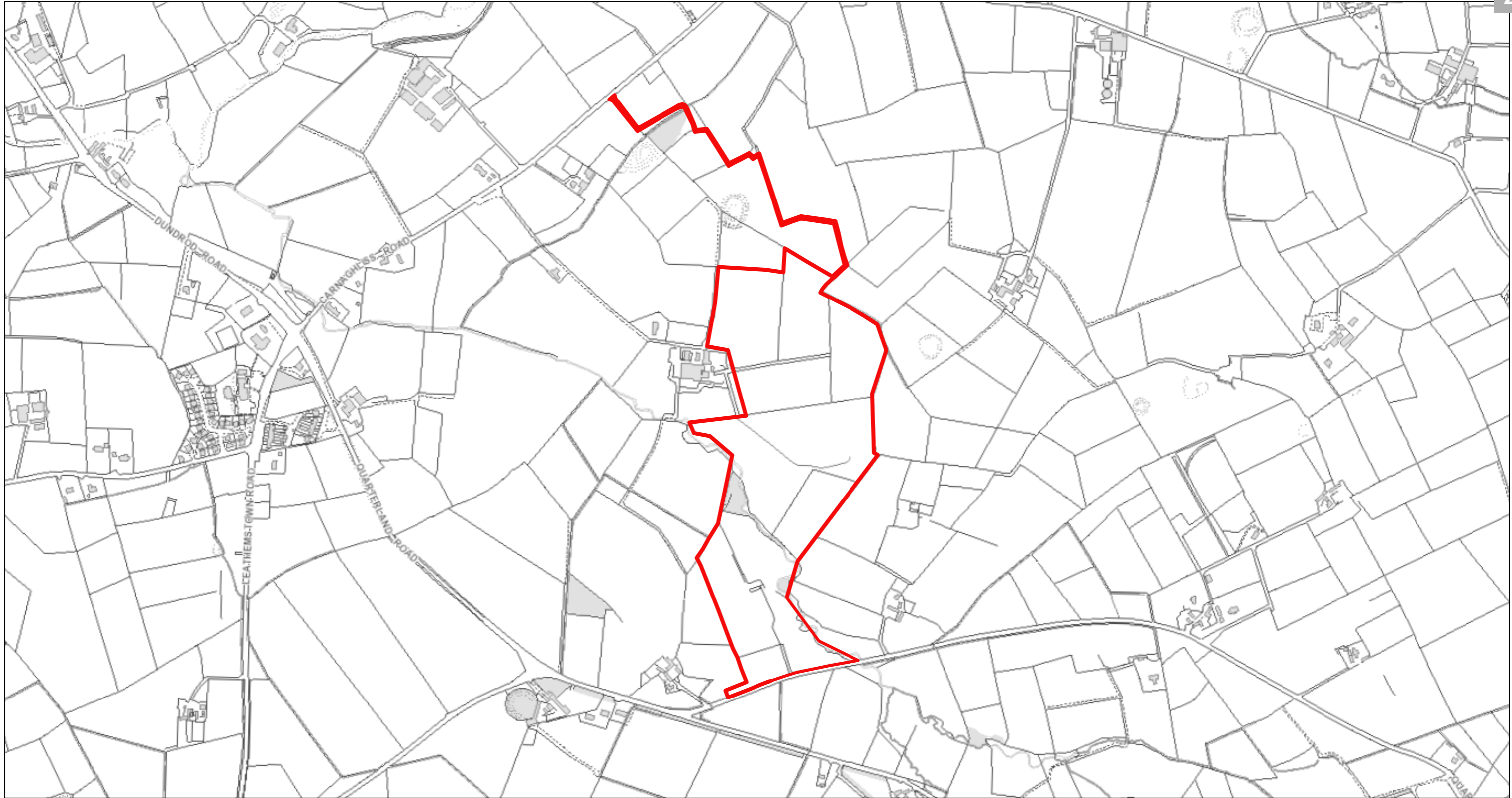
Date

30/07/2024

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.

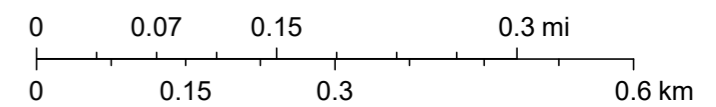
I consent for my personal data to be shared with other departments within the authority

Site Location Plan



7/1/2024

1:7,500



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Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Item 4 – Proposed redevelopment of the Poole's SuperValu site in Moira incorporating 1 replacement retail unit and 3 lettable hot food units. Proposed demolition of the existing retail units and associated outbuildings. Proposed adjustment of site entry and exist point locations. Proposed construction of associated car parking including 3 DDA, 2 parent & child, 1nr air/water/vac spaces and 4 EV car charging points. Proposed pedestrian footpaths with protection bollards and landscaped areas. Proposed dedicated secure delivery yard at 1 Main Street, Aughnafosker, Moira

1.0	<p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>2. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice attached and agree 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 <u>or</u> rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. EQIA is not required.</p>	

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 in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. RNIA is not required.	

Appendices:	Appendix 4(a) - Report in relation to LA05/2024/0580/PAN Appendix 4(b) – LA05/2024/0580/PAN – PAN Form Appendix 4(c) – LA05/2024/0580/PAN – Site Location Plan
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	02 September 2024
Responsible Officer	Conor Hughes
Date of Report	14 August 2024
File Reference	LA05/2024/0580/PAN
Legislation	Section 27 of the Planning Act (Northern Ireland) 2011
Subject	Pre-Application Notice (PAN)
Attachments	PAN Form and Site Location Plan

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for the proposed redevelopment of Poole's SuperValu incorporating 1 replacement retail unit and 3 lettable hot food units; proposed demolition of the existing retail units and associated outbuildings; proposed adjustment of site entry and exist point locations; proposed construction of associated car parking including 3 DDA, 2 parent & child, 1 air/water/vac space and 4 EV car charging points; proposed pedestrian footpaths with protection bollards and landscaped areas; and proposed dedicated secure delivery yard at 1 Main Street, Aughnafosker, Moira.

Background Detail

2. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
3. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
4. The PAN for the above-described development was received on 05 August 2024. The earliest possible date for the submission of a planning application is week commencing 28 October 2024.

Consideration of PAN Detail

5. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

6. The description associated with the FORM PAN1 is as described above.
7. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

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

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

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

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

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

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
12. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent Whittaker & Watt Architects, 379 Antrim Road, Newtownabbey, BT36 5EB.
13. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

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

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

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

16. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

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

The PAN form indicates that public consultation event would take place in a vacant unit next to Pools SuperValu, 21 Main Street, Moira on 18 September 2024 at 3pm.

The event will be publicised in the Ulster Star and Lurgan Mail from 29 August to 04 September 2024.

The consultation event will include a number of large boards with detail of the proposal. Notification letters will issue to all residents/commercial premises within 200 metres of the site boundary week commencing 02 September 2024.

Consultation materials and a feedback form will be placed online for those unable to attend the public consultation event in person. Feedback may also be provided through a dedicated email inbox, answerphone service and postal address. Information on how to access these means of providing feedback will be included on the public notice associated with the proposal and also within the aforementioned leaflet sent out to all properties within a 200-metre radius of the proposed site.

A copy of the Notice has also issued to Elected Members of the DEA and others as identified on the PAN form on 07 August 2024.

Recommendation

18. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee agrees the information is submitted in accordance with the legislation and related guidance.



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

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

Mr

First name

Ian

Surname

Poole

Company Name

SuperValu Ltd

Address

Address line 1

21 Main Street

Address line 2

Moira

Address line 3

Town/City

Craigavon

Country

275

Contact Details

Telephone number

Mobile number

Email address

Agent Details

Name/Company

Company / Organisation

Title

First name

Surname

Address

Address line 1

Address line 2

Address line 3

Town/City

Postcode

Contact Details

276

Telephone number

Mobile number

Email address

Ref no.

Site Address

Disclaimer: Recommendations can only be based on the answers given to the questions.

If you cannot provide a postcode, then further details must be provided below for 'Description of site location' by providing the most accurate site description you can in order to help locate the site.

Number

Suffix

Property Name

Address Line 1

Address Line 2

Town/city

Postcode

Description of site location (must be completed if postcode is not known)

Description

Easting co-ordinates (x)

360384

277

Site Area

What is the area of the site?

0.65

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

Proposed redevelopment of the Poole's SuperValu site in Moira incorporating 1nr replacement retail unit and 3nr lettable hot food units. Proposed demolition of the existing retail units and associated outbuildings. Proposed adjustment of site entry and exist point locations. Proposed construction of associated car parking including 3nr DDA, 2nr parent & child, 1nr air/water/vac spaces and 4nr EV car charging points. Proposed pedestrian footpaths with protection bollards and landscaped areas. Proposed dedicated secure delivery yard.

Please indicate what type of application is being requested

- Outline permission
 Full permission

Floorspace Summary

Does the proposal include floorspace?

- Yes
 No

What is the total gross floor space of proposed development (sq m)?

1497

Renewable Energy

Does your proposal involve renewable energy development?

- Yes No

Please add separate details for each applicable type of renewable energy

Renewable energy type:

Solar collectors / Solar panels

Total amount of power (MW) expected to be generated per year?:

1

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

Details of Proposed Consultation

Please add separate details for each proposed consultation

Proposed public event: Consultation event to include a number of large boards setting out the proposals. The event will be held in a vacant unit next to Poole's SuperValu, Moira and members of the design team will be in attendance. The event will take place between 3pm and 7pm.

Venue: Vacant unit next to Poole's SuperValu, 21 Main Street, Moira

Date and time: 18/09/2024 15:00

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

Publication

Name of publication Ulster Star

Proposed advert date start 29/08/2024

Proposed advert date finish 04/09/2024

Publication

Name of publication Lurgan Mail

Proposed advert date start 29/08/2024

Proposed advert date finish 04/09/2024

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)

Notification letter to all residents / commercial premises within 200 metres of the site boundary. Letters to be issued in w/c 2nd September 2024.

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

The consultation will be uploaded to Redevelopment of Poole's SuperValu Moira website on or before 18th September and remain there.

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

Elected member(s) for District Electoral Area:

Downshire West: Alderman Allan Ewart MBE (DUP), Alderman Owen Gawith (Alliance), Councillor Alan Martin (UUP), Councillor Caleb McCready (DUP), Councillor Gretta Thompson (Alliance)

Date notice served:

07/08/2024

Details for Other Parties

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

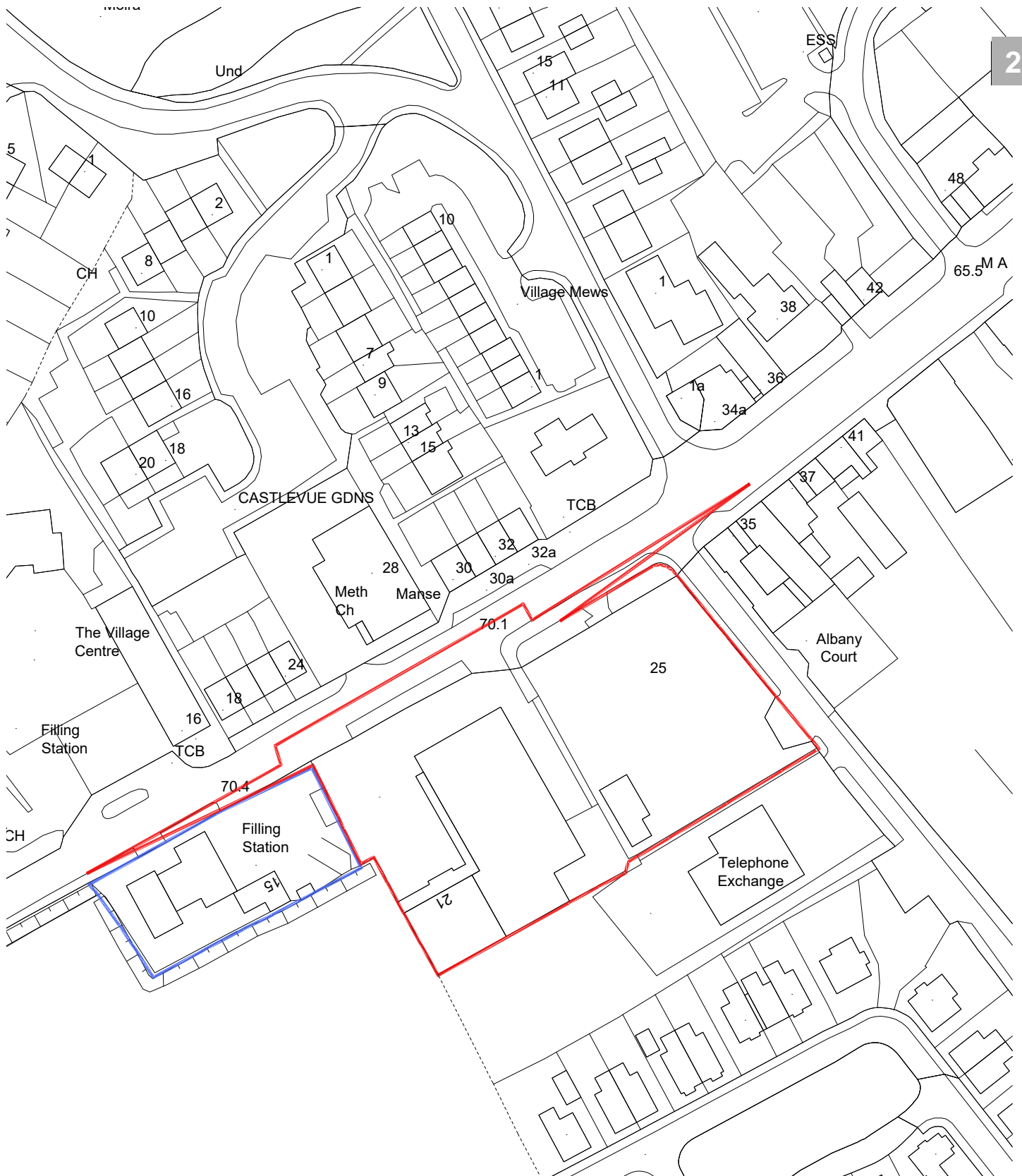
Jason Bosket

Date

05/08/2024


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



SITE LOCATION
1:1250 @ A4

REVISIONS

X	XX.XX.XX	XX	X								
 379 Antrim Road, Newtownabbey, Co. Antrim, BT36 5EB www.whittakerandwatt.com / Tel - 028 9084 1029				Project PROPOSED REDEVELOPMENT OF POOLE'S SUPERVALUE 21 MAIN STREET MOIRA		Dwg Name: SITE LOCATION		Issue: SKETCH		Format: A4	
				Client MR IAN POOLE		Date: 03.05.24	Drawn: HS	Checked: AL	Scale: 1:2500		
				Dwg No: 215510-SM-WW-ZZ-ZZ-DR-A 100-001-P00							

Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2023 – March 2024)

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in Northern Ireland and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. On 01 August 2024, the Department for Infrastructure published the Northern Ireland Statistics Annual Statistic Bulletin (April 2023 – March 2024) which can be found at the link:

[Northern Ireland planning statistics April 2023 - March 2024 | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

3. This bulletin provides an overall view of planning activity across Northern Ireland including a summary on the performance of Council's measured against the two statutory targets for major and local planning applications.
4. This bulletin recognises that there have been some key events in recent years that will have impacted on planning activity and processing performance namely the coronavirus pandemic, accessibility of planning system for some users during January and February 2022 and a significant change in IT systems in December 2022.

Key Issues

1. There were 10,025 planning applications received during 2023/24; an 10.6% decrease from the previous financial year [11,217 applications] across all the Council Areas. The majority of the applications received were categorised as local applications – 9,870; a decrease of 10.9% on previous year [11,072]. Of the balance 154 were categorised as major applications and one was regionally significant.
2. The volume of applications received is noted to have decreased in Lisburn and Castlereagh by 16.2% compared with volumes received last year [135 applications less] which is broadly comparable to the general reduction in the number of applications received in Northern Ireland as a whole [-10%].
3. The number of planning decisions issued during 2023/24 across Northern Ireland was 9734, a decrease of 9.6% on the previous year [10771 applications].

4. A total of 611 decisions issued within LCCC, which was less than the number issued the previous year [726]. This is a 15.8% reduction in the total number of decisions issued which is below the average in Northern Ireland as a whole.
5. Whilst the number of applications received in LCCC exceeded the number of decisions issued in during 2023/24 [88], no significant backlog was created.
6. In 2023/2024 it took on average 20.8 weeks to process local applications to decision or withdrawal across all Councils. This was 1.8 weeks longer than the previous financial year.
7. Lisburn & Castlereagh City Council was one of eight Councils that did not meet the fifteen week target for processing local applications. The average processing times for local applications within LCCC was 42.4 weeks which was 9.7 weeks longer than last year.
8. Officers were focused on reducing the number of older applications in the 2023/24 business year and legal challenges and ongoing resourcing pressures impacted on our ability to improve performance in relation to local applications.
9. However, 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.
10. A total of 158 major planning applications were received in Northern Ireland during 2023/24, which was 6.3% more than the previous year. The average processing time for major applications increased by 8 weeks to 57.8 compared to 49.8 weeks across all councils last year. No Council met the 30 week target in 2022/23.
11. A total of 8 major applications were received in LCCC during the reporting period and performance in respect of major applications within LCCC was 56.4 weeks, an improvement of 30.8 weeks compared to the previous year.
12. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. Improvements in processing times for local applications is a performance improvement objective for the Council and key performance indicators are developed in assisting in returning the Unit to good performance against the statutory indicator.
13. 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 procedure is drafted to speed up the processing of planning agreements.

2.0

Recommendation

It is recommended that the Committee notes the information provided in relation to the:

1. Analysis of 2023/2024 Bulletin relative to LCCC.
2. Northern Ireland Statistics Annual Statistic Bulletin (April 2023 – March 2024).

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 <u>or</u> rationale why the screening was not carried out</p> <p>This is a report providing an analysis of planning statistics relative to LCCC. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>This is a report providing an analysis of planning statistics relative to LCCC. RNIA is not required.</p>	

<p>Appendices:</p>	<p>Appendix 5(a) – Analysis of 2023/2024 Bulletin relative to LCCC</p> <p>Appendix 5(b) – Northern Ireland Planning Statistics – Annual Statistical Bulletin (April 2023 – March 2024)</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	02 September 2024
Responsible Officer	Conor Hughes
Date of Report	13 August 2024
Legislation	Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015
Subject	Analysis of 20232024 Bulletin relative to LCCC
Attachments	Annual Statistical Bulletin

Purpose of the Report

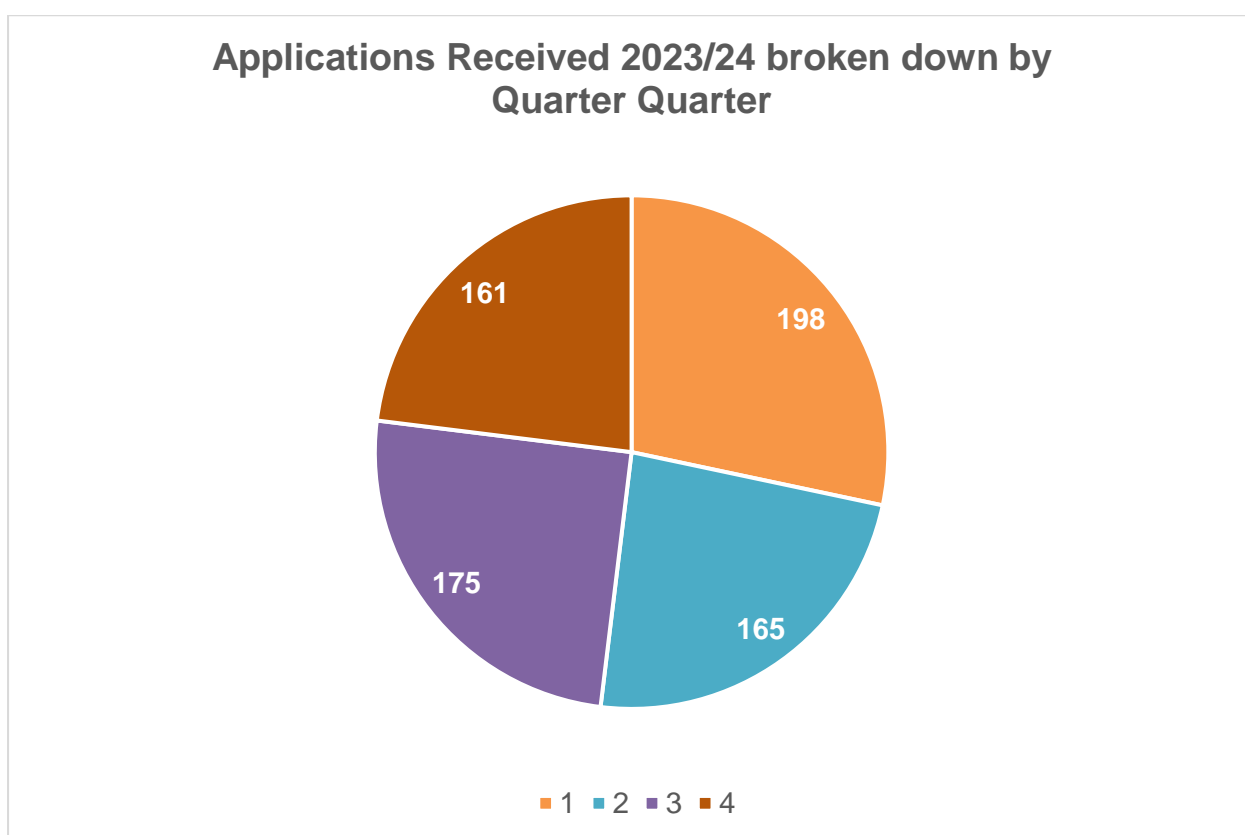
1. The purpose of this report is to provide members with an update and analysis of the data collated for the Lisburn and Castlereagh City Council Area in the Annual Statistical Bulletin (the Bulletin) produced by the Department for Infrastructure (DfI) and published on 01 August 2024 for the period April 2023 to March 2024. The document is attached at **Appendix 5(b)**.

Background

2. The Bulletin provides an overall view of planning activity across Northern Ireland and the details of individual Council performance in respect of the statutory targets for major and local development applications as laid out in the Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.
3. Members are reminded that the statutory targets for Development Management are as follows:
 - Major development applications will be processed within an average of 30 weeks.
 - Local development applications will be processed within an average of 15 weeks.

Overall Planning Activity

- 4. The Bulletin indicates that across Northern Ireland, the number of planning application received [10025] decreased by 10.6% on the previous financial year [11,217].
- 5. Within the Lisburn & Castlereagh City Council, a total of 699 applications were received (8 of which fell within the major category of development). This was 135 applications less than the number received in the previous year.



- 6. When broken down by types of development the majority of all the applications were for residential development (including alterations and extensions to existing dwellings).

Development Type	Received
Residential	424 [510]
Commercial	29 [37]

Development Type	Received
Industrial	11 [12]
Mixed Use	9 [26]
Civic	50 [48]
Change of Use	56 [53]
Agricultural	9 [14]
Other	112 [134]

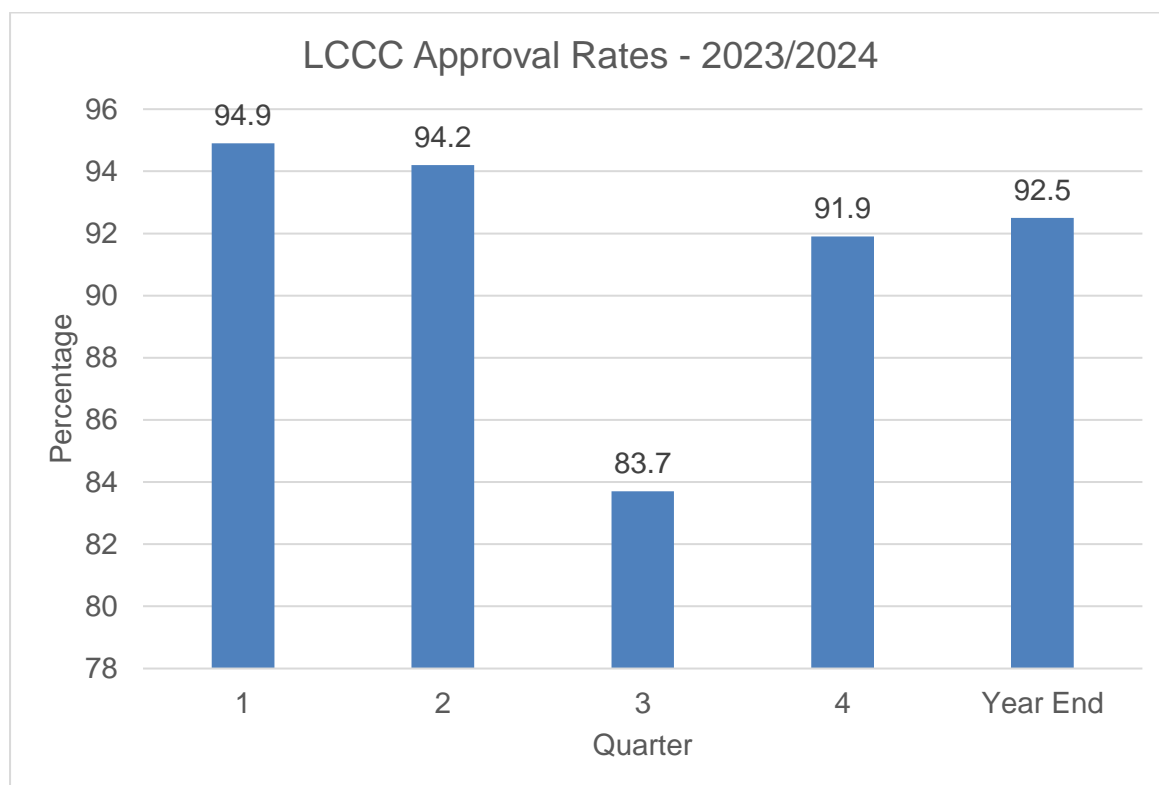
[] denotes the previous year 2022/23.

Applications Decided

7. In the 2023/24 business year, 611 planning decisions were issued. This was 115 less than the previous year. The approval rate for this business year was 92.7%.
8. The report acknowledges that in addition to processing planning applications, the Council dealt with other planning related work.
9. During 2023/24, this Council dealt with:
 - 49 [36] non-material change applications,
 - 53 [47] discharge of condition requests,
 - 25 [49] formal Pre-Application Discussion requests, and
 - 12 [10] Pre-Application Notices.
10. An increased interest in application processes was also noted with increased numbers of pieces of correspondence including requests for information under the Environmental Information Regulations. There was also a rise in the number of planning appeals received and processed over this period and work in relation to judicial review challenges continued.

Approval Rates

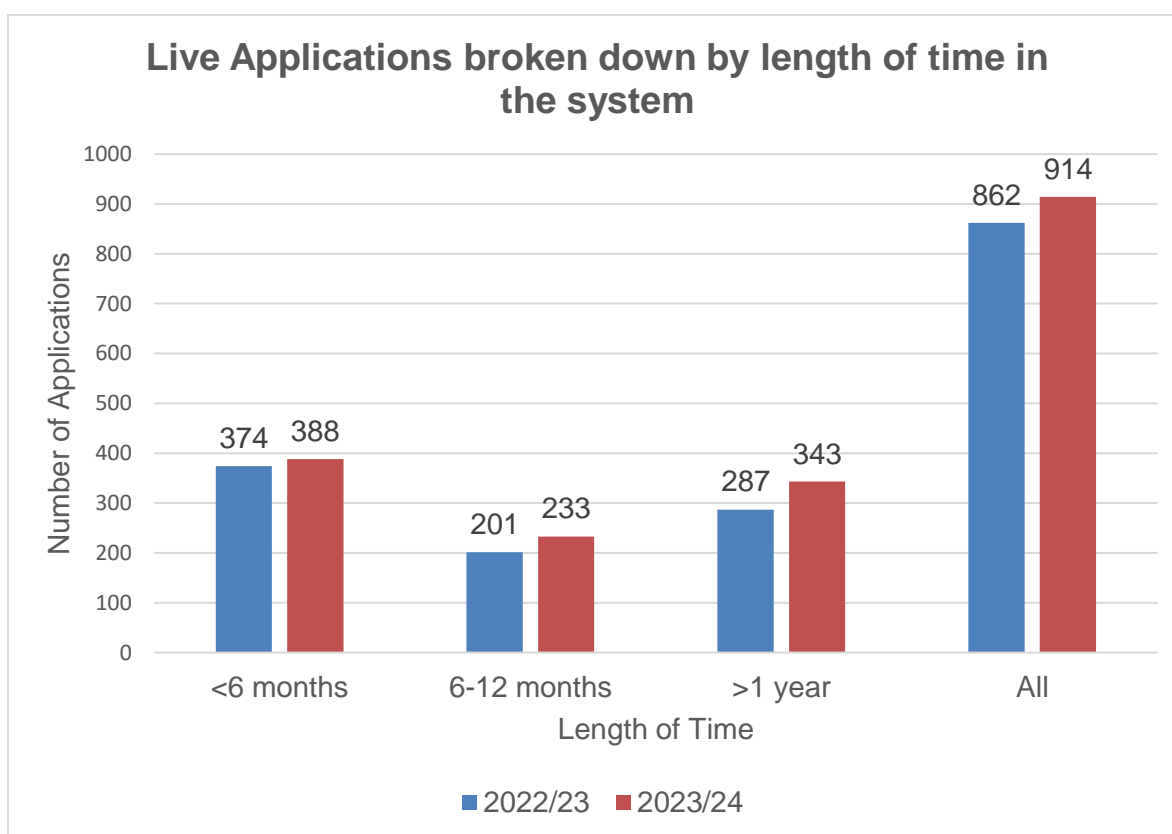
- 11. The Bulletin indicates that the overall Northern Ireland approval rate for all planning applications for 2023/2024 was 95.5%, similar to the approval rate in 2022/23 [95.3%].
- 12. Approval rates varied across councils during the 2023/24 business year. Seven Councils reported a decrease in approval rate when compared with last year. Approval rates are dependent on many factors and care should be taken in making any comparisons.
- 13. Lisburn & Castlereagh City Council reported a very marginal decrease from 93.7% to 92.5%. The trend over the 4 quarters is reflected in the chart below.



Live Applications

- 14. At the end of March 2024, there were 7869 live applications in the planning system as a whole which represents a decrease compared with the number and the end of March 2022 [8092].

- 15. Any increase in the live count is due to fewer applications being processed, i.e. decided or withdrawn, compared with applications received over a given period.
- 16. Three in every 10 live applications at the end of end of March 2024 were over one year old (30.3%), an increase from the proportion reported for the end of March 2023 (25.8%). The proportion of live cases in the system for over a year increased in six council areas.
- 17. The total number of live applications within LCCC at the end of March 2024 was 914. Last year, the figure as of the end of March 2023 was 862. The breakdown of live applications by length of time in the system is reflected in the chart below.



- 18. Across the Council network, there were 2367 live applications more than 12 months in the system. This is an average of 215 applications per Council Area. The actual number of cases for the Lisburn & Castlereagh City Council more than 12 months was 343.

19. The number of applications more than one year old grew by 128 in LCCC. There were a number of reasons for this but can be mainly attributed resourcing issues (vacancies and long-term sick absence where enduring and high), the implementation of a new Portal for case management; the publication of Plan Strategy and a new suite of planning policies and sustained challenge in the form of judicial review proceedings received by the Council in this period.

Major Development Planning Applications

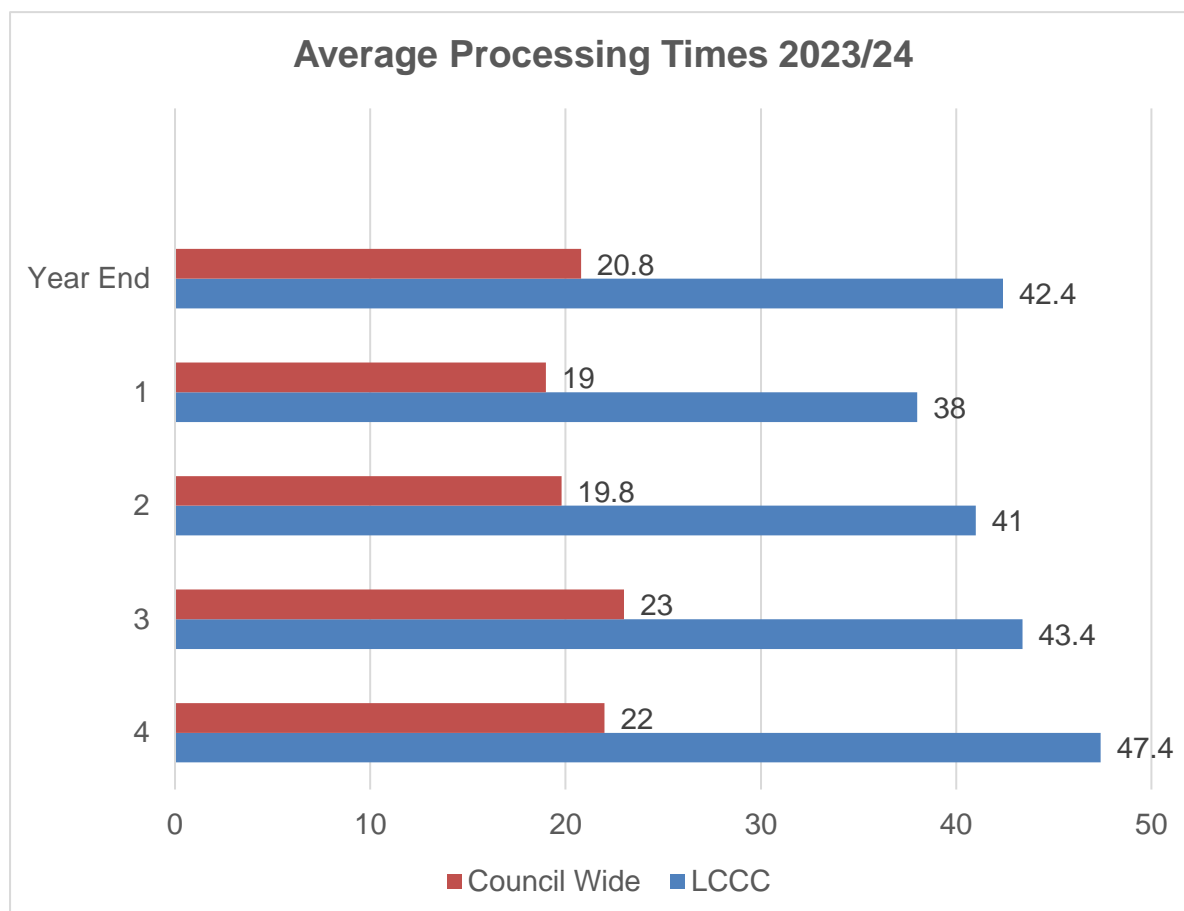
20. The Bulletin acknowledged that developments falling within the major category of application have important economic, social and environmental implications.
21. The number of major applications received across Northern Ireland during 2023/24 was 153 which was 9 more than the previous year.
22. LCCC received 8 major applications (which was 3 less than last year) and processed a total of 6 major applications to decision.
23. Average processing times for major applications across the Council network was noted in the Bulletin to be 46.5 weeks an increase of 11.3 weeks compared with the 57.8 week reported for the 2022/23 business year. Three Councils are reported to have met the statutory target of 30 weeks in 2022/23 business year.
24. Average processing times for major applications in LCCC at the year-end was 56.4 weeks compared with 87.2 weeks in the previous year.
25. Approval rates for major applications within LCCC registered in the Annual report at 100% which was higher than the Northern Ireland average of 98.5%.
26. The major category of applications represent only a small percentage (approximately 2%) of the total applications processed in this Council Area.
27. The importance that the contribution that applications of a large scale make to the local economy of Lisburn & Castlereagh is recognised and the Council continue to manage and process these cases proactively and expeditiously where possible.

28. Some of the major obstacles to achieving performance of a 30-week turnaround for major applications remains the need to secure Section 76 planning agreements. This adds significantly to the overall processing time for applications and not taken into account by the Department when this key performance indicator was designed. A protocol is designed to achieve continued improvement in the processing of legal agreements.
29. The oldest application decided during this period was a 2017 application for a two infill dwellings related to an earlier judicial review challenge.
30. There are currently 20 major applications in the system. It remains the target of the officers to present at least one major application to Committee every month and there remains a continued focus on moving major applications through the planning system as soon as the process allows

Local Development Planning Applications

31. Local applications are typically residential and minor commercial applications. The number of local applications received across Northern Ireland during 2023/24 was 9868 (a decrease of 10.9 %) from the 11,071 received during 2022/23.
32. The number of local planning applications decided in 2023/24 was 9,594 a decrease of 9.6% when compared with the 2022/23 figure (10,614).
33. LCCC received 691 local applications which was 132 applications more than the number received the previous year (823). A total of 605 decisions issued in respect of local applications during the reporting period which was 111 less than the number issued last year [716].
34. Average processing times across the Council network was noted in the Annual Bulletin to be 20.8 weeks representing a 1.8 week increase compared with 2022/23 [19 weeks]. The shortest average processing time for local applications was 9.4 weeks.

35. Average processing times for processing local applications in LCCC at year end was 42.4 weeks, an increase of 9.7 weeks when compared with the 32.7 week processing time captured for the previous business year.



36. Improvements in processing times for local applications is a performance improvement objective for the Council and key performance indicators are developed in assisting in returning the Unit to good performance against the statutory indicator.

37. During this reporting period, the Planning Unit brought 128 [141] applications to the weekly delegated list for Member consideration. Of those 31 [28] applications were 'Called In' to the Committee for determination.

38. A total of 67 [66] applications to the Planning Committee for determination. Of these, 16 were deferred and presented back to Committee the following month. There were no meetings of the Planning Committee in May or July 2023 due to

the elections and Direction in relation to Plan Strategy. Approximately 7 applications were presented each month.

39. Approval rates for local applications within LCCC registered in the Annual report as 92.4%, which was 3% lower than the Council wide rate of 95.4%.

Recommendation

40. It is recommended that Members note the information provided in the report in relation to performance against the statutory target in this Council area when considered in the context of the performance of the planning function in Northern Ireland in the year 2023/24.



Northern Ireland
Statistics and Research Agency
Gníomhaireacht Thuaisceart Éireann
um Staitisticí agus Taighde



Department for
Infrastructure

An Roinn
Bonneagair 293

Department für
Infrastruktur

www.infrastructure-ni.gov.uk

NORTHERN IRELAND PLANNING STATISTICS

Annual Statistical Bulletin 2023/24

April 2023 to March 2024



Theme: People and Places
Coverage: Northern Ireland
Frequency: Annual
Date of Publication: 1 August 2024

Published by: Analysis, Statistics & Research
Branch
Department for Infrastructure
1st Floor, James House, Gasworks Site,
2 4 Cromac Avenue, Belfast, BT7 2JA

Statistician: Suzanne Napier
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Contents

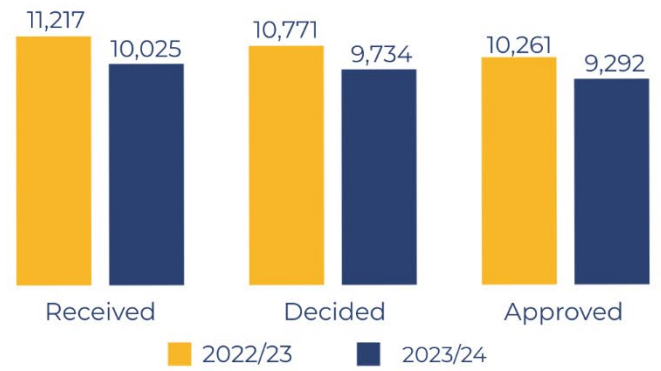
Key points	3
Infographic	4
Introduction	5
Chapter 1: Overall NI planning activity	6
Chapter 2: Major development	10
Chapter 3: Local development	12
Chapter 4: Enforcement activity	14

Key points

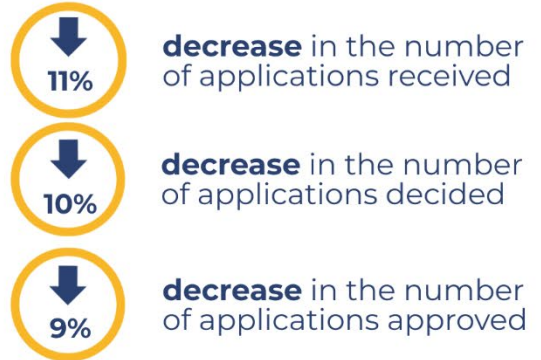
- There were 10,025 planning applications received in Northern Ireland (NI) during 2023/24; an 11% decrease from the previous financial year. This comprised of 9,870 local, 154 major and one regionally significant application.
- A total of 9,734 planning applications were decided during 2023/24; a decrease of 10% from the previous financial year. Decisions were issued on 9,595 local and 139 major applications during 2023/24.
- The average processing time for local applications brought to a decision or withdrawal during 2023/24 was 20.8 weeks across all councils. This exceeds the 15 week target and represents an increase of 1.8 weeks from the same period a year earlier. Three of the 11 councils met the 15 week target in 2023/24.
- The average processing time for major applications brought to a decision or withdrawal during 2023/24 was 46.5 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 11.3 weeks compared with the same period a year earlier. Three of the 11 councils met the 30 week target in 2023/24.
- Across councils 76.4% of enforcement cases were concluded within 39 weeks during 2023/24. This represents an increase from the rate recorded in 2022/23 (74.2%) and meets the statutory target of 70%. Individually, seven of the 11 councils met the target in both 2022/23 and 2023/24.

Overall planning applications

Applications received, decided & approved



Comparing 2023/24 with 2022/23:

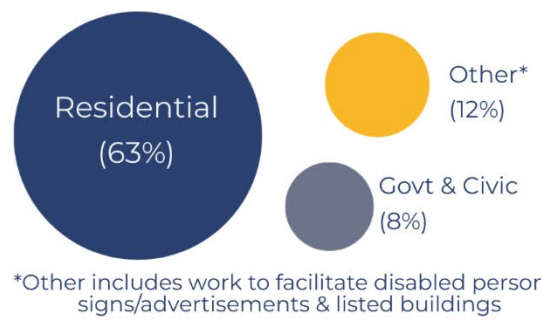


Applications received 2023/24

A total of 10,025 planning applications were received during 2023/24:



3 largest development types



Planning statutory targets 2023/24

Average processing times (weeks) - major



Councils within major target



Average processing times (weeks) - local



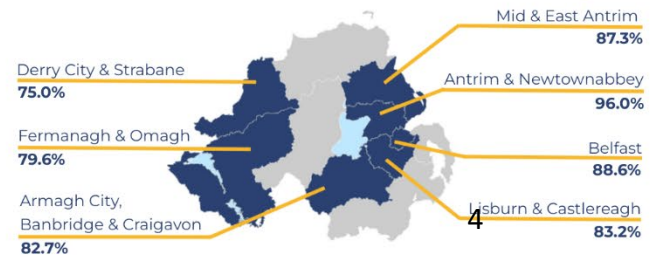
Councils within local target



% of enforcement cases concluded within 39 weeks



Councils within enforcement target



Northern Ireland Planning Statistics: Annual Statistical Bulletin 2023/24

Introduction

This statistical bulletin presents a summary of Northern Ireland (NI) planning volumes and processing performance for councils and the Department for Infrastructure for 2023/24.

Figures for 2023/24 are now final and will not be subject to further scheduled revisions. Enforcement figures for 2022/23 are now published in full within the [accompanying excel tables](#) and are now final.

The records of all planning applications from 1 April 2023 to 31 March 2024 were transferred in May 2024 from live databases. This included all live planning applications in the Northern Ireland and Mid Ulster Planning Portals. The data were validated by Analysis, Statistics and Research Branch (ASRB). Local councils and the Department were provided with their own headline planning statistics as part of the quality assurance process. Once validations were complete, final extracts were taken in July 2024.

Detailed notes on the background of NI Planning Statistics and user guidance for this publication can be found [here](#).

Future releases

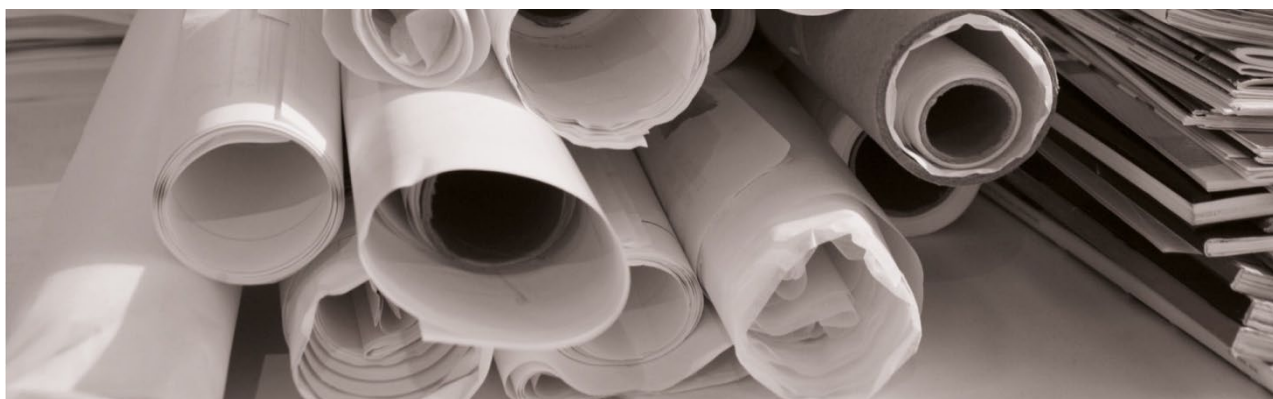
The next report will be a quarterly report covering the period 1 April to 30 June 2024. This quarterly report is planned for release in September 2024. The next annual report covering 2024/25 is planned for release in July 2025. See [GOV.UK](#) Release Calendar and [upcoming statistical releases](#) on the Department's website for future publication dates.

Northern Ireland regional planning IT systems

In 2022, two new planning portals were introduced; the [Northern Ireland Planning Portal](#) for 10 councils and the Department for Infrastructure, and the [Mid Ulster planning portal](#). The transfer to the new planning portals will have impacted on planning activity and processing performance; this should be borne in mind when making comparisons with other time periods. The reporting of data relating to the number of enforcements concluded and processing times has recommenced in this report. Enforcement data for 2022/23 and 2023/24 is fully published in the accompanying excel tables.

Alternative formats

This document may be made available in alternative formats, please contact us to discuss your requirements. Contact details are available on the cover page of this report.



Chapter 1:

Overall Northern Ireland planning activity

In 2023/24 the volume of planning applications received and processed (i.e. decided or withdrawn) was the lowest since the series began in 2002/03. The number of enforcement cases opened and closed during 2023/24 was the lowest annual figures recorded since 2015/16.

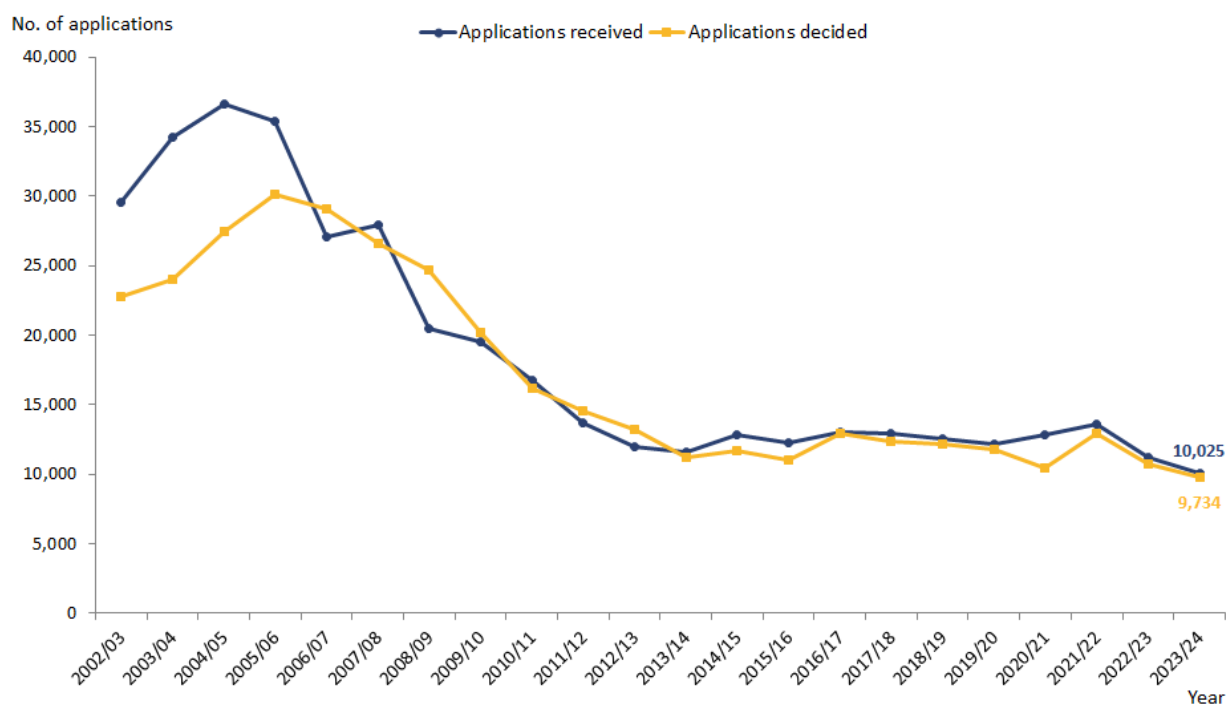
There have been some key events in recent years that will have impacted on planning activity and processing performance. These were the coronavirus pandemic with varying restrictions in place up until February 2022; the accessibility of the planning system for some users for a period during January and February 2022, and a significant change in IT planning systems with the development and implementation of two new planning systems in June and December 2022. All these factors should be borne in mind when interpreting these figures and when making comparisons with other time periods.

Applications received

The number of planning applications received in Northern Ireland (NI) by councils and the Department in 2023/24 was 10,025; a decrease of 10.6% from the previous financial year (11,217) and the lowest level on record. See Figure 1.1 and [Refer to Tables 1.1, 1.2.](#)

Almost three-quarters of the planning applications received in 2023/24 were for full planning permission (74.5%); a decrease on the proportion reported for 2022/23 (75.5%).

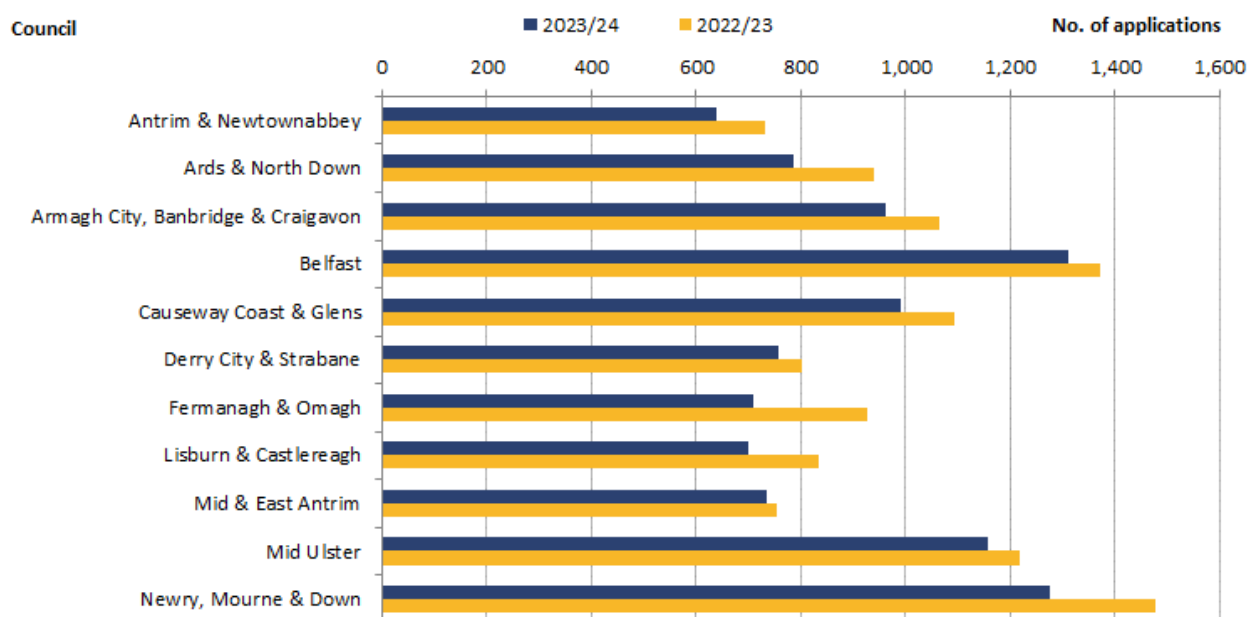
Fig 1.1 NI planning applications, annually, 2002/03 to 2023/24



All councils reported a decrease in the number of planning applications received in 2023/24 compared with the previous quarter, with the greatest decrease in Fermanagh and Omagh (-23.5%).

During 2023/24, the number of planning applications received varied across councils, ranging from 1,311 in Belfast (accounting for 13.1% of all applications received across NI) to 639 in Antrim and Newtownabbey (6.4% of all applications received). See Figure 1.1 and [Refer to Tables 1.1, 1.2.](#)

Fig 1.2 Applications received by council, 2022/23 & 2023/24



Applications decided

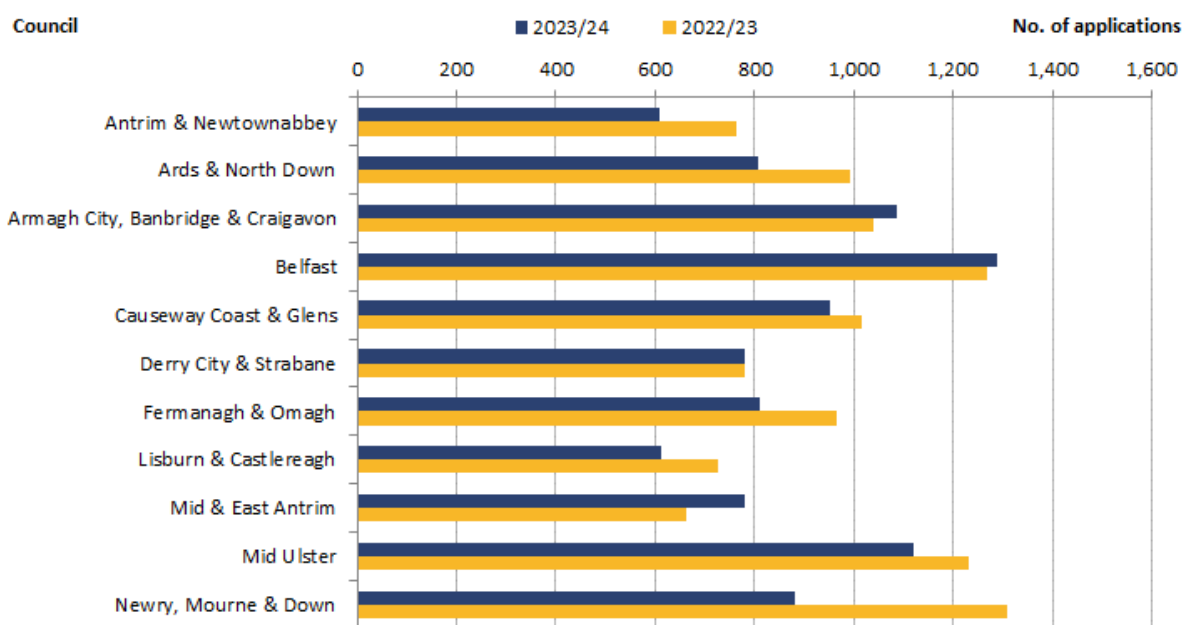
The number of planning decisions issued by councils and the Department in 2023/24 was 9,734; a decrease of 9.6% from the previous financial year (10,771) and the lowest level on record. See Figure 1.1 and [Tables 1.1, 1.2](#).

Almost three quarters of planning decisions in 2023/24 (74.8%) were for full planning permission. This was a decrease from the proportion recorded for the previous financial year (75.2%).

Across councils the number of decisions issued during 2023/24 ranged from 1,289 in Belfast (accounting for 13.2% of all decisions across NI) to 609 in Antrim and Newtownabbey (6.3% of all decisions).

Seven of the 11 councils reported a decrease in the number of applications decided in 2023/24 when compared with the previous year, with the greatest decrease recorded in Newry, Mourne and Down (-32.6%). See Figure 1.3 and [Table 1.2](#).

Fig 1.3 Applications decided by council, 2022/23 & 2023/24



In 2023/24, 569 applications were withdrawn, this was similar to the number withdrawn in the previous year (565).

Approval rates

The overall Northern Ireland approval rate for all planning applications was 95.5% in 2023/24. This was similar to the rate in 2022/23 (95.3%). [Refer to Table 1.1](#).

Approval rates varied across councils during 2023/24, from 99.2% in Mid Ulster to 89.3% in Antrim and Newtownabbey. These rates are dependent on many factors and care should be taken in making any comparisons. [Refer to Table 1.2](#).

Live applications

There were 7,869 live applications in the planning system across NI at the end of March 2024, a decrease over the year from the end of March 2023 (8,092).

Three in every ten live applications at the end of March 2024 were over one year old (30.3%); an increase from the proportion reported at the end of March 2023 (25.8%). [Refer to Table 1.3.](#)

Departmental activity

There were seven applications received by the Department in 2023/24, up from the two received during 2022/23. Four applications were decided during the year, compared with 15 decided in the previous year. No departmental applications have been withdrawn since Q1 2022/23. At the end of March 2024 there were 22 live Departmental applications; 15 out of the 22 were in the planning system for over a year.



It is a target for the Department to contribute to sustainable economic growth by processing regionally significant planning applications from date valid to a ministerial recommendation or withdrawal within an average of 30 weeks.

Of the five RSD applications live in the planning system at the end of March 2024, three have been progressed to ministerial recommendation but the 30 week period for recommendation/withdrawal has been exceeded. Of the remaining two awaiting ministerial recommendation, the 30 week period has been exceeded for one of them.

Development type

Most planning applications received and decided in NI are for residential development. Residential applications accounted for over three-fifths (6,307; 62.9%) of applications received in 2023/24, followed by 'Other' (1,174; 11.7%) and 'Government and Civic' (821; 8.2%).

The top three development types decided in 2023/24 were 'Residential' (6,156), 'Other' (1,226) and 'Government and Civic' (782). [Refer to Tables 5.1, 5.2.](#)

Renewable energy activity

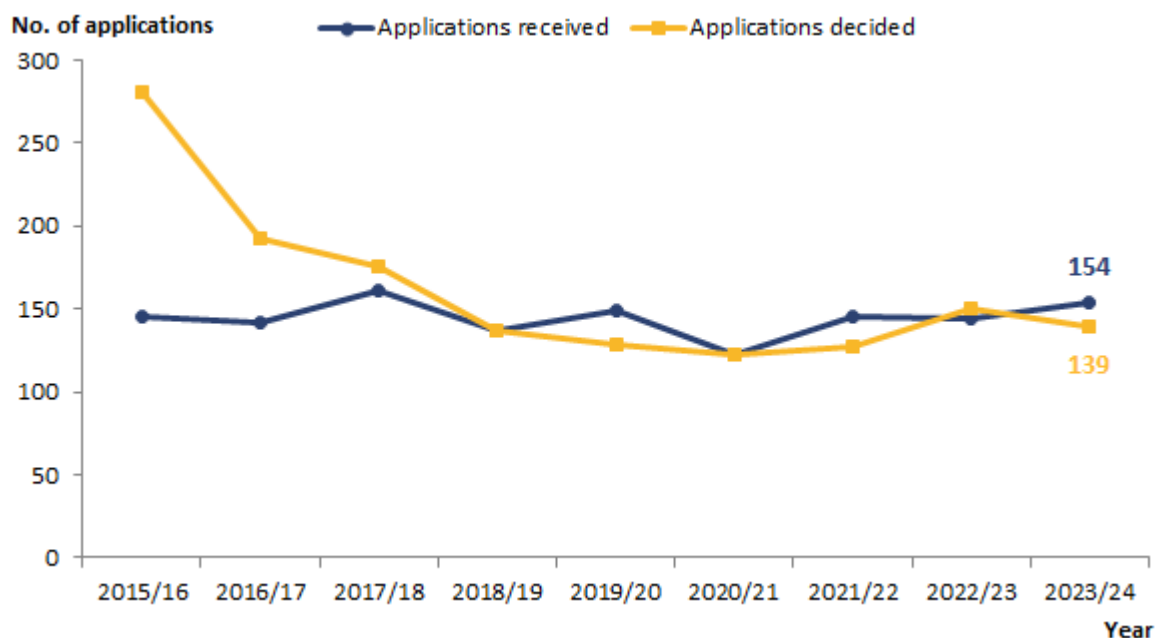
There were 126 renewable energy applications received in 2023/24; a slight increase from the previous year (121). Eighty-seven renewable energy applications were decided during 2023/24; this compares to 82 in 2022/23.



Chapter 2: Major development planning applications

Major Developments have important economic, social, and environmental implications. Most major applications are multiple housing, commercial, and government and civic types of development. A total of 154 major planning applications were received in NI during 2023/24; up from the previous year (144). [Refer to Table 3.1.](#)

Fig 3.1 Major development applications, annually, 2015/16 to 2023/24



During 2023/24, 139 major planning applications were decided; down from the 150 decided in the previous year (Figure 3.1). The approval rate for major applications decided upon in NI during 2023/24 was 98.6%. [Refer to Tables 3.1, 3.2.](#)

Major planning applications statutory target

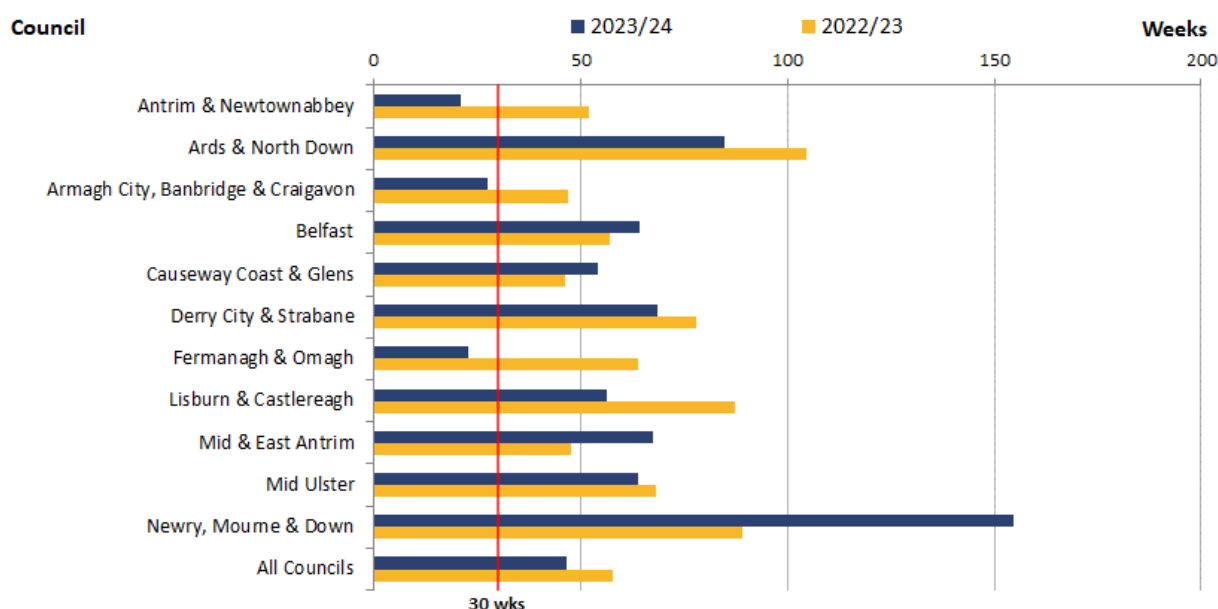


It is a statutory target for each council that major development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 30 weeks.

Figure 3.2 presents annual average processing times for major applications. The average processing time for major applications brought to a decision or withdrawal during 2023/24 was 46.5 weeks across all councils. While exceeding the 30 week target, this represents a decrease of 11.3 weeks when compared with 2022/23 (57.8 weeks).

The processing time in 2023/24 (46.5 weeks) for major planning applications is the second lowest annual processing time recorded across the series since reporting started in 2015/16.

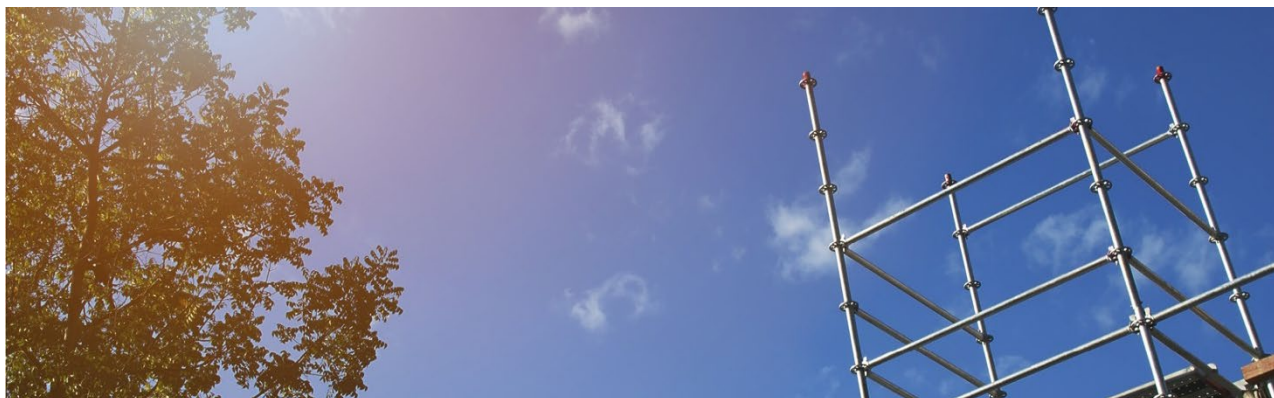
Fig 3.2 Major development average processing times by council, 2022/23 & 2023/24



Note: Whilst Figure 3.2 has been provided for completeness, across councils there may be an insufficient number of major applications processed during the period reported to allow any meaningful assessment of their individual performance.

Three of the eleven councils met the 30 week target in 2023/24; these were Antrim and Newtownabbey (21.1 weeks; 20 applications) and Fermanagh and Omagh (22.9 weeks: 12 applications) and Armagh, Banbridge and Craigavon (27.6 weeks: 11 applications). See Figure 3.2.

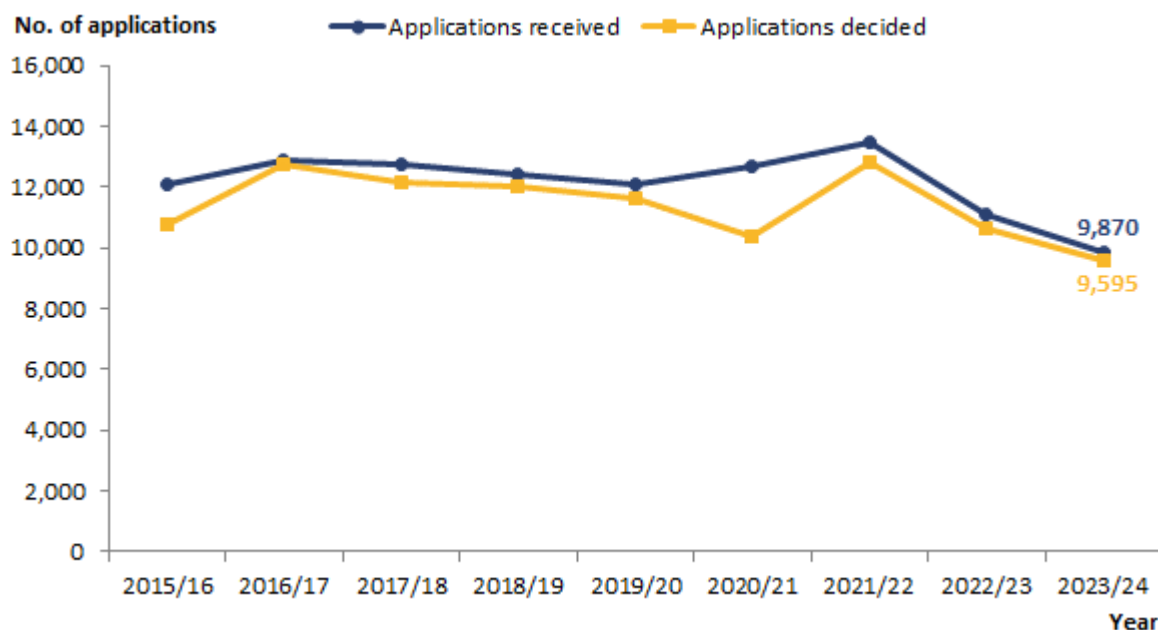
[Refer to Table 3.2 for further information.](#)



Chapter 3: Local development planning applications

Local Development planning applications are mostly residential and minor commercial applications and are largely determined by the councils. The number of local applications received in NI during 2023/24 was 9,870; a decrease of 10.9% on the previous year (11,072). [Refer to Table 4.1.](#)

Fig 4.1 Local development applications, annually, 2015/16 to 2023/24



The number of local applications decided in 2023/24 was 9,595; down by 9.7% on the previous year (10,620); [refer to Table 4.1.](#) The overall Northern Ireland approval rate for local applications was 95.4% in 2023/24; similar to the rate reported in 2022/23 (95.2%).

Local planning applications statutory target



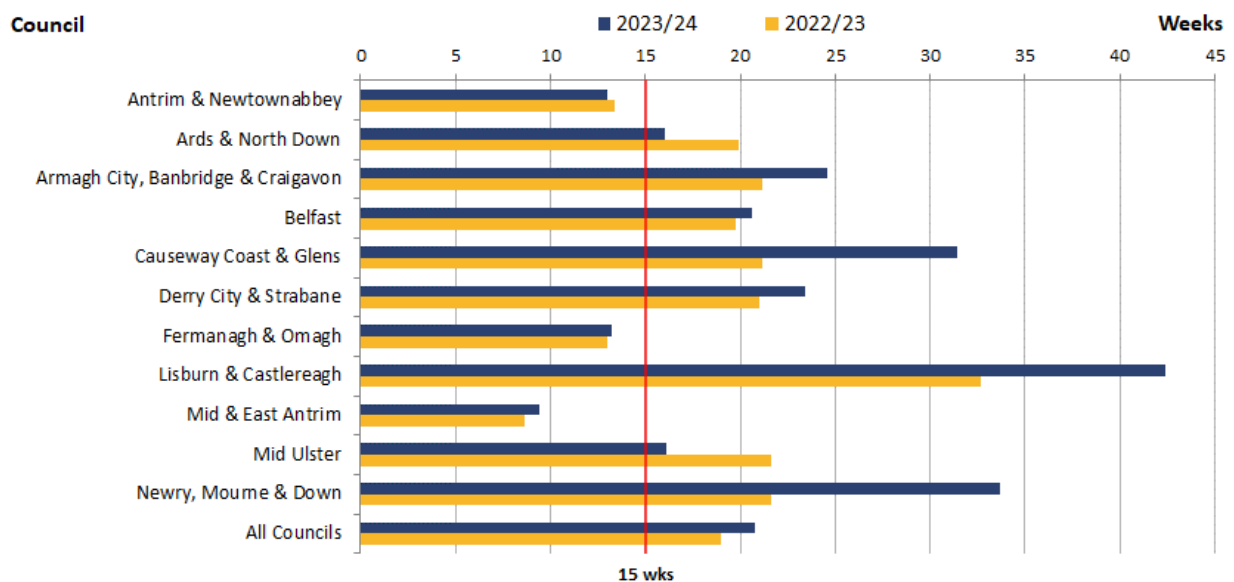
It is a statutory target for each council that local development planning applications will be processed from the date valid to decision issued or withdrawal date within an average of 15 weeks.

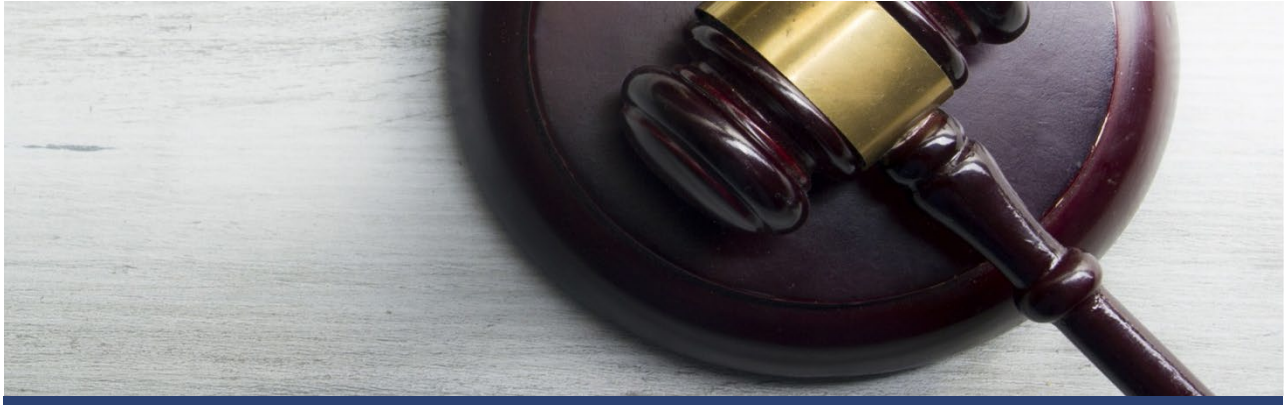
The average processing time for local applications brought to a decision or withdrawal during 2023/24 was 20.8 weeks. This exceeds the statutory target of 15 weeks, and represents an increase of 1.8 weeks from the average processing time reported for 2022/23 (19.0 weeks).

Three of the 11 councils met the 15 week target in 2023/24; these were Mid and East Antrim (9.4 weeks), Antrim and Newtownabbey (13.0 weeks) and Fermanagh and Omagh (13.2 weeks). See Figure 4.1.

[Refer to Table 4.2 for further information.](#)

Fig 4.2 Local development average processing times by council, 2022/23 & 2023/24

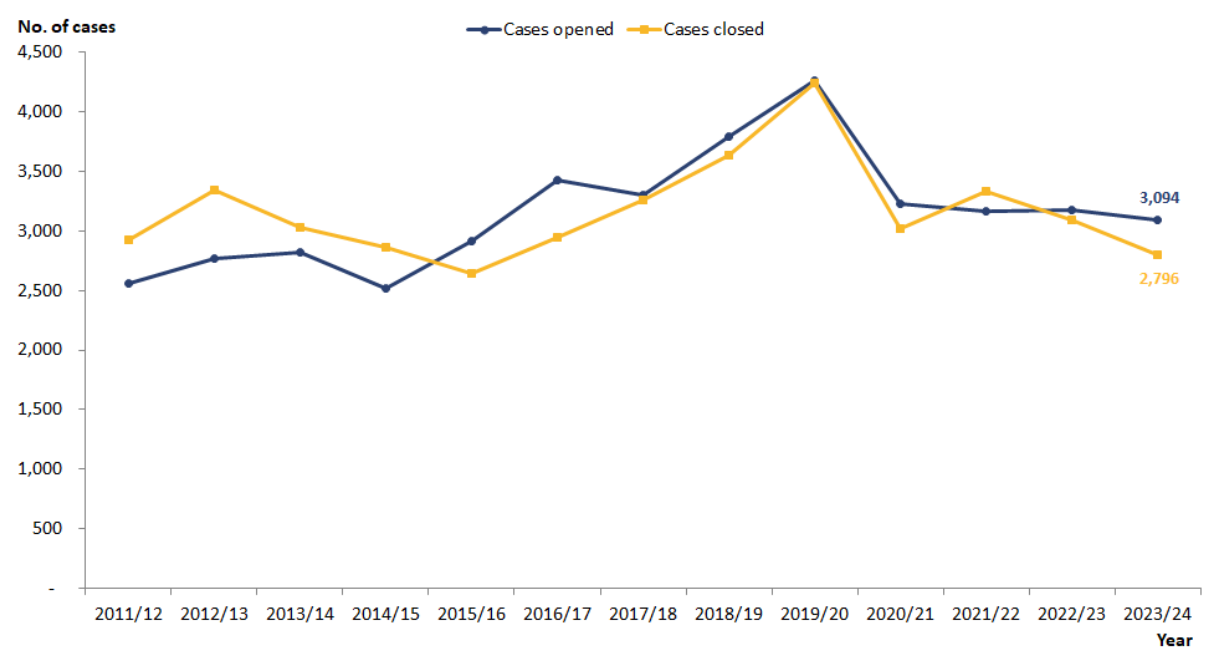




Chapter 4: Enforcement activity

The number of enforcement cases opened in NI during 2023/24 was 3,094; down by 2.7% over the year (3,180). [Refer to Table 6.1.](#)

Fig 6.1 Enforcement cases opened & closed, annually, 2011/12 to 2023/24



The number of enforcement cases closed during 2023/24 was 2,796; down by 9.7% over the year from 3,096. See Figure 6.1.

The number of enforcement cases over two years old stood at 1,478 at the end of March 2024, accounting for 36.6% of all live cases. This compared with 35.0% of live cases at the end of March 2023.

[Refer to Tables and 6.1 and 6.4.](#)

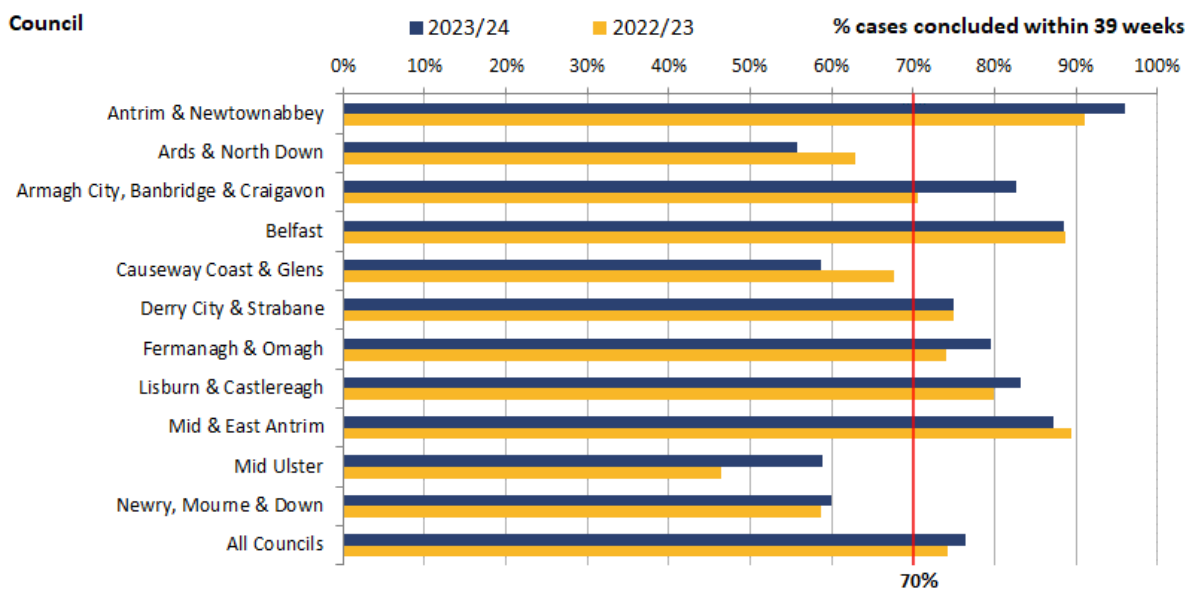
Enforcement cases statutory target



It is a statutory target that 70% of all enforcement cases dealt with by councils are progressed to target conclusion within 39 weeks of receipt of complaint.

Across all councils, 76.4% of enforcement cases were concluded within 39 weeks during 2023/24, meeting the statutory target of 70%. This represents an increase from the rate reported for 2022/23 (74.2%).

Fig 6.2 Percentage of cases concluded within 39 weeks by council, 2022/23 and 2023/24



During both 2022/23 and 2023/24 seven of the 11 councils individually met the statutory target.

One council has exceeded 90% of enforcements being progressed to target conclusion within 39 weeks. This was Antrim and Newtownabbey recording 91.2% in 2022/23 and 96.0% in 2023/24. See Figure 6.2 and [Refer to Table 6.2.](#)



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Accredited Official Statistics

The Northern Ireland Planning Statistics were accredited in December 2020, following an independent review by the Office for Statistics Regulation (OSR). This means that the statistics comply with the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) and should be labelled '[accredited official statistics](#)'¹.

Our statistical practice is regulated by the OSR who sets the standards of trustworthiness, quality and value in the [Code of Practice for Statistics](#) that all producers of official statistics should adhere to. You are welcome to contact us directly with any comments about how we meet these standards. Alternatively, you can contact OSR by emailing regulation@statistics.gov.uk or via the OSR website.

¹ National Statistics are [accredited official statistics](#).

Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Statutory Performance Indicators – July 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 functions.
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 July 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 July 2024 was 32.4 weeks with performance year to date noted to be 33.3 weeks. The July performance is based on 62 applications having been decided. This percentage number of cases processed within 15 weeks is increased from 31.5% in June to 32.3% in July.
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 continues 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 Autumn 2024 and a programme of improvement is planned to assist in improving the timeliness of decision making.

	<p>6. Performance against the statutory target for major applications for July 2024 was 197.8 weeks with the performance year to date noted to be 54.3 weeks. 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.</p> <p>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.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the information in relation to the July 2024 Statutory Performance Indicators.</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 <u>or</u> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

Appendices:	Appendix 6 – Statutory Performance Indicators – July 2024
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Statutory targets monthly update - July 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	51	32.6	12.2%	20	19	46.6	63.2%
May	2	1	59.2	0.0%	62	60	34.3	23.3%	34	41	33.6	80.5%
June	1	1	22.4	100.0%	45	73	32.0	31.5%	13	22	40.1	63.6%
July	1	1	197.8	0.0%	35	62	32.4	32.3%	14	21	50.0	61.9%
August	-	-	-	-	-	-	-	-	-	-	-	-
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	5	4	54.3	25.0%	202	246	33.3	25.8%	81	103	39.2	69.9%

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:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Council Validation Checklist Requirements

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. In January 2022 the Department for Infrastructure published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review). It contained 16 recommendations aimed at improving the planning system. 2. The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. 3. The Department stated in the review report: <ul style="list-style-type: none"> <i>The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.</i> 4. The need to improve the quality of planning applications coming into the system was further highlighted in the findings of a joint report published on 01 February 2022 by the Comptroller and Auditor General and the Local Government Auditor in relation to the Northern Ireland Planning System (Planning in Northern Ireland). 5. It mentioned that the issue of poor-quality applications was highlighted by the Audit office in a report on Planning in 2009 and that the Department indicated at that time, that it intended to take forward legislative changes to better manage application validation through the Planning Forum and the Review of the Implementation of the Planning Act. 6. Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO) in February 2022, and the Public Accounts Committee (PAC) in March 2022, both referenced the need for, and benefits of, the introduction of validation checklists. 7. Whilst no date for the legislative changes to take effect has been confirmed by the Department, progress is being made in the drafting of the legislation. 8. The Department did previously seek views on its proposals to revise the information requirements for the submission of planning applications in November 2022. The Department has also written to Councils encouraging them to prepare local validation checklists in advance of any legislative changes. In anticipation of
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the legislation coming into effect in the Autumn of 2024 a draft checklist is proposed for this Council Area.

Key Issues

1. The need for a checklist is an agreed objective of the Council’s performance improvement plan 2024/25. It is also part of a wider programme of improvements which are to be delivered in accordance with a Service Improvement Programme which is identified in the Plan to be implemented by end of the 2024/25 business year.
2. The Corporate improvement plan is available to view via the following link [Performance Improvement - Lisburn & Castlereagh \(lisburncastlereagh.gov.uk\)](https://lisburncastlereagh.gov.uk)
3. The purpose of the proposed Council Validation Checklist Requirements is to:
 - assist in ensuring that an application is valid when submitted;
 - ensure that all applications can be dealt with effectively and efficiently;
 - respond positively to best practice advice issued by government; and
 - ensure that Lisburn and Castlereagh City Council complies with legislation in relation to planning applications.
4. This Council Validation Checklist Requirement document will provide detail on the following:
 - Legislative Requirements that underpin the requirement to make a checklist;
 - The Council Validation Requirements on receipt of an application;
 - What information is required when submitting an application;
 - What the minimum standard for Plans and Drawings is;
 - How to describe your Proposal;
5. In accordance with Best Practice, the Council Validation Checklist Requirements should be reviewed every two years.

- 2.0 It is recommended that Members note:
1. The attached draft Council Validation Checklist Requirements document and associated validation matrix.
 2. That the document is to be presented to the Regeneration and Growth Committee for decision on 5 September 2024, published to the Council website and implemented with effect from [the date the proposed legislation takes effect].

3.0 **Finance and Resource Implications**
 No finance or resource implications are identified.

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

4.1	Has an equality and good relations screening been carried out?	No
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4.2	<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 that seeks agreement from Members on an operational matter pertaining to Council Validation Checklist Requirements. It is not a new policy. EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report that seeks agreement from Members an operational matter pertaining to Council Validation Checklist Requirements. It is not new policy. RNIA not required.</p>	

Appendices:

Appendix 7 – Council Validation Checklist Requirements – FINAL Draft



Council Validation Checklist Requirements [Draft]

[From date Direction takes effect following
publication of statutory rule]

Contents

- 1.0 Introduction
- 2.0 Legislative Requirements
- 3.0 Council Validation Checklist Requirements
- 4.0 Submitting a Planning Application
- 5.0 Plans and Drawings
- 6.0 Describing your Proposal
- 7.0 Review

Appendices

Appendix 01 - Checklist Matrix

Appendix 02 - Justification/Advice

1.0 Introduction

- 1.1 There is a responsibility under Part 12 of the Local Government Act (Northern Ireland) 2014 to set improvement objectives and have arrangements in place to secure their achievement.
- 1.2 Performance improvement is a general duty of improvement that the Council is required to undertake. The Council must have regard in particular to improvement in the exercise of its functions in terms of:
- strategic effectiveness;
 - service quality;
 - service availability;
 - fairness;
 - sustainability;
 - efficiency; and
 - innovation.
- 1.3 The legislation also sets out that for each financial year, the Council must set and work to achieve 'improvement objectives' relating to the areas outlined above.
- 1.4 The Council's Performance Improvement Plan sets out what we will do in the year ahead to deliver on our statutory responsibility referenced above. These 'duties' relate to sections 84(1), 85(2) and 89(5) of the Act, whereby we must make arrangements to:
- secure continuous improvement
 - secure achievement of its improvement objectives
 - exercise its functions so that any central government departmental specified standards are met

2.0 Legislative Requirements

- 2.1 The Planning (General Development Procedure) Order (NI) 2015 sets out the minimum information that must be submitted with a planning application to make it 'valid'. If not submitted the Council cannot legally deal with your application.
- 2.2 These legislative requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by officers. An application for planning permission is to contain:
- a written description of the development;
 - an address or location of the land;
 - the name and address of the applicant;
 - a plan sufficient to identify the land;

- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

- 2.3 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and is the date used for the purposes for appeals against 'non-determination' of an application.
- 2.4 However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to processing delays with a consequent negative impact on resources and efficiency.
- 2.5 The Council may under the GDPO 2015 (as amended) issue a Direction setting out the information and evidence which could reasonably be expected to be provided in support of the various types of planning applications for different types of development.
- 2.6 The purpose of the new validation arrangement is to:
- provide applicants and their agents with certainty as to the information and other evidence that is required to accompany different types of planning applications;
 - ensure the council has all of the necessary information from the outset to enable it to determine an application efficiently and in a timely fashion; and
 - minimise the need to request the submission of further additional information, thereby avoiding delay in determining applications.

3.0 Council Validation Checklist Requirements

- 3.1 This Direction is prepared in writing and the checklist of information requirements published on the Council website, in accordance with the GDPO 2015 (as amended).
- 3.2 In addition to the legislative requirements, the details outlined in the Local Checklist must be submitted with your application to allow it to be accepted as a valid planning application. Failure to submit any of the requirements will render your application invalid. Processing of your application will not commence until all relevant information is submitted.
- 3.3 Where an application is not accompanied by the Validation Checklist requirements, a written justification must be produced by a suitably qualified person(s) giving reasons why it is not appropriate in that circumstance. The Council will consider the justification and where it is agreed, the application will be registered as valid. If insufficient justification is provided, the Council will declare the application invalid and provide written reasons for the decision in a 'notice of non-validation'.

- 3.4 The Validation Requirements set out in the Councils Validation Checklist are not exhaustive and the Council reserves the right to request further information post validation. A valid planning application may still be refused on the grounds of inadequate information.
- 3.5 Where provision is made for a notice of non-validation to issue is appealed to the Planning Appeals Commission, the Council will identify what information, documents, evidence or materials are absent from the submission.
- 3.6 The checklist matrix at **Appendix 01** identifies the information required and the justification/advice is provided at **Appendix 02**.

4.0 Submitting a Planning Application

- 4.1 The simplest and preferred way for an application to be submitted is online via the Planning Portal. Registration is easy and you can complete your application form, upload supporting documents and pay fees online.
- 4.2 A planning application cannot be progressed until all the necessary supporting information required by legislation and local checklist is received. Online submissions are paid via GOVPAY or by BACS upon submission on the Planning Portal. The details for each of these payments are explained at the time of submission.
- 4.3 The [Planning Portal](#) includes an online fee calculator that will estimate the fee due when you submit your planning application online. Planning fees for Northern Ireland are set by the Department. The current planning fees are stipulated in legislation, links to which are provided on the Department's [Planning Legislation webpage](#).
- 4.4 The Department has also produced an explanatory note for applicants which sets out the current planning fees and helps to clarify when reduced fees or exemptions may be applicable [Planning Fees Explanatory Note for Applicants](#).

5.0 Plans and Drawings

- 5.1 Plans and drawings submitted with your planning application must be clear, legible, and accurate. If the plans and drawings that you send us do not contain the necessary information or are not of a standard to allow your application to be assessed properly, your planning application will not be registered.
- 5.2 The quality of any plans / drawings needs to be clearly defined so that they are capable of being scanned and displayed electronically, particularly if they are submitted in paper form.
- 5.3 For minor proposals, such as those seeking householder planning permission, the best way to present proposals is to limit the number of separate plans and if

possible, display existing and proposed elevations side by side on the same plan / drawing at the same scale so that they can be viewed together.

- 5.4 Whilst drawings and plans can be hand drawn, these must be done by someone who is competent at drawing. The Council will not accept poor quality / inaccurate drawings.
- 5.5 It is also important to make sure that your site location plan is correctly edged red to accord with the lawful planning unit (i.e. lawful curtilage) with any other land owned by the applicant edged blue.
- 5.6 Clear, legible, and accurate drawings will assist with the smooth validation and publication of an application. It also assists both officers and third parties to quickly identify those documents relevant to their interests and provide comments accordingly.

6.0 Describing your Proposal

- 6.1 The description of proposed works is a key part of your planning application and defines the scope and nature of the proposal. It should be accurate, clear and concise so as to bring home to the mind of the reader what the application is for.
- 6.2 Descriptions should identify the key elements of the proposal for which planning permission is being sought and should not include unnecessary or irrelevant information.
- 6.3 The description of development will appear on the Planning Portal and on any subsequent decision notice to describe and define the application.
- 6.4 Where a description of development does not accurately reflect what is being applied for, the Council will reserve the right to amend and clarify descriptions of development prior to registering the application.

7.0 Review

- 7.1 The Council will review its Validation Checklist Requirements [Local Checklist] every two years.

Appendix 01 - Checklist Matrix

	Householder Application	Full Application	Outline Application	Reserved Matters	Demolition in Conservation Area [DCA]	Listed Building Consent	Non Material Change	Discharge of Condition
Arboricultural Impact Assessment & Method Statement		X						
Affordable Housing Statement		X						
Air Quality Impact Assessment [AQIA]		X						
Application Form	X	X	X	X	X	X	X	
Application Fee	X	X	X	X				
Archaeological Assessment		X	X	X				
Biodiversity Checklist		X	X	X				
Certificate of Ownership	X	X	X	X				
Climate Change Statement		X	X	X				
Contaminated Land Assessment		X	X	X				
Construction Environmental Management Plan		X	X	X				
Design and Access Statement/Concept Master Plan		X	X	X				
Design Concept Statement		X	X	X				
Drainage Assessment		X	X	X				
Ecological Reports		X	X	X				
Economic Statement		X	X	X				
Environmental Statement		X	X	X				
Flood Risk Assessment		X	X	X				
Landscape Analysis	X	X	X	X				
Landscape and Visual Impact Assessment		X	X	X				

	Householder Application	Full Application	Outline Application	Reserved Matters	Demolition in Conservation Area [DCA]	Listed Building Consent	Non Material Change	Discharge of Condition
Lighting Assessment		X	X	X				
Noise Impact Assessment		X	X	X				
Nutrient Management Plan		X	X	X				
Odour Report		X	X	X				
Planning Agreement		X	X	X				
Parking Standards/Survey		X	X	X				
Planning Statement	X	X	X	X				
Preliminary Ecological Assessment [PEA]		X	X	X				
Pre-Application Community Consultation Report [PACC]		X	X	X				
Plans and Drawings – Site Location Plan	X	X	X	X	X	X	X	
Plans and Drawings – Site Layout Plan	X	X	X	X	X	X	X	
Plans and Drawings - Elevations	X	X	X	X	X	X	X	
Plans and Drawings – Existing and Proposed Levels	X	X	X	X	X	X		
Plans and Drawings – Cross Sections	X	X	X	X	X	X		
Sequential Test		X	X	X				
Structural Engineers Report		X	X	X	X	X		
Retail Impact Assessment		X	X	X				
Transport Assessment Form		X	X	X				
Transport Assessment		X	X	X				
Travel Plan		X	X	X				
Waste Management Plan		X	X	X				

Appendix 02 – Information Required including justification/advice

Information Required	Justification/Advice
Arboricultural Impact Assessment & Method Statement (including a Tree Survey Report) and Development Impact Drawing	<p>Where an application has the potential to impact on existing trees included protected trees, an Arboricultural Impact Assessment & Method Statement and Development Impact Drawing must be provided to include:</p> <ul style="list-style-type: none"> ▪ TPO trees to be retained ▪ TPO trees to be felled to facilitate works ▪ TPO trees to be felled due to poor health ▪ Non TPO trees to be retained ▪ Non TPO trees to be felled to facilitate works ▪ Non TPO trees to be felled due to poor health <p>Each tree should be identified and numbered as per the TPO. Any additional trees located on site that are not identified in the TPO should also be identified.</p>
Affordable Housing Statement	<p>Where an application is submitted for housing on a site of more than 0.5 hectares or comprising five residential units or more, a statement should be provided to demonstrate how the proposed development satisfies the Policy requirement associated with policy HOU10 of Part 2 of the Plan Strategy of the LCCC Local Development Plan.</p>
Application Form	<p>All applications must be accompanied by a Planning Application Form. You must:</p> <ul style="list-style-type: none"> ▪ Complete all parts of the form ▪ Provide the name and address of the applicant even where there is an agent. ▪ Provide a concise and accurate description of the proposed development.
Application Fee	<p>The correct planning fee must be submitted with each application unless an exemption applies.</p> <p>Applications accompanied by an Environmental Statement are subject to an additional planning fee.</p>
Biodiversity Checklist	<p>A fully completed Biodiversity Checklists and any supporting ecological information must be submitted with all local development planning applications.</p> <p>The questions in Part 1 and Part 2 of the checklist can be answered by any applicant or their agent who has knowledge of the site and proposed development.</p> <p>If YES has been answered to any questions in Part 1 or Part 2 the applicant must seek advice from an ecologist</p>

Information Required	Justification/Advice
	<p>or other suitably qualified person to carry out an evaluation of the proposed development and complete the Ecological Statement in Part 3 of the checklist.</p> <p>The checklist and any other identified surveys must be submitted to the Council when the application is submitted.</p> <p>In completing the Biodiversity Checklist, regard must be had to guidance contained in the published NI Biodiversity Checklist document.</p> <p>NI Biodiversity Checklist - Version 2 - April 2017.pdf (daera-ni.gov.uk)</p>
Certificate of Ownership	<p>All applications must be accompanied by an Ownership Certificate.</p> <p>Certificate A, B, C or D should be completed as appropriate.</p> <p>The certificate must be signed.</p>
Design and Access Statement	<p>A Design & Access Statement is a single document that explains the design thinking behind a planning application. It provides a framework for applicants to explain and to justify how a proposed development is a suitable response to the site and its settings.</p> <p>A planning application must be accompanied by a D&AS where:</p> <ul style="list-style-type: none"> ▪ It relates to a major development; or ▪ any part of the development is in a designated area, the development consisting of – (i) the provision of one or more dwelling houses, or (ii) the provision of a building or buildings where the floor space created by the development is 100m or more. <p>The Design and Access Statement must explain</p> <ul style="list-style-type: none"> ▪ the design principles and concepts that have been applied to the development how issues relating to the access of the development have been dealt with. ▪ demonstrate how the proposed development's context has influenced the design. ▪ the policy or approach adopted regarding access to, from and within the development ▪ how policies relating to access in the relevant local development plan have been taken into account ▪ how the design principles and concepts that have been applied to the works take account of—

Information Required	Justification/Advice
	<p>(i) the special architectural or historic importance of the building;</p> <p>(ii) the particular physical features of the building that justify its designation as a listed building; and</p> <p>(iii) the building’s setting.</p> <p>The statement must be prepared having regard to guidance set out in Development Management Practice Note 12 – Design and Access Statements</p> <p>Development Management Practice Note 12 Design and Access Statements (infrastructure-ni.gov.uk)</p>
<p>Design Concept Statement/Concept Master Plan</p>	<p>A Design Concept Statement or where appropriate a Concept Masterplan, must accompany all applications for residential development including single dwellings in the open countryside.</p> <p>The amount of information and level of detail required will depend on the nature, scale and location of the proposed development.</p> <p>The statement will be prepared having regard to the justification and amplification of Policy HOU6 of the Plan Strategy or the guidance in the Building on Tradition document for single dwellings in the open countryside.</p>
<p>Drainage Assessment</p>	<p>A Drainage Assessment must be submitted for development proposals the exceed any of the following thresholds</p> <ul style="list-style-type: none"> 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 <p>A Drainage Assessment must also be submitted for any development proposal [with the exception of minor development] where:</p> <ul style="list-style-type: none"> ▪ 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.
<p>Ecological Reports</p>	<p>Where a bio-diversity checklist and PEA identifies that specific ecology surveys are required, these must be submitted with your application.</p> <p>Regard must be had to advice on Habitat and species survey specifications and survey seasons.</p>

Information Required	Justification/Advice
	<p>Publications Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)</p>
<p>Environmental Statement</p>	<p>An Environmental Statement is a legislative requirement for applications for certain types of development. The statement is required to set out the likely significant effects of the new development on the environment, whether positive or negative.</p> <p>Applications accompanied by and Environmental Statement are subject to an additional planning fee.</p>
<p>Flood Risk Assessment</p>	<p>DfI Rivers flood maps give information on areas that are prone to flooding in Northern Ireland.</p> <p>Flood Maps NI Department for Infrastructure (infrastructure-ni.gov.uk)</p> <p>Where a development proposal falls within a 1 in 100 year climate change flood plain the application must be accompanied with a Flood Risk Assessment.</p>
<p>Landscape Analysis</p>	<p>A Landscape Analysis must accompany all development proposals in Areas of High Scenic Value. The analysis must include consideration of:</p> <ul style="list-style-type: none"> ▪ Location of the site within the landscape 7 positioning of the proposal within the landscape; ▪ Undue prominence, particularly in more open and exposed landscapes; ▪ Integration of development into the landscape including degree of nature enclosure and relationship with surrounding buildings; and ▪ Design, including form, scale and massing.
<p>Landscape and Visual Impact Assessment</p>	<p>Where a new development has the potential to have an adverse impact on the landscape, a Landscape and Visual Impact Assessment may be required.</p> <p>A Landscape and Visual Impact Assessment must address the following two components</p> <ul style="list-style-type: none"> ▪ Landscape effects assessment- deals with changes to landscape as a resource ▪ Visual effects assessment – concerned with how the surroundings of individuals or groups of people may be specifically affected by change in landscape.
<p>Landscape Management and Maintenance Plan</p>	<p>Landscape Management and Maintenance Plan sets out how a development will maintain the retained landscape</p>

Information Required	Justification/Advice
	<p>and existing ecology of the site. It should include plans to ensure the designed landscape fulfils its roles, including providing habitats and recreational space. The plan must include</p> <ul style="list-style-type: none"> ▪ management details, ▪ maintenance details; and ▪ accompanying plans <p>The accompanying plans must include a planting schedule with existing and proposed planting clearly shown.</p>
Nutrient Management Plan	<p>A Nutrient Management Plan must be provided for development proposals which involve the spreading of digestate/manure/ slurry/litter on the land.</p> <p>Regard must be had to guidance provided by DAERA as to the information required to be included in a Nutrient Management Plan</p> <p>Nutrient Management Plan Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)</p>
Odour Assessment	<p>An Odour Assessments must accompany all applications for agricultural development and those that may produce substantial odour emissions, such as industrial, restaurants/hot food bars, and chemical facilities.</p>
Planning Agreement	<p>Where an application for development involves a planning agreement, a draft agreement will be required to be provided at an appropriate point in the planning process.</p> <p>Regard must be had to the Councils Procedure for dealing with Section 76 planning agreements for affordable housing.</p>
Parking Standards/Survey	<p>The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to parking standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.</p> <p>Development proposals must be designed having regard to published guidance contained with the Parking Standards document</p> <p>Parking Standards (infrastructure-ni.gov.uk)</p>

Information Required	Justification/Advice
	<p>Where there is an identified parking need that cannot be accommodated with a proposed development, a parking survey must accompany the application to demonstrate alternatives and/or parking capacity elsewhere.</p>
<p>Planning Statement</p>	<p>A Planning Statement a key part of any successful planning application.</p> <p>The statement must demonstrate:</p> <ul style="list-style-type: none"> ▪ Local context; ▪ The need for the proposed development; ▪ How the proposed development accords with relevant regional and local planning policies; ▪ Whether emerging policies should be taken into consideration; and ▪ Other material considerations that should be taken into consideration
<p>Preliminary Ecological Appraisal [PEA]</p>	<p>A Preliminary Ecological Appraisal is an important baseline survey for planning applications. It will establish the conditions of the site and determine the importance of any ecological features. It will also establish the need for any further survey work, and identify any potential mitigation measures as far as possible.</p> <p>Regard must be had to advice provided by NIEA when preparing an ecological appraisal</p> <p>Preliminary Ecological Appraisal Survey specifications Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk)</p>
<p>Pre-Application Community Consultation Report [PACC]</p>	<p>All major planning applications must be accompanied with a Pre-Application Community Consultation Report.</p> <p>The report must be in accordance with guidance set out in Development Management Practice Note 10 – Pre-Application Community Consultation (and Pre-Application Discussions)</p> <p>Development Management Practice Note 10 Pre-Application Community Consultation (and Pre-Application Discussions) (infrastructure-ni.gov.uk)</p>
<p>Plans and Drawings – Site Location Plan</p>	<p>All applications for development must be accompanied with a Site Location Plan scale 1:2500 or 1:1250 on an up to date Ordnance Survey base.</p> <p>The plan must:</p> <ul style="list-style-type: none"> ▪ Identify clearly the application site in red

Information Required	Justification/Advice
	<ul style="list-style-type: none"> ▪ Comprise an up-to-date Ordnance Survey map showing surrounding properties must be provided. ▪ Include the North point ▪ Outline any other neighbouring land controlled by the applicant using an unbroken blue line
Plans and Drawings – Site Layout Plan	<p>All applications must be accompanied by an existing site plan which is based on a topographical survey and includes as a minimum the position of all the features within the site, spot levels and contours of a minimum scale of 1:500</p> <p>All applications for development must be accompanied with a proposed Site Layout Plan of a minimum scale of 1:500 and including all the proposed works (detailed in the description of development) and proposed ground and finished floor level</p>
Plans and Drawings - Elevations	<p>Applications for new developments must provide a technical drawings scale 1:50 or 1:100 to include</p> <ul style="list-style-type: none"> ▪ both existing and proposed elevations ▪ orientation of the elevations [labelled] <p>You must ensure that the elevation drawings match the floor plans</p>
Plans and Drawings – Floor Plans	<p>Applications for new developments must provide a technical drawing that shows the internal layout of the building scale 1:50 or 1:100 to include</p> <ul style="list-style-type: none"> ▪ both existing and propose floor plans ▪ label the floors <p>You must ensure that the floor plans match the elevations</p>
Plans and Drawings – Existing and Proposed Levels	<p>Applications for new developments must provide technical drawings that show existing and proposed level to include</p> <ul style="list-style-type: none"> ▪ Specific datum point ▪ Good spread of levels across the site ▪ Include levels on adjacent land impacted by development
Plans and Drawings – Cross Sections	<p>Applications for new developments that involve a change to existing ground level must include a technical drawing that shows the extent of any cut and fill scale 1:50, 1:100 or 1:200 to include</p> <ul style="list-style-type: none"> ▪ Existing and proposed sections

Information Required	Justification/Advice
	<ul style="list-style-type: none"> ▪ Levels on adjacent land impacted by the development.
Plans and Drawings – Landscape Plan	<p>Applications for new developments must include a landscape plan.</p> <p>The landscape plan must include a planting schedule with existing and proposed planting clearly shown.</p>
Transport Assessment Form	<p>A Transport Assessment Form (TAF) must be completed in conjunction with all planning applications.</p> <p>The form should be completed having regard to guidance contained within the published Transport Assessment Guidelines for Development Proposals in Northern Ireland.</p> <p>Transport Assessment: Guidelines for Development Proposals (infrastructure-ni.gov.uk)</p>

DRAFT



Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 8 – 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 Fibrus of their intention to utilise permitted development rights at one location within the Council area to install communications apparatus. The installation consists of the erection of three poles 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 notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of the location where the works are proposed has been appended to the report (see Appendix). However, the content of notification detailed above is 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 the location specified by the operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notification specific to the site 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	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 8 – 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
September 2024 Planning Committee**

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Fibrus	Fibrus	221A Hillhall Road, Lisnatrunk, Lambeg	3x Poles	31.07.2024
2					
3					
4					
5					
6					
7					



Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 9 - Local Development Plan 2032 Quarterly Update

1.0

Background

1. Members will note that the Local Development Plan (LDP) 2032, Revised Timetable was agreed with the Department for Infrastructure (DfI) in May 2024, in accordance with regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and has been published on the Council’s website.
2. In accordance with regulation 6 the timetable provides indicative dates (Q3 2025 – Q3 2026) for the publication (in draft) and adoption (Q3-Q4 2028) of its Local Policies Plan (LPP).

Current Work

Members should be aware, in view of the above timetable dates, of the following:

- Assessment continues of the evidence base required to support the site-specific policies, proposals, zonings and designations in relation to housing, employment, retailing, natural and built environment, and infrastructure.
- Procurement briefs to appoint appropriate experts to assist the Council in its site-specific policies, proposals, zonings and designations are complete and, subject to approval, tender invites are due to issue in mid-September 2024.
- The Head of Planning and Capital Development has written to DfI (25 July 2024) seeking engagement on Section 14 Direction on Sprucefield that was an action arising out of the Adoption of Plan Strategy of the Local Development Plan. A response is awaited.
- DfI Roads continue to draft the Eastern Transport Plan (ETP 2035) which is integral to the Council’s LPP. The ETP aims to provide attractive and viable alternative modes of transport to reduce unnecessary car journeys, creating safer, healthier communities by reducing carbon emission and improving air quality. The Plan Team continue to have regular meetings with DfI Roads, first commenced in February 2024, on matters relevant to the Council area as DfI Roads progress with drafting their ETP.
- The Plan Team has been involved in a pilot programme on Forward Planning and Monitoring, organised by DfI and Terraquest, to establish such procedures within the Mastergov planning portal. The aim is to capture monitoring data on the amount and type of developments approved in the Council area. Such data capture is legislatively necessary (Regulation 25 of the LDP Regulations 2015) to produce annual monitoring reports, necessary to ensure correct implementation of the LDP.

Following the pilot programme, data input for forward planning is due to commence in October 2024.

- In addition, the Plan Team continue to provide consultation response to Development Management on matters concerning conservation areas and natural heritage (trees and their protection).

Other Matters

- NI Water (NIW) wrote to the Council on 30 July 2024 (**see Appendix**) advising that within its 2024/25 budget allocation and with a likely budget allocation in 2025/26, it will have limited ability to increase capacity for new connections to the wastewater system.
- NIW approximates there are 37,000 units (housing, commercial and public buildings) across Northern Ireland that may wish to connect. Of these, 19,000 units will require upgraded NIW assets. Even if NIW was to receive its full capital budget requirement, rather than the current and likely budget allocations, only 4,500 of those 19,000 units could be accommodated. A solution to these capacity constraints will take several fully funded Price Control periods to resolve.
- NIW has not indicated how many of affected units may be within the Council area, or how this may impact on growth forecasts, especially housing, over the lifetime of the LDP.
- However, in June 2024, NIW has provided its annual summary of wastewater capacity in the Council area (**see Appendix**). This includes a traffic light system as a clear visual representation of current wastewater capacity and future capacity based on growth. This indicates that relatively few of the treatment works are beyond, or nearing capacity. This may offer some surety for future developments.

2.0 **Recommendation**

Members are asked to note the above and the appended documents.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

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

4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out	N/A
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.	N/A

Appendices:

Appendix 9a – Letter from NI Water (July 2024)

Appendix 9b – NI Water Wastewater Treatment Works capacity June 2024

Northern Ireland Water

PO Box 1026
Belfast
BT1 9DJ
www.niwater.com

Tel: 0345 7440088



Mr David Burns
Chief Executive Officer
Lisburn & Castlereagh City Council
Civic Centre Lagan Valley Island
1 The Island
Lisburn
BT27 4RL

30th July 2024

Email: david.burns@lisburncastlereagh.gov.uk

Dear Mr Burns,

Re: NI Water Economic Constraints

We are writing to inform you that NI Water has received its budget allocation for the 2024/25 financial year, together with an indication of a likely capital budget through to 2026/27 and beyond. The current budget allocation means there is limited ability to increase capacity to accommodate new connections in areas that are currently constrained by a lack of wastewater capacity.

Based upon enquiries from customers and discussions with stakeholders, NI Water are aware of approximately 37,000 units across Northern Ireland that may want to connect to the wastewater system over the next number of years. We have completed an assessment of the 37,000 units and estimate that approaching 18,000 units may still be able to connect to the wastewater system, with the majority requiring a developer funded zero detriment solution such as storm water offsetting, as long as this option remains viable.

The remaining 19,000 units are constrained by existing NI Water assets that are currently high polluting. These units are also currently outside the scope of developer funded solutions and would require a full capital upgrade before further new connections can be made to the wastewater system. These units include homes in private and social ownership schemes, commercial and public buildings. The current budget allocation means that at present, NI Water will not be able to make the necessary investments to enable connections for these units. In a scenario where NI Water's PC21 programme was fully funded, it would still only be possible to address 4,500 of these 19,000 units, as the solution to the capacity constraints will take several fully funded Price Control periods to resolve.



I appreciate this information will be unwelcome, and NI Water are aware that this may have implications not only for planning applications that are currently within the system but may also impact the Council aspirations within your Local Development Plan.

However, we would like to take this opportunity to inform the Council of the communications that are taking place. Currently Senior Managers within NI Water Developer Services are engaging with the top 20 key developers whose development proposals will be most impacted by these constraints and the communications will shortly be rolled out to smaller developers as well as developers' agents.

We will continue to work closely with the Council Planning and LDP teams to provide the Council with as much information as possible regarding these constraints and the effect on proposed investments.

Yours sincerely



Gary Curran
Director Engineering & Sustainability



Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
 Version - June 2024



Settlement	Wastewater Treatment Works	WwTW Data				WwTW Network / Catchment	Comment
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor			Network Current Planning Status	
			10%	15%	20%		
Lisburn	Lisburn (New Holland)	Green	Yellow	Red	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.
Lisburn Greater Urban Area	Lisburn (New Holland)	Green	Yellow	Red	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.
Castlereagh Greater Urban Area including Dundonald	Kinnegar	Green	Green	Green	Green	Yellow	Kinnegar catchment includes flows from Castlereagh/Dundonald area, Crossnacreevy & Ryan Park. See Network Issue Notes 1, 3 & 4 below.
Carryduff	Newtownbreda	Green	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.
Hillsborough & Culcavy	Lisburn (New Holland)	Green	Yellow	Red	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.
Moira	Moira	Green	Green	Green	Green	Yellow	See Network Issue Notes 1 & 3 below.
Aghalee	Aghalee	Green	Green	Green	Green	*	See Network Issue Note 3 below.
Annahilt	Annahilt	Green	Green	Green	Yellow	Yellow	Annahilt catchment includes Annahilt & Magheraconluce. See Network Issue Note 1 & 3 below.
Dromara	Dromara	Green	Green	Green	Yellow	Yellow	See Network Issue Note 1, 3 & 4 below.
Drumbeg	Drumbeg	Red	Red	Red	Red	*	Drumbeg catchment includes Ballyauglis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.
Drumbo	Drumbeg	Red	Red	Red	Red	*	Drumbeg catchment includes Ballyauglis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.
Glenavy	Glenavy	Red	Red	Red	Red	Yellow	See Network Issue Note 1 & 3 below.
Lower Ballinderry	Lower Ballinderry	Green	Green	Yellow	Red	*	See Network Issue Note 3 below.
Maghaberry	Maghaberry	Green	Green	Green	Green	Yellow	See Network Issue Note 1 & 3 below.
Milltown	Dunmurry	Green	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.
Moneyreagh	Moneyreagh	Yellow	Yellow	Red	Red	Yellow	See Network Issue Note 1 & 3 below.
Ravernet	Ravernet	Red	Red	Red	Red	*	See Network Issue Note 3 below.
Stoneyford	Stoneyford	Green	Green	Green	Green	*	See Network Issue Note 3 below.



Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
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Settlement	Wastewater Treatment Works	WwTW Data			WwTW Network / Catchment	Comment	
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor				Network Current Planning Status
			10%	15%	20%		
Upper Ballinderry	Upper Ballinderry	Green	Green	Green	*	See Network Issue Note 3 below.	
Ballyaughlis	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Ballycarn	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Ballylesson	Newtownbreda	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.	
Ballynadolly	Ballynadolly	Green	Green	Green	*	See Network Issue Note 3 below.	
Ballyskeagh	Drumbeg	Red	Red	Red	*	Drumbeg catchment includes Ballyaughlis, part of Ballycarn & Ballyskeagh, Drumbeg & Drumbo. See Network Issue Note 3 below.	
Crossnacreevy	Kinnegar	Green	Green	Green	Yellow	Kinnegar catchment includes flows from Castlereagh/Dundonald area, Crossnacreevy & Ryan Park. See Network Issue Notes 1, 3 & 4 below.	
Drumlough Road	Drumlough	Green	Green	Green	*	See Network Issue Note 3 below.	
Dundrod	Dundrod	Green	Green	Yellow	*	See Network Issue Note 3 below.	
Duneight	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Feumore	Feumore	Green	Yellow	Red	*	See Network Issue Note 3 below.	
Halftown	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Hillhall	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Kesh Bridge	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lambeg	Dunmurry	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.	
Legacurry	Legacurry	Green	Green	Green	*	See Network Issue Note 3 below.	
Long Kesh	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Note 1 & 2 below.	



Lisburn and Castlereagh City Council
Settlements Served by Wastewater Treatment Works
Version - June 2024



Settlement	Wastewater Treatment Works	WwTW Data			WwTW Network / Catchment	Comment	
		WwTW Current Planning Status	Estimation of Capacity based on Growth Factor				
			10%	15%			20%
Lower Broomhedge	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lurganure	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Morningside	Lisburn (New Holland)	Green	Yellow	Red	Yellow	Lisburn (New Holland) catchment includes Lisburn, Lisburn Greater Urban Area, Hillsborough & Culcavy, Duneight, Halftown, Hillhall, Kesh Bridge, Long Kesh, Lower Broomhedge, Lurganure & Morningside. See Network Issue Notes 1, 2 & 3 below.	
Lurganville	Lurganville	Green	Green	Green	*	See Network Issue Note 3 below.	
Magheraconluce	Annahilt	Green	Green	Yellow	Yellow	Annahilt catchment includes Annahilt & Magheraconluce. See Network Issue Note 1 & 3 below.	
Mullaghglass	Mullaghglass	Green	Yellow	Red	*	Mullaghglass catchment includes Mullaghglass & St James. See Network Issue Note 3 below.	
Purdysburn	Newtownbreda	Green	Green	Yellow	Yellow	Newtownbreda (located within Belfast City Council Area) catchment includes flows from Saintfield / Carryduff area. Also, includes Ballylesson & Purdysburn. See Network Issue Notes 1 & 3 below.	
St James	Mullaghglass	Green	Yellow	Red	*	Mullaghglass catchment includes Mullaghglass & St James. See Network Issue Note 3 below.	
Tullynacross	Dunmurry	Green	Green	Yellow	Yellow	Dunmurry catchment includes Lambeg, Milltown & Tullynacross. See Network Issue Notes 1, 2 & 3 below.	
Ballyknockan	N/A	N/A	N/A		N/A	No public sewerage network available.	
Carr	N/A	N/A	N/A		N/A	No public sewerage network available.	
Boardmills	N/A	N/A	N/A		N/A	No public sewerage network available.	
Drumlough	N/A	N/A	N/A		N/A	No public sewerage network available.	
Halfpenny Gate	N/A	N/A	N/A		N/A	No public sewerage network available.	
Lurgill	N/A	N/A	N/A		N/A	No public sewerage network available.	
The Temple	N/A	N/A	N/A		N/A	No public sewerage network available.	
Upper Broomhedge	N/A	N/A	N/A		N/A	No public sewerage network available.	



Lisburn and Castlereagh City Council
 Settlements Served by Wastewater Treatment Works
 Version - June 2024



Key to Current WWTW and Network Planning Status	Key to WWTW Status based on Local Development Plan Growth Factors
<p>■ Development permitted - Capacity Available</p> <p>■ Restriction on new Development - Capacity Limited</p> <p>■ New Development refused - No Capacity</p> <p>* Drainage Area Plan Model does not exist for this small settlement. Status based on high level network screening tool, Operator experience and current performance data.</p>	<p>■ Works has 'Reasonable Capacity'</p> <p>■ Works is 'At or reaching Capacity'</p> <p>■ Works has 'Insufficient Capacity'</p>

Network Issue Notes

Note 1:

NI Water's sewerage network capacity mapping tool and sewer network modelling activities have identified capacity issues in parts of the wastewater networks. Wastewater networks affected include Lisburn, Moneyreagh, Annahilt, Dromara, Dunmurry, Raverent, Glenavy, Newtownbreda, Maghaberry and Kinnegar. As a result, negative planning responses may be provided by NI Water in parts of these catchments. NI Water has identified parts of the network where Storm Overflows (SOs) are classified as Unsatisfactory Intermittent Discharges (UIDs). These SOs act as safety valves to prevent out of sewer flooding during rainfall events which may cause internal flooding of houses and business and environmental pollution. When SOs are operating more frequently than they should they are classified as UIDs.

NI Water can consider the provision of positive planning responses where developers can demonstrate (including calculations):

1. Like for like development
2. Extant previously approved development (where NI Water has given a positive response)
3. Where the development will offer a reduced loading on the sewer network, which may include storm separation and/or attenuation (may be subject to Article 154). In areas where there are constraints within the wastewater network, but there is still capacity at the WwTW it may still be possible to find a bespoke drainage solution to accommodate development. This would be identified by NI Water's solution engineering team working with the developer through the Wastewater Impact Process, and any solutions identified would be developer led and funded.

Note 2:

Drainage Area Plans (DAPs) are planned for delivery in the second half of PC21 and the outputs will be used to inform capital works solutions. The delivery of any capital works solutions will be considered for future business planning (i.e. for PC27), and will be subject to prioritisation. This prioritisation process is undertaken with NIEA and other key stakeholders, and the delivery of specific projects during PC27 is dependent on a successful outcome from this process, and funding availability.

DAPs planned for delivery in the second half of PC21 include Dunmurry, Lisburn and Maghaberry.

Note 3:

Status based on analysis of existing Area Plan settlement boundaries. Should any the settlement boundaries change as a result of the Local Development Plan (currently under development), headroom capacity status will be re-assessed and could be subject to change.

Note 4:

NI Water WwTW upgrades Scheduled for PC21 delivery. Upgrades of the Dromara and Kinnegar Wastewater Treatment Works are included within our PC21 investment programme. Delivery of these projects is subject to all statutory approvals being in place, land acquisition (where appropriate) and the availability of funding. NI Water is working closely with the Department for Infrastructure on the funding required to facilitate the delivery of our capital investment programme for the remainder of the PC21 Price Control period (2024 – 2027).

General Notes:

Quality assurance/Quality control checks are conducted on NI Water corporate wastewater data sets to ensure accuracy. The Wastewater Headroom Capacity spreadsheet is compiled using information obtained from Annual Information Returns and is the best available information at this time, but it may change and will be revised annually. Changes may occur as the result of network modelling activities, planned WwTW and network upgrades or compliance issue arisals. Any significant changes occurring between the annual updates will be notified directly to the Council.

Developing a Drainage Area Plan involves two stages: the Drainage Area Study (DAS) and the Needs and Options stage.

- The DAS typically takes 2-3 years to complete and involves constructing a calibrated and validated sewer network model using CCTV survey work and flow monitoring surveys.
- The Needs and Options stage involves assessing various sewer upgrade options and running scenarios for different design rainfall events.

The sewer network model simulates a 25-year design horizon and takes into account growth, urban creep, and climate change.

The model outputs are reviewed by NI Water's environmental regulator, NIEA, and discharge consent standards must be met via capital works network upgrade solutions. Capital work identified through this process will be put forward to the prioritisation process for inclusion in NI Water's Business Plans for the PC27 period (2027/28 – 2032/33).

The DAS sewer model serves several essential purposes, including identifying areas where sewers are operating above their design capacity, developing appropriate solutions to address capacity issues, assessing the effectiveness of various options for informing capital works, as well as assessing the current capacity of the sewer network for serving new developments.





Committee:	Planning Committee
Date:	02 September 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 10 - Enforcement Quarterly Update

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> The Council continues to operate its planning enforcement powers under delegated authority in accordance with the Council’s Enforcement Strategy (published on website). It is stated at paragraph 15 of the Protocol for the Operation of the Planning Committee that Planning Officers will prepare a quarterly report on the progress of formal enforcement cases which will be circulated detailing the number of notices issued, and convictions obtained. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> One live prosecution is pending. The total number of live cases by category is also presented to the Members for completeness and for understanding of the general scope and nature of the work officers are engaged in. 	
2.0	<p><u>Recommendation</u></p> <p>Members are asked to note the Planning Enforcement Update on its caseload attached.</p>	
3.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
3.1	Has an equality and good relations screening been carried out?	No
3.2	<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 its Planning Enforcement caseload and EQIA is not required.</p>	
3.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
3.4	<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 its Planning Enforcement caseload and RNIA is not required.

344

Appendices:

Appendix 10 - Enforcement Update - Caseload

Planning Enforcement Update – Development Committee – September 2024

Item Number	Title	Background and Key Issues
Development Committee		
1	<p>Planning Enforcement</p> <p>Cases with Court proceedings</p>	<p>LA05/2019/0237/CA Lands opposite 18 Tansy Road, Lisburn</p> <p>Non-compliance with Enforcement Notice, appeal against prosecution 29th Feb 2024. Appeal by offender against conviction and fine was unsuccessful, offender to comply with enforcement notice by clearing the site, regrading with topsoil and sowing of grass seed within 30 days, ceasing the use of the vehicular access and replanting a native hedge within 45 days.</p> <p>LA05/2022/0276/CA Multiple Locations in LCCC Area</p> <p>Display of multiple unauthorised Advertisements, defendant fined £1,000 on 15th Sept 2023, further summons action was served as signs remained up. Issue with service of court summons on offender to bring him back to Court for further prosecution, as unauthorised signs have now been removed, enforcement case was closed as it was considered not in the public interest to pursue further enforcement action.</p> <p>LA05/2021/0351/CA 130 Saintfield Road, Lisburn</p> <p>The unauthorised material change of use of agricultural buildings and associated agricultural / former residential yard to vehicle repairs, contest in Court for non-compliance with Planning Enforcement Notice on the 17th Sept 2024.</p>

2	Current Enforcement Caseload	Current Planning Enforcement Live Case list: 320 cases Nature of Breach: Unauthorised Advertisements: 29 cases Operational Development: 171 cases Breach of Condition: 47 cases Change of Use: 68 cases Demolition in Conservation Area: 2 cases Unauthorised Works to Protected Trees: 3 cases Breach Priorities: Priority 1 cases: 3 Priority 2 cases: 72 Priority 3 cases: 16 Priority 4 cases: 102 Any other opened prior to portal going live on 04 th Dec 2022: 102 No of Notices issued: 1
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