



November 27th, 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 December 2024 at 10:00 am**, in the **Council Chamber & Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form Sept 24.pdf*

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3.0 Minutes of the Planning Committee Meeting held on 4 November, 2024

For Approval

📄 *PC 04.11.2024 - Draft Minutes for Adoption.pdf*

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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*

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- (i) **LA05/2021/0033/F - Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory, north of Upper Newtownards, south o**

📄 *Appendix 1.1a - DM Officer Report - LA0520210033F - Dundonald Addendum final.pdf*

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📄 *Appendix 1.1b - DM Officer Report - LA0520210033F - ROLLS ROYCE - FINAL.pdf*

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- (ii) **LA05/2021/0740/F - Two dwellings with garage on lands between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh**

📄 *Appendix 1.2a - Addendum DM Officer Report - LA05 2021 0740 F - Ballykeel Road - FINAL.pdf*

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📄 *Annex A - Addendum Appendix LA05 2021 0740 F Ballykeel Road - Evidence of Rally Hire.pdf*

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	<ul style="list-style-type: none"> Annex B - Addendum Appendix LA05 2021 0740 F Ballykeel Road - Land registry documents.pdf Page 126 Annex C - Addendum Appendix LA05 2021 0740 F Ballykeel Road - Land registry map.pdf Page 128 Appendix 1.2b - DM Officer Report - LA0520210740F - FINAL.pdf Page 129
(iii)	<p>LA05/2022/1177/F - Proposed erection of two detached dwellings and double garages and associated site works (infill sites) on lands 60m South of 41 Windmill Road, Ballyworfy, Hillsborough</p> <ul style="list-style-type: none"> Appendix 1.3a - DM Officer Report - LA05 2022 1177.F - Windmill Road - Addendum - FINAL.pdf Page 151 Appendix 1.3b Report of Site Meeting LA05-2022-1177-F - 19.11.2024.pdf Page 154 Appendix 1.3c - DM Officers report LA05 2022 1177F Final.pdf Page 156
(iv)	<p>LA05/2022/1135/F - Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn</p> <ul style="list-style-type: none"> Appendix 1.4a - Addendum DM officer report LA05 2022 1135F -FINAL.pdf Page 179 Appendix 1.4b - DM Officer Report - LA0520221135F - Final.pdf Page 181
(v)	<p>LA05/2021/0772/F - Proposed new dwelling on land between 56a-60 Halfpenny Gate Road, Moira</p> <ul style="list-style-type: none"> Appendix 1.5a - Addendum DM Officer Report LA05 2021 0772 F Halfpenny Gate Road FINAL.pdf Page 198 Appendix 1.5b Report of Site Meeting LA05-2021-0772-F - 19.11.2024.pdf Page 201 Appendix 1.5c - DM Officer Report -LA05_2021_0772_F Final.pdf Page 203
(vi)	<p>LA05/2023/0632/F - Proposed farm dwelling and garage at 35a Lurganure Road, Lisburn</p> <ul style="list-style-type: none"> Appendix 1.6 - DM Officer Report - LA05_2023_0632_F FINAL.pdf Page 222
(vii)	<p>LA05/2022/0831/F - Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo</p> <ul style="list-style-type: none"> Appendix 1.7 - DM Officer Report LA05.2022.0831.F Back Road - FINAL.pdf Page 246
(viii)	<p>LA05/2023/0932/F - Three pigeon sheds (retrospective) at 21 Little Wenham, Moira</p> <ul style="list-style-type: none"> Appendix 1.8 - DM Officer Report - LA05.2023.0932.F Little Wenhem (2).pdf Page 266

4.2	Proposed stabling and maintenance rail depot for ballast material, maintenance buildings and associated staff accommodation and ancillary works on Lands at Ballinderry Road (east of Moira Road and south of existing railway line)	
	<i>For Decision</i>	
	▢ <i>Item 2 - LA0520240762PAN.pdf</i>	<i>Page 280</i>
	▢ <i>Appendix 2(a) - Report in relation to LA0520240762PAN.pdf</i>	<i>Page 282</i>
	▢ <i>Appendix 2(b) la05 2024 0762pan ApplicationForm.pdf</i>	<i>Page 285</i>
	▢ <i>Appendix 2(c) LA05 2024 0762PAN Site Location Plan.pdf</i>	<i>Page 291</i>
4.3	Statutory Performance Indicators – October 2024	
	<i>For Noting</i>	
	▢ <i>Item 3 - Statutory Performance Indicators - October 2024 - Final.pdf</i>	<i>Page 292</i>
	▢ <i>Appendix 3 Lisburn_Castlereagh_October_Monthly_MI FINAL.pdf</i>	<i>Page 294</i>
4.4	Appeal Decision – LA05/2020/0011/O	
	<i>For Noting</i>	
	▢ <i>Item 4- Appeal Decision - LA05 2020 0011O.pdf</i>	<i>Page 295</i>
	▢ <i>Appendix 4 Appeal decision LA05 2020 0011o.pdf</i>	<i>Page 298</i>
4.5	Appeal Decision – LA05/2021/1248/F	
	<i>For Noting</i>	
	▢ <i>Item 5 - Appeal Decision - LA05 2021 1248f.pdf</i>	<i>Page 305</i>
	▢ <i>Appendix 5 Appeal decision LA05 2021 1248F.pdf</i>	<i>Page 308</i>
4.6	Appeal Decision – LA05/2023/0024/F	
	<i>For Noting</i>	
	▢ <i>Item 6 - Appeal Decision - LA05 2023 0024f.pdf</i>	<i>Page 333</i>
	▢ <i>Appendix 6 Appeal Decision LA05 2023 0024F.pdf</i>	<i>Page 336</i>
4.7	Notification by telecommunication operator(s) of intention to utilise permitted development rights	
	<i>For Noting</i>	
	▢ <i>Item 7 - Notifications from an Operator in respect of intention.pdf</i>	<i>Page 347</i>

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary 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.

Pecuniary (or financial) interests are those where the decision to be taken could financially benefit or financially disadvantage either you or a member of your close family. A member of your close family is defined as at least your spouse, live-in partner, parent, child, brother, sister and the spouses of any of these. Members may wish to be more prudent by extending that list to include grandparents, uncles, aunts, nephews, nieces or even close friends.

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**.

2. Private or Personal Non-Pecuniary Interests

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).

Significant private or personal non-pecuniary (membership) interests are those which do not financially benefit or financially disadvantage you or a member of your close family directly, but nonetheless, so significant that could be considered as being likely to influence your decision.

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 meeting (including committee or sub-committee meetings) when this matter is being discussed**.

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

Pecuniary Interests

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:

Private or Personal Non-Pecuniary Interests

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

Date of Meeting: _____

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

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 November, 2024 at 10.08 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:Director of Regeneration and Growth
Head of Planning & Capital Development
Senior Planning Officers (MB, PMcF and 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 D Bassett.

2. **Declarations of Interest**

There were no declarations of interest.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2023/0695/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

3. **Minutes of Meetings of Planning Committee held on 14 and 17 October, 2024**

It was proposed by Alderman J Tinsley, seconded by Councillor S Burns and agreed that the minutes of the meetings of Committee held on 14 and 17 October, 2024 be confirmed and signed, subject to the following:

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3. Minutes of Meetings of Planning Committee held on 14 and 17 October, 2024
(Contd)

- 14 October minutes, page 3, first paragraph under item (i) be amended to read 'Councillor U Mackin left the meeting and was only present in the Council Chamber when addressing the Committee; and
- 14 October minutes, page 3, fourth paragraph under item (i) be amended to read 'Councillor U Mackin apologised on behalf of Mr E Poots MLA who was unable to be present at the meeting today, but advised that the views he had expressed at the previous meeting had not changed.

In respect of the minutes of 14 October, Councillor U Mackin stated that the minutes accurately recorded him as having left the meeting at 4.02 pm, but there was no record of him having been brought back into the Chamber and the meeting was over before he was told. The Chair, Alderman M Gregg, pointed out that the meeting had terminated immediately following consideration of the application for which Councillor Mackin had left the Chamber. Alderman Tinsley stated that Councillor Mackin may have had an item of Any Other Business to raise after this application had been considered. The Chair took on board the comments made by Alderman Tinsley, but pointed out that there was no further business to be considered at that time, given that outstanding items on the agenda, including Any Other Business, were being deferred for consideration at a continuation meeting on 17 October.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 2 major and 3 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) LA05/2023/0695/F – Section 54 application to vary conditions No.2 (Phasing Plan), No.9 (Landscape Works) and No.10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout at the proposed Dundonald International Ice Bowl, 111 Old Dundonald Road, Dundonald

The Director of Regeneration and Growth left the top table and took a seat in the public gallery when this application was being considered.

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

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- (i) LA05/2023/0695/F – Section 54 application to vary conditions No.2 (Phasing Plan), No.9 (Landscape Works) and No.10 (Tree Protection) of Planning Approval LA05/2020/0048/F to allow amendments to the parking and landscaping layout at the proposed Dundonald International Ice Bowl, 111 Old Dundonald Road, Dundonald (Contd)

The Committee received Ms S Pearson to speak in support of the application. The Director of Regeneration and Growth and the Director of Leisure and Community Wellbeing joined Ms Pearson when making her verbal presentation and Mr T Sloan was also available to answer questions. A number of Members' queries were addressed by Ms Pearson and the Director of Regeneration and Growth.

A Member's query was responded to by the Head of Planning & Capital Development.

Debate

During debate:

- Alderman J Tinsley welcomed this application, which was very positive. A lot of work had gone into this application over the years and this was the final step before it got started. There was no loss of green space and car parking remained the same. Alderman Tinsley stated that he was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated his slight disappointment in a loss of 1.3% green space and the significant landscaping on the approach to the Ice Bowl from the Old Dundonald Road; however, this would still be better than what was currently on site. He looked forward to this development being implemented and was in support of the recommendation of the Planning Officer to approve planning permission.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to approve planning permission, the voting being:

In favour: Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor Trimble and the Chair, Alderman M Gregg (9)

Against: None (0)

Abstain: Councillor P Catney (1)

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- (ii) LA05/2024/0038/F – Proposed of an industrial unit with ancillary office, sprinkler pumphouse, two pumphouses, substation, external plant including silos, rooftop solar panels, car parking, landscaping and all associated site and access works on land located 400m east of Lissue Road, 300m south of Ballinderry Road, and 200m west of Ferguson Drive

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

The Committee received Mr A Heasley, accompanied by Mr P Stinson and Mr K Somerville, to speak in support of the application and a number of Members' queries were addressed.

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

Debate

During debate:

- Councillor D J Craig stated it wasn't often an application was received for industrial land to be used for industrial purposes. He welcomed this application and the fact that it would bring additional manufacturing to the Council area. He was fully in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor P Catney too welcomed this application for use of land previously zoned for industrial use. He was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor N Trimble stated that he had had concerns that there was a flood plain on the site. The Committee didn't often approve any development where there was a flood plain; however, there was a route within FLD1 that allowed approval if the development was of significant sub-regional economic importance. The benefit was worth the risk in this case. Councillor Trimble considered that Officers had worked with the applicant to mitigate the risk as much as possible. This application should be welcomed and he wished the applicant every success in this endeavour, should the application be approved;
- Alderman O Gawith stated that he had been reassured that, in respect of the very wide class B3 that encompassed all sorts of things, the design of this proposal was quite specific to the purpose of the applicant. Given that the Council should be encouraging industry in the area, Alderman Gawith was delighted to see this proposal and was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, agreed that it was good to see an application for industrial land being used for industry and employment. He welcomed this development on industrial land and the jobs it would bring to the local area.

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.

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Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.33 am).

Resumption of Meeting

The meeting was resumed at 11.46 am.

- (iii) LA05/2022/1177/F – Proposed erection of two detached dwellings and double garages and associated site works (infill sites) on lands 60m south of 41 Windmill Road, Ballyworfy, Hillsborough

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

The Committee received the following to speak in support of the application:

- Mr A Stephens, accompanied by Mr D Haire; and
- Mr D Honeyford MLA.

A number of Members' queries were addressed by the speakers.

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

Following discussion, Alderman O Gawith proposed that this application be deferred for a site visit as he considered it would be beneficial to view the location. This proposal was seconded by Councillor U Mackin and, on a vote being taken, agreed, the voting being 7 in favour and 3 against.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.50 pm).

Resumption of Meeting

The meeting was resumed at 1.35 pm.

- (iv) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn

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

The Committee received the following to speak in opposition to the application:

- Mrs W McConnell; and
- Councillor N Parker.

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- (iv) LA05/2022/1135/F – Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn (Contd)

A number of Members' queries were addressed by the speakers.

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

Following discussion, it was proposed by Councillor G Thompson that this application be deferred to allow further information to be provided regarding whether or not the telephone complaints made by Mrs McConnell to the Planning Office were passed on to, and considered by, Environmental Health and whether those Officers had had sight of Mrs McConnell's written letter of objection prior to submitting their response to this application. This proposal was seconded by Councillor D J Craig and, on a vote being taken, agreed, the voting being 9 in favour and 1 against.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.22 pm).

Resumption of Meeting

The meeting was resumed at 3.33 pm.

- (v) LA05/2021/0772/F – Proposed new dwelling in compliance with Policy COU2 on land between 56a-60 Halfpenny Gate Road, Moira, Craigavon

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

The Committee received the following to speak in support of the application:

- Mr D Honeyford MLA; and
- Mr Wm Martin, together with his agent.

A number of Members' queries were addressed by the speakers.

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

Following discussion, Councillor G Thompson proposed that this application be deferred for a site visit as she considered it would be beneficial to view the location. This proposal was seconded by Councillor N Trimble and, on a vote being taken, agreed, the voting being 6 in favour, 3 against and 1 abstention.

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4.2 Statutory Performance Indicators – September 2024

The Head of Planning & Capital Development having answered a number of queries, it was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that information relating to Statutory Performance Indicators for September 2024 be noted.

4.3 Quarter 1 Statistical Bulletin – April to June 2024

It was proposed by Councillor N Trimble, seconded by Alderman O Gawith and agreed that the information in relation to the Quarter 1 Statistical Bulletin be noted.

4.4 Proposal for a two-storey building with retail unit, creche with equipped children's play area, community social hall and associated access, parking and servicing areas and landscaping; proposed three-storey mixed use building comprising ground floor community uses and pharmacy with apartments above, and access, parking, communal amenity space and landscaping; proposed extension to existing Wallace Village Eurospar and associated parking and landscaping; proposed three-storey apartment block with access, parking, communal amenity space and landscaping on land east of 72 – 78 Lady Wallace Road and 8 – 17 Cottage Gardens, lands east of 53 – 65 Lady Wallace Road, and lands south of 14 – 15 Lady Wallace Forge & 23 Lady Wallace Walk, Lisburn

The Head of Planning & Capital Development having answered a number of queries, it was proposed by Councillor P Catney, seconded by Councillor U Mackin and agreed to note information in respect of the above Pre-Application Notice and that it be submitted in accordance with the relevant section of the legislation and related guidance.

4.5 Appeal Decision – LA05/2020/0106/O

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.6 Appeal Decision – LA05/2021/1048/O and LA05/2021/1049/O

Councillor P Catney left the meeting during consideration of this item of business (4.34 pm).

It was proposed by Councillor G Thompson, seconded by Councillor N Trimble and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.7 Proposed Abandonment at Belsize Way, Lisburn

It was proposed by Councillor N Trimble, seconded by Councillor G Thompson and agreed that the Department's intention to abandon land at Belsize Way, Lisburn, be noted.

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4.8 Letter from Natural Environment Division of DAERA in relation to Freshwater SAC Conservation Objectives (Rivers) – Updated Supplementary Advice

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith and agreed that the update provided in relation to Freshwater SAC Conservation Objectives (Rivers) be noted.

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

It was proposed by Councillor D J Craig, seconded by Councillor U Mackin and agreed to note from the report, information regarding notification by telecommunication operators of intention to utilise Permitted Development Rights at a number of locations in the Council area.

5. Any Other Business

5.1 Proposal for a two-storey building with retail unit, creche with equipped children's play area, community social hall and associated access, parking and servicing areas and landscaping; proposed three-storey mixed use building comprising ground floor community uses and pharmacy with apartments above, and access, parking, communal amenity space and landscaping; proposed extension to existing Wallace Village Eurospar and associated parking and landscaping; proposed three-storey apartment block with access, parking, communal amenity space and landscaping on land east of 72 – 78 Lady Wallace Road and 8 – 17 Cottage Gardens, lands east of 53 – 65 Lady Wallace Road, and lands south of 14 – 15 Lady Wallace Forge & 23 Lady Wallace Walk, Lisburn

The Head of Planning & Capital Development took note of comments by Alderman J Tinsley that Elected Members had received email notification last week that the public consultation event in respect of the above Pre-Application Notice had been cancelled.

5.2 Regeneration and Growth Committee – 7 November, 2024

The Director of Regeneration and Growth extended an invitation, on behalf of the Chair, to Members of the Planning Committee to attend the meeting of the Regeneration and Growth Committee on 7 November, 2024, specifically for the consideration of items 3.1 'NI Water Infrastructure Update' and 3.2 'Planning Service Improvement Plan'.

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 December, 2024 and invited Members and Officers to wear Christmas attire that day.

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 4.41 pm.

Chair/Mayor

DRAFT

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

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 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. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There is one major and seven local applications. The seven local applications have been called in, four of which have previously been deferred. <ol style="list-style-type: none"> a) LA05/2021/0033/F - Proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development on lands formerly occupied by the Rolls Royce factory, north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald Recommendation - Approval b) LA05/2021/0740/F - Two dwellings with garage on lands between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh Recommendation - Refusal c) LA05/2022/1177/F - Proposed erection of two detached dwellings and double garages and associated site works (infill sites) on lands 60m South of 41 Windmill Road, Ballyworfy, Hillsborough Recommendation - Refusal

- d) LA05/2022/1135/F - Retention of change of use from single dwelling to serviced accommodation at 72 Antrim Road, Lisnagarvey, Lisburn
Recommendation - Approval
- e) LA05/2021/0772/F - Proposed new dwelling on land between 56a-60 Halfpenny Gate Road, Moira
Recommendation - Refusal
- f) LA05/2023/0632/F - Proposed farm dwelling and garage at 35a Lurganure Road, Lisburn
Recommendation - Refusal
- g) LA05/2022/0831/F - Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo
Recommendation - Refusal
- h) LA05/2023/0932/F - Three pigeon sheds (retrospective) at 21 Little Wenham, Moira
Recommendation - Refusal

2. The 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 appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

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

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	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p>	

<p>Appendices:</p>	<p>Appendix 1.1a - LA05/2021/0033/F Addendum report Appendix 1.1b -LA05/2021/0033/F Main report Appendix 1.2a - LA05/2021/0740/F Addendum report Appendix 1.2b – LA05/2021/0740/F Main report Appendix 1.3a - LA05/2022/1177/F Addendum Report Appendix 1.3b – LA05/2022/1177/F Site visit Appendix 1.3c – LA05/2022/1177/F Main Report Appendix 1.4a - LA05/2022/1135/F Addendum Report Appendix 1.4b – LA05/2022/1135/F Main Report Appendix 1.5a - LA05/2021/0772/F Addendum Report Appendix 1.5b – LA05/2021/0772/F Site visit Appendix 1.5c – LA05/2021/0772/F Main Report Appendix 1.6 - LA05/2023/0632/F Appendix 1.7 - LA05/2022/0831/F Appendix 1.8 - LA05/2023/0932/F</p>
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Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 December 2024
Committee Interest	Major Application (Addendum)
Application Reference	LA05/2021/0033/F
Date of Application	15 January 2021
District Electoral Area	Castlereagh East
Proposal Description	Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development
Location	Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
Representations	One Hundred (49 Objections /51 in support)
Recommendation	APPROVAL

Background

1. A report presented to the Committee on 05 February 2024 recommended that this application be approved subject to a Section 76 planning agreement.
2. On 29 March 2024 the Council received a late representation which alleged that the Head of Service for Planning & Capital Development had provided incorrect facts to Members of the Committee in response to a question seeking clarification on what the relevant local development plan was.
3. It is further stated in the representation that this is important as the approach of how to deal with proposals for mixed use development is distinguished in policy and related guidance for zoned employment land and unzoned land with a previous employment use.

4. The objector suggested that, to meet the requirements of policies SP11 and ED7 of the Plan Strategy, the Council must first reallocate land zoned for employment through the Local Development Plan at the Local Policies Plan stage. It is suggested that to proceed based on the advice offered and before the Local Policies Plan stage makes the application vulnerable to the process of judicial review as the decision would be unlawful.
5. It is further stated in the representation it is alleged that the company making this application is insolvent and that, therefore, the company cannot be relied upon to complete the development. It is suggested that it would be foolish for the Council to enter into a Section 76 planning agreement in such circumstances.
6. The purpose of this report is to take account of the representation received and to update the planning advice addressing the points of objection raised.

Further Consideration

The Local Development Plan

7. Paragraph 20 of the main report is missing the words 'and Ballybeen' at the end of the sentence. Ballybeen is an established residential area adjacent to the site and relevant to the context as a place experiencing social disadvantage and higher than average levels of deprivation.
8. The transitional arrangements following the adoption of the Plan Strategy are set out at paragraph 44 of the main report. This advice was available to the Members at the committee meeting of 05 February 2024.
9. The advice set out at paragraph 45 of the main report is now withdrawn in light of the representation and replaced with paragraph 10 as follows.
10. In accordance with the transitional arrangements following the adoption of the Plan Strategy the local development plan is the Plan Strategy and the extant Plan which is the Belfast Urban Area Plan (BUAP).
11. The draft Belfast Metropolitan Area Plan (BMAP) remains a material consideration. To clarify, the version of draft BMAP referred to in paragraph 47 of the main report is the published version from 2004.
12. To clarify, the revision of draft BMAP referred to in paragraph 51 of the main report is the last revision to draft BMAP published in 2014 in which the site was zoned as an existing employment site MCH 06.

13. The objector quotes from the justification and amplification of policy SP11 from Part One of the Plan Strategy. Paragraph 53 of the main report is entirely replaced to include the policy and justification and amplification text:

This site is an existing zoned employment site. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) support and promote the Strategic Mixed-Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
- c) encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) provide Class B1 Business within the strategic mixed-use sites at West Lisburn/ Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

Justification and Amplification

The strategic policy for economic development has been informed by regional and local policy which aims to promote employment, encourage job creation, facilitate growth of existing businesses, attract inward investment and address deprivation.

Employment land should offer a variety of sizes, in a range of locations and in close proximity to major roads, rail network or bus routes in the Council area in order to promote accessibility to employment opportunities for all.

To ensure an adequate supply of land, in accordance with the strategy, an Employment Land Review was undertaken to inform the Plan Strategy. Further detail is provided in the Strategic Employment Allocation.

The Plan retains a continuous supply of employment land, both developed/ undeveloped, which will continue to meet the district's economic needs throughout the period of the plan and beyond.

Strategic Mixed-Use Sites will serve to attract inward investment whilst Local Employment sites will help support local employment needs through providing a range of sites suitable for all economic sectors. All sites will be subject to review at the Local Policies Plan stage.

The Council commissioned an Office Study to assess existing Class B1 Business use and future need across the council area. Its recommendations in relation to future office supply identified:

- *The opportunity for office growth at West Lisburn/Blaris is specifically promoted to allow for the creation of a high-tech business park in line with the ambitions of the Council to provide economic growth in this key location*
- *Office development on employment zonings is presently limited. Allowing greater flexibility on employment zonings for office development (B1) is considered a more flexible and prudent option that would not detract from city/town centres.*

This is reflective of the emerging requirements of the office sector. The rationale for retaining these zoned lands reinforces the Council's commitment to support investment, provides certainty to investors on the type of developments that will or will not be permitted; and, for the community a clear understanding that this is a place they will want to live and work in.

14. The objector quotes from the justification and amplification text of policy ED7 and paragraph 62 is entirely replaced to include the policy and justification and amplification text:

Housing is proposed on zoned employment land as part of a mixed-use development. Policy ED7 Retention of Zoned Land and Economic states:

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) the proposal is compatible with the predominant economic use*
- b) it is of a scale, nature and form appropriate to the location*
- c) the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

Unzoned Land in Settlements

On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:

- a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy*
- b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use*
- c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location*
- d) the present use has a significant adverse impact on the character or amenities of the surrounding area*
- e) the site is unsuitable for modern employment/economic, storage or distribution purposes*
- f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not*
- g) there is a definite proposal to replicate existing economic benefits on an alternative site in the vicinity.*

A development proposal for the reuse or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Justification and Amplification

The Council is keen to support the diversity of the local economy and the retention of existing sites for economic development is necessary to achieve this aim.

The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment, particularly small businesses, helping reduce the demand for greenfield sites.

Any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the Local Policies Plan process.

An exception on zoned land may be made for a sui generis employment use compatible with the existing or proposed economic development use.

On unzoned land for a mixed-use scheme, as a specific regeneration initiative to meet the needs of a particular locality, a significant element of the lands should be retained for economic purposes.

15. Paragraphs 117 & 118 are withdrawn from the main report considering the updated advice described above.

16. Paragraph 121 of the report is also withdrawn and replaced with the following advice in paragraphs 17 to 19.
17. This site was last used for employment but not zoned for employment in the BUAP.
18. The land was subsequently accounted for as a zoned employment site in preparation of the Plan Strategy as it was a part of a much larger employment zoning comprised of 23.08 hectares of land. Reference to this land can be found in Technical Supplement 3 Employment Land Review which is cross-referenced to Strategic Policy 11 in the third paragraph of the Justification and amplification text.
19. Significant weight is afforded to the employment zoning in the last revision of draft BMAP (2014) as it was assessed as part of the available supply of employment land in the Council area for the same reasons described in the preceding paragraph.
20. Paragraph 125 is supplemented with the following advice in paragraphs 21 to 28 to take account of the points raised in the submitted representation.
21. Strategic Policy 11 sets out the types of economic development proposals that will be supported. Part of this site is to be developed to provide opportunity for a range of economic needs and business in accordance with criteria b). Mixed use schemes are encouraged to support the regeneration of sites previously used for economic purposes to help tackle inequality and deprivation. Ballybeen is an identified area of inequality and deprivation. This is a mixed-use scheme that can still meet the objectives of criteria c) of policy. This is dealt with later at paragraph 29 to 32 with reference to the advice in the main report.
22. The objector highlights that the proposal is at odds with the last paragraph of the justification and amplification text of Strategic Policy 11 which states:

The rationale for retaining these zoned lands reinforces the Council's commitment to support investment, provides certainty to investors on the type of developments that will or will not be permitted; and, for the community a clear understanding that this is a place they will want to live and work in.
23. This proposal is not at odds with this paragraph of the justification and amplification text as the Council can still support investment, provide certainty to investors on the types of development that will or will not be permitted and provide community with a clear understanding that this part of the Council area is a place they will want to live and work in.
24. There is nothing in the strategic policy that highlights the Council need to wait on the preparation of the Local Policies Plan. The earliest date this part of the

LDP can be adopted is 2028 in accordance with the Council's published dates for the preparation of the Local Policies Plan.

25. In accordance with the transitional arrangements for the adopted Plan Strategy proposals for the development of zoned employment land can still be considered against the requirements of policy ED7 and the retained Planning Advice Note (PAN) on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses.
26. The Council has accepted at paragraph 126 of the main report that significant weight is afforded to the draft BMAP designation and that this is zoned employment land. The reasons for attributing significant weight to the zoning are clarified above at paragraphs 17 to 19.
27. The objector highlights the proposal does not meet the second paragraph of the justification and amplification text of policy ED7 and that any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the Local Policies Plan process.
28. There is no draft of the Local Policies Plan and the earliest anticipated date for this is Quarter 3 of 2025. No decision is made to reallocate zoned employment land as set out in the justification and amplification text and this does not mean that planning decisions cannot be made in the transitional period.
29. The applicant asks the Council to weigh other material considerations, and this is set out at paragraphs 127 to 131 of the main report.
30. At paragraph 132 the officer highlights that paragraph 14 of the PAN states:

that it is only in exceptional circumstances that the loss of land zoned for economic development use in a local development plan to other uses will be considered.
31. The officer then engages at paragraph 133 to 217 the reasons why a departure from the development plan zoning is justified and outweighs the preferred option of retaining the land for economic use.
32. The advice contained in the main report is not changed. In respect of the objector's representation that this site should be refused planning permission based on the fact it is zoned employment land and that it cannot be developed for mixed use development until it is decided if the land needs to be reallocated through the Local Policies Plan process is not sustained.

The financial position of the company

33. In respect of the representation that the planning applicant is insolvent and cannot be relied on to complete the development is presumably based on

information within the evidence provided to the Council that Lagmar Properties Limited had a net liability of £3,669,385.00 on 31 March 2023.

34. Any grant of planning permission arising from the current recommendation in both the main report and this addendum report subject to a Section 76 planning agreement, will be for the benefit of the lands the subject of the planning application and not be personal to the planning applicant. It is not for officers of the Council to speculate on whether the development will ultimately be carried out by Lagmar Properties Limited in the way suggested by the objector or indeed at all.
35. Sufficient safeguards can be attached to the Section 76 planning agreement to allow it to be enforced should the covenants not be complied with.

Conclusions

36. The information contained in this addendum should be read in conjunction with the case officer report previously presented to Committee on 05 February 2024.
37. The issues raised in this additional representation are fully and properly considered. They do not change the substance of the previous advice offered.
38. It remains the recommendation of officers that this application should be approved [subject to section 76 agreement] for the same reasons set out in the report of 05 February 2024.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	05 February 2024
Committee Interest	Major Application
Application Reference	LA05/2021/0033/F
Date of Application	15 January 2021
District Electoral Area	Castlereagh East
Proposal Description	Proposed mixed-use development comprising 31 no. Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development
Location	Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
Representations	Ninety Nine [48 objections and 51 support]
Case Officer	Rachel Taylor
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 one hectare in size and comprised of a mixed-use development with more than 50 residential units.
2. This application is presented to the Planning Committee with a recommendation to approve as it is accepted on balance that greater material weight should be afforded to the fact that this land has remained undeveloped and with the passage of time there are a combination of site specific constraints to this employment zoning that make it less likely to be developed for employment in full.

3. There are other benefits detailed in the amended submission which achieve the objective of a sustainable redevelopment of brownfield land in a settlement where there remains an adequate supply of employment land and there is created by this proposal a clear delineation between the main areas of employment use at this location and the housing which enables the delivery of new employment. These facts are given greater material weight than the prevailing regional policy considerations set out in policy ED7 of the Plan Strategy.
4. The benefits also include the creation of a sustainable mixed-use development where residents in the locality will have the opportunity to avail of local business space and job opportunities close to where they live.
5. There is little evidence to support the case for redevelopment in its entirety for future employment given the length of time the land has been vacant and unsuccessfully marketed as a redevelopment opportunity. The evidence that the site is cost prohibitive to redevelop and its peripheral location to the Dublin-Belfast corridor and to sites in the West along the M1 are important material considerations. The economic benefits of the comprehensive development of the site as a whole outweigh the retention of it as undeveloped former employment land.
6. Securing the construction of 31 business units co-located with existing employment use at Ballyoran Lane and Inspire Business Park on approximately 40% of the site creating between 45 – 80 FTE jobs in respect of the employment uses contributes significantly to local job targets for the Council area and carries significant weight in the assessment of the application.
7. The proposal complies with Policy ED8 and ED9 of the Plan Strategy in that the detail submitted demonstrates that the buildings are appropriate to the location and the mitigation proposed will ensure that the development does not prejudice the continued operation of any existing employment uses. The phasing of the development of the employment uses on the site are also subject to a Section 76 planning agreement and no development is to be commenced unless it is in accordance with the agreed phasing.
8. The proposed development also provides for a quality residential environment. When the buildings are constructed, they will not adversely impact on the character or visual amenity of the area and are in accordance with policies HOU1 and HOU3.
9. Furthermore, the layout and arrangement of the buildings draws on the best local architectural form, materials and detailing and the development will not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance. Amenity space is provided at the required standard and the access arrangements are designed to promote walking and cycling. The proposal is in accordance with the requirements of policy HOU4 of the Plan Strategy.

10. Open space is a requirement of policy as the site is more than one hectare in size. The proposal is considered to comply with policy HOU5 of the Plan Strategy in that public open space is provided as an integral part of the development at more than 10% of the total site area.
11. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that the applicant is agreed to provide a minimum of 20% affordable housing within the site. This provision will be subject to a Section 76 planning agreement. The total number of units required is 19 and the specific location of these dwellings is to be agreed prior to the construction of the first dwelling on the site.
12. The proposed complies with policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.
13. It is also considered that the development complies with policies TRA2 of the Plan Strategy in that the detail submitted demonstrates that the 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.
14. The proposal complies with policies TRA7 of the Plan Strategy in that it is demonstrated that adequate parking and appropriate servicing arrangements have been provided having regard to the specific characteristic of the development, its location and parking standards.
15. The proposal complies with policy NH2 of the Plan Strategy in that the ecology report submitted in support of the application demonstrates that the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby.
16. The proposal also complies with policy NH5 of the Plan Strategy as the application demonstrates that there will be no detrimental impact of the development on priority habitats and species.
17. It is accepted that the proposal complies with policies FLD1 and FLD3 of the Plan Strategy in that the site does not lie within the 1 in 100 year fluvial flood plain and the mitigation measures proposed ensure that all surface water discharge is attenuated and limited to greenfield run-off rates.

Description of Site and Surroundings

Site

18. The proposed site is located at the junction of the Upper Newtownards Road and the Carrowreagh Road, Dundonald approximately 6.5 miles from Belfast and 5 miles from Newtownards. Access is from both Ballyoran Lane and Carrowreagh Road.
19. The site is currently vacant, and the majority of the former industrial buildings have been demolished and removed from the land.
20. The site is predominantly flat throughout where it has a boundary with the Upper Newtownards Road and Ballyoran Lane however there is a significant change in level towards the rear of the site where it borders Inspire Business Park.
21. The site also includes a tarmacked car park at the higher level with a separate access onto Carrowreagh Road.
22. The boundaries of site are defined by a belt of mature trees to the south along the border with the Upper Newtownards Road and continuing in part east along Carrowreagh Road. The remainder of the boundaries are mostly made up of two-metre chain-link fencing and concrete posts.

Surroundings

23. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
24. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
25. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,

Proposed Development

26. The application is for a proposed mixed-use development comprising 31 Class B2 & B4 industrial/employment units (4,320 sqm in total) and 95 semi-detached and detached residential dwellings with associated private amenity provision; public open spaces; associated car parking; landscaping; creation of new

accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development.

27. This is an amended proposal. The total number of residential units is reduced, the retail component is removed, and the number of employment units are increased. The scheme as amended is considered to still fall within the scope of original proposal as it is mixed use development, and the housing still enables the employment use.
28. There is no requirement for further community consultation and the PAN and PACC are note revisited as part of this assessment.
29. The application was also supported by the following documents:
 - Design and Access Statement;
 - Supporting Planning Statement;
 - Landscape Management and Maintenance Plan;
 - Generic Quantitative Risk assessment Report and Remedial Strategy Report and updated reports;
 - Sequential Assessment;
 - Economic Impact Statement;
 - Air Quality Impact Statement (AQIA);
 - Employment Land Assessment;
 - Noise Impact Assessment and addendum and updated NIA;
 - Transportation Assessment (and TAF);
 - Stage 1 Safety Audit;
 - Drainage Assessment and addendum; and
 - Hybrid Planning and Design Statement
 - Market Commentary & Economic Viability Report

Relevant Planning History

30. The following planning history is associated with the application site and includes the following:

Application Reference	Description of Proposal	Decision
Y/2005/0392/O	Site for mixed use development comprising petrol station with convenience store, 5 no. retail units with 10 no. apartments over, pub/restaurant & 4 no. own door offices at 770 Upper Newtownards Road and Carrowreagh Road.	Withdrawn 30.05.2007
Y/2005/0412/F	Change of use from offices ancillary to industrial complex to Own Door Offices plus erection of 3 no. access towers.	Withdrawn 30.05.2007

Application Reference	Description of Proposal	Decision
Y/2010/0087/O	Demolition of existing buildings and structures and the construction of a retail store (Class A1); Petrol Filling Station (sui generis); industrial units (Class B2 and B4); and associated highway, footpaths, landscaping and other works and improvements	Approved 28.06.2013
Y/2008/0227/F	Erection of a mixed use development consisting of 72 no. residential units, 6 no. retail units, 48 no. offices, 12 no. industrial units and the erection of a 91 bed hotel all with associated car parking and landscaping, (demolition of all buildings on site) Additional Information-Transport Assessment received.	Withdrawn 11.03.2010
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
Y/2013/0225/RM	Engineering works to the existing highway and other lands pursuant to application reference Y/2010/0087/O	Invalid
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
LA05/2017/1206/O	Proposed residential development comprising a mix of apartments, townhouses, semi-detached and detached properties with integral open space including an equipped children's play park; a neighbourhood centre comprising a mix of uses including a local convenience store together with 3 smaller retail units (Class A1), a coffee shop (Sui Generis) at ground floor, and provision of floor space for community and cultural uses (Class D1) at first floor level with associated car parking; improvements to site access from Carrowreagh Road and works to the public road including provision of a right turn lane; landscaping; and other ancillary works	Withdrawn 11.01.2019

Consultations

31. The following consultations were carried out.

Consultee	Response
DFI Roads	No objection
NI Water	No objection
Rivers Agency	No objection
Environmental Health	No objection
NI Housing Executive	No objection
Shared Environmental Services	No objection
NIEA Regulation Unit	No objection
Invest NI	Objection
NIEA Water Management and Inland Fisheries Unit	No objection
Natural Environment Division	No objection
NIE	No objection

Representations

32. A total of forty-eight letters of objection have been received predominantly from households across the wider Dundonald Area. A number of objections are also received from Dundonald Greenbelt Residents Association.

33. The following issues have been raised:

- Only piece of zoned land left in Dundonald and is in the middle of five successful business parks, some of which have waiting lists for premises.
- There is no housing need in this area
- Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards
- Increasing demand for electric cars so demand for petrol is falling.

- Eye sore former petrol station across the road now a car wash
- Hot food bars less than one mile away cause noise and light pollution, increased litter and vermin, late opening and anti-social behaviour, detrimental impact on human health with fast foods.
- Units will negatively impact the area and profit the developer.
- Will create traffic issues around Carrowreagh Road especially at peak times.
- Dundonald needs more jobs, not more houses.
- Contrary to the RDS that seeks to protect employment land.
- Rezones the land which should have been a job for the local development plan process.
- There is also a surplus of housing as well
- Will undermine and threaten the viability of the forthcoming Millmount Village Centre
- NIW recommend no more connections.
- Contrary to the RDS (5 key policies) which seeks to protect employment land.
- Reports are paid for by the agent and have differing purposes.
- Post COVID warehouse requirement has not been quantified.
- Litchfield assessment was done by the Council and rated it at the top of the average rating.
- Carrowreagh business park is fully occupied.
- Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price.
- Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings.
- SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzone lands in the SPPS
- No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

- Increased investment in NI anticipated post Brexit
- Wrights have successfully refurbished at Ballyoran Business Park over the last ten years
- Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.
- Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents nor servicing the site.
- The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.
- Existing amenities already under pressure e.g. schools
- The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.
- The applicants statements do not address the Councils economic development response in relation to the earlier scheme.
- The revised scheme offers less job creation than the earlier version.
- The economic offering remains unchanged.
- Invest NI and Economic Development are unsupportive.
- Failure of the applicant to address the correct policy context and the SPPS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.
- 40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.
- The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and gives rise to a high risk of full or partial failure.
- Proposed phasing is unfavourable to employment.
- The business park has no management plan
- Not supported by the RDS RG1 and other RDS policies.

- Absence of housing need argument.
 - No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units.
34. A total of fifty-one letters of support have been received primarily from households within the Millreagh developments on the opposite side of the Carrowreagh Road. Two Members of Parliament are also in support of the proposal. The following broad issues have been raised:
- Concerns with NI Water have now been addressed
 - Acknowledges no interest in industry and failed supermarket application
 - Welcomes the petrol station and retail units for local residents which is considered to be needed
 - Best mix for the site which is a blight on the landscape
 - Laid unused for 15 years so good to be reused, magnet for antisocial behaviour and fly tipping
 - Removes health and safety hazard form the area
 - Variety and mixture of houses proposed
 - Council has sufficient land for employment – reference to flexibility within the SPPS
 - Failure of former Quarry Inn site
35. Consideration of the issues raised in the third party representations are set out later in the report.

Environmental Impact Assessment (EIA)

36. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
37. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development and as such, an Environmental Statement was not required to inform the assessment of the application.

38. The EIA determination was not revisited for the amended proposal. The scope of the proposal still falls within the parameters of the original determination. No new or additional impacts are identified.

Regional Development Strategy

39. The latest revision to the Regional Development Strategy (RDS) 2035 was published in 2010 which seeks to deliver the spatial aspects of the Programme for Government (PfG).
40. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.
41. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exists across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes.
42. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast Metropolitan Urban Area and ensure sufficient land is available for jobs. There is no specific reference to Dundonald as a location for employment in the RDS 2035.

Local Development Plan

Local Development Plan Context

43. 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.
44. 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.

45. In accordance with the transitional arrangements the existing BUAP and draft BMAP remain material considerations.
46. The BUAP indicates that the proposed site is within the development limit and is not zoned for any specific land use.
47. Within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road.
48. Some 34.98 hectares of land are zoned as Existing Employment / Industry at Upper Newtownards Road.
49. At the Public Inquiry into BMAP an objection was considered for Existing Employment Sites under MCH 09: Land at Upper Newtownards Road/Carrowreagh Road (Objections 525, 3824/16, 1742, 3442). Objectors sought Designation MCH 09 as a Major Employment Location.
50. The Commission in consideration of the objection outlined that the RDS provides specific guidance for the location of MELs. MELs are zoned in the plan and represent employment sites strategically located throughout the BMA at Regional Gateways and along major transportation routes as directed by the RDS. They highlighted that within the Castlereagh District the Purdysburn area is specified in the RDS as a strategic location for employment growth and is consequently zoned as a MEL in the plan to reflect RDS guidance. The RDS does not indicate a strategic location for employment growth on the Upper Newtownards Road. They concluded that the zoning should be retained for existing employment use and there was no justification for designation as a MEL.
51. In the last revision to BMAP prior to adoption the site is land zoned for existing employment under MCH 06.
52. Zoning MCH 06 Existing Employment Land at Upper Newtownards Road/ Carrowreagh Road consists of 34.93 hectares of land are zoned as existing Employment at Upper Newtownards Road as identified on Map No. 2/001 – Metropolitan Castlereagh.
53. This site is an existing employment site. Strategic Policy 11 - Economic Development in Settlements states that:

The Plan will support development proposals that:

- a) *support and promote the Strategic Mixed Use Sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements*
- b) *support and promote the local employment sites throughout the Council area, to help provide opportunities for a range of economic needs and businesses*
- c) *encourage mixed use schemes supporting regeneration on sites previously used for economic purposes to help tackle inequality and deprivation*
- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

54. Housing is also proposed on existing employment land. 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.

55. 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.

56. 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.

57. 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.

58. More than five dwellings are proposed and Strategic Policy 07 – Section 76 Agreements states that:

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

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

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

59. 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.*

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

Economic Development

61. Employment Development is proposed is part of a mixed-use development. Policy ED1 Economic Development in Cities and Towns states that:

Class B1 Business

A development proposal for Class B1 business (a) office, (b) call centre, (c) research and development will be permitted:

- a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park*
- b) elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part (a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered*
- c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b).*

*Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution
A development proposal for Class B2, B3 and B4 use will be permitted:*

- a) on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area.*

Elsewhere in cities and towns such proposals will be determined on their individual merits.

62. Housing is proposed on zoned employment land as part of a mixed use development. Policy ED7 Retention of Zoned Land and Economic states:

Development Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development in a Local Development Plan to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a B1 or sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated:

- a) *the proposal is compatible with the predominant economic use*
- b) *it is of a scale, nature and form appropriate to the location*
- c) *the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.*

A further exception will apply to retailing and commercial leisure development which is ancillary in nature.

63. The site is located adjacent to established employment uses. Policy ED8 Development Incompatible with Economic Development Uses states that:

A proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused.

64. The scale and nature of the employment part of the scheme needs to be designed to an appropriate standard. Policy ED9 General Criteria for Economic Development states that:

Any proposal for an economic development use (including extensions) outlined in Policies ED1 to ED8 will also be required to meet all of the following criteria:

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does not harm the water environment*
- f) *it does not create a noise nuisance*
- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
- j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*
- l) *appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view*
- m) *it is designed to deter crime and promote personal safety*
- n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape*
- o) *it meets the requirements of Policy NH1.*

Housing in Settlements

65. As this application includes residential development and policy HOU1 - New Residential Development states that:

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

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

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

66. 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.

67. 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.*

68. 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.

69. 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.

70. Given the scale of residential development previously approved on the wider lands the need for public open space and play is still considered 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.

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

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

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

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

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

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

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

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

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

72. 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.

73. 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

74. Whilst the site is not located within a sensitive area, the potential impact on the natural environment is considered. 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

75. The proposal involves the construction of a new access and alterations to an existing access. 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.

76. 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.

77. Policy TRA7 Carparking and Servicing Arrangements in New Development states that:

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

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

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

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

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

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

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

78. Pedestrian access and cycling is taken account of in the design of the proposed development. Policy TRA 8 – Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal. A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

- a) safe and convenient access through provision of walking and cycling infrastructure, both within the development and linking to existing or planned networks*
- b) the needs of mobility impaired persons; and respect existing public rights of way*
- c) safe, convenient and secure cycle parking.*

In addition major employment generating development will be required to make appropriate provision for shower and changing facilities.

Flooding

- 79. The drainage for the scale of development proposed must be designed to take account of the impact on flooding elsewhere.
- 80. 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

81. 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.

82. 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.

83. 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.

84. 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.

85. Paragraph 3.8 of the SPPS states:

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

86. 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.

87. Paragraph 4.11 of the SPPS states that:

there are a wide range of environment and amenity considerations, including noise and air quality, which should be taken into account by planning authorities when proposing policies or managing development. For example, the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.

88. Paragraph 4.12 of the SPPS states that:

other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality.

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

90. Paragraph 6.81 of the SPPS states that:

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

91. Paragraph 6.84 of the SPPS states that:

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

92. Paragraph 6.89 of the SPPS states that:

It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

93. Paragraph 6.91 of the SPPS states that:

All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

94. Paragraph 6.97 of the SPPS states that:

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

95. With regard to housing, the SPPS states 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.

96. With regards to open space, paragraph 6.200 of the SPPS states that:

open space, whether or not there is public access to it, is important for its contribution to the quality of urban life by providing important green lungs, visual breaks and wildlife habitats in built-up areas. Open space can enhance the character of residential areas, civic buildings, conservation areas, listed buildings and archaeological sites. It can also help to attract business and tourism and thereby contribute to the process of urban and rural regeneration.

97. Paragraph 6.206 states that:

Councils must bring forward policy to require new residential development of an appropriate scale (generally 25 or more units, or on sites of one hectare and above) to provide adequate and well-designed open space as an integral part of the development. Councils should also ensure a suitable mechanism is in place to secure the future management and maintenance of open space in new residential developments.

98. In terms of access, movement and parking, the SPPS states at paragraphs 6.302 to 6.305 that:

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

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.

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 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006) the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

99. With regards to Natural Heritage paragraph 6.174 of the SPPS states that:

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

100. Paragraph 6.182 of the SPPS states that:

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

101. 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.

102. With regards 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.

103. Paragraph 6.132 of the SPPS states that:

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

104. Strategic policy states that the key to successful place-making is the relationship between different buildings, the relationship between buildings and streets etc. and that the compatibility of a development with its immediate and wider context, and the settlement pattern of a particular area are important considerations.

Retained Regional Guidance

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

106. Planning Advice Note (PAN) on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses states that:

In relation to economic development the aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses environment and the principles of sustainable development. This aim is supported by 6 regional strategic objectives and a number of policy provisions.

The SPPS makes clear the importance that economic development land and buildings which are well-located and suited to such purposes are retained in order to ensure a sufficient and ongoing supply.

The Department is keen to support the diversity of the local economy and encourage employment generation. It is therefore necessary to retain existing

sites for economic development and safeguard the supply of future economic development land to achieve this aim.

Only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of towns and beyond but it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland. The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation.

In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.

A development proposal on land or buildings not zoned in a development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will not normally be granted planning permission. Planning authorities may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use. Planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land or buildings for economic development use.

107. The Planning Advice Note lists other planning considerations to be weighed and balanced when making balanced judgements on the merits of a particular case or the potential loss of economic development land. These include:

- *The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;*
- *Accessibility to the regional transportation network and a variety of transport modes;*
- *The potential to regenerate existing urban areas through economic development or as part of a mixed use development;*
- *Accessibility to every member of the community, especially those in socially disadvantaged areas;*
- *Why a site is no longer required or considered suitable for continued economic development use;*
- *Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;*

- *Compatibility with neighbouring land uses;*
- *The views of relevant statutory and non-statutory consultees; and*
- *The availability of adequate services and infrastructure such as water and sewerage.*

108. It is further highlighted that:

planning officers should also consider the regional and strategic framework provisions of the RDS 2035 such as RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'. The above list is not exhaustive. All applications for economic development must also be assessed against other general planning criteria relating to matters such as access arrangements, design, environmental and amenity impacts.

109. The advice note further indicates that:

planning officers also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.

110. The Department identify in the note that:

the flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan, and unzoned land that is currently used (or was last used) for economic development purposes.

Creating Places

111. The policy requires the guidance in the 'Creating Places – Achieving Quality in Residential Developments' (May 2000) to also be considered.

112. The guide is structured around the process of design and addresses the following matters:

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

113. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

115. 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.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

117. It is acknowledged that there is a general policy presumption against the loss of this employment land in the Plan Strategy. That said, flexibility can be provided where other material considerations are considered to carry greater weight in the assessment.
118. The appropriateness of the loss of approximately 60% of the lands zoned for employment use to housing and open space is considered later in this report.

Planning and Economic Development

119. As explained earlier in the report, this application proposes a mixed-use development and the land is developed in two parts:
- Section 1 – light industrial units and electric vehicle charging hub – 6.58 acres (2.66 hectares)
 - Section 2 – 95 dwellings and open space – 9.81 acres (3.97 hectares)
120. The total site comprises of 6.63 hectares of previously developed brownfield land, 40% will be developed for economic uses consistent with the definition specified in the policy ED1 and 60% developed for residential use and open space.

121. The land is zoned for employment use in draft BMAP and significant weight is afforded to that zoning as it is retained as part of the transitional arrangements for the Lisburn and Castlereagh City Local Development Plan.
122. Whilst Invest NI standard advice is to object to the loss of land either currently or last used for economic development to alternative uses they do not identify this site as one of their priority locations for inward investment. The consultation response provides little by way of assistance in the assessment of whether the general presumption against the loss of zoned employment land is appropriate.

Retention of Zoned Land and Economic Development

123. Only 40% of the site is proposed site is for economic development use a part of which is made up of buffer planting to separate the proposed uses.
124. Policy ED7 states that an exception will be permitted for the development of a sui generis employment use within an existing or proposed economic/employment area where it can be demonstrated that:
- the proposal is compatible with the predominant economic use;
 - it is of a scale, nature and form appropriate to the location;
 - the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.
125. The proposed development does not comprise sui generis employment uses and as such, the exception to policy ED7 is not considered to be met.
126. Whilst it is acknowledged that the proposal is not an exception to policy the applicant requests that a number of other material considerations be weighed in the assessment of this application.
127. The view is expressed by the applicant that flexibility should be afforded to the mixed-use development of the site in accordance with a Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses and a number of reasons are provided for this case.

Other Material Considerations

128. A series of 'significant economic benefits' are also outlined the majority of which will be considered later in the report.
129. In an appraisal carried out by CBRE it is explained that the development of the site for entirely economic uses is wholly untenable and would result in catastrophic financial loss for the developer. This is principally the reason why the site has remained vacant for this period of time.

130. The CBRE report further explains that the development as presented initially would result in an 8.19% profit which at that time was considered marginal for a scheme of this nature. This figure has now been further revised to 6.04% based on an updated viability testing as a result of the need to provide for 19 affordable houses. It is emphasised that the risk of such a marginal return must be balanced in terms of the proportion of the site given over to each use.
131. In the supporting documentation provided with the application, the agent also advances a number social and community benefits that will occur as a result of the site being development including improvements in the road and drainage infrastructure and redevelop a space associated with anti-social behaviour.
132. The Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses (referred to subsequently as the PAN) states at paragraph 14 that

only in exceptional circumstances will the loss of land zoned for economic development use in a local development plan to other uses be considered. Planning permission should therefore not normally be granted for proposals that would result in the loss of such land and buildings to other uses.

133. At paragraph 16 of the PAN, it is further confirmed in cases where planning applications involve a departure from the development plan zoning, for example from light industrial to a mixed-use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.
134. The PAN sets out nine matters against which development proposals should be assessed and the other material considerations offered by the applicant in support of this proposal are detailed under each heading.

Matter 1 - The views expressed by all other interested parties during the public consultation process including those of local enterprise and business representatives;

135. With regards to this matter, the agent had stated in earlier submissions that over the course of the last decade that the applicant has brought forward a number of proposals and sought feedback from the 'local residential and business communities' which they have used to inform this mix of proposals presented in the application.
136. The supporting planning statement highlights that the PACC undertaken quantified a 'high level of support' for the application and that there was a clear community interest in the site being developed.
137. The position adopted by the applicant in this regard is not accepted as, there is no persuasive evidence that the mix of use has significant and demonstrable support from all sections of the community.

138. There was a fairly even split for and against the proposal and those who were mainly in favour came from one residential neighbourhood adjacent to the site and concerned about unsightliness of the undeveloped land and the anti-social behaviour resulting from people using the vacant lands.
139. Whilst this is not considered to be sufficient justification in its own right to outweigh the loss of employment land, it does demonstrate that the views expressed by other interested parties have been taken into account in bringing forward the proposal.

Matter 2 - Accessibility to the regional transportation network and a variety of transport modes:

140. The supporting statement confirms that the site is an accessible location and is well served by a number of modes of transport which connect the site with the surrounding area and Belfast City Centre including roads, bus service and cycle paths. Bus stops are close to Ballyoran Lane and Carrowreagh Road and the Glider terminus is 800 metres from the site.
141. The statement sets out that this site does not have good accessibility to the regional transport network such as motorway, rail, airports and seaports. It states that for this reason the market evidence from the CBRE report demonstrates that the market demand is concentrated on smaller units, in the order of 1000 – 3000 square feet. It states that Dundonald is well suited for smaller business units which better support local demand.
142. The supporting statement quotes the Employment Land Review carried out in October 2019 for the emerging Local Development Plan which marks the site 3 out of 5 and is silent with regards connectivity to the wider region.
143. The statement explains that whilst the site is not necessarily well connected to the regional transport network which is a key driver in the current demand for employment/industrial space and is therefore more suitable for small businesses opportunities, consistent with the profile in the immediate area.
144. The site is adjacent to the main traffic route connecting Belfast to Newtownards and well served by public transport. It may not be suitable for all types of employment as the journey times to the regional network are longer.
145. The land is well served by a variety of transport modes and access to the regional transport infrastructure can be achieved, albeit it is accepted for larger logistical locations it would not potentially be a desirable location as they favour the Newry-Belfast corridor.
146. The nature of the employment offering is such that it provides for smaller business opportunities but does not preclude units being combined to provide for medium sized employment uses subject to demand going forward.

147. The clarification statement provided from the agent confirms that the units are designed in blocks of three and four units and are designed to be flexible so that they can be readily merged to create larger units, if required.

Matter 3 - The potential to regenerate existing urban areas through economic development or as part of a mixed use development.

148. The supporting statement states that the site has been marketed without meaningful expression of interest as employment space for over 16 years.
149. It references a BTW Shiells report from March 2010 which provides an assessment of land supply and industrial space demand in relation to the application site and its location. This report confirms there was no demand for the site and sufficient employment space was available on other sites within the area to satisfy any likely future demand.
150. The report also included marketing activities by commercial agents Colliers CRE and Campbell Cairns between September 2004 to March 2010 detailing the lack of interest received since the site was occupied.
151. The supporting statement emphasises that the BTW Shiells report was the report accepted by the Department in granting approval in 2013 for a retail led development. It was only when the anchor tenant pulled out, the scheme became unviable. They state that the market demand and supply for industrial land remains unchanged.
152. The mix of uses accepted by the Department at that time was around 50:50 to employment use. This was acknowledged to be contrary to policy but very finely balanced having regard to the significant level of job creation.
153. The planning history for Y/2010/0087/O predates the SPPS and the Planning Advice Note therefore the current proposal must be considered against prevailing planning policy.
154. The updated supporting statement advises that 40% of the land will be developed for economic development uses and the balance of land for housing and open space.
155. The development of 40% of this site for employment uses is considered to be a more meaningful contribution and a significant improvement on the 20% offered previously. Whilst the total yield of floorspace offered is only increased by 4500 square feet, it includes larger buffer areas to ensure a better relationship to the proposed housing.
156. An updated economic benefits report is incorporated in an updated planning and design Statement explains that the proposal includes the creation of a sustainable community; a place where people can live and work.

157. The clarification statement confirms that the proposed development represents a £36 million overall investment to the local area that has the potential to create 85 commercial jobs and 110 construction jobs.
158. The industrial/employment use is estimated to create a further £5.7 million economic productivity (GVA) in Northern Ireland on an annual basis, including £4.6 million in the LCCC area and £100,000 in non-domestic rates.
159. A phased approach is offered within the updated CBRE Market Commentary and Economic Viability report to help with the regeneration of the site in terms of 3 phases to allow the return from the residential development to support the development of the commercial units as the commercial elements in isolation are not financially viable.
- Phase 1 – Construction of 36 residential units. Construction of Phase 1 of the employment units to Industrial occupation standard – 12,000 sq ft
 - Phase 2 - Construction of a further 36 residential units. Construction of Phase 2 of the employment units to Industrial occupation standard – 15,000 sq ft
 - Phase 3 - Construction of the remaining 23 residential units. Construction of Phase 3 of the employment units to Industrial occupation standard – 19,500 square feet.
160. This phasing is not practical in light of the amendment to the layout and an alternative phasing that deliver the employment and affordable housing requirements much earlier is considered later in the report.
161. Whilst a significant capital investment is proposed this is primarily in new housing and the emphasis in the PAN is that the regeneration should be through economic development use.
162. CBRE Market Commentary and Economic Viability report explains the scenario examined for an entire B2/B4 scheme which produces a catastrophic loss of approximately (£22,107,881). This is also based upon a development timeframe of 5 years which is wholly unrealistic given local market demand.
163. The same CBRE report for this revised mixed use 60/40 application generates a development profit of £2,142,366 equating to 8.19% profit on Cost. A 8.19% profit on cost return is considered to be marginal for a scheme of this nature with Bank funders typically expecting to see returns of between 15%-20% to reflect developer risk.
164. This profit margin was revisited in the clarification statement [dated 19 January 2024] when considering the delivery of 19 affordable units as part of the scheme and reduced further to 6.04%.

165. The CBRE report concludes that the strict application of policy constraints will prohibit any development on the subject site and, unless that constraint is eased to permit and encourage a viable form of development, it is certain to remain undeveloped for a very long and indefinite time. The qualified author who is the Executive Director for Investment properties for CBRE NI is

entirely satisfied, based upon my analysis and experience, that a strict application of policy would render this site incapable of development for a period of at least 15 years but probably much longer.

166. Having regard to the evidence presented, it is accepted that an employment only scheme is unlikely to regenerate the site or the wider area consistent with the guidance in the PAN.
167. The capacity of the developer to fund a scheme is also a material consideration. It is considered that on balance, that the delivery of employment on the scale proposed is a significant improvement on the earlier scheme and is the limit of profitability under which the site can be developed. It is laid out to respect the character of the area and to be co-located with existing employment uses, is designed to be flexible and the arrangement takes account of the physical constraints of the site.
168. Without providing for the residential component the site will remain unviable. The phasing of the development to ensure the delivery of the economic uses is important as it will assist in the regeneration of this part of Dundonald.
169. The jobs are created in the construction industry and the local economy as the size of the units are designed to be attractive to local businesses.
170. Whilst the applicant advises that this scale of housing is required for site viability this is the second version of the scheme which has been presented to the Council.
171. The earlier scheme was considered not to go far enough introducing elements which were not required such as the petrol filling station and only 20% employment.
172. The revised scheme offers a better mix of development with a larger portion now being offered to employment with those jobs being created directly linking to the employment use and the regeneration of a key site within the Dundonald area.

Matter 4 - Accessibility to every member of the community, especially those in socially disadvantaged areas.

173. The application site is locally accessible by a range of modes of transport and the provision of a higher % of employment spaces means greater accessibility for other members of the community to workplace opportunities.

174. Furthermore, the provision of an affordable housing component makes the residential element more accessible to other members of the community, promotes community cohesion and a more balance community.

Matter 5 - Why a site is no longer required or considered suitable for continued economic development use.

175. The supporting statement confirms that the site was last used in 2004 and since then has lay vacant. The buildings have been demolished.
176. The applicant makes reference to an employment land assessment carried out on behalf of the Council. This assessment was used to inform the emerging Local Development Plan. The report indicates there are 212 hectares of employment land yet to be developed, and that on average 2.99 hectares of employment land is being developed each year and there is an estimated 71-year supply of land within the Council Area.
177. The supporting statement confirms that due to a number of factors, the nature of the demand for employment space has seen a significant shift away from the historic arrangement of large buildings with single operators to smaller units with industrial or enterprise centres occupied by multiple operators.
178. The assessment also refers to the marketing exercises carried out which failed to attract meaningful interest from industrial or economic operators.
179. The site is considered suitable for economic development use but at a scale which uses housing as mechanism for addressing the loss that will be incurred by the economic development.
180. The PAN indicates that the loss of existing land should be an exception rather than the norm.
181. Whilst the local development plan process is the mechanism for establishing whether a site remains suitable for employment use, the employment land review offers direction.
182. The proposal has been redesigned to allow compatibility and transition from economic to housing along the north with Inspire Business Park and to the west with Ballyoran Lane.
183. The offering of employment has been doubled to 40%. This is evidenced by the CBRE Market Commentary and Economic Viability report which confirms that the only viable option is a mixed-use scheme whereby the higher value residential use can enable the development of the loss making employment space. It is accepted on balance that without the incorporation of residential units the site will remain unviable and undeveloped in the long term.

184. The compatibility with neighbouring employment lands has been adequately addressed in that the employment offerings sit cheek by jowl with existing employment uses and it is accepted that its location on the main transport route is more conducive to local small businesses rather than larger logistics hubs.
185. It is also considered that the revised scheme strikes a more acceptable balance of mixed use. The clarification statement confirms that the proposal acts as a stepping stone for businesses looking to grow and expand beyond the start-up phase.

Matter 6 - Evidence of the availability (or not) of alternative sites for economic development use (or the proposed alternative use) in the locality;

186. The agent submitted an Employment Land Assessment in support of the application which seeks to demonstrate that the granting of permission for a mixed-use development proposal will not prejudice the supply of employment land within the Council Area.
187. The supporting statement points to the prime locations in the Greater Belfast Area being the Harbour Estate, Mallusk and Blaris/Knockmore and states that the trend is unlikely to change as the focus remains on regional accessibility.
188. The supporting statement alludes to the level of attractiveness of the site being restricted to local businesses who operate from East Belfast and Dundonald serving dominantly a local market.
189. It is also notes that this is only portion of a wider zoning which will not prejudice the delivery of industrial development on the undeveloped land further to the north.
190. The clarification statement provided by the agent confirms the latest position whereby a major planning application has been submitted on the old Lloyds property at Ballyoran Lane. The view is expressed that it is not appropriate to draw direct comparisons between the two planning applications. The other site is distinguishable as it has a building on site which allows for the use to be changed at less cost compared with the application site which is a brownfield site with no buildings and costs for total new build.
191. The sale price for the Lloyds building reflected £20 per square foot capital value whereby the new build units for this development will cost more than £100 per square foot to construct. It is stated that this is therefore a direct threat to the viability proposed as part of this scheme as the developer will be able to offer space at a significant discount in price/rent and it also offers a more attractive parking and circulation space.
192. This a brownfield site and sequentially preferable in terms of the RDS to the green field land that is without existing services or infrastructure.

193. The uplifted percentage of proposed development to 40% is on balance more a more acceptable mix.

Matter 7 - Compatibility with neighbouring land uses.

194. The supporting statement claims the site is bounded on three sides by roads, it states that the layout has been considered to provide uses the most appropriate locations and that the location of the economic uses have been located in order to relate to the existing industrial uses.
195. Reference is made to boundary treatments ensuring adequate screening and mitigation measures supported by the Noise Impact Assessment. This is dealt with later in the report.
196. The revised scheme provides two borders with existing commercial/industrial use and extensive buffer planting between the proposed new commercial/industrial areas and the proposed housing. Amenity and compatibility considerations are dealt with later in the report.

Matter 8 - The views of relevant statutory and non-statutory consultees;

197. Advice and views expressed by various statutory and non-statutory consultees have informed the recommendation.

Matter 9 - The availability of adequate services and infrastructure such as water and sewerage.

198. The supporting statement confirms that the site was previously development and is in Dundonald urban area.
199. Whilst there is a regional capacity issue in terms of drainage and sewage infrastructure, a solution has been found and agree with NI Water.

Employment Land Assessment

200. An Employment Land Assessment (ELA) is submitted with the application which notes that the site is not specifically mentioned within the key locations for economic growth within the Spatial Framework Guidance policy 1 (SFG1) of the RDS.
201. The ELA notes at paragraph 2.10 that one of the exceptions for PED 7 is for mixed use regeneration initiatives which contain a *significant* element of economic development use and may also include residential or community use, and which bring *substantial community benefits* that outweigh the loss of land for economic development use.

202. This policy has been replaced with ED7 which also has an identical wording however this applies only to unzoned land within settlements. Whilst the last is unzoned within the BUAP, it is zoned within draft BMAP as detailed earlier within the report.
203. The ELA states that there is 212.12 hectares of employment land yet to be developed across the council area and taking account of the Blaris and Comber Road developments which have been approved as mixed-use schemes on zoned land.
204. The ELA states that approval of this scheme still provides for a 69 year supply at the recent rates of land build and uptake so would not harm or prejudice the level of available lands within the Council area.
205. From a demand and market interest review, the ELA states that Dundonald is at the lowest demand in the hierarchy of locations for employment land/business space. It compares the businesses in close proximity at Ballyoran Business Park, Dundonald Industrial Estate, Carrowreagh Business Park and Inspire Business Centre and based on its analysis the location typically attracts businesses and services that are primarily serving a local need. Industrial rents range from £2.75 - £3.50 per square foot larger industrial demand tends to be located with better regional transport links, Belfast and Lisburn.
206. The ELA states that the site has a prominent location fronting the Upper Newtownards Road but can experience congestion in peak times. It acknowledges the history of the manufacturing sector and its decline and change in market and concludes that whilst the M1 is 10 miles away, this is at least 35-minute drive time off peak and unsuitable for new logistics manufacturers.
207. The 'substantial community benefits' which are cited by the development of the site are economic in terms of job creation and rates to the Council as detailed in the Economic Benefits section below.
208. In consideration of the above, one of the key findings in the Councils own Employment Land Review for the Local Development Plan was that opportunity exists to maximise the strategic location of Lisburn on the Dublin economic corridor and East/West transport corridor and improve connectivity throughout the Council area to enhance the movement of people, goods and services, and linkages between towns and rural areas.
209. Whilst this site was not ranked in the top 6 good employment zonings, it was as an average score of 27 from a matrix that assessed 20 out of 30 zoned sites across the plan area. The scoring takes into account access, site context, environment and market strength.
210. Paragraph 23 of the Planning Advice Note stresses that flexibility allowed under current planning policy relates only to firm proposals for acceptable alternative

uses which outweigh the preferred option of retaining land zoned for economic development use in a local development plan.

211. Within this context, it is considered that the amended scheme offers the only viable solution to in part realise the potential for employment use on this land.
212. Based on careful consideration of the other material considerations and having regard to the advice set out by the Department on how these matters should be weighed in the assessment of the application, it is accepted on balance that greater material weight should be afforded to the fact that with the site was previously approved as 50:50 split with retail and that along with the passage of time and no uptake in the employment lands, coupled with the economic benefits offered from the scheme and the clear viability issue demonstrated by the applicant relating to this combination of particular circumstances specific to this individual zoning that it is less likely that the site will be developed for employment in full.
213. There are other benefits detailed in the submission which in addition to the matters considered above, are given greater material weight than the prevailing regional policy considerations.
214. These benefits include the creation of a sustainable mixed-use development where residents in the neighbouring residential neighbourhood will have the opportunity to avail of local employment opportunities close to where they live.
215. The economic benefits of the comprehensive development of the site outweigh its retention as undeveloped land. There is little or no evidence to support a case that the land will ever be developed in the future for employment use in its entirety given the catastrophic loss predicted on the economics and its location in relation to ports and the main Newry to Belfast corridor.
216. It is considered that the phasing of the employment use as detailed above is a critical consideration as this approach will ensure the delivery of the employment element of the proposal.
217. The phasing along with the affordable housing element, discussed below, will be secured by way of section 76 legal agreement.

Economic Development in Cities and Towns

218. In terms of ED 1 and insofar as the proposal relates to B2 and B4 uses these are submitted in accordance with PED 1 as they are permitted in an area specifically zoned for economic use and are considered of a scale, nature and form appropriate to the location.
219. The proposed industrial style units suitable for small and medium enterprise. A mix of units is not proposed but the buildings could be redesigned (subject to planning) if a larger footprint was required for a proposed purchaser or tenant.

Development incompatible with Economic Development Uses

220. Turning to ED8 regarding development incompatible with Economic Development Uses whilst there is a mixture of development proposed, consultation has been undertaken with Environmental Health with regards to the potential for noise, nuisance and disturbance and human health and no objection is raised.
221. Further to receipt of the amended scheme, an updated remediation strategy report was submitted requiring ground works to be undertaken with regards ground contamination given the former use on site. A Generic Quantitative Risk Assessment was also carried out, both of which were commented on by NIEA and Environmental Health who had no objections subject to conditions.
222. An Air Quality Impact Assessment Report was previously submitted to demonstrate the assessment of any impact of the proposed development on sensitive air quality receptors during construction and operational phases of the proposal.
223. NIEA and Environmental Health were consulted and had no objections.
224. An updated Noise Impact Assessment (NIA) was submitted with the revised scheme. The NIA states that a daytime and night time baseline noise monitoring survey was undertaken at four locations with the proposed development site. An assessment of noise associated with the proposed development was undertaken, which included the impact of the existing noise environment on the proposed development to determine the suitability of the site for residential development.
225. The NIA states that glazing specifications have been detailed for the proposed habitable rooms within the proposed development to ensure that internal noise levels will not exceed the relevant daytime or night-time criteria as specified in BS8233 and WHO.
226. There are several external amenity areas anticipated as part of the proposed development. Screening effects of the residential dwellings and proposed boundary treatments will ensure ambient daytime noise levels to external amenity areas are within the BS 8233:2014 and WHO guideline values. However, BS 8233:2014 adopts guideline external noise values provided in WHO for external amenity areas such as gardens and patios. The standard states that it is "desirable" that the external noise does not exceed 50 dB LAeq,T whilst recognising that development in higher noise areas such as urban areas of those close to transport network may require a compromise between elevated noise levels and other factors that determine if development in such areas is warranted.
227. Environmental Health provided further comments and have no objections subject to conditions relating to the hours of operation being daytime for the business units, mechanical ventilation and acoustic glazing on all residential units, acoustic fencing and deliveries within daytime hours.

228. Whilst there is concern that the proximity of the dwellings to the proposed business park will restrict the nature of the businesses by virtue of conditions restricting hours of operation and use (B4), the statutory consultees remain content and it is not considered that the mixed uses are necessarily incompatible in their entirety. The amended scheme provides a greater buffer and separation between the proposed economic and residential elements of the development.
229. For the reasons stated, it is considered that on balance the proposal complies with policy ED8 in that the proposed development, as designed is compatible with economic development uses, subject to condition. Furthermore, the redesigned scheme has placed new economic development adjacent to existing therefore there will be no prejudice to any existing employment uses.

General Criteria for Economic Development

230. For the reasons outlined above within the context of Policy ED8, it is considered that the proposed development, as designed is compatible with adjacent economic development uses.
231. The proposal as designed includes mitigation which if implemented will ensure that the amenity of nearby residents is not harmed.
232. The proposal does not adversely affect any features of natural heritage and there are no built heritage features to be affected. This is considered further later in the report.
233. The site is not located within an area of flood risk and the drainage assessments have demonstrated that there is no adverse impact. Flood Risk and Drainage is however further considered later in the report.
234. The site, as designed does not create a noise nuisance. A large noise source is the existing Upper Newtownards Road. Mitigation as proposed ensures no unreasonable noise nuisance is created and indoor and outdoor noise levels are within permitted parameters and standards.
235. DFI Roads have been consulted and are content with the proposed access and parking arrangements. Roads issues are considered later in the report.
236. The proposal has been designed with a movement pattern provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport. This is again detailed in the relevant sections below.
237. The site layout, insofar as it related to the business units, is designed of a high quality. Adequate boundary treatments of timber close boarded and acoustic fencing are proposed alongside landscaping. The proposal is softened from public view largely by existing landscaping to the front beyond which are the

residential dwellings fronting the Upper Newtownards Road and the proposed employment units providing a complement to the side of Ballyoran Lane facing the existing units.

238. The proposal is designed so that the business units face the same direction for surveillance.
239. It is considered that the proposal is in accordance with the balance of the general criteria. in policy ED 9

Housing in Settlements

Policy HOU 1 – New Residential Development

240. This application includes 95 residential units within the settlement limit of Dundonald. The land on which this development is proposed is within the development limit and is not zoned for any specific land use within the BUAP and within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road. It is a brownfield site that has previously been developed. The policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

241. The lands to the north includes a significant change in levels towards the rear of the site where it borders Inspire Business Park.
242. The surrounding area is mixed in character. The surrounding land to the west and north is industrial and commercial in character and comprised of Carrowreagh Business Park, Dundonald Enterprise Park and other businesses.
243. To the east and on the opposite side of Carrowreagh Road is an existing residential neighbourhood of Millreagh Avenue and Millreagh Drive.
244. To the south is the Upper Newtownards Road which is the main road connecting Belfast to Newtownards beyond which is a Gospel Centre and the residential neighbourhoods of Coopers Mill and Millmount,
245. The scheme comprises 95 dwellings in a mixture of detached and semi-detached on the lands bordering the Upper Newtownards Road and Carrowreagh Road. This residential development is bordered on two sides to the north and west abutting Inspire Business Park and the industrial/commercial development along one side of Ballyoran Lane.
246. The proposed dwellings are a mix of sizes and design but typical of a suburban setting and the adjacent Millreagh residential development.

247. The form and general arrangement of the buildings are characteristic of those that have been built in the surrounding residential developments to the east and to the south across the Upper Newtownards Road.
248. The plot sizes and general layout of the proposed development is consistent with and comparable with other built development in the general vicinity of the site.
249. Based on a review of the information provided, and the amended scheme to provide a better transition between existing industrial/commercial into the housing element of the site 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 character of the area would not be harmed particularly as the site brownfield, buildings are demolished and is lying vacant.
250. The layout of the rooms in each of the units, the position of the windows and separation distances to existing properties will 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.
251. Having regard to this detail and the relationship between the buildings in each plot it is considered that the guidance recommended in the Creating Place document and that criteria (a) of policy HOU3 met.
252. With regard to criteria (b), no landscape characteristics/features have been identified that required integration into the overall design and layout of the development. This part of the policy is also met.

HOU4 - Design in New Residential Development

253. The layout drawing describes the 14 different house types proposed. A description of some of these house types is outlined below.
254. There are 10 House Type C and C1 dwellings which are handed versions of each other throughout the site in spread amongst almost every pocket of the development. HT C consists of a two storey detached dwelling with pitched roof, single storey rear return and small side single storey projection.
255. They all have four bedrooms, an open plan kitchen/dining/family/living area and a separate snug to the front and utility. They have a family bathroom and one bedroom with an en-suite, and all have a ridge height of 9 metres. They are finished in red facing brick, concrete tiles on the roof, black uPVC RWG's.
256. House types HTJJ are again located within each discrete pocket of the development with a total of 18 of the dwellings of this style. They consist of a pair of semi-detached dwellings with pitched roofs.
257. These are all two-storey, three bedroom, semi-detached dwellings, with a ridge height of 9.2 metres and all have single storey rear returns. They have a

kitchen/dining area, living room and snug to the rear. They have three bedrooms a family bathroom and one ensuite with a downstairs WC. The external finishes are render painted off white with white uPVC windows and black RWG's with the roof finished in concrete roofing tiles.

258. Detached single car garages are provided for 23 dwellings and are located to the side and behind the properties.
259. The rooms are laid out, the position of the windows arranged along with adequate separation to the boundary ensures that there is no overlooking into the private amenity space of neighbouring properties.
260. For the reasons outlined above and in consideration of policy ED8, the proposed development does not conflict with surrounding land uses, subject to appropriate conditions. It is separated from residential development to the south and east by 15-21 metre of buffer planting and some changes in levels. The buildings are not dominant or overbearing and no loss of light would be caused. Section submitted show the proposed units are not larger than the proposed dwellings in height.
261. A minimum of 20 metres separation distance is provided between the two-storey dwelling units which back onto each other within the proposed development. These separate distances are consistent with the guidance set out at paragraphs 5.19 – 5.20 of the Creating Places document and are considered acceptable having regard to the site context and surroundings.
262. The proposed layout is consistent with the form of housing found in the surrounding area. The proposed houses all face towards the internal service road. Two in curtilage parking spaces are provided with each dwelling. Those dwellings located on corner sites have double frontage.
263. The area in front of each dwelling has a lawn, with a driveway and a small concrete path. The lawn area ensures building frontages are not dominated by hardstanding/car parking.
264. The house types provided are accessible and designed to ensure that they can provide accommodation that is wheelchair accessible for persons with impaired mobility.
265. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area.
266. For the reasons outlined above, criteria (a), (e), (f) and (i) are met.
267. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. The site is accessible to a number of shops and other neighbourhood facilities in Dundonald. Criteria (c) is met.

268. Private outdoor amenity space is provided in the range of 60 to 154 square metres. The majority of units with gardens well in excess of the guidelines detailed in the Creating Places document. The average private amenity provision across the whole site is 82.6 square metres per unit. There is also a large area of open space to centrally located within the site which will have an amenity value for the dwellings with private amenity provision which at the lower end of the provision.
269. All proposed dwellings have single storey returns to the rear. The separation distances from the dwellings to the rear boundaries range from 8.5 – 15 metres, taken from the two-storey rear elevation of each property. There are just one pair of semi-detached dwellings with a 8.5 metres separation distance to the rear. This property has an offset back-to-back relationship with another pair of semi-detached dwellings to the rear and the total separation back-to-back is 20 metres. The separation distances are considered to be acceptable.
270. The site layout and landscape plan submitted in support of the application illustrates that the existing trees along the southern boundary of the site with the Upper Newtownards Road shall be retained.
271. The landscape plan also details all proposed planting including native mixed woodland surrounding the business units to the rear and along the boundary with Ballyoran Lane as well as acting as the buffer between the proposed business units and the proposed residential development. There are grassed areas and hedging along the Carrowreagh proposed. There is a large maintained open space with planting and pathways located centrally within the site and two smaller pockets to the north west and the north east.
272. The proposed site layout drawing includes details of other internal boundary treatments including timber fencing, red clay multi-facing brick walls, estate style metal fencing, paladin fencing, block wall and chestnut pale fencing.
273. Section 2.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance of all soft landscaped areas becoming the sole responsibility of the Developer and their appointed Management Company, the agreement for which shall be sub contracted by the developer.
274. For the reasons outlined above, criteria (b) is considered to be met.
275. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is withing close proximity to local services and shops along the Upper Newtownards Road and opposite the site in Coopers Mill.
- With regard to criteria (d) the proposed density equates to 23.92 dwellings per hectare. There was no relevant KSR for this element due to the land zoning.
276. The development proposals will provide a residential density not significantly lower than that found in the established residential area to the east at Millreagh and the proposed pattern of development is in keeping with the overall

character and environmental quality of the established residential area to the east, accepting that the site of itself is not an established residential area due to its former use. The average unit size exceeds space standards set out in supplementary planning guidance.

277. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
278. The careful delineation of plots with appropriate fencing and brick walls will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
279. Provision can be made for householder waste storage within the driveways for each unit and its safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles. Criteria (k) is met.

Policy HOU 5 - Public Open Space in New Residential Development

280. Detail submitted with the application indicates that the site exceeds one hectare, and that more than twenty-five residential units are proposed. As such open space must be provided as an integral part of this development.
281. The proposed layout indicates that 0.41 hectares of public open space has been provided as an integral part of the development. This equates to 10% of the residential site area which is exactly the 10% requirement for residential development.
282. This is shown to be located at the central portion of the residential part of the development in an informally open space with two smaller discrete pockets to the north west and north east which are of less value. southern end of the site. There is also buffer planting separating the mix of elements on the site however these are not classed as usable open space and not counted in its assessment.
283. For the reasons outlined above, the policy tests associated with Policy HOU5 are met.

Policy HOU10 - Affordable Housing

284. Nineteen affordable housing units are required to satisfy the policy tests associated with Policy HOU10 - 20% affordable housing provision.
285. The agent has confirmed in an email dated 14 December 2023 that the applicant is content to make provision for a minimum of 20% of the development for Affordable Housing units. The specifics on the exact mix of

tenures to be provided will be agreed with Council prior to the commencement of development.

286. This provision will be secured through section 76 agreement. The agreement will be contingent on no more than 75 being constructed and occupied until provision is made for the affordable housing component.
287. 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. The affordable housing units must be provided in tandem with the private residential units and will be subject to the same phasing requirements.

Access and Transport

288. The site fronts onto the Upper Newtownards Road which is a protected route however, it has three separate accesses, none of which are onto the Upper Newtownards Road directly.
289. The Design and Access Statement confirms that the primary vehicular access is via the Carrowreagh Road and is proposed to serve the of the residential dwellings and a small pocket of 3 business units adjacent to Inspire Business Park.
290. A separate access is proposed from Ballyoran Lane. This access is intended to serve the proposed light industrial units only.
291. Secondary shared surfaces are proposed off the main spine road in order to assist in creating a hierarchy of streets within the site.
292. The site is located in close proximity to a number of Bus Stops which offer a range of services connecting the site with Belfast City Centre to the west and Newtownards to the east.
293. In terms of access, the Design and Access Statement indicated both junctions with Newtownards Road will be improved.
294. A Transport Assessment and Transport Assessment Form TAF were submitted with the original submission.
295. They confirms that the improvement to Ballyoran Lane will see the extension of the crossing lane within the central reservation along Upper Newtownards Road to facilitate vehicles moving into this lane without impeding any vehicles waiting to turn right from Upper Newtownards Road onto Ballyoran Lane. This alteration will assist in easing the right turn exit from Ballyoran Lane for larger vehicles.

296. The Carrowreagh Road improvement proposes the widening of the two lanes towards the junction with Upper Newtownards Road to facilitate a left turn filter lane which will significantly increase the capacity of the junction.
297. The Statement confirmed that the main vehicular access is from the Carrowreagh Road, and the site access roads are located at least 15 metres from the existing roads and are designed in accordance with the technical requirements of DfI Roads.
298. In terms of servicing, the Design and Access Statement confirmed the proposed roads within the development will be designed and built to an adoptable standard, facilitating access for refuse/recycling vehicles.
299. In terms of pedestrian access, footpaths and shared surfaces are proposed throughout the site thereby promoting the movement of pedestrians, whilst facilitating vehicular movement where required.
300. In terms of public transport, the proposed development promotes and enhances the use of sustainable modes of transport. Users of the development have access to public transport routes along the Upper Newtownards Road passing the southern boundary of the site, with bus stops located in close proximity to Ballyoran Lane and Carrowreagh Road.
301. The site is also within 800 metres of the Dundonald Glider terminus, where rapid regular buses provide a direct link to and through Belfast. In addition to the glider option, Ulsterbus services connect the site to Newtownards and beyond (for example Portaferry, Ballywalter, Millisle).
302. The Transport Assessment and Transport Assessment Form concluded that the network has adequate capacity to accommodate the traffic generated by the proposed development as long as the improvements mentioned above were completed.
303. A road safety audit and a number of consultations with DfI Roads resulted in the junction improvements at Ballyoran Lane being removed. The Transport Assessment modelling in its current form concluded that the geometry is satisfactory after issues were raised that the suggested improvements would compromise the safety of the junction.
304. The Transport Assessment and Transport Assessment Form were updated with the amended scheme and DfI Roads reaffirmed the acceptability of the amended proposal.
305. All the dwellings have two in curtilage parking spaces with a further 75 visitor parking spaces highlighted throughout the development.
306. The business units have 31 required and provided commercial spaces, and an overprovision of assigned and unassigned parking provision by 56 with 180 being provided for 124 needed therefore provides the necessary standards.

307. The Transport Assessment concludes that at Carrowreagh Road, an additional lane was proposed on the approach to the traffic signals to increase the capacity to accommodate the additional traffic. This has been designed, modelled, audited, and the remains part of the proposal. As traffic has reduced, no revised modelling has been undertaken.
308. At Ballyoran Lane, whilst the capacity has been proven to be adequate, the modelling has been updated due to minor changes in trip rates. Sensitivity modelling has also been completed, and it continues to be the case that this junction has capacity without the need for improvement.
309. It is concluded that the network with agreed junction improvements at Carrowreagh Road remains adequate capacity to accommodate the traffic generated by the proposed development.
310. After a number of consultations with DFI Roads, audit information and review by Amey consultants, DFI Roads final response as revised with the amended scheme offers no objection subject to conditions.
311. The application is considered to be compliant with all the requirements of policies TRA1, TRA2 and TRA7.

Natural Heritage

312. The site is not located in an area of sensitivity and was not submitted with any ecological information. From inspection there does not seem to be any indication of ecological importance on the site being inner urban and already having been developed. The only vegetation is along the boundaries much of which is to be retained.
313. A consultation with Natural Heritage was undertaken and the response only referred to standing advice.
314. A consultation with Shared Environmental Services indicted the need for an HRA given the sites connection to Strangford Lough.
315. SES have completed an appropriate assessment in accordance with the regulations and having considered the nature, scale, timing, direction and location of the project, they advise that it would not have an adverse impact on the integrity of any European site either alone or in combination with other plans or projects. Officers have no reason to dispute the assessment carried out on behalf of the Council.
316. For the reasons outlined, the proposal is not likely to have an adverse impact on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby. The requirements of policy NH2 and NH5 are met.

Flooding

317. In relation to drainage, a drainage assessment and addendum were submitted with the application and a number of consultations undertaken with Rivers Agency.
318. In the final response Dfl Rivers commented that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. There is an undesignated watercourse at the north-west corner of the site. The site may be affected by undesignated watercourses of which they have no record.
319. Dfl Rivers advised that in relation to policy FLD1 Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that western boundary of the development lies within the 1 in 100 year strategic flood plain. As there is a significant bank elevation at the area of the western boundary a Flood Risk Assessment is not required on this occasion.
320. In relation to FLD 2 Protection of Flood Defence and Drainage Infrastructure – advice confirms that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. Reference is however made to an undesignated watercourse at the north-west corner of the site.
321. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Dfl Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.
322. Dfl Rivers comment in relation to Policy FLD 3 Development and Surface Water that, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.
323. The Drainage Assessment states that the drainage design is preliminary, therefore Dfl Rivers requests that the Planning Authority includes a final drainage assessment by way of condition as part of its planning permission if granted.
324. Rivers Agency granted Schedule 6 discharge consent at brownfield rate of 990.8l/s to the undesignated section of the Carrowreagh Stream and confirmed that the Department are satisfied that your proposals will not render the watercourse less effective for drainage purposes.
325. There is no documented evidence of flooding in the area, however a large portion of the site is estimated to be in an area of surface water, however this will be eradicated with adequately proposed site storm drainage post development.

326. It is proposed to construct new storm sewers to serve the development. Using Micro Drainage modelling software, Marrac Design simulated the proposed storm sewer network and tested it to the requirements of Sewers for Adoption NI.
327. The Drainage Assessment stated that post development it is proposed to introduce landscaped amenity space into the overall development and increase the amount of landscaped areas in general. Therefore, post development run-off rates will reduce from existing. As such, no storm attenuation is proposed.
328. An Addendum to the drainage assessment was received with the revised scheme and considered by Rivers Agency who have reconfirmed that they are content.
329. NI Water were also consulted extensively throughout the application process and were recommending refusal of the application. In January 2022 NI Water issued a Solution Engineer Report recommending high level storm off-setting options to allow the foul discharge from this proposal to connect to the existing public wastewater network. The Drainage Consultant carried out extensive on-site survey work and in discussions with NI Water has developed an acceptable solution which will enable NI Water to approve a foul connection.
330. NI Water confirmed that they were therefore content to amend its original response from a recommendation to refuse to a recommendation to approve with a negative condition that no properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered and operational. Upon receipt of the amended scheme NI Water reiterated their earlier response.
331. Water Management Unit were consulted and raised the following issues that the additional sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Kinnegar waste water treatment works (WWTW).
332. Water Management Unit recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW and associated sewer network will be able to cope with the additional load or whether the existing WWTW or network would need to be upgraded.
333. WMU states that if NIW indicate that the WWTW and network is able to accept the additional load, with no adverse effect on the operation of the WWTW and network or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.
334. Furthermore WMU recommended a condition that the drainage for the Petrol Filling Station must be constructed in accordance with the agreed drainage plan.
335. As detailed above, NIW have subsequently confirmed that they are content. For the reasons outlined, the proposal complies with Policy FLD1 and FLD3.

Contaminated Land

336. The Design and Access Statement advises that the site was previously used as an industrial factory site. A Generic Quantitative Risk Assessment Report and Remedial Strategy Report were submitted with the application. This report was updated with the amended version of the scheme.
337. The Councils Environmental Health and NIEA Regulation Unit were consulted and commented that the GQRA is informed by two phases of site investigations and environmental monitoring from 2010 and 2017.
338. The risk assessment identifies a hotspot of soil contamination which may also be impacting the shallow groundwater in a localised area of the site. An area of nickel impacted soil/made ground is also identified which could be a risk to human health receptors.
339. A remedial strategy has been provided for the potential risks identified which includes provisions to remove the hotspot area, use clean cover soils for the nickel impacted soils and provides provisions for ground gas protection to the development.
340. The updated Remedial Strategy Report addresses the risk identified in the previously agreed Generic Quantitative Risk Assessment for the site.
341. Regulation Unit Land and Groundwater Team offer no objections to the development provided the remedial strategy provided by RPS is implemented fully and verified subject to conditions.
342. EHO final comments have been received and confirmed that they have no objection subject to conditions relating to foul connection with NIW, development to be in accordance with remedial strategy and necessary verification reports with clean cover system installed prior to occupation. Further conditions for a piling risk assessment, pre demolition asbestos survey and an updated AQIA are also required.

Consideration of Representations

343. Forty Eight letters of objection were received. Consideration of the issues raised are set out below:

Only piece of zoned land left in Dundonald and is in the middle of 5 successful business parks, some of whom have waiting lists for premises.

344. This is noted and assessment of the consideration of the relevant reports is contained within the main body of the report. The success of the surrounding business parks is a material consideration.

There is no housing need in this area

345. There is no policy test specifically requiring a demonstration of housing need however it is noted within the report that Dundonald has a large supply of approved and pending housing applications which is a material planning consideration.

Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards

346. During the processing of the application, the scheme has been amended to remove the petrol station element.

Will create traffic issues around Carrowreagh Road especially at peak times

347. Improvements are offered to the junction of Carrowreagh Road and the relevant analysis and modelling have been agreed with DFI Roads and an independent audit that the junction capacity will be acceptable.

Dundonald needs more jobs, not more houses

348. As rationalised within the report, the economic offering is now considered substantial enough to outweigh this key employment site.

Contrary to the RDS that seeks to protect employment land

349. The detail surrounding the RDS and protection of employment land is noted within the report which feeds down into local policy. For the reasons outlined in the report, sufficient detail is provided by way of other material considerations to justify the loss of part of the employment lands.

Rezones the land which should have been a job for the LDP process

350. It is accepted that the rezoning of land is a matter for the LDP process however there are opportunities within the planning application process for mixed use developments to be advanced and for weight to be attached to other material considerations

There are also a surplus of housing as well

351. It is noted within the report that there is a clear supply of housing in the area.

Will undermine and threaten the viability of the forthcoming Millmount Village Centre

352. The retailing and petrol station element has been removed in this revision to the scheme.

NIW recommend no more connections

353. This earlier view has been updated and a solution has been found which now offers no objections by NI Water.

Reports are paid for by the agent and have differing purposes

354. The reports and their contents are noted and interrogated accordingly by officers and statutory consultees. No evidence to the contrary has been provided.

Post covid warehouse requirement has not been quantified

355. The recommendation and application are based on the information as submitted however market changes post COVID and indeed Brexit are acknowledged.

Litchfield assessment was done by the Council and rated it at the top of the average rating.

356. The rating given is noted within the report.

Carrowreagh business park is fully occupied

357. The occupation/success of the adjacent Business Parks in the adjoining area is noted and a material consideration.

Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price

358. This view is noted and the recommendation is reached on the merits of the submission, giving appropriate weight to material considerations.

Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings

359. The relevant area plan zonings are noted above in the relevant section.

SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzoned lands in the SPPS

360. The policy requirements and nuances between policies is set out within the relevant sections above.

No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.

361. The marketing is noted and any limitations in relation to same. These are material planning considerations.

Increased investment in NI anticipated post Brexit

362. Markets and investment may change post Brexit.

Wrights have successfully refurbished at Ballyoran Business Park over the last 10 years

363. The success of the surrounding business parks is a material planning consideration and for the reasons outlined in the report, the proposed development is not likely to have an adverse impact on the continued operation of established businesses nearby.

Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.

364. It is noted that this is the only employment site left in the locality. This is also a material planning consideration.

Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents for servicing the site.

365. Views on economic benefits being stated to be offered as a result of the development and are material planning considerations.

The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.

366. The lower rate of employment offering is noted and accounted for within the report. The rate has been amended with the amended scheme accordingly.

Existing amenities already under pressure e.g. schools

367. There are no objections offered by any of the statutory consultees with regards infrastructure and utilities. The provision of school facilities is a matter for the Education Authority.

The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.

368. The site is acknowledged not to be on the regional main infrastructure but its proximity to same is noted and considered.

The applicant's statements does not address the Councils economic development response in relation to the earlier scheme.

369. The views expressed by the economic development team are noted. The applicant has expressed the other material considerations which they consider outweigh the non compliance with policy.

The revised scheme offers less job creation than the earlier version.

370. The revised scheme and its job creation are detailed above. It is considered that the additional jobs offered by the earlier scheme were lower paid retailing jobs within the neighbourhood centre and petrol station. The jobs now being offered are all based on employment and will assist in providing access to jobs for people in the local area.

The economic offering remains unchanged.

371. The view is expressed that because there are only three additional industrial units that the offering is essentially the same. This comment is made in isolation of the other changes and reductions within the scheme. The location of the offering is changed to border industrial lands and there has been a significant buffer included to ease the transition between it and the housing.

Invest NI and Economic Development are unsupportive.

372. The views expressed by the consultees are acknowledged and considered within the main body of the report.

Failure of the applicant to address the correct policy context and the SPSS removes the word residential from PPS7 PED4's list of uses that can legitimately be considered.

373. The policy context has changed during the processing of the application. Whilst the applicant refers to the lands being unzoned whiteland, this view has not been accepted due to the advanced nature of BMAP as a material consideration and the lands are considered as zoned for employment/industry. That said, it is acknowledged within the report that the proposal is contrary to ED7 but that greater weight has been given on balance to the material consideration that the site will remain undeveloped and this proposal provides the best available opportunity to secure further employment opportunity in Dundonald.

40% is a misrepresentation of the amount of land being offered as employment which knocks onto open space calculations being sub standard.

374. The percentage includes the areas of land for employment and the buffer planting offered for a good relationship between the employment and housing.

Wrong Development Model

375. The wrong development model is being used as there are 4 successful business parks adjacent to the site. The marginal nature of the profit margin suggests the scheme is not robust and involves an unacceptable high risk of full or partial failure.
376. The recommendation is made on the basis of the viability models provided. No alternative model is presented in objection. Whilst the objector claims because it is unprofitable now that it may change in 5 years time, this must be weighed against the length of time that the site has already been vacant and the fact that there are no buildings on it therefore any development for economics use has to be new build.

Proposed phasing is unfavourable to employment.

377. It is considered that the release of some housing in phases is necessary to help with build costs for employment delivery. The section 76 agreement will be drafted to ensure that the employments units will be delivered.

The business park has no management plan

378. As there is no model or tenants it is not considered prudent to have a management plan, however this is capable of being conditioned.

Not supported by the RDS RG1 and other RDS policies

379. The RDS is considered above and it is accepted that the thrust of the policy seeks protection of zoned lands.

Feel CBRE reports underplay the sites potential and the Litchfields report mis-grades the site

380. The reports are considered within the relevant parts of the report.

Absence of housing need argument

381. The proposed mixed use including housing has been considered under other material considerations as part of the overall redevelopment of the site. Policy does not require a specific housing need argument to be advanced,

No details of the redevelopment of Wrights Business Park which is adjacent to the site and refurbished a large quantum of derelict units

382. The agent in their Clarification Statement has acknowledged the receipt of a major planning application which they state is not comparable as this is refurbishment which is a much lower cost and actually process a threat to this site in terms of the new build costs being prohibitive for economic use.

Conclusions

383. For the reasons outlined above, it is accepted on balance that greater material weight should be afforded to the fact that with the passage of time there are a combination of circumstances specific to this individual zoning that make it less likely to be developed for employment in full. The proposal as amended provides the best available opportunity to secure further employment opportunity in Dundonald.
384. Policies TRA1, TRA 2 and TRA7, NH2 and NH5 and FLD1 and FLD2 of the Plan Strategy are also satisfied.

Recommendations

385. It is recommended that planning permission is approved subject to section 76 agreement which provides for
- A minimum of 20% affordable housing which equates to a minimum of 19 residential units
 - To secure the employment use earlier and the benefits accrued from this the phasing should be broadly in line with the following parameters:
 - The provision of all the infrastructure necessary to deliver the 31 employment units in the subsequent phasing.
 - Phase 1 – No more than 36 residential units of which 7 units should be affordable housing are to be constructed until the employment units at sites 1-20 are constructed to Industrial occupation standard.
 - Phase 2 - No more than 72 residential units of which 7 units (14 in total accumulated over the two phases) should be affordable housing are to be constructed until the employment units at sites 21-28 are constructed to Industrial occupation standard.
 - Phase 3 - No more than 90 residential units of which 5 units (19 in total accumulated over the three phases) should be affordable housing are to be constructed until the employment units at sites 29-31 are constructed to Industrial occupation standard.

Conditions

386. The following Conditions are recommended:

- 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

- The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. P486/R-01K, bearing the LCCC Planning Office date stamp 16th August 2023 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

- The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P486/R-01K, bearing the DFI determination date stamp 21st August 2023.

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

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. P486/R-01K, bearing the date stamp 16th August 2023, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access

shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

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

- No dwelling(s) shall be occupied until that part of the service road, which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development).

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

- Foul sewage shall be connected to the main sewer with Northern Ireland Water approval

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

- No part of the development hereby approved shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered in accordance with the approved plans and is operational.

Reason: To ensure adequate provision is made for the disposal of wastewater.

- Prior to occupancy of the residential units hereby approved, a clean cover system shall be installed to form an encapsulation layer above the contaminated soils as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The clean cover system shall be installed in the proposed gardens and landscaped areas and consist of a minimum of 1000mm of clean cover.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- Prior to occupancy of the residential units a 2.5m x 2.5m area around TP302, shall be excavated to a depth of 1.2m below ground level, as detailed in the Remediation Strategy Report published on the planning portal 5 June 2023. The area shall not be made good until analysis results can demonstrate that the PAH concentrations in the remaining soil is below the relevant screening values.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the occupancy of the residential units hereby approved, the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the scheme and the objectives have been met. Substantiating information shall be submitted to the Council in the form of a written validation report for approval.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The applicant shall have full regard to all relevant and current guidance and standards during the remediation and validation processes and shall incorporate such detail within any report submissions required to be submitted for prior approval by the Council.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- The site is within a Smoke Control Area designated under the Clean Air Order (NI) 1981. Therefore, all appliances installed on this site must comply with Smoke Control Areas (Exempted Fireplaces) Regulations (NI) 1999 (as amended) and fuels used must comply with Smoke Control Areas (Authorised Fuels) Regulations (NI) 1999 (as amended).

Reason: To ensure compliance with the smoke control regulations

- All vehicles operating within the industrial development site shall be fitted with white noise (full spectrum) reversing alarms or variable loudness reversing alarms whose noise level does not exceed the background noise level by greater than 10 dB(A).

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

- Any artificial lighting to the development must minimise obtrusive light and conform to the maximum values of vertical illuminance within the environmental zone for exterior lighting control – E3 (Suburban). These values are contained within Table 3 of the Institution of Lighting Professionals Guidance Note 01/21- The reduction of obtrusive light.

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

- Development shall be carried out in strict accordance with the dust mitigation measures set out in the Air Quality Impact Assessment received by the Council 18 December 2020.

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

- Prior to occupancy of any of the residential units hereby approved, a 1.8 metre high acoustic barrier shall be erected as labelled by boundary treatment 1 and presented on approved drawing [insert number]. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 12 kg/m² and so retained thereafter.

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

- The hours of operation of the Class B2 and B4 industrial/employment units shall not exceed 0700 – 2300.

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

- Prior to occupation of the residential units hereby approved, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 35dB(A) RTRA (or $R_w + C_{tr}$), shall be installed to all dwellings.

Reason: To achieve internal noise level in line with BS8233

- Prior to occupation of the residential units hereby approved, passive and mechanical ventilation in addition to that provided by open windows, capable of achieving a sound reduction of at least 35dB(A) RTRA when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to all dwellings. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233

- During the operational phase of the industrial units no activity which is likely to generate excessive noise e.g. delivery, should be undertaken outside the hours of 0700-2300 hours.

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

- If piled foundations are require then prior to commencement of the development hereby approved, a piling risk assessment shall be completed and submitted to the Council for approval. The piling risk assessment shall be completed to demonstrate that the proposed piling method will not have an adverse impact by creating new pathways for the migration of potential contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- A Pre-demolition Asbestos Survey should be undertaken prior to demolition and site redevelopment works in compliance with The Control of Asbestos Regulations 2012 and more specifically Regulation 4 – The Duty to Manage Asbestos to ensure any risk to those tasked with site development and future site users is appropriately managed.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

- Prior to the installation of the combustion system(s) for heating and hot water to any non-residential elements of the development, with a rated thermal input greater than 1MW, the applicant must submit an updated air quality impact assessment. The updated air quality assessment shall provide specific details of the proposed combustion system including, emission rates and flue termination heights. The updated assessment must demonstrate that there will be no significant adverse air quality impacts associated with the operation of the proposed combustion systems. The combustion systems shall be maintained and operated in accordance with the approved details and retained thereafter.

Reason: To comply with The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) (Amended) 2018

- The development hereby permitted shall not be occupied until the remediation measures as described in the RPS Group Ltd Remedial Strategy Report IBR1268 dated 30th May 2023, have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

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

- If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

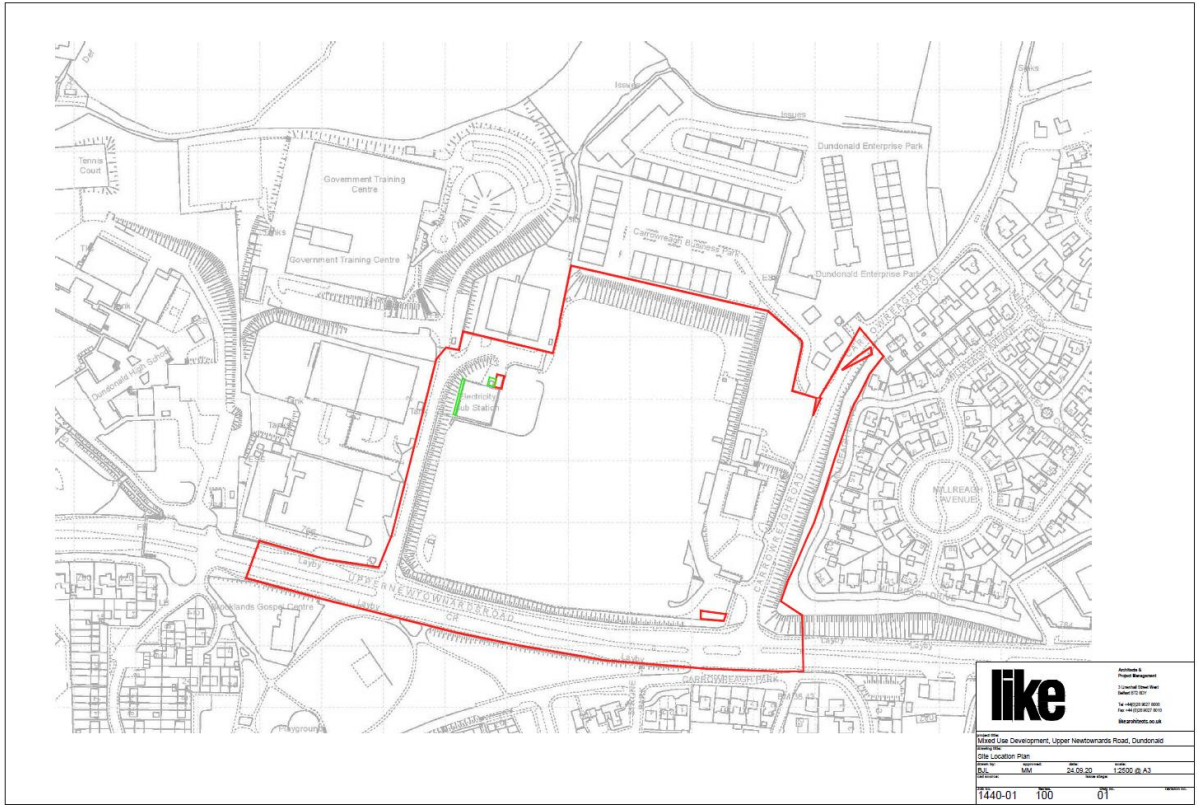
- After completing the remediation works under Conditions [insert number] and [insert number]; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

- All existing trees and proposed planting within the site shall in accordance with drawing [insert number] published on Portal on [insert date]. Any trees or planting indicated on the approved drawings which die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

Site Location Plan – LA05/2021/0033/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 December 2024
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2021/0740/F
Proposal Description	Two Dwellings with Garage
Location	Between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh
Representations	Four objections
Case Officer	Cara Breen
Recommendation	Refusal

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 17 October 2024. The recommendation was to refuse planning permission.
2. Following the presentation by officers and a presentation by the applicant and his adviser, Members agreed to defer consideration of the application to allow for the applicant to provide additional information in support of a case that the garage adjacent to 32A Ballykeel Road is used as a separate business premises and not an ancillary building within the curtilage of the dwelling.

Further Consideration

3. Information was submitted by the applicant on 21 November 2024 and is included as an appendix to this report (**see Annex A**). The information includes magazine and web news articles which refer to a business described as Rally-hire.com operated by Raymond Mason. The articles are dated pre-2019.
4. Photos were also included from November 2024 showing a van parked at the garage with Rally-hire.com graphics. There is no evidence submitted of a commercial use of the premises as a business with its own address. No invoices, statements or other documentary evidence is supplied.

5. It should be noted that a web based search of the name 'Rally-hire.com' did not return any evidence of a business at this location.
6. The site was visited by an officer of the Council on 14 November 2024, the garage was locked up and no business was operating from the site.
7. A land registry check was carried out and this is included as an appendix to this report (**see Annex B and C**). It demonstrates that the land on which the garage and the dwelling is located is owned by the same private individual. No Certificate of Lawfulness is submitted to demonstrate that a change of use has been certified for a building that was constructed as a domestic garage within the curtilage of the neighbouring dwelling.
8. It is considered that the garage (consistent with the planning history) remains within the domestic curtilage of 32A Ballykeel Road and is ancillary in use. It cannot be considered as a building to be counted as part of a substantial and continuous built-up frontage for the purposes of assessing whether the requirements of policy COU8 are met.
9. The advice that the requirements of policy COU8 are not met remains unchanged. There is not a substantial and continuously built-up frontage comprised of four buildings.

Conclusion and Recommendation

10. The evidence does not demonstrate that the garage was used as a business, there is no business currently operating in the garage and there is no planning history of the domestic garage being changed to a business.
11. The advice previously offered that planning permission should be refused remains as there is no substantial and continuously built-up frontage along this part of Ballykeel Road.
12. The information contained in this addendum should be read in conjunction with the main DM officer's report previously presented to Committee on 17 October 2024.

EVIDENCE RELATING TO BUILDING BESIDE 32A BALLYKEEL ROAD MONEYREAGH
TO BE CONSIDERED IN RELATION TO PLANNING APPLICATION
BALLYKEEL ROAD MONRYREAGH REF LA05/2021/0740/F

The following magazine and web news articles refer to a business Rally-Hire.com operated by Raymond Mason of 32A Ballykeel Road Moneyreagh

Photograph from site 11.10.2024

Facebook post 08.06.2018

Article from Motorsport Ireland Sept 2019

Rallyhire web archive showing services offered

And an Objection received by LCCC Planning office dated 19.07.2021

To assist some relevant text has been highlighted.

Site photographs

Contest photo

1st article "A Clubmans Passion" March 2009

This refers to Raymond Masons interest in rallying and his rally car hire business Rally-Hire.com with him as Rally Hire entering full-time work in rally car preparation and the car trade in 1992 with a fleet of 3 Sunbeam rally cars.

This expanded to an Evo 6 a Sunbeam and 2 Evo 9's (all performance rally cars).

Then the article Rallyhire - "Latest News: Golden Result for Rally GB for Rally Hire Team!" taken from the web shows the services Rally Hire provide.

Then a series of 3 photographs show the Rally Hire Evo 9 taking part in the Wales rally GB 2015, 2016 and 2019 driven by Tony Jardine a well know motorsport participant.

Then a current web page showing Tony Jardine and the Rally Hire prepared Evo rally car.

Next the article from Dec 2019 "Mud Sweat and Gears" by Motorsport magazine showing the Rally Hire prepared Evo 9 taking place in the Wales Rally GB.

With Rally Hire referred to in the text charging £3,000.00 / day for the hire of the rally car.

And the 2013 article "Just Bajan.com" - the Barbados Motorsport Information Centre.

Referring to Raymond Mason being involved in the preparation of the Evo rally car hired and driven by Joe McQuillan in the SoL Rally Barbados.

Photo from site 11.10.2024 showing Rally Hire van.

Facebook post 08.06.2018 showing rally car with Rally Hire.com graphics.

Article from Motorsport Ireland Sept 2019 reporting Jordan Hone's rally and the article concludes with him thanking his sponsors including Rallyhire

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Web archive article setting out Rallyhire services

Next is an objectors letter dated 19.07.2021 where at point 3 they state that "There is already a car mechanics business run from an address on the lane"

The series of 3 photographs at the end of this evidence shows the Rallyhire workshop and some associates vehicles and also a site context photograph.

Information provided by Applicant Compiled by McCreedy Architects 21.11.2024



A Clubmans Passion...

Moneyreagh's Raymond Mason has built a first class reputation for rally car preparation and rally hire - a reputation built on success through 30 years of rallysport.

Raymond has been able to convert his prowess behind the wheel into success on the stages for his customers!

It was in on two wheels rather than four that Raymond first started his motorsport career, back in 1974. "I had motorbikes when I was young," he told Pacenotes, "and I raced a 350 TZ Yamaha for a year on the tracks, but I got fed up coming last, and I still have some scars from that season!"

1979 saw Raymond buy his first rally car - a genuine RS1600 Escort - from Harold Bunting. "The BDA blew up soon after I bought it, but I sold the remains of the engine and put a Cross Flow in the car," said Raymond. "I contested a lot of the Trisport Trophy events back in those days, which used to be run by the Belfast, Bangor and Newtownards Motor Clubs, but eventually rolled the car and broke it. I wish I had it now though, as it was a genuine RS1600!"

It was with his next machine that Raymond really started to get noticed - an Opel Kadett with a little 1200cc engine. "I picked the Kadett at the time, because I knew they were a good handling road car, and we were contesting a lot of road rallies," said Raymond. "I did a bit of servicing in those days for Will Corry in his Chevette, in which Stuart Carphin was co driving. Stuart was quite a name back then and I eventually plucked up the courage to ask him to sit with me in the championship road rallies. At that time Tommy Speers in his RS2000 was the man to beat, and although the 1200 had no power really, we did manage to win a couple of the rounds in the snow."

It was a successful period for the crew and the wee Kadett with Raymond learning his skills, while extracting the maximum from a small engine. In 1984 he had another Kadett built, and this time it would have more power, but it was still 1200cc. "I borrowed a book from the library on turbo-charging, and decided to turbo the Kadett. It wasn't very advanced in those days, and the lag was horrendous. Stephen Emerson had a 1600 Sunbeam at the time and we did a drag race, which proved the Kadett had about the same top speed."



Raymond's performances in the turbo Kadett raised a few eyebrows. On his first outing in the car on the Hills of Donegal, he was 6th fastest overall over Atlantic Drive, taking 3 seconds off Dan Daly's Nissan 240 RS!

This was the start of some very good results on National events. One such event was the two day Circuit of Munster in 1985, where Louise Aitken Walker and the works Peugeot team were over to test, whilst Ed Colton had an Irish 205 Gti.

"Stuart Carphin was taking great delight in giving the Peugeot team our times, and we

"I BORROWED A BOOK FROM THE LIBRARY ON TURBO-CHARGING, AND DECIDED TO TURBO THE KADETT. IT WASN'T VERY ADVANCED IN THOSE DAYS, AND THE LAG WAS HORRENDOUS..."

started the second leg in 13th overall I think, and finished ahead of the Works Peugeots. It was a bit hit and miss at times with the turbo engine, and I put a Cross Flow into the car, but the extra power made it unreliable," said Raymond.

It was the move to a Sunbeam, however - a car that became synonymous with Raymond - that led to some great results, but his first taste of a Talbot was a baptism of fire.

"At that time Stephen Emerson had two

Sunbeams and he kindly offered me the loan of one, for the Aer Lingus MC Rally," recalled Raymond. "It was the first time I had driven anything with a bit of power and I felt that I was taking it handy. We came into first service and Stephen asked me how it was going. 'I'm enjoying it,' I said. 'Enjoying it?' he said, 'You are 22 seconds ahead of us and second overall in the rally!' But it didn't last too long as had a big off on the next stage over Cooley Mountain. The car snapped sideways in 4th gear on the narrow link section, hit a rock and rolled 3 or 4 times. There were no doors left on it and it even broke the crank. I still wake up with the bad back from that one! However I'm glad I took the car, as it made my mind up to buy a Sunbeam."

Purchasing the McNeill Glassware 1600 Sunbeam in 1985, Raymond made a spectacular debut with the car at the Hills of Donegal, with Jim McSherry co driving. They finished fourth overall behind a full house of Group 4 machines.

The 1986 season wasn't the most fortunate, but 1987, with another Sunbeam, was to prove Raymond's best season. With Stuart Carphin co driving, on their first attempt they took the 1600 class in the AIB Irish National Championship and enjoyed some startling results, like 11th overall, 1st in class in Limerick, and 3rd overall, 1st in class in Monaghan. Added to this there was a 10th overall on the Donegal Hills, 9th overall in Ballycastle, and 3rd overall on the Boyd's Quarry Rally, not to mention numerous quarry sprint class wins. It was a superb season for Raymond in the self built Sunbeam.

It was around this time that demand for Raymond's services allowed him to go full time into rally preparation and the car trade, leaving behind his job servicing photocopiers, something he had worked at since leaving school.

Through the late '80s and early '90s, Raymond produced consistently good results in Sunbeams, and established a fleet of three hire Sunbeams in 1992, forming the RallyHire business, although this fleet quickly became two, when one of



THE CAR SNAPPED SIDEWAYS IN 4TH GEAR ON THE NARROW LINK SECTION, HIT A ROCK AND ROLLED 3 OR 4 TIMES. THERE WERE NO DOORS LEFT ON IT AND IT EVEN BROKE THE CRANK. I STILL WAKE UP WITH THE BAD BACK FROM THAT ONE!

the Sunbeams was demolished on the Townparks Rally.

At this time Raymond prepared Stephen Emerson's Manta 400, the car he won the Northern Ireland series in, and carried out set up work on other Mantas, as well as working on a dozen Sunbeam's engines, which he would get to rebuild at the season's end.

Raymond was now using the famous DWK 4T Sunbeam in competition, a car he is soon to rebuild into Historic specification. In 1994 he met a neighbour, Stephen Whitford, helping him to build his similar DWK 19T Sunbeam.

This saw the start of a great rivalry, which pushed the little 1600s ridiculously high up the timesheets. "The first race we had was on the Ballymena Showground event," said Raymond, "and we won by that by just a couple of seconds. Then came the Easter Stages, which was Stephen's first event on the roads, so he took a while to warm up. But it proved to be my biggest disappointment in rallying. We were lying 3rd overall, just a few seconds behind Tom Spence's Legacy, and I was hoping to have a go at that gap, then I landed heavily on a jump, and punctured the sump, and it was all over."

The boundaries were being pushed and there were some spell-binding performances by both drivers. At the end of the season, Raymond made history by taking a 1600 car to 3rd place overall on the Northern Ireland Championship Townparks Rally.

After that, Raymond moved into four

wheel drive machinery by purchasing the "yellow cab" Group N Sierra. "I hated the car at first," he recalled. "On my first event at Bishops court, I arrived at the first hairpin and I didn't think we would get round!"

What followed were a remarkable few seasons of success on a very low budget, including Raymond's first outright win, with Allan Harryman alongside, on the Ballynahinch Summer Stages, and another outright on the Dogleap Stages, which helped secure the Group N NI Championship.

"Richard Hogg had a similar car at the time and we had great battles," recalled Raymond. "I remember we won the Dogleap and he was 21 seconds behind, and then the next year, he won the Dogleap, and I was exactly 21 seconds behind him, which was actually quite spooky."

Soon after that Raymond built his first Group N Subaru, before acquiring the ex David Higgins Subaru bodyshell which had been rolled by Robert Woodside on the Manx. With the shell repaired, he used a 2 door donor road car to build the car, and it was a success right from the start.

"I THINK WE WERE FIFTH IN GROUP N AT THE HALF WAY POINT, BUT STEPHEN DOWDS, WHO WAS CO-DRIVING, GOT A BIT BORED WITH JUST DRIVING ROUND, SO WE HAD A GO, AND AT THE FINISH WE HAD WON GROUP N BY ONE SECOND!"

"My first event in the Sub was the Mourne, and the plan was just to drive easy and have a run round to check the car. I think we were fifth in Group N at the half way point, but Stephen Dowds, who was co-driving, got a bit bored with just driving round, so we had a go, and at the finish we had won Group N by one second!"

The Subaru brought many class wins, although Raymond is the first to admit that he couldn't beat all the Evo 6s with it, so it was no surprise that an Evo 6 was his weapon of choice for 2003. Raymond bought

a damaged road car which he built into a rally car. With co-driver Peter Martin he embarked on a two year plan to take Group N on the Scottish Championship, but he ended up winning it on his first attempt, in 2004. "It was a good feeling to win it and there were some really good races during that year," said Raymond. "It all went down to the last stage of the last rally, with one point deciding it!"

Since that time, Raymond has only been contesting selected events, looking after his hire business, which now sports the Evo 6, the Sunbeam and two Evo 9s. In trophy terms, winning the Bulldog Clubmans in the Evo 6, and the Severn Valley National in the Evo 9 has added to his massive collection of silverware, continuing testimony to Raymond's remarkable record of reliability over the years.

Raymond's car prep skills and smooth, car-preserving driving style have contributed in no small measure to his success. Today Raymond is working with his 15 year old son Matthew, who has graduated from karts to the Alltrak Nova class, and is showing good speed.

Raymond's career has been a remarkable story of success on a low budget. Many drivers would be glad to settle for some of the results Raymond has simply forgotten over the years!



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Latest News: Golden Result on Rally GB for Rally Hire Team!

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Welcome to Rally Hire

Rallyhire offers a variety of arrive and drive packages in differing levels of rally cars, ranging from a full International specification Mitsubishi Evo 9, to a Junior 1000 Nissan Micra. We also have an Evo 6, and two very competitive modified Micra's for hire at present. Established back in 1989 by multiple Northern Ireland Group N Rally Champion- Raymond Mason, the business prides itself on a superb finishing record for all the machines, which is attributed mainly to Raymond's vast experience, and meticulous preparation and planning.

The Rallyhire machines have been hired all over Ireland, Scotland, England and Wales, and even on WRC events such as Rally GB. This Belfast based business is geared to travel to suit your needs and is fully equipped with the necessary back up vehicles to support the rally car.

Our services provide by Rallyhire include:

- Competition car preparation
- Engine Mapping of Subaru's and Mitsubishi's a specialty
- Engine, transmission and component rebuilds
- Full suspension geometry set ups
- Sunbeam and Avenger specialist

Rally Hire



Car Preparation



Raymond Mason



Matthew Mason



Golden Result on Rally GB for Rally Hire Team!



CONTACT US

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It was a truly golden weekend on WRC Rally GB for Sky Sports F1 analyst Tony Jardine, and Olympic Gold medallist Amy Williams MBE in their Rally Hire Mitsubishi Lancer Evo 9, scoring a magnificent 26th overall and first in class. On this tough twenty-two stage event the Group N machine ran almost perfectly, with a puncture, a damaged wishbone, and an anti-lag niggler being the only problems during three and a half days of intense competition. The Moneyreagh based team had spent countless hours preparing the car, and were rewarded with a superb result, as many others floundered in the Welsh forests.

Tony Jardine described Amy Williams as a "true sporting star" and she excelled in her first WRC event, and Amy has really caught the rallying bug having started from scratch this season. *"I'm gobsmacked at how well we've done. I'm still in shock now plus absolutely exhausted. Now we're going to have some champagne with the team, the whole team have done so well, it's not just Tony and me, it's everyone. The car has been fantastic, it's been amazing. I have loved every minute of this experience. It's been tough, probably one of the hardest things I've ever done, but I've really enjoyed it. I would love to have the opportunity to do this again, I feel genuinely sad that this could be the last time I'm in a rally car. I've caught the rallying bug. I can see why these guys do what they do. That need for speed, the thrill, and always being on the edge really appeals to me. I need an opportunity to come my way, I'd love to co-drive again and I would love to have a go at driving too!"*

Tony Jardine added. *"Amy has been fantastic, we've gelled really well. Her note calling, in fact everything she's done has been brilliant. During all the stress of today, Amy was the one being totally positive, a true sporting star. I am privileged to have driven with her and today I achieved my best ever Rally GB result. The whole team and the car was great. We were first in our class and 26th overall. I am stoked."* Indeed Tony's pace was impressive enough for him to finish in front of former Irish Tarmac Champion Eamonn Boland, and troubled former Mitsubishi UK driver Philip Morrow.

For Rally Hire's Raymond Mason it's a superb end to the season, the Evo being the first car prepared on these shores to cross the WRC Rally GB finish line. *"Tony and Amy did exceptionally well"* comments Raymond. *"Amy really got into it on the second day, and they really worked well together. It's quite an achievement for her to have done so well, and Tony really put in an excellent drive, with no real mistakes. We had no major problems and we are naturally delighted with the weekend."*

Playstation, Gran Turismo 6, SkyBet, MIS Insurance, Prospeed and Kumho Tyres were amongst the sponsors of the class winning team with the racing car pundit in the driver's seat and the ice queen Amy in the passenger seat!







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Llandudno, Wales. 17th Nov, 2013. Tony Jardine and ex Team GB Olympic Skeleton Champion Amy Williams MBE of Great Britain (GBR) drive their private...

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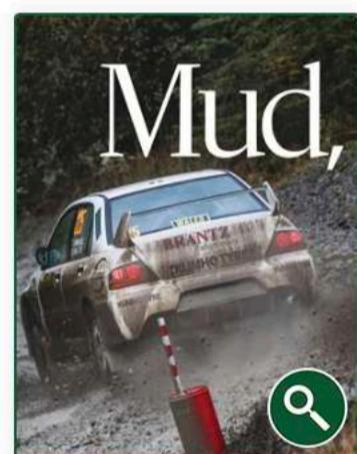




Mud, sweat and gears: co-driving Wales Rally GB

AUTHOR
Dominic Tobin

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When you're staying in a B&B, it's the last letter that makes all the difference. Few people in their right mind would turn down a good guesthouse breakfast, but when you're about to be hurled through Wales in a rally car – while reading pace notes – skipping the sausage and eggs is a wise option.

It may be the only sensible decision I've made so far, on this trip to Llandudno where I'm about to begin my first ever stint as a rally navigator, in the heat of competition.

This is not just any competition either. My baptism of forest stages will be in the biggest rallying event of the year: Wales Rally GB. It's the sort of day you start with an empty stomach and a strong coffee.

As *Motor Sport's* digital editor, I spend most of my days in front of a screen and barely qualify to watch from the sidelines, yet, here I was on the first weekend of October, signing on to compete at the same desk as Sébastien Ogier, Kris Meeke and Ott Tänak in Llandudno's seafront theatre.

Keen tennis players couldn't dream of playing in front of a packed centre court crowd, neither can a pub football team book Wembley for a kickaround. But, for one weekend of the year, amateur rally drivers can compete in the same event, on the same stages as the greatest drivers in the world.



While the full World Rally Championship round gets most of the attention, organisers also run the National Rally over the same weekend, with the stages often running between WRC runs, in front of banks of enthusiastic spectators.

It's quite a spectacle too; dominated by amateur drivers in cars from previous generations. This year's line-up of 64 teams included a Talbot Sunbeam, a Vauxhall Chevette and Lancia Delta Integrale, as well as more than a dozen Subaru Imprezas. Oh, and Jimmy McRae, father to Colin and Alister, in an historic Porsche 911 RS.

Crucially, co-drivers needed no experience, so I applied for my basic licence (no test or medical needed) and headed to Wales, all set to navigate on stages where 100mph straights can be followed by blind hairpins: mistakes can be very costly indeed.

Fortunately, as *Motor Sport* readers will know, this is not a novel concept. Denis Jenkinson, our legendary Continental Correspondent, and Stirling Moss practically invented the concept of the co-driver in 1955.

The pair's meticulous homework, identifying the hazards and bends on that year's Mille Miglia course and classifying them as "saucy ones", "dodgy ones" and "very dangerous ones" gave Moss the confidence to complete the course at record pace and claim an historic victory.

As with the famous 1955 race, I was joined by a driver with considerable experience behind the wheel. Tony Jardine is best known from his stint as an F1 commentator, but is handy when it comes to rallying: this would be his 27th Wales Rally GB, having previously earned a class victory.



Tobin had never rallied before, so Rally GB was a steep learning curve for our rookie navigator

While Jardine and Tobin didn't quite have the ring of Moss and Jenks, our pairing did have something else in common; just like Moss, Tony hasn't won an F1 World Championship either.

Our challenger would be a true thoroughbred: a Mitsubishi Lancer Evo IX, hired from the Belfast-based RallyHire at the cost of £3000 a day.

Originally a production car that was as standard as Evos come, this had been stripped back by the company owner, Raymond Mason, and kitted out with the essentials to survive a pummelling over gravel, rocks and mud: roll cage, uprated suspension, anti-lag software, plus a foot-mounted horn for the co-driver - used to warn over-adventurous spectators.

However, all of this is going nowhere without the two crucial books in my hands: the first contains the pace notes, familiar to anyone who's watched coverage of a rally.

There's not a saucy corner in sight, as our pre-prepared notes rate the fastest corners as '6' and some of the slowest as '1'. I simply have to read them out at the right time: I see 6L and say "6 Left". That's the easy part; delivering them at the right time is what will prove to be the test.

A ">" means that corner tightens, "DC" means Don't Cut and, most arrestingly, "!!!" is Big Danger. One not to forget.



Pace notes can be a complicated thing, and timing and accuracy are key

The notes tell the story of an exhilarating rally with snaking stages, jumps and watersplashes. The second book less so. Its 149 pages are mainly filled with road junction illustrations to get between stages.

tracking to ensure that they don't hunt out a quicker route.

“Navigation is the most important part of co-driving,” says Dan Barritt, who won Wales Rally GB with Elfyn Evans in 2017, and assisted with my event preparation. “The driver can still make it through the stages without pace notes but if you've not first navigated them from A to B then they aren't even going to start. People understand that co-drivers read notes but most of the work is much less exciting. You spend 80 per cent of the day on the mundane part of navigating. The fun bit is only a small part of the rally.”

Perhaps the WRC is missing a trick by not televising Kris Meeke missing the turn-off at Conwy, or Petter Solberg mistakenly turning into Zip World at Betws-y-Coed, but for now, viewers don't see the hours of public road driving, the constant resetting of the rallymeter odometer, and incessant time checking to ensure that you're not at risk of being late.

In rallying, punctuality remains next to godliness so if you don't make it to the numerous time controls at the precise minute required, you'll find a time penalty being added to your stage results.

Combined with the joys of British motoring, this can make driving between stages highly stressful, as you wait in a queue at temporary traffic lights, get delayed by a tractor on narrow country roads, or dawdle behind a driver who appears to have inadvertently set their speed limiter to 30mph... everywhere.



Arriving late incurs a penalty of 10 seconds for every minute's delay, but arriving early is even more heinous: a minute is added on to your stage time for every minute ahead of time; it helps to have a watch that's not running too fast or slow.

So drivers aim to get there ahead of time and then park at the side of the road until they are due at the control booth, and you'll typically find a row of competitors waiting before each stage. These minutes ahead of the stage are sociable, with chatter about car damage and course quality. McRae's Porsche is just ahead. He raises his eyebrows when I say it's my first rally then checks his watch against mine to make sure they are in sync with official 'rally time'.

Further up the road is Wug Utting, competing in his 15th Wales Rally GB. "There's something about going sideways on gravel," he says. "You can't beat it. We're here for the quality of the stages and the atmosphere of the event."

Minutes later, we're at the start of the first stage at Elsi. I slide my road book into the pocket at the side of my seat, pull out the pace notes and watch the screen ahead counting down to zero.

With 10 seconds to go, Jardine flicks the anti-lag switch and the exhaust crackles. The screen goes green and we're off.



replace a rear puncture that cost time

“Three left, 40, One left long. Tight!” I shout over the intercom to overcome the din of gravel being fired up into the wheelarches.

The road jinks right and then left: was that the 6 right and 6 left, or the straight? I read out the next set of directions. But the corners don't match what I'm shouting. “Er, lost”, I say sheepishly.

Jardine said this would happen. He carries on - cautiously - and we scan for one of the regular junction posts ahead. I find the mark in the book and we're back off at speed. It's wet; pouring down, and the already muddy stages are treacherous. They've already caught out drivers ahead of us, and we pass cars in ditches and with crumpled bodywork, creating new chicanes on the stages. It could be Jardine's experience, or his extreme caution at my novice pace note delivery, but we survive the stage: a triumph on the day. Then it's straight onto the road towards the next.

“The driver and co-driver have to work as a team,” says Barritt. “You need to deliver the pace notes exactly when the driver needs them and giving them plenty of warning without overloading them with information.

“Getting the right rhythm for the notes is crucial. The driver can't get the confidence to take risks or to trust what's coming up unless you and the driver are in sync.”

“Four Left! I shout as we hurtle towards a tight right-hander.”

“Four Left” I shout confidently as we hurtle towards a tight right-hander on the second stage over a tricky Penmachno course. “Slow into hairpin left,” I add, as the road opens up. Jardine simply ignores me as he speeds up the hill. “We'll look for the next junction,” he says through what sounds like gritted teeth.

We spot junction 18, but that's on the previous page: I've made another rookie error, turned two pages and directed Jardine to drive straight into a tree. Then it gets worse as the back of the car starts sliding... on a straight. We've obviously got a puncture and with around 20 corners to go, we avoid stopping on the stage and limp to the end.

The left-rear tyre is shredded and the clock is ticking relentlessly, with penalties looming if we don't make it to the next stage on time. Tony lies in the sticky mud and jacks up the car, while I push the wheel gun through the clogged mud to loosen the nuts.

With a spare in the boot, we're back and running - our pristine white overalls now a soiled shade of brown - in four minutes: respectable if you're not a professional.

Tony's shaking his head furiously as I explain the tight schedule. "It was a hairpin," he says. "I was pushing too hard and we slid out onto the stones - that's where we got the puncture."

I'm fairly sure that he's talking about a corner that came up when I was lost in my notes, so he was effectively driving blind. I stay quiet.

We get to the next time control with barely two minutes to spare and there's no respite, as we're back in action straight away, roaring through the spectator-filled forests with, thankfully, no pace note errors and no punctures.

We head back to Llandudno and we're ninth. Even more unbelievably, the white plastic sick bag under my seat remains untouched. Even Jenks struggled to read while being thrown around the roads of Italy. "My poor stomach was beginning to suffer," he wrote. "It cried 'enough' and what little breakfast I had eaten suddenly went overboard."

Somehow, my stomach had not even registered a complaint. The next day would be fuelled by a full English.

It would have to be full throttle too, with a top-10 finish our target. And there was added incentive to perform well, as the spectators were out in force. With a wall of mobile phones, this was not the day to make a silly mistake.

The three stages of the final day were stunning to drive: long stretches of gravel, with technical turns, jumps and chicanes. If you get into a rhythm here, there are big chunks of time to gain. The opposite scenario would destroy our hopes of a strong result.

We were still in contention when we reached the final stage at Sweet Lamb: a rally testing centre that's a playground for rally cars. Helmets on, intercom wire plugged in, pace notes ready and straps tightened. I start the countdown.

There's honestly not a great deal that I remember from the stage. Head down, looking at notes, and glancing at the track to make sure the corners matched my instructions, there was no time to take in the surroundings



Over here! Tobin's final rookie error was completely missing the cameras at the finish ramp photo

There are blurred memories of sliding past banks of spectators, the snaking paths through forests, quarries and logging routes, and the neck strain that comes from landing a jump while looking down at your notes.

I couldn't appreciate Jardine's deft driving but he was definitely doing something right because we were flying. "Caution, acute right" I shouted and felt Jardine hit the brakes as the corner approached. Shimming through switchbacks and sliding round long, sweeping bends, we completed the final stage in 17 minutes; it felt more like five.

The stages were over, but we still had to make the three-hour drive back to Llandudno, avoid penalties - and visit the official car wash so that the car would look good on the ramp.

The results came in on the way back: sixth out of 45 finishers. We may not have emulated Moss and Jenks, but for Jardine and Tobin, it felt like victory.

Even so, after two days pounding round the mud of Wales it was still obvious that I was new to the game. As we stepped out of the car for our finish ramp picture, I looked in completely the wrong direction for the cameras.



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2013-03-22

Irish Boost 4WD Entry for Sol Rally Barbados

'Spring Blaze' in Barbados and Rally Trinidad this weekend



© Stewart McCloy

Two Irish drivers who made their Caribbean debuts last year are among the six entries from the 'Emerald Isle' now confirmed for Sol Rally Barbados 2013 (June 1/2). Their addition to the on-line entry list on the official web site, www.rallybarbados.net, boosts the four-wheel-drive entry to 18, more than

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half that number in the WRC classes.

Although both rally cars will be shipped from Ireland, the drivers approach Barbados from different directions: County Antrim farmer Joe McQuillan will travel west from Northern Ireland to the Caribbean's biggest annual motor sport international, while businessman Martin Donnelly will journey east from his base in New York.

Donnelly, who started his competition career in the mid-1990s driving a Ford Mustang, has been a regular competitor on both sides of the Atlantic Ocean, and twice won the Atlantic Rally Cup in the United States. Champion in 2008 & '09, he has been a regular podium finisher on events in Florida, South Carolina and Tennessee and won the Black River Stages in up-state New York three years in a row.

In Sol RB12, with co-driver Colin Fitzgerald in the Eire Concrete Inc Mitsubishi Lancer Evo IX, Donnelly finished an impressive 22nd overall all and second in Group N, the island's Production 4 category. For Sol RB13, Fitzgerald is unavailable, so his co-driver will be fellow-Irishman Brian Docherty.

McQuillan, who has been rallying since the late 1990s and has won the Mid Antrim Motor Club Championship twice, returns with the Evo VII prepared by Paul McGrath Motorsport and Raymond Mason, in which he finished 40th overall and third in Modified 8-A last year. For Sol RB13, the car boasts a new livery, and a new co-driver, McQuillan's partner Annette Daly.

Since Sol RB12, the M & M McNally/Masstock/Masserene Park Farms-backed Evo, which started life as a Group N car, has been on a diet, alongside a development programme, as McQuillan, aka 'The Big Man', explains: "Since Barbados, we have taken the car to three rally events, finished second overall in the first, but found the handling was not satisfactory, despite the result."

"We continued reducing and transferring weight for the next event, but the car was undriveable to the point of being dangerous – we still finished second overall, though! At the third event, with a new navigator and new suspension setups, it was performing very well, and it looked like we would win, until we had gearbox failure and a DNF!"

'Spring Blaze' in Barbados and Rally Trinidad this weekend

Some of the Caribbean's likely front-runners for Sol Rally Barbados 2013 are in action for the first time this season in events this weekend. 'Spring Blaze', a tarmac sprint organised by the Motoring Club of Barbados Inc (MCBI), includes some of the island's top names, while Rally Trinidad 2013 has a regional mix of contenders.

Barbados Rally Club's (BRC) Virgin Atlantic Championship, gives island fans starved of action since October a taste of things to come.

The provisional list includes Roger Skeete (Sol/Michelin/Simpson Motors/Da Costa Mannings Auto Centre Subaru Impreza WRC S12), 12-time winner of the BRC's premier event, 2003 and '07 winner Paul Bourne (Chefette/Banks/LIME/MQI/Castrol Ford Focus WRC07) and Roger Hill in his Esso/Nassco/MotorMac Toyota Corolla WRC.

Reigning BRC 2wd Champion Logan Watson (Ritz/Club Social/Armstrong Agencies/Power King Batteries/Unknown Entity/Hankook Tyres/SpringBoard Marketing Platforms/In Support of Little Pink Gift BMW M3) heads that section of the entry, with brother Rhett (Oreo/Chips Ahoy!/Armstrong Agencies/Power King Batteries/Unknown Entity/Hankook Tyres/SpringBoard Marketing Platforms/In Support of Little Pink Gift BMW M3), Ian Warren (Simpson Motors/Automotive Art Suzuki Swift), Josh Read (Stihl/Gliptone/Hankook/SDRR/Weetabix/Royal Purple/EZone Toyota Starlet) and Brett Clarke (Western Union Citroen C2).

Two hundred miles south, Rally Trinidad (March 22-24) is the first of the Caribbean's 'Big Three' for 2013, a high-speed loose-surface event, the 30-car entry headed by last year's winner, Trinidad's John Powell (Shell Helix Impreza S14). He faces off against 2011 winner, Jamaica's Jeff Panton, who finished second last year when he debuted his Focus WRC06, and Neil Armstrong of Barbados, making his WRC debut in the Monster/Sol/Chefette/Digicel/Virgin Atlantic/Gunk/Hankook Tyres/Redline Fuels/Simpson Finance/Simpson Motors Suzuki SX4 WRC.

Sol Rally Barbados (June 1/2) and Scotiabank King of the Hill (May 26) are organised by the Barbados Rally Club, which celebrated its 50th Anniversary in 2007; Sol RB13 is the 24th running of the Club's annual International All-Stage Rally and marks the sixth year of title sponsorship by the Sol Group, the Caribbean's largest independent oil company.



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Opel Adam R2 stickered up for Jordan Hone and the Rally-Hire.com team.



Plenty of Pace But No Luck For Jordan Hone in Galloway Hills Rally



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Jordan Hone's Galloway Hills Rally ended in disappointment after he retired from a leading position with just three stages remaining.

The Opel Adam R2 driver was leading the Junior British Rally Championship class by 1.3 seconds when the Opel's rear-wheel dropped into a ditch on the outside of a long, tightening right-hand bend. It was a sickening end to Hone's debut year in the BRC which showed his pace and ability on numerous occasions but was blighted by misfortune.

"The ditch bounced us back out violently," explains Hone. "Launching us into the air and down into the ditch on the other side of the road. It was really a strange off to be honest as, in normal circumstances, dropping a wheel into a ditch like we did can be quite normal and nothing bad happens. I guess it was one of those things and our luck was against us this time."

Hone was able to continue through the stage but decided to retire the Adam when it

The first half of the day couldn't have gone much better for Hone and new co-driver Keaton Williams. The pair took control at the front of the JBRC when William Creighton dropped out of the lead on Stage 2 following a puncture. Hone controlled his lead between SS2 and SS5, adjusting to Galloway Hill's challenging gravel stages.

"Stages 1 and 2 were incredibly difficult to start the rally, especially with a new co-driver. It was difficult to get a rhythm in the stage as it was slippery and very technical. Keaton did a great job right out of the blocks and the car was working well, so my confidence began to grow with every corner.

"The nature of Stages 3 and 4 were more suited to me and the car so we pushed on and managed to extend our lead in the class going into the first service.

"With some new Michelin tyres fitted in service we had a good run on Stage 5, but with a mile to go from the end, I felt like the car had a slow puncture so I just backed off slightly to get to the end. Thankfully it wasn't anything major and we only lost 0.4 seconds from our lead. We intended to try and take that advantage back in the afternoon loop, but unfortunately it wasn't to be."

The 2018 Billy Coleman Award runner-up can take a lot from his experiences in an extremely competitive year in the JBRC. Hone has recorded fastest stage times on every round and has challenged for the win on many of them.

"No matter what events we do in 2020, the ups and downs that we have had as a team in 2019 will help us in the future. I feel like there is unfinished business in the BRC so I'd like to compete in it in some sort of capacity in the future. No matter what, I really want to go out next year and enjoy my rallying."

Hone has hinted that we'll be seeing more of him in the near future. Keep your eyes peeled to find out what exciting plans he still has up his sleeves!

Jordan would like to thank sponsors Premier Car Parts, Rallyhire, Curley Cars and TOC Utilities for their incredible support through what has been a very busy season. He also wishes to thank Motorsport Ireland, all those involved in the Billy Coleman Award and the Motorsport Ireland Rally Academy as well as everyone else who has supported him along the way.

Rally Hire

Raymond Mason established RallyHire back in 1989, initially starting with 1600cc Talbot Sunbeam's which at the time Raymond was also rallying very successfully in. From there the Rallyhire name and reputation for turning out well prepared cars grew vastly and the Sunbeam's were joined later by Subaru Impreza's, then Mitsubishi Evo's and also the Nissan Micra's. Over the year's there have been many loyal customers such as : Tony Jardine, Damien Hynds, Jody Patterson, Jeremy Taylor, Derek Crossen, Paul Crossen, Malachy Crawford, Gary Cooney, Derek Boyd, the late Eamon Harvey, Stephen Whitford and Jordan Hone, to name just a few! It's no coincidence that they are all repeat customers, such is the satisfaction and value for money of the Rallyhire service.

At present Raymond has a fleet of hire machines to suit a variety of budgets and events.

hire-2



Mitsubishi Evo 9- Group N

This car was recently campaigned by Tony Jardine on the WRC Wales Rally GB, IRC Circuit of Ireland and the Donegal International rallies where it never missed a beat. Raymond also took it to third overall on the Down Forestry Rally. The Evo 9 has been built to full International Spec, and features a full Custom Caged shell, the latest Pro-Flex suspension, and an engine and diff mapped to achieve its best by Rallyhire. Tyres, insurance and back up can be arranged for the hire of this car, which is fully FIA homologated and available for tarmac and gravel events.

hire-1



Mitsubishi Evo 6- Group N

Probably about the best Group N Evo 6 left in existence, this machine is in immaculate condition. Featuring a full Custom Cage shell, Pro-flex suspension and a Rallyhire mapped Group N engine, this car has an extraordinary success record, helping Raymond to clinch the Scottish Group N Championship on one occasion. It has an amazing record of no

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PREPARATION AT RALLYHIRE

"Perfect preparation, prevents poor performance." An old prophecy, but one which Raymond Mason knows all about. In a rallying career that has spanned over 30 years, and saw Raymond become a multiple Group N Champion, his reputation for driving, car set up, and reliability is outstanding. Attention to detail is important and the RallyHire cars are always turned out in immaculate condition inside, outside and even underneath. Tidiness is not the only attribute but detailed preparation and maintenance of each individual area of the car from transmission to engine and suspension.

prep-1



Back in 1993, Raymond's prepared Stephen Emerson's Group B Opel Manta 400. With a 100% finishing record and meticulous set up by Raymond, it enabled Stephen to race the four wheel drive machines, even on the forest tracks with the 275 horse power rear wheel drive machine. It took the Carryduff driver to outright honours in the Northern Ireland Rally Championship, and added to Raymond's many personal successes in the series.

Preparation at RallyHire encompasses many areas including:

- Full rally programmes- on and off event work
- Engine/ Gearbox/ Differential/Axle rebuilds
- Engine mapping- Specialists in Subaru and Mitsubishi cars
- Full four wheel suspension geometry set up
- Micra's/ Sunbeam's/ Avenger's/ Manta's/ Kadett's a speciality

prep-2



Whether it's running a rally team for a full season of events, or you want Raymond to rebuild your gearbox, the RallyHire team can handle it.

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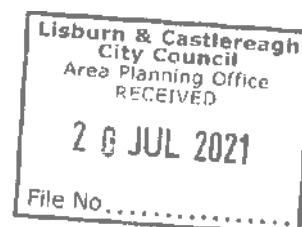
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19th July 2021

Building Control Lisburn & Castlereagh
Civic Headquarters
Lagan Valley Island
Lisburn
Co Antrim
BT27 4RL



F A O Ms TARA BREEN

Dear Ms Breen

Ref: LA05/2021/0740F

I write to you as a concerned resident regarding the above numbered application.

It is my understanding that 2 house are planned for under this application. My concerns are as follows:-

1. The map shows 5 houses when in actual fact there are currently 6 (the lane is approximately $\frac{1}{2}$ a mile in length). If an additional 2 houses are added would this make the lane a street?
2. If each house averages 2 cars that equates to 12 vehicles regularly using the lane. There are limited areas to safely permit passing so when meeting oncoming traffic, you are regularly required to reverse.
3. There is already a car mechanic business run from an address on the lane which generates its own traffic. Adding to this binmen/postmen/delivery vehicles (and if necessary emergency services), it can make the lane extremely busy.
4. There are children in residence who walk to school/bus stops and walking down the lane takes them directly to the village and the safety of walking on pavements. Meeting traffic on the lane they are forced in to the hedge.
5. The lane is a right of way and is regularly used by villagers to walk and exercise their dogs – keeping safety in mind additional traffic would not be safe.
6. To facilitate additional traffic, the lane would need to be widened considerably.

When considering this application, I would be grateful if you would take the aforementioned concerns in to consideration.

Yours sincerely

A local resident







View Folio

Summary Details

Folio: DN6556

Edition: 1

County: Down

Opened: 15/05/1986

L.R. map reference: 166-4w

Grid reference: 400 666

Area: Area under one hectare

Pending applications: No

Entries

Date of first registration: 15/04/1946

Associated Information

Paper Images (prior to computerisation):

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Land Certificate History:

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Part I

Description of the land and where appropriate, particulars of the lease under which it is held

Appurtenance
 Registered 17th August 2001
 Document No: 2001/153607/A

The land herein has the benefit of the following rights created by the said Document:

Rights affecting the land in Folio 44512 as is described in the document and is now shown coloured brown for identification purposes on the Registry Map.

Part II

Name and address of the registered owner and other particulars relating to ownership of the land

Deemed Possessory

~~Registered 17th August 2004~~

~~Document No: 2001/153607/C~~

~~Consideration £190,000~~

~~RAYMOND MASON and LESLEY ELIZABETH MASON both of 32 BALLYKEEL ROAD, MONEYREAGH, NEWTOWNARDS, COUNTY DOWN are full owners.~~

Registered 29th November 2021

Document No: 2021/952259/C

RAYMOND MASON of 32A BALLYKEEL ROAD, MONEYREAGH, NEWTOWNARDS, COUNTY DOWN, BT23 6BN is full owner as a tenant in common of an undivided half share.

LESLEY ELIZABETH MASON of 32A BALLYKEEL ROAD, MONEYREAGH, NEWTOWNARDS, COUNTY DOWN, BT23 6BN is full owner as a tenant in common of an undivided half share.

Part III

Particulars relating to burdens and charges etc

~~Charge~~

~~Registered 17th August 2004~~

~~Document No: 2001/153607/D~~

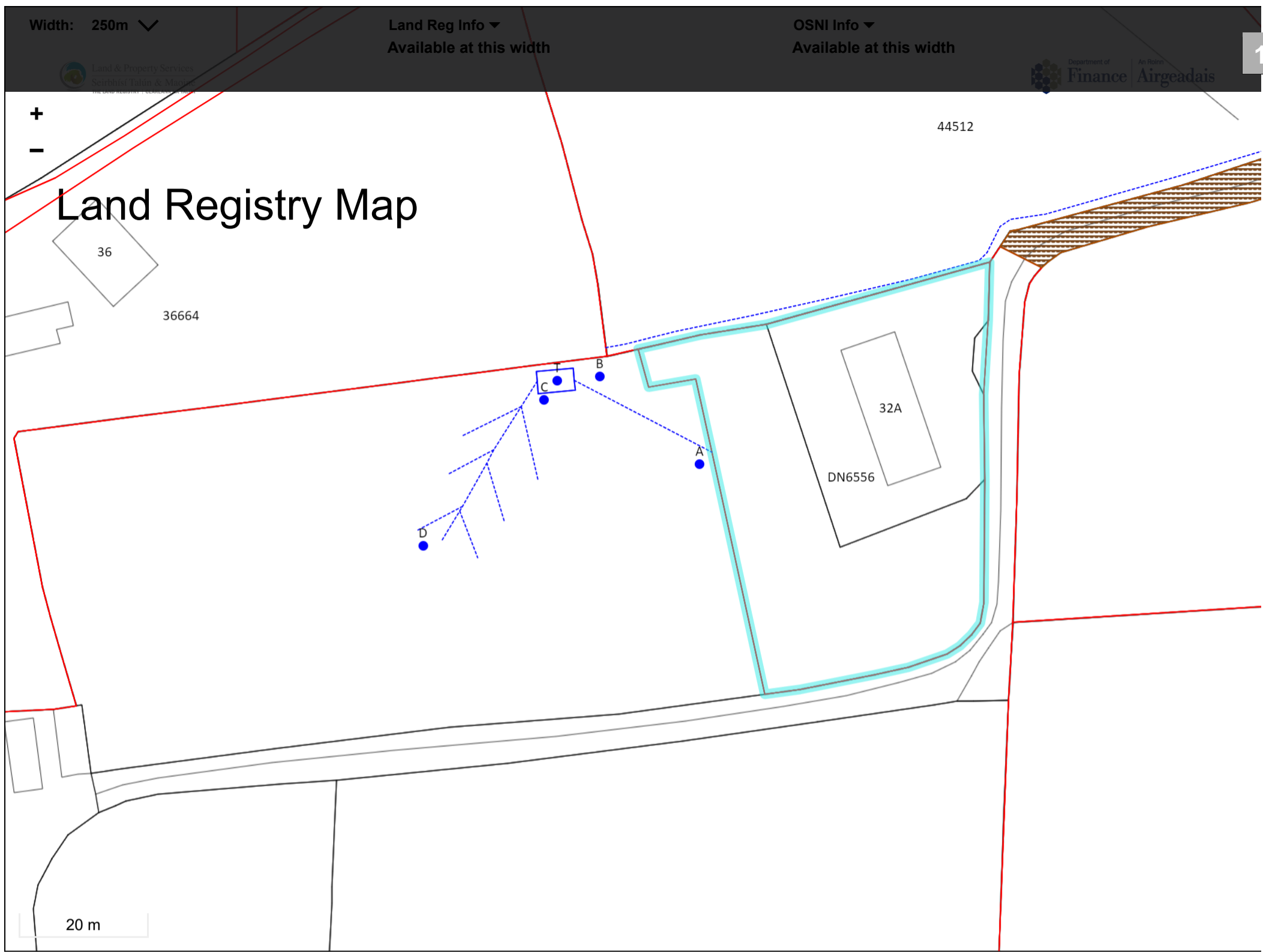
~~C of C to George Farrell~~

~~Cancelled 29th November 2021~~

~~Document No: 2021/952259/B~~

~~Charge for all moneys secured by the said Document.~~

~~Charge Owner Halifax plc, 60 Trinity Road, Halifax, West Yorkshire HX1 2RG.~~



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	14 October 2024
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2021/0740/F
Date of Application	30 June 2021
District Electoral Area	Castlereagh East
Proposal Description	Two Dwellings with one Garage
Location	Between 28a and 32a Ballykeel Road (access via Ashdene Road), Moneyreagh
Representations	Four
Case Officer	Cara Breen
Recommendation	Refusal

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 Committee in that it has been called in.
2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along this stretch of the Ballykeel Road as there is no substantial and continuously built-up frontage at this location. Furthermore, the gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development in terms of the position of the proposed building to one another, plot size and width. In addition, there is no visual linkage between the existing buildings fronting the lane.
4. The proposal is considered to be contrary to criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that

area and as such, it would if approved have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

5. The application site is 0.3 hectares in size and located between 28a and 32a Ballykeel Road, Moneyreagh. It is comprised of agricultural lands, which the topography of is undulating throughout.
6. The site is currently accessed via a field gate north of a private laneway, which serves a number of existing residential dwellings. The private laneway is accessed from Ballykeel Road.
7. The southern boundary of the application site is defined by sparse hedgerow, timber post and wire fence and field gate, and mature conifer hedgerow with timber post and rail fence (along the common boundary with 32A Ballykeel Road).
8. The northeastern boundary is defined by mixed species planting. The northwestern and southwestern boundaries were undefined as the application site is part of a larger field.

Surroundings

9. The application site lies between a residential dwelling to the northeast and one to the south. The surrounding area is rural in character and the land predominantly agricultural in use.

Proposed Development

10. The application seeks full planning permission for two dwellings with garages. The following documents are submitted in support of the application.
 - NI Biodiversity Checklist (June 2021)
 - Preliminary Ecological Assessment (June 2022)
11. Amended drawings submitted by the Agent on the 07 October 2024 have been considered as part of this assessment.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2017/0617/F	Infill dwelling and garage	Adjacent to and SW of 28 Ballykeel Road Moneyreagh	Permission Granted
Y/1988/0295	Erection of replacement dwelling	28 Ballykeel Road, Moneyreagh	Permission Refused

Consultations

13. The following consultations were carried out:

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

Representations

13. Four representations in opposition to the application have been received. In summary, the following issues are raised:

- Impact of increase in vehicles on road network
- Creation of 2 additional houses on the private laneway would make it a street.

14. These issues are addressed in the assessment below.

Local Development Plan

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

Plan Strategy 2032

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

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

17. In accordance with the transitional arrangements, the existing Local Development Plan and draft BMAP remain material considerations.
18. The site is located within Green Belt in the Belfast Urban Area Plan (2001). In draft BMAP (2015), the application site is located in the open countryside, out with any defined settlement limit.
19. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
20. 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

33. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

Infill/Ribbon Development

34. 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

35. 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

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

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

A new development proposal will be unacceptable where:

- a) *it is unduly prominent in the landscape*
- b) *it is not sited to cluster with an established group of buildings*
- c) *it does not respect the traditional pattern of settlement exhibited in that area*
- d) *it mars the distinction between a settlement and the surrounding countryside, or otherwise results in urban sprawl*
- e) *it has an adverse impact on the rural character of the area*
- f) *it would adversely impact on residential amenity*
- g) *all necessary services, including the provision of non mains sewerage, are not available or cannot be provided without significant adverse impact on the environment or character of the locality*
- h) *the impact of ancillary works (with the exception of necessary visibility splays) would have an adverse impact on rural character*
- i) *access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.'*

Waste Management

Treatment of Wastewater

40. Policy WM2 - 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

Access to Public Roads

41. 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

42. 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

43. 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

The Preservation of Archaeological Remains of Local Importance and their Settings

44. 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

45. The SPPS was published in September 2015. 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:

'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.'

47. With regards to infill development. Paragraph 6.73 of the SPPS states:

'Provision should be made for the development of a small gap site in an otherwise substantial and continuously built-up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.'

48. 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.'

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. With regards to Infill development, Building on Tradition guidance notes;
- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
 - *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
 - *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
 - *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
 - *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*
52. It also notes that:
- '4.5.0 There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.*
- 4.5.1 As a general rule of thumb, gap sites within a continuous built-up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.'*

53. Building on Tradition includes infill principles with examples:

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

Development Control Advice Note 15 – Vehicular Access Standards

54. 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

55. The application seeks permission for two infill dwellings with garages (as indicated by the Concept Plan). Therefore, the principle of development is required to be assessed against Policy COU8 in the first instance.
56. In addition, Policy COU1 prescribes that any proposal for development in the countryside will also be required to meet all of the general criteria set out in Policies COU15 – COU16.

Policy COU8 – Infill/Ribbon Development

57. The first step is to consider whether the proposal creates or adds to a ribbon of development. 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.
58. Officers are satisfied that the proposal does engage ribbon development as there are two dwellings already in situ directly to the north-east of the application site. Both of these buildings are beside one another and they front the private laneway.
59. Two new dwellings would therefore add to a ribbon of development to the northern side of the private laneway.

The issue of exception

60. The next step is to consider whether the proposal comes within the exception set out in the policy.
61. The first step is to consider whether there is a substantial and continuously built-up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.

62. Whilst the premise of Policy COU8 is that planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that there may be exceptions whereby the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable.
63. There are two residential dwellings located directly to the north-east of the application site at 28 and 28A Ballykeel Road and a dwelling at 32A Ballykeel Road, abuts the application site to the south.
64. The building at 28 Ballykeel Road is a single storey detached dwelling set within a substantial curtilage. There are two other buildings within the curtilage of this property, but these buildings appear to be domestic in scale and ancillary to the main dwelling. These buildings are not counted as part of a substantial and continuously built-up frontage.
65. The building at 28A Ballykeel Road is a one and a half-storey detached residential dwelling which was approved as an infill dwelling within the context of planning application LA05/2017/0617/F. This building is also set within a substantial sized plot.
66. The building to the south at number 32A Ballykeel Road, is a single storey detached dwelling. There is a detached shed adjacent to the southern side of this dwelling. This shed is located on an area of gravel which appears to be outside the defined residential curtilage of the dwelling.
67. Planning records indicate that a domestic garage (retrospective) was approved at this location in 1998 (Y/1998/0375). The building was approved within the curtilage of 32A Ballykeel Road. Whilst there is now a hedgerow between the dwelling and garage there is no planning history or evidence to support a conclusion that the garage is not ancillary to the dwelling and/or used for non-domestic purposes. For this reason, the garage is not counted as part of a substantial and continuously built-up frontage.
68. The domestic buildings associated with 32A to the south of the application site and those associated with number 28 to the north are not included as part of the frontage.
69. For the reasons outlined above, there are only three buildings (3 residential dwellings) which have a frontage to the private laneway. As such, there is no substantial and continuously built-up frontage, and this part of the exception test is not met.
70. Without prejudice to the view expressed above and for completeness, consideration is now given as to whether the gap is a small gap sufficient to accommodate two dwellings.
71. Drawings are submitted with the application to demonstrate how two dwellings can be sited in the gap that is between the existing dwelling at 28A Ballykeel Road to the north and the existing dwelling at 32A Ballykeel Road to the south.

72. This gap measures approximately 85 metres building to building.
73. Having regard to the guidance set out in Building on Tradition, the average frontage width associated with numbers 28, 28A and 32A Ballykeel Road is approximately 55 metres. A gap of approximately 85 metres would not be sufficient to accommodate two dwellings whilst respecting the existing pattern of development. This part of the policy test is not considered to be met as the gap is not a small gap sufficient to accommodate 2 dwellings.
74. The exceptions test also requires that the proposed dwellings respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings and the buildings forming the substantial and continuously built-up frontage must be visually linked.
75. The Justification and Amplification associated with COU8 states:
'Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.'
76. The proposed dwellings would only have a gap of approximately 11.5 metres between them which is at odds with the larger spacing between the buildings at 28 and 28A and likewise between 28A and 32A Ballykeel Road which does not respect the existing pattern of development in this regard.
77. In relation to design, the proposed dwelling at site 1 is shown to be linear in footprint and 1.5 storey in height. The proposed dwelling at site 1 would feature one single storey dual pitched projection to the front of the dwelling and a single storey dual pitched rear return. The proposed dwelling would also occupy a footprint of 181 square metres, and it would present a ridge height (dual pitch) of 6 metres above finished floor level [FFL]. It would have an under build of circa 1.4 metres to its north-eastern side which would be visible from the front.
78. The proposed dwelling at site 2 would also be linear in footprint and 1.5 storey in height. The proposed dwelling at site 2 would feature two single storey flat roofed projections to the front of the dwelling and a single storey dual pitched rear return. Similar to the dwelling proposed for site 1, the proposed dwelling at site 2 would also occupy a footprint of 227m² (approx.) and it would present a dual pitched ridge height of 6 metres above FFL.
79. Whilst it is acknowledged that the proposed dwelling for Site 1 would have a large under build to the north eastern side which is not characteristic of the dwellings on the laneway, overall it is considered that the size and scale of the proposed dwellings are similar to the design of the existing dwellings at 28, 28A and 32A Ballykeel Road.
80. With regards to plot size, the existing plot sizes at 28, 28A and 2A Ballykeel Road are approximately 0.48 hectares, 0.41 hectares and 0.11 hectares in size respectively. This equates to an average plot size of 0.33 hectares. Detail

submitted demonstrates that Site 1 would have a plot size of 0.14 hectares and Site 2 a plot size of 0.19 hectares. Whilst a similar size to the plot at 32A Ballykeel Road The proposed plots are significantly smaller than the average plot size of 0.33 hectares and as such, the buildings do not respect the existing pattern of development.

81. The dwelling at 28A was approved as a single infill dwelling under CTY 8 on the basis that the remainder of the gap (which is essentially this application site) could accommodate another infill dwelling. Consistent with that assessment it was never anticipated that the gap between 28 and 32A Ballykeel Road would accommodate three dwellings.
82. In terms of plot widths, it is noted that number 28 has a frontage width of 64 metres, number 28A a frontage width of 66 metres and number 32A a frontage width of 35 metres. This equates to an average frontage width of 55 metres. The frontage width of Site 1 would be 34 metres, and the frontage width of Site 2 would be 26 metres. The frontage widths associated with the proposed development would be much smaller than the average frontage width and as such would not respect the existing pattern of development.
83. For the reasons outlined, it is considered that the proposal would not respect the existing pattern of development in terms of the position of the proposed building to one another, plot size and width of frontage.
84. The final element of the exceptions test associated with Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.
85. Having regard to the mature trees which are present between number 28 and 28A and the siting of the buildings at 28, it is not considered that 28 is visually linked to with 28A and 32A.
86. For the reasons outlined above, the proposed development does not satisfy the exceptions test of Policy COU8 and as such, it would if approved add to a ribbon of development along the private laneway.

Policy COU15 - Integration and Design of Buildings in the Countryside

87. The design of the proposed dwellings/garage have been detailed above within the context of Policy COU8 considerations.
88. Taking into account, the size/scale (181-227m²/1.5 storey) of the proposed dwellings relative to the neighbouring dwellings/buildings, the surrounding topography, the vegetation in the immediate vicinity and the distance from public viewpoints, it is considered that the proposed dwellings/garages would not be prominent features in the landscape. Criteria (a) is met.

89. For the reasons outlined earlier and having regard to separation distances between buildings, it is considered that the proposed scheme would cluster with the existing buildings at 28, 28A and 32A. Criteria (b) is met
90. The proposal would blend with the existing neighbouring buildings and the vegetation in the area which provide a backdrop. Criteria (c) is met.
91. It is acknowledged that the only significant natural boundary present is the section to the southern boundary which forms the common boundary between the application site and 32A Ballykeel Road.
92. No boundaries exist to the southwest or northwest of the application site as the site forms part of a larger portion of land. Timber post and wire fencing with vegetation defines the southern boundary (which abuts the private laneway) and the northeastern boundary between the site and 28A Ballykeel Road. That said, it is considered that the dwellings to the northeast and to the south would provide a degree of enclosure. Criteria (d) is met.
93. Whilst it is acknowledged that new landscaping would be required, taking the above into account, it is not perceived that the proposed dwellings would rely primarily on the use of new landscaping for the purposes of integration. Criteria (e) is met.
94. Whilst it is acknowledged that there are elements of the designs which are not particularly rural in character and are not strictly in keeping with guidance set out in Building on Tradition guidance, such as the chimney stacks positioned below the ridgeline, the extent of the under build at Site 1 and the window openings at Site 1, the design of the dwellings on balance is considered to be acceptable and these elements are not considered to be features that would warrant a refusal reason on the basis of design. Criteria (f) is met.
95. In terms of ancillary works, a centrally positioned shared vehicular access point is proposed to the southern boundary of the application site. This access point would lead almost directly onto the in-curtilage parking/turning areas to the front and north-eastern side of both dwellings.
96. No large suburban style sweeping driveways, nor ornate entrance features have been proposed. It is noted that the application site is rather undulating in nature.
97. As per the site sections (although amended plans received are not accurate) and existing and proposed ground levels, some degree of excavation/cut and fill would be required to accommodate the proposed scheme. However, it is considered that the changes in site levels would not result in the proposed dwellings being prominent in the landscape and the ancillary works would integrate with the surroundings. Criteria (g) is considered to be met.
98. Taking all of the above into account, it is considered that the proposal complies with Policy COU15 of the Plan Strategy.

Policy COU16 - Rural Character

99. Without prejudice to the view expressed in relation to the principle of development, the proposed dwellings would not be unduly prominent in the landscape for the same reasons outlined above within the context of Policy COU15 considerations. Criteria (a) is met.
100. Likewise, the proposed dwellings would cluster with the existing buildings to the north-east and south for the same reasons outlined above within the context of Policy COU15 considerations. Criteria (b) is met.
101. As outlined earlier in the report within the context of Policy COU8 considerations, the proposal would not respect the traditional pattern of settlement exhibited in the area and would if approved add to a ribbon of development. Furthermore, the gap is not sufficient to accommodate two dwellings, and the proposed scheme would not respect the traditional pattern of development in terms of siting, plot size and width. Criteria (c) is not met.
102. The application site is located wholly within the open countryside, out with any designated settlement limit. It is therefore considered that the proposed scheme would not mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl. Criteria (d) is met.
103. The proposed development is not considered to be an exception to policy for the reasons outlined within the context of Policy COU8 considerations and would if approved add to a ribbon of development causing harm to the rural character. Criteria (e) is not met.
104. Taking the fenestration (to include specific use of rooms) detailing into account in the context of the siting/orientation of existing neighbouring properties and the siting of the proposed garages and boundary treatments, no concerns in relation to the impact of the proposed scheme in terms of potential overlooking are raised.
105. Taking the size and scale of the proposal into account and siting of the proposed dwellings in the context of neighbouring property, there are also no concerns in relation to potential overshadowing to an unreasonable degree to any neighbouring property.
106. The 60-degree light test was conducted to which the proposed scheme meets. Both dwellings/garages would be set off the common boundary, therefore there are no concerns in relation to the proposal by way of overhanging into neighbouring property. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, they offer no objection to the proposal. For the reasons outlined, no concerns in relation to the potential impacts on residential amenity arise. Criteria (f) is met.
107. LCCC Environmental Health, DAERA Water Management Unit, DAERA Natural Environment Division, DfC Historic Environment Division and NI Water were all consulted as part of the processing of the application and subsequently responded with no concerns, subject to the inclusion of stipulated conditions/ informatives

with any approval. Therefore, there are no concerns with regards to necessary services. Criteria (g) is met.

108. As above the proposed ancillary works would integrate with the surroundings. Criteria (h) is met.
109. For the reasons outlined later in the report within the context of Policy TRA2 considerations, no concerns with regards to vehicular access to the public road are raised. Criteria (i) is met.
110. Taking the above into account, it is considered that the proposal is contrary to criteria (c) and (e) of Policy COU16 in that the proposed development does not respect the traditional pattern of settlement exhibited in the area and it would result in an adverse impact on the rural character of the area.

Access and Transport

Policy TRA2 - Access to Public Roads

111. The P1 indicates that the proposal involves the construction of a shared vehicular access point onto the private lane which leads to the Ballykeel Road which is not a protected route.
112. Visibility splays of 2.0 x 45m have been shown in both directions and in-curtilage parking for at least four private vehicles has been shown within each site.
113. DfI Roads were consulted as part of the processing of the application and offer no objection.
114. Based on a review of the information and the advice received from the statutory consultee, no concerns arise in relation to Policy TRA2.

Waste Management

Policy WM2 – Treatment of Wastewater

115. The detail submitted with the application indicates that the source of water supply is to be from mains sources and that surface water is to be disposed of by a soak away with foul sewage disposed of via septic tank.
116. The Councils Environmental Health Unit have considered the detail of the application and offer no objection subject to condition requiring the septic tank/sewage treatment unit to be sited as indicated with suitable levels and adequate area of subsoil irrigation for the disposal of effluent (if appropriate) so as to protect the amenity of neighbouring dwellings with respect to odour.

117. Having regard to the tests of a condition, the condition as suggested is not considered to be enforceable and is instead more appropriate to be applied as an informative.
118. Water Management Unit offer no objection and refer officers to Standing Advice should the application be approved.
119. Consideration of flood risk is included as a criterion 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 soak away designed to an appropriate standard. No flood risk is identified.
120. NI Water were also consulted as part of the processing of the application and offer no objection to the proposal.
121. Based on a review of the information and advice received from consultees, no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Wastewater arise.

Natural Heritage

Policy NH2 – Species Protected by Law

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

122. It is acknowledged that the application site was not occupied by any buildings at the time of site inspection and therefore no demolition of buildings would be required to accommodate the proposed scheme. It is however noted that some vegetation clearance would be required to facilitate the proposed development.
123. A NI Biodiversity Checklist was submitted in conjunction with the application. A Preliminary Ecological Assessment was submitted during the processing of the application at the request of DAERA Natural Environment Division. This was requested in addition to a landscaping plan to demonstrate what vegetation would be retained and what would be removed.
124. In a consultation response dated 22 July 2022, DAERA NED acknowledge receipt of the PEA and landscaping plan and subsequently confirm that they are content with both.
125. Taking all of the above into account, there are no concerns with regards to the proposed development insofar as it pertains to Policy NH2 and NH5.

Historic Environment and Archaeology

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

126. Part of the application site was identified as falling within an Archaeological Site and Monument zone. DfC Historic Environment Division were consulted as part of the processing of the application.
127. In their consultation response, DfC HED (Historic Monuments) notes that they have assessed the application and on the basis of information provided are content that the proposal is satisfactory to policy requirements.
128. Taking the above into account, there are no concerns with regards to the proposed development insofar as it relates to Policy HE2.

Consideration of Representations

129. As noted above, four representations (4 Objections) were received in relation to the application following the statutory advertisement and neighbour notification (publicity) processes.
130. In relation to the objections, the issues raised are noted and addressed as follows;
- **Impact of increase in vehicles on road network**
131. Detail indicates that the vehicular access to the private laneway is to be from the existing access point on Ashdene Road, as opposed to Ballykeel Road. This has been checked and confirmed with the Agent.
132. DfI Roads were consulted as part of the processing of the application and no objection is offered in terms of road safety or inconvenience to flow of vehicles.
- **Creation of 2 additional houses on the private laneway would make it a street**
133. No exception to policy is demonstrated so no intensification of the use is created that would justify seeking improvements to the private lane to bring it to an adopted standard. The lane also has two separate access points onto the Ballykeel Road and Ashdene Road. Had an exception been demonstrated there was still less than five dwellings accessing the two roads.

Conclusions and Recommendation

134. For the reasons outlined in the report, the proposal is not in accordance with the requirements of Policies COU1, COU8, and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

135. 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 COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along this stretch of the Ballykeel Road as there is no substantial and continuously built-up frontage at this location. Furthermore, the gap is not sufficient to accommodate two dwellings whilst respecting the existing pattern of development in terms of the position of the proposed building to one another, plot size and width. In addition, there is no visual linkage between the existing buildings fronting the lane.
- The proposal is contrary to criteria (c) and (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in the area and it would result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2021/0740/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 December 2024
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2022/1177/F
Proposal Description	Proposed erection of two-detached dwellings and double garages and associated site works
Location	60 metres south of 41 Windmill Road Hillsborough
Representations	One
Case Officer	Cara Breen
Recommendation	Refusal

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 04 November 2024. The recommendation was to refuse planning permission.
2. Following a presentation by officers and after representations were heard from the applicant and his advisers, Members agreed to defer consideration of the application to allow for a site visit to take place.
3. A site visit took place on 19 November 2024. A separate note of this site visit is provided as part of the papers.

Further Consideration

4. Members were reminded that the purpose of the site visit was to allow the Members to observe the proposed development in the context of the buildings either side of the site and to allow them to ask questions about what the officers had taken account of in calculating the plots sizes and determining what the existing pattern of development in the area was.
5. Officers accepted that there were sufficient buildings to demonstrate a gap site and the Head of Planning & Capital Development with the assistance of a site location plan pointed out to Members the buildings the officer had taken into account when assessing the proposal.

6. It was advised that the officer had considered that the plot sizes and widths of the application site were smaller than the average plot sizes and widths along the frontage.
7. Again, with the assistance of the site location plan this was used to demonstrate which buildings and curtilages were assessed to offer this advice.
8. Members visited and observed the shed adjacent to 57 Ballyworfy Road. A query was raised as to whether a fence separated the curtilage of the dwelling from the shed. A photograph of the site taken on 29 October 2024 is included as an Appendix to this report to demonstrate there was no fence in that position on that date. Members are advised that the officers report is not changed. The shed is still part of the curtilage of the dwelling at 57 Ballyworfy Road for the purpose of assessing the existing pattern of development.
9. Members queried if there were any objections to the proposal. One objection letter was received. The issues were previously addressed in the DM Officer's report. This advice is not updated.

Conclusion and Recommendation

10. The purpose of the site visit was to afford Members an opportunity to visit the site and observe the proposed development in its context.
11. The advice previously offered that planning permission should be refused is not changed.
12. The information contained in this addendum should be read in conjunction with the main DM Officer's report presented to the Committee on 04 November 2024.

Appendix

Photograph of 57 Ballyworfy Road from the access onto Windmill Road dated 29 October 2024



LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Visit held at 3.34 pm on Tuesday, 19 November, 2024 at Lands 60m South of 41 Windmill Road, Ballyworfy, Hillsborough****PRESENT:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors P Catney, D J Craig, U Mackin, G Thompson and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)

Senior Planning Officer (GM)

Member Services Officer (CR)

Apologies for non-attendance were submitted by Councillors D Bassett and A Martin.

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

LA05/2021/1177/F – Proposed erection of 2 number detached dwellings and double garages and associated site works (infill sites) on lands 60m south of 41 Windmill Road, Ballyworfy, Hillsborough

This application had been presented for determination at the meeting of the Planning Committee held on 4 November 2024. The Committee had agreed to defer consideration to allow for a site visit to take place.

The Head of Planning & Capital Development reminded Members that the purpose of the site visit was to determine whether the application site could be developed for two dwellings consistent with the existing pattern of development in terms of plots sizes and frontages widths.

Officers had accepted that there were sufficient buildings to demonstrate a gap site, and the Head of Planning & Capital Development pointed those out to Members. Officers had considered that the plot sizes of the application site were smaller than the average plot sizes in the area.

Members were shown site location plans and observed the existing buildings and their curtilages in order to determine if the proposed development was consistent with those plot sizes.

The Head of Planning & Capital Development agreed to provide for the next Planning Committee meeting:

- (a) information in respect of any objections received to this application; and
- (b) clarification on whether the fence between the dwelling and the agricultural outbuilding at 57 Ballyworfy Road had been present at the time when the Planning Officers had previously visited the site.

There being no further business, the site visit was terminated at 3.55 pm.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	04 November 2024
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2022/1177/F
Date of Application	21 December 2022
District Electoral Area	Downshire East
Proposal Description	Proposed erection of two detached dwellings and double garages and associated site works (infill sites)
Location	60 metres south of 41 Windmill Road, Hillsborough BT26 6LS
Representations	One
Case Officer	Cara Breen
Recommendation	Refusal

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 recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is also considered to be contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the gap is not a small gap sufficient to accommodate two dwellings whilst respecting the existing pattern of development and being appropriate to the existing plot size and width. It would, if permitted, add to a ribbon of development along Windmill Road.
4. The proposed scheme is also considered to be contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development would not respect the traditional pattern of settlement exhibited in that area and if approved, result in an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

5. The application site is located 60 metres south of 41 Windmill Road, Hillsborough and comprised of a 0.35-hectare (approximately) parcel of land which is currently in agricultural use and forms part of a larger piece of land. There were no buildings at the time of site inspection. There is currently no access to the application site from Windmill Road.
6. The south-eastern (roadside) boundary of is defined by mature mixed species hedgerow. The south-western boundary is demarcated by large mature trees/vegetation. The north-western and north-eastern boundaries were undefined as the site forms part of a larger parcel of land.
7. In relation to topography, the application site is gently undulating throughout.

Surroundings

8. The application site is adjacent to a residential dwelling and agricultural building/stables to the south-west. A former dwelling (now with an approved use as a store in association with the dwelling at No. 41) and agricultural building are to the north-east and a residential dwelling and associated detached domestic garage are located beyond this to the north.
9. The area is rural in character and predominantly agricultural in use, characterized by drumlin topography.
10. The application site is located wholly within the open countryside, out with any defined settlement limit.

Proposed Development

11. Full Planning permission is sought for the proposed erection of two detached dwellings and double garages and associated site works (infill sites).
12. The application was accompanied by the following supporting documentation:
 - NI Biodiversity Checklist and Ecological Statement (December 2022)

Relevant Planning History

13. The planning history for the site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2019/0942/O	Proposed infill dwelling and garage	50m South of no 41 Windmill Road Hillsborough BT26 6LX	Permission Granted 9/1/2020
LA05/2019/0941/O	Proposed infill dwelling & garage	79m SSE of No. 41 Windmill Road Hillsborough	Permission Granted 17/12/2019

Consultations

14. The following consultations were carried out:

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

Representations

15. One letter of objection was received in relation to the proposal.
The issues raised in said objection are as follows:

- P2 (land ownership) challenge
- Soakaway could cause a health and safety risk

- Not neighbour notified
- Previous permission refused
- Query as to when site was sold

16. These issues are addressed below.

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).
21. In draft BMAP (2015), the application site is located in the open countryside, out with any defined settlement limit.

22. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy.
23. 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

24. The proposal is for two houses in the open countryside. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

Infill/Ribbon Development

25. It is proposed to infill a gap in a road frontage. 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*

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

Waste Management

Treatment of Waste Water

28. A septic tank and soakaway is proposed to serve each of the dwellings. 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 to the Windmill Road for each house. 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. Hedgerow is proposed to be removed from the frontage to facilitate the access and the visibility splays. 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.'

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.'

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. With regard to infill development paragraph 6.73 of the SPPS states:

'Provision should be made for the development of a small gap site in an otherwise substantial and continuously built-up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development.'

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

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

36. The following retained regional guidance documents remain material considerations:

Building on Tradition

37. With regards to Infill development, Building on Tradition guidance notes.

- *It is not acceptable to extend the extremities of a ribbon by creating new sites at each end.*
- *Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*
- *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*
- *Some ribbon development does not have a consistent building set back. Where this occurs the creation of a new site in the front garden of an existing property is not acceptable under CTY 8 if this extends the extremities of the ribbon.*
- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

38. It also notes that:

‘4.5.0 There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.

4.5.1 As a general rule of thumb, gap sites within a continuous built-up frontage, exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.’

39. Building on Tradition includes infill principles with examples.

- *Follow the established grain of the neighbouring buildings.*
- *Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.*
- *Design in scale and form with surrounding buildings*
- *Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity*
- *Use a palette of materials that reflect the local area*

Development Control Advice Note 15 – Vehicular Access Standards

40. 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

41. There is history on the site for two Outline Planning permissions for single dwellings. LA05/2019/0941/O and LA05/2019/0942/O were granted on 16 December 2019 and 8 January 2020 respectively. Whilst the Planning history is a material consideration in the assessment of this application, it cannot be afforded determining weight as the submission of this full application was outside the three-year time limit condition for the submission of the Reserved Matters of LA05/2019/0941/O and this application has been submitted as a combined application for both sites. This full application was received on 21st December 2022. Furthermore, it is noted that both of the Outline Planning applications were assessed under a different Planning policy context. The Outline applications were assessed under the requirements of the retained Planning Policy Statement 21: Sustainable Development in the Countryside. This policy has been replaced following the adoption of the Lisburn and Castlereagh City Council Plan Strategy.

Development in the Countryside

Policy COU1 – Development in the Countryside

42. Policy COU1 states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
43. The proposal is for two infill dwellings. Therefore, the principle of development is to be assessed against the requirements of policy COU8.
44. Policy COU1 also states that any proposal for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 – COU16.

Policy COU8 – Infill/Ribbon Development

45. The initial step is to consider whether the proposal would create or add to a ribbon of development. The Justification and Amplification text of Policy COU8 describes a ribbon as:

'A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.'

46. The proposed development engages ribbon development as the proposed site is located beside an existing dwelling at No. 41 Windmill Road, an agricultural shed and a former dwelling (retained as a store) all of which are fronting Windmill Road. A ribbon therefore currently exists and two dwellings on the application site would add to an existing ribbon of development on Windmill Road and would connect the existing named buildings on Windmill Road with the buildings in situ at No. 57 Ballyworfy Road.

The issue of exception

47. Whilst the premise of Policy COU8 is that planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that there may be exceptions whereby the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. The exceptions test also requires that 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 and the buildings forming the substantial and continuously built-up frontage must be visually linked.
48. The first step in determining whether an 'infill' opportunity exists is to identify whether an otherwise substantial and continuously built-up frontage is present on the ground. Policy COU8 states that for the purposes of this policy, a substantial and continuously built-up frontage is a line of four or more buildings, of which at least two must be dwellings (excluding domestic ancillary buildings such as garages, sheds and greenhouses) adjacent to a public road or private laneway.
49. The Justification and Amplification of Policy COU8 states:

For the purposes of this policy a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.

50. Travelling along Windmill Road in a south westerly direction No. 41 is composed of a 1.5 storey detached residential dwelling and associated detached double domestic garage. Whilst the dwelling at No. 41 can be included as part of the substantial and continuously built-up frontage (Building 1) for the purposes of

policy, the associated garage cannot be included as Policy COU8 precludes domestic ancillary buildings. Buildings 2 and 3 to the south-west of No. 41 are located within their own curtilage. These buildings include a single storey agricultural building and a single storey store. The application site is located to the south-west of Buildings 2 and 3. Buildings 4 and 5 lie to the south-west of the application site at No. 57 Ballyworfy Road. Building 4 is an agricultural building and Building 5 is a residential dwelling. It is noted that the curtilages of the above all abut Windmill Road, and the named buildings present a frontage to Windmill Road. Whilst it is acknowledged that Buildings 4 and 5 have an address of No. 57 Ballyworfy Road, it is noted that it has a dual aspect with its southern boundary abutting and presenting a frontage to Windmill Road.

51. Taking the above into account, it is contended that this part of the policy test is met as there is a substantial and continuously built-up frontage comprised of at least four qualifying buildings present on the ground. This line of four or more buildings (of which at least two must be dwellings) is comprised of the dwelling at No. 41, the agricultural building and store opposite No. 42 and the agricultural building and dwelling at No. 57 Ballyworfy Road.
52. The second step in the process of determining whether an infill opportunity exists or not is to identify if the gap site is small. For the purpose of policy that is; *'sufficient to accommodate two dwellings.'* The third element that is required in order to qualify as an infill site is that the existing pattern of development must be respected 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.
53. Policy COU8 relates to the gap between road frontage buildings. The gap is measured between the two closest existing buildings either side of the application site.
54. In this instance, this is the gap between the store opposite No. 42 Windmill Road and the agricultural building at No. 57 Ballyworfy Road. This gap measures circa 83 metres building to building.
55. No. 41 has a plot width of approximately 26m, the agricultural buildings facing No. 42 have a plot width of approximately 50m and No. 57 has a plot width of approximately 98m. The average plot width therefore equates to circa 58 metres. This guidance indicates that the gap here would therefore need to be approximately 116 metres to accommodate two dwellings. Taking this into account, it is considered that the gap does not constitute a small gap sufficient to accommodate two dwellings.
56. In terms of assessing whether the existing pattern of development would be respected, the Justification and Amplification text associated with COU8 states.

'Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.'

57. As demonstrated by the submitted Site Plan, the proposed dwellings would largely follow a similar building line to the neighbouring buildings to the north-east and south-west and therefore it is considered that the existing pattern of development would be respected in terms of siting.
58. In relation to design, both dwellings and detached garages are identical. The proposed house type for both sites is a two storey, linear fronted dwelling which has a traditional dual pitched roof. The house type is of simple rural form, with a centrally positioned flat roofed storm porch to the front, window openings which are predominantly of vertical emphasis and two integral chimney breasts to each gable end with chimney stacks positioned to each end of the ridgeline. The proposed schedule of external finishes includes smooth render (painted off-white) and graphite parapet coping for the external walls, blue/black natural slate roof, granite cills, off-white UPVC sliding sash style window units and black rainwater goods. The proposed 1.5 storey detached domestic garages would have a rectangular shaped footprint and would be of simple form with a dual pitched roof and external finishes to match the host dwellings.
59. No. 41 is a relatively recently constructed 1.5 storey linear dwelling with single storey porch centrally positioned to the front. It is of simple rural form with a traditional dual pitched roof, painted rendered walls and stone detailing. The dwelling at No. 57 Ballyworfy Road is a 1970's style chalet bungalow with painted render finish and profiled roof tiles. It is acknowledged that no specific architectural style is predominant in the area. As the design of the proposed dwellings are of simple rural form, the proposed design is considered to be acceptable in the context of the frontage.
60. It is acknowledged that size and scale both pertain to the dimensions of the proposed dwellings. It is acknowledged that the existing dwellings in the frontage are both 1.5 storey. The proposed dwellings would each occupy a footprint of 181 square metres. The existing dwellings in situ at No. 41 and No. 57 have approximate footprints of 312 square metres and 213 square metres respectively. Whilst it is acknowledged that the proposed dwellings are two-storeys in height, it is noted that they have smaller footprints than the other existing dwellings. As a whole, the size and scale are considered to be acceptable in the context of the existing pattern of development.
61. With regards to plot size, the existing plot sizes at No. 41, the curtilage of the agricultural building and store opposite No. 42 and the curtilage of No. 57 are approximately; 0.38 hectares, 0.12 hectares and 0.37 hectares respectively. This equates to an average plot size within the frontage of circa 0.3 hectares. The average residential plot size is 0.375 hectares. It is acknowledged that the left-

hand site (as you are facing the application site) would have a plot size of approximately 0.18 hectares and the right hand site would have a plot size of approximately 0.17 hectares. It is contended that the proposed plot sizes would therefore be at odds with the existing large residential plot sizes in the frontage.

62. In terms of width of existing plots, it is noted that No. 41 Windmill Road has a plot width of approximately 26 metres, the agricultural building and store opposite No. 42 have a plot width of approximately 50 metres and No. 57 has a plot width of 97 metres. This equates to an average residential plot width of approximately 58 metres. The proposed left-hand site would have a plot width of circa 33m and the proposed right-hand site would have a plot width of circa 30 metres. It is therefore considered that the proposed plot widths would be at odds with the average residential plot width within the existing frontage.
63. It is therefore considered that the proposal would not meet the third component of the exceptions test, in that the proposal would not respect the existing pattern of development in terms of plot size and width.
64. The fourth and final element of the exceptions test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.
65. Standing facing the application site there is a visual awareness of the dwelling and agricultural building at No. 57 Ballyworfy Road and the store and agricultural building opposite No. 42 and the dwelling at No. 41 Windmill Road. It is therefore contended that the buildings forming the substantial and continuously built-up frontage are visually linked and this part of the policy test is met.
66. Taking all of the above into account, it is contended that the proposal does not satisfy the exceptions test of Policy COU8 for the reasons noted. It is considered that the proposal would add to a ribbon of development along Windmill Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

67. The design of the proposed dwellings/garages has been described in paragraph 84 above.
68. Taking the siting of the proposed dwellings/garages into account in the context of the large mature natural tree lined boundary to the south-west, the orientation of existing neighbouring buildings and the road trajectory and surrounding vegetation, it is contended that the proposed dwellings would not be prominent features in the landscape.

69. It is considered that the proposed scheme would cluster with the existing buildings in situ at No. 41 Windmill Road and No. 57 Ballyworfy Road.
70. It is considered that the proposed dwellings/garages would blend with the existing trees to the south-western boundary and trees to the north-west of the application site.
71. Natural boundaries are in situ to the south-western and south-eastern (roadside) boundaries of the application site. It is acknowledged however that the majority of the roadside boundary would require removal in order to facilitate necessary visibility splays. Whilst it is noted that Building on Tradition guidance advises that 2-3 natural boundaries should be in situ for the purposes of integration, it is contended that the proximity of the neighbouring buildings would also provide a degree of enclosure to assist with the integration of the buildings into the landscape.
72. Whilst it is acknowledged that new landscaping (to the remainder of the roadside boundary, to the north-eastern boundary and to the north-western boundary) would be required, taking the above into account, it is not perceived that the proposal would rely primarily on new landscaping for the purposes of integration.
73. The design of the proposed dwellings/garages has been detailed above. The house type proposed is of simple traditional rural form and it is acknowledged that the proposed design is akin to the existing farm dwelling in situ at No. 42 Windmill Road, which is located almost opposite the application site. The design has been assessed against Building on Tradition guidance and is found to be acceptable.
74. In terms of proposed ancillary works, a shared vehicular access point from Windmill Road which would be centrally positioned to the south-eastern boundary of the site has been proposed. This access point would split into two separate driveways. A linear driveway adjacent to the north-eastern boundary has been proposed for the left-hand side site and this would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. The driveway proposed to the right-hand side site is slightly sweeping in nature and would cross in front of the proposed dwelling and would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. No suburban style entrance features have been proposed. Whilst it is acknowledged that the driveway to the right-hand side dwelling would be moderately sweeping in nature, taking the relatively short nature of it and the levels of the site into account, in the context of the road trajectory and the proximity of neighbouring buildings and boundary vegetation, it is considered to be acceptable. Taking the existing levels into account in the context of the proposed finished floor levels (it is not considered that the proposed scheme would require an unacceptable degree of cut and fill (excavation) and no large retaining type walls/structures have been proposed. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable.

75. Taking all of the above into account, all of the criteria of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy are met.

Policy COU16 - Rural Character

76. For the reasons outlined in paragraph 94 above, it is considered that the proposed scheme would not be unduly prominent in the surrounding landscape.
77. As noted under paragraph 95 above, it is considered that the proposed development would cluster with the established group of existing buildings which are in situ in the immediate vicinity.
78. As per the assessment of Policy COU8 above, it is considered that the proposed scheme would not respect the traditional pattern of settlement exhibited in the area, in that the proposal would not respect the existing pattern of development in terms of plot size and width and the proposed development would add to a ribbon of development.
79. The application site is located wholly within the open countryside, out with any designated settlement limit, as are the neighbouring buildings directly to the north-east and south-west. It is considered that the proposed scheme would not mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl.
80. It is considered that the proposed development would have an adverse impact on the rural character of the area, as the proposal would add to a ribbon of development along Windmill Road.
81. Taking the existing/proposed boundary treatments, the distance from/siting of neighbouring residential properties and the first-floor fenestration detailing into account, there are no concerns in relation to potential overlooking/loss of privacy or overshadowing/loss of light to any neighbouring property to an unreasonable degree. There are also no concerns in relation to any potential overhang to a neighbouring property. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 27 February 2023, they note that the proposed development is sited in close proximity to a farm. They note that where an unassociated dwelling is sited within 75 metres of an agricultural building, the occupants of that dwelling will likely experience a loss in amenity in respect to noise, odour and insects. Therefore, they note that the applicant and any prospective owner should be made aware of that the proposed development is located in close proximity to agricultural buildings and this may give rise to offensive conditions and as a result impact on the amenity enjoyed by the proposed development due to noise, odour or insects.

This however can be applied by way of an informative to any approval and it is not considered that this would warrant a refusal.

82. LCCC Environmental Health, DAERA Water Management Unit and NI Water were all consulted as part of the processing of the application. No objections were raised by said consultees, subject to the inclusion of conditions/informatives with any approval. Therefore, there are no concerns with regards to the provision of necessary services.
83. In terms of proposed ancillary works, a shared vehicular access point from Windmill Road which would be centrally positioned to the south-eastern boundary of the site has been proposed. This access point would split into two separate driveways. A linear driveway adjacent to the north-eastern boundary has been proposed for the left-hand side site and this would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. The driveway proposed to the right-hand side site is slightly sweeping in nature and would cross in front of the proposed dwelling and would lead to an area for the in-curtilage parking and turning of private vehicles to the front of the proposed garage. No suburban style entrance features have been proposed. Whilst it is acknowledged that the driveway to the right-hand side dwelling would be moderately sweeping in nature, taking the relatively short nature of it and the levels of the site into account, in the context of the road trajectory and the proximity of neighbouring buildings and boundary vegetation, it is considered to be acceptable. Taking the existing levels into account in the context of the proposed finished floor levels it is not considered that the proposed scheme would require an unacceptable degree of cut and fill (excavation) and no large retaining type walls/structures have been proposed. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable. Therefore, there are no concerns in terms of the potential impact of the proposed ancillary works on rural character.
84. As noted, a new shared vehicular access point which would be centrally positioned to the south-eastern boundary of the application site would provide access to the dwellings from Windmill Road. Visibility splays of 2.0m x 45m have been proposed in each direction. DfI Roads were consulted as part of the processing of the application and subsequently responded with no objection.
85. Taking all of the above into account, it is contended that the proposed scheme would not respect the traditional pattern of settlement exhibited in that area, and it would, if permitted, have an adverse impact on the rural character of the area. The requirements of criterion c and criterion e of policy COU16 are not met.

Access and Transport

Policy TRA2 - Access to Public Roads

86. A new shared vehicular access point which would provide access to each dwelling has been proposed as part of the development. The proposed vehicular access point would be installed at a relatively central position along the south-eastern boundary of the application site, providing access/egress to/from Windmill Road. Visibility splays of 2.0m by 45m have been proposed in each direction.
87. It is acknowledged that each double garage would accommodate the parking of two private vehicles, in addition to an area for the in-curtilage parking/turning of private vehicles to the front of the this which would allow vehicles to exit the site in forward gear.
88. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 19 January 2023, they responded with no objection.
89. Taking the above into account, there are no concerns in relation to the proposed scheme insofar as it relates to Policy TRA2 and TRA7 of the Lisburn and Castlereagh City Council Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

90. The detail submitted with the application (Application Form/Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by stone soakaways and foul sewage is to be disposed of via a treatment tank.
91. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 27 February 2023, they state:

'Environmental Health have no objection to the above proposed development subject to the following:

Proposed conditions:

The septic tank/sewage treatment unit shall be sited as indicated with suitable levels and adequate area of subsoil irrigation for the disposal of effluent (if appropriate). This comment is based on an assessment of potential nuisance and in no way does it negate the need to meet the requirements of the Water (Northern Ireland) Order 1999. Consent to discharge must be obtained from the Northern Ireland Environment Agency. The approved scheme shall be maintained for the life of the approved development.

Reason: To protect the amenity of neighbouring dwellings with respect to odour.'

92. Whilst it is noted that LCCC Environmental Health suggest a condition, it is considered that this does not meet the test for a condition and would not be included as a condition if Members were not in agreement with the recommendation to refuse planning permission for this proposal. .
93. NI Water were also consulted as part of the processing of the application. In their final consultation response of 12 January 2023, they offer no objection to the proposal.
94. DAERA Water Management Unit were also consulted as part of the processing of the application. In their final consultation response of 12 January 2023, it offers no objections to the proposal.
95. Based on a review of the information and having regard to the advice received from consultees, the requirements of Policy WM2 – Treatment of Waste Water are met.

Natural Heritage

Policy NH2 – Species Protected by Law

Policy NH5 - Habitats, Species or Features of Natural Heritage Importance

96. As indicated by the submitted Site Plan, the proposed development would require the removal of approximately 60 metres of roadside hedgerow and a single tree to accommodate the access and the required visibility splays.
97. It is noted that compensatory planting has been proposed in addition to proposed landscaping to the north-western and north-eastern boundaries.
98. The application site was not occupied by any buildings at the time of site inspection and therefore the proposed development would not require the demolition of such to accommodate the proposed development.
99. A NI Biodiversity Checklist and Ecological Statement was submitted as part of the application.
100. The statement concluded that the proposed development would not have a significant negative effect on any protected or priority species or habitats and that no further surveys would be required.
101. DAERA Natural Environment Division were consulted as part of the processing of the application and had no objection to the proposal.

102. Taking the bio-diversity checklist and advice of DAERA in account for the reasons outlined above the proposal is in accordance with the requirements of policies NH2 and NH5 of the Lisburn and Castlereagh City Council Plan Strategy.

Consideration of Representations

103. As noted above, one letter of objection was received in relation to the application following the statutory advertisement and neighbour notification (publicity) process.
104. In relation to the objections, the issues raised are noted and addressed as follows.
- **No neighbour notification**

Notice of, and publication of the application were carried out as per Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). Those neighbours which require neighbour notification as per statutory obligation have been verified via an internal system and as part of the site inspection process. All identified occupiers of neighbouring land were neighbour notified.
 - **P2 (land ownership) challenge**

A P2 (land ownership challenge) was received during the processing of the application. This was referred to the agent and he responded with land registry maps and an updated Site Location Plan. It is noted that only the blue line was amended, and the Site Location Plan appears to be in accordance with the land registry map. It is acknowledged that Planning permission goes with the land and not the applicant and the granting of planning permission does not confer title.
 - **Soakaway could cause a health and safety risk**

LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, they offer no concerns in relation to the application, subject to the inclusion of stipulated informatives with any approval.
 - **Previous permission refused**

A planning history search confirms that planning applications LA05/2019/0941/O and LA05/2019/0942/O were approved. There does not appear to be a history of a planning refusal on the application site.
 - **Query as to when site was sold**

This is not a planning consideration. The Council is only concerned with the use of the land and not when it was sold.

Conclusion and Recommendation

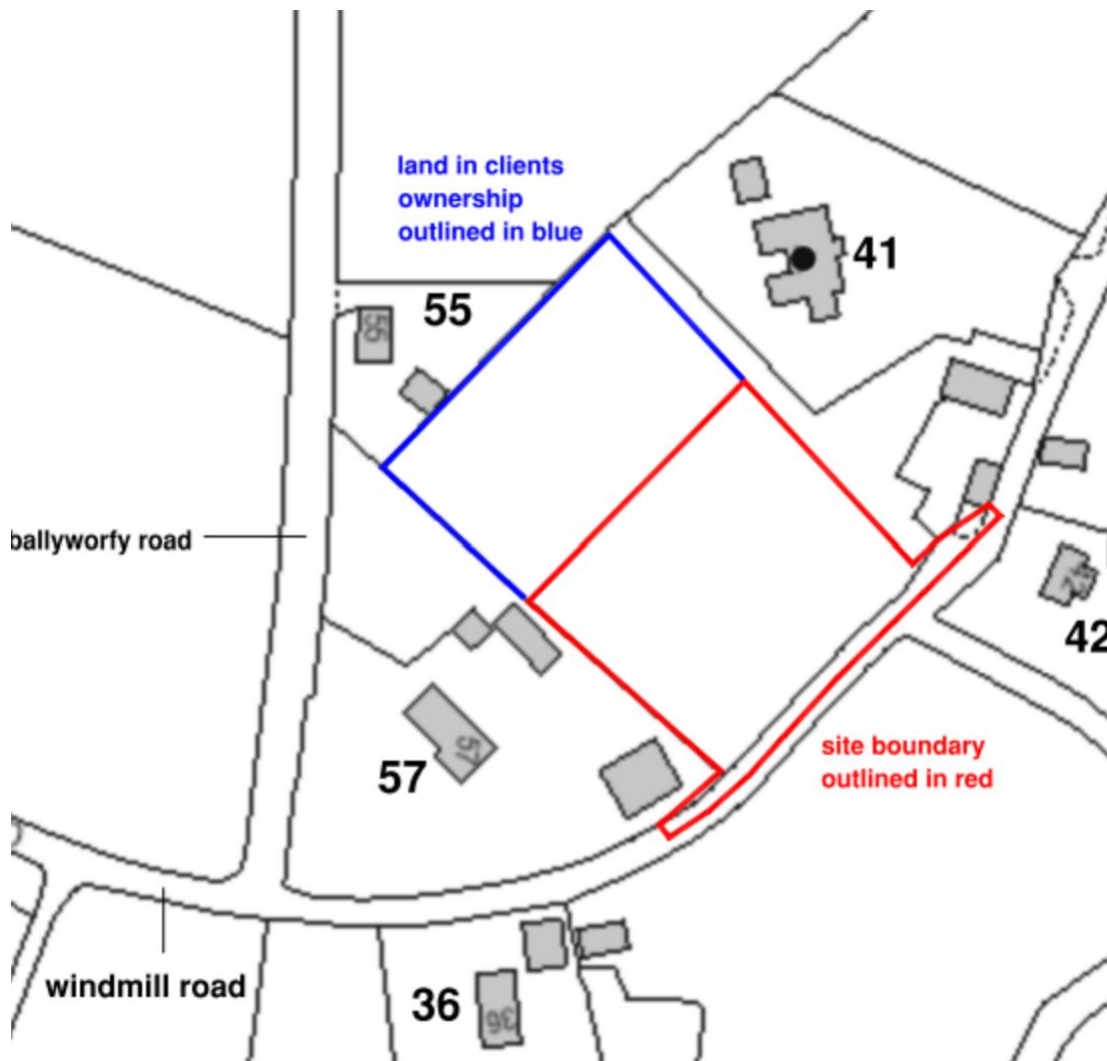
105. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

106. The following reasons for refusal are proposed:

- 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 COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a small gap sufficient to accommodate two dwellings as the proposed development would not be appropriate to the existing plot size and width of neighbouring buildings that constitute the frontage of development and the development, if approved, would add to a ribbon of development along Windmill Road.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area and it would, if permitted, result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2022/1177/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 December 2024
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2022/1135/F
Proposal Description	Retention of change of use from single dwelling to Self-Catering Tourist Accommodation
Location	72 Antrim Road, Lisburn BT28 3DN
Representations	Three objections
Case Officer	Catherine Gray
Recommendation	Approval

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 4 November 2024. The recommendation was to approve planning permission.
2. Following the presentation by officers, Members agreed to defer consideration of the application to allow for further information on whether the letters of objection received had been sent to the Environmental Health Unit for consultation and advice.

Further Consideration

3. In a response from the Environmental Health Unit dated the 17 November 2024 it is confirmed that the content of the letters of objection and the alleged nuisance arising from noise from partying and the playing of loud music were noted.
4. The Unit advised that complaints of noise of this nature are normally dealt with under the Clean Neighbourhoods and Environment Act (NI) 2011 and therefore they had further comment to make on these points. No complaints are received by the Environmental Health Unit in relation to nuisance arising from noise.
5. Environmental Health had previously confirmed that they had previously received four complaints in relation to 72 Antrim Road but this related to noise and odour from the use of the garage at the rear of the dwelling as a

commercial car repair business. There is no evidence of a continued use of the garage for the repair of motor vehicles. These cases have now all been closed.

6. The advice previously provided to the committee in relation to the impacts of this development on the amenity to neighbouring properties is not changed. It is still advised that any decision to approve should be subject to a management plan to control the operation of the accommodation. There is also a separate legislative provision to control nuisance should this arise from loud noise from the premises as explained above.

Conclusion and Recommendation

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

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 November 2024
Committee Interest	Local (Called In)
Application Reference	LA05/2022/1135/F
Proposal Description	Retention of change of use from single dwelling to Self-Catering Tourist Accommodation
Location	72 Antrim Road, Lisburn BT28 3DN
Representations	Three
Case Officer	Catherine Gray
Recommendation	Approval

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to approve as the proposal is in accordance with the requirements of policies TOU1 and TOU7 of the Lisburn and Castlereagh City Council Plan Strategy (the Plan Strategy) in that it is considered to be an appropriate tourism development within Lisburn City.
3. The proposal is also considered to comply with the requirements of policies TRA2 and TRA7 of the Plan Strategy in that the detail submitted demonstrates that the proposal would not prejudice road safety or significantly inconvenience the flow of traffic, and that adequate parking is provided. 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.

Description of Site and Surroundings

Site

- The application site is located to the northeastern side of the Antrim Road, Lisburn and comprises a two storey mid-terrace property with a detached garage to the rear. An access and hardstanding area is between the dwelling and the garage which serves the other dwellings in the terrace.

Surroundings

- The character of the immediate area is predominantly residential in character and comprised of a mixture of two-storey terraced, semi-detached and detached dwellings.

Proposed Development

- The proposed development is for retention of a change of use from a single dwelling to Self-Catering accommodation.

Relevant Planning History

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

Consultations

- The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
LCCC Environmental Health	No objection

Representations

9. Five representations have been received in respect to the application raising concerns which are summarised as follows:
- Development is already in operation
 - Rating category
 - Present use as residential
 - Certificate as per Tourism (NI) Order 1992
 - Other change of use
 - Concerns about car mechanics business
 - Access
 - Breach of deeds
 - Right of way blocked
 - Neighbour notification
 - Correct fee not paid
 - Lack of respect for neighbours
 - Hazardous substances and breach of human rights
 - Noise/privacy
 - House design/loss of privacy/safety security
 - Impact on quality of life; and
 - Impact on value of property.

Local Development Plan

10. 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

11. It is stated at page 16 of Part 1 of the draft Plan Strategy that:

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

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

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

12. The application site is within the settlement development limit in the LAP. No other designation is attached to the site.
13. Draft BMAP remains a material consideration. This site is inside the settlement limit of Lisburn. There are no other designations attached to the site in draft BMAP or the subsequent revision to the draft in 2014.
14. The proposal is to retain the use of a former dwelling as Self-Catering tourist accommodation in Lisburn City. It is not a guesthouse offering traditional bed and breakfast but Self-Catering accommodation that is serviced by the owner not living in the accommodation.
15. 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.

16. The strategic policy for tourism (Strategic Policy 16) as set out in Part 1 of the Plan Strategy 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.

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

Tourism in Settlements

18. This proposal is for Self-Catering Tourist Accommodation in a settlement, 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.

19. The Justification and Amplification states:

A tourism amenity is defined by the Tourism (NI) Order 1992 as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. Tourist accommodation is defined by the Tourism (NI) Order 1992 as a Hotel, Guest house, Bed and breakfast, Hostel, Self-catering, Bunk house/Camping barn, Campus accommodation or Guest accommodation. Further details on these categories are available on the Tourism NI website. Tourism can provide a focus for regeneration schemes being a key component of mixed-use development. Tourism benefits by the synergy arising from the concentration of hotels, museums, art galleries, conference facilities, restaurants, bars, cinemas and theatres, often located within town centres. Transport links are also fundamental in the provision of sustainable tourism. There is a requirement for high quality design and high-quality service provision particularly in areas with other relevant designations such as Conservation Areas, Areas of Townscape or Village Character, Scheduled Monuments, Listed Buildings and Historic Parks, Gardens and Demesnes. Consideration will also be given to environmental designations, which may preclude tourism development from particular areas, in order to safeguard its integrity, such as those of nature conservation importance.

20. 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.

21. 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.

Access and Transport

22. No changes are proposed to the existing access and parking arrangements associated with the property but as the use is changed consideration is given to whether the access arrangement is at a suitable standard.

23. 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.

24. The proposal approval for the retention of Self-Catering Accommodation within Lisburn City 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 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.*

Regional Policy and Guidance

Regional Policy

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.

35. Paragraph 3.8 of the SPPS states:

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

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

37. The following retained regional guidance documents remain material considerations:

Development Control Advice Note 15 – Vehicular Access Standards

38. 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.

Parking Standards.

39. The Parking Standards document sets out the parking standards that the Council will have with regards to in assessing proposals for new development.

It includes parking standards for residential development previously published in 'Creating Places – Achieving Quality in Residential Developments'.

40. The documents states that:

In assessing the parking provision in association with development the Council will normally expect developers to provide an access to the site in accordance with the current standards

Where appropriate, developers will be required to demonstrate there is adequate provision of space within the site, for parking, manoeuvring, loading and unloading to fulfil the operational requirements of the proposed development.

Assessment

41. This is an application for full planning permission for retention of change of use from a single dwelling to self catering accommodation within Lisburn and therefore policy TOU 1, Tourism Development in settlements applies..

42. Self-catering accommodation, as defined by Tourism NI, is:

an establishment that offers clean, comfortable, furnished accommodation where visitors have the ability to cater for themselves. Self-catering holiday houses offer real living space, instead of just a place to sleep and adding little extra touches such as a welcome pack, flowers, dvds or books will help to create the right impression.

It can be a cottage in a rural setting, an apartment in a city centre, a house in a suburban location, a log cabin or a chalet. It is a flexible base for exploring all that Northern Ireland has to offer.

Tourism

43. This is a retrospective application for change of use from private dwelling to self-catering tourist accommodation with no internal or external changes to the building.
44. There is a general presumption in favour of tourist accommodation in settlements. Whilst located in a predominantly residential area it is in close proximity to the city centre, the Linen Museum and accessible by foot, bicycle, train, bus and car to other tourist attractions within Lisburn or as a base for visiting other tourist attractions elsewhere within the wider locality.

45. It is within walking distance to restaurants, bars, retail and other leisure facilities. In addition, the site is within catchment area for services such as Lagan Valley Hospital, Lisburn Police and Fire Stations.
46. The scale of development is considered to be small. Whilst there is other existing tourism accommodation available in the settlement such as hotels and bed and breakfasts within and close to the city centre this type of accommodation is not restricted by any local designation in LAP.
47. It is not considered to be of scale that would harm the character of the residential area, and the building will respect the context as no changes are made to the external appearance of the building and it will still look like a dwelling in the terrace. Policy criteria TOU1 is met.
48. Turning to the requirements of policy TOU7. The external appearance of the building is not changed. It is not extended or increased in size and the parking requirement for this type of development is met in full. The location does allow for walking and cycling provision and would meet the needs of people whose mobility is impaired. There is also local access to public transport links. Criteria (a) is met.
49. As previously stated, no alterations are made to the site layout, the building design, or the landscaping are acceptable and the building will still look like a domestic dwelling despite the use being changed. The overall design is acceptable for its purpose as serviced guest accommodation. Criteria (b) is met.
50. The existing boundaries of the property are to be retained and not changed by this proposal. They provide a suitable means of enclosure to the property and are acceptable. Criteria (c) is met.
51. SUDS are not proposed. An existing building with a connection to a public storm sewer is used. No additional impact is created on the existing drainage systems. Criteria (d) is met.
52. No alterations are proposed to the building and the scale of development does not require further design to deter crime and promote personal safety. Effective servicing and management of the property will ensure criteria (e) is met.
53. There is no requirement for public art and criteria (f) is not applicable.
54. For the reasons detailed earlier in the report proposed use is considered to be compatible with the surrounding land uses and would not detract from the landscape quality and character of the surrounding area. Criteria (g) is met.
55. It is considered that the proposal is of a scale that would not harm the amenities of nearby residents by reason of noise or nuisance. Complaints arising from the operation of the accommodation are controlled through proper

servicing and management. Environmental Health have been consulted and no objections are raised from a public health perspective. That said a condition will be added that will require a Service Management Plan to be submitted to manage issues of occupant behaviour, including noise. Criteria (h) is met.

56. The proposal is for the change of use of an existing building. It does not adversely affect features of the natural or historic environment. Criteria (i) and (k) are not applicable.
57. The proposal is connected to the main sewer and the use does not create any additional effluent or emission. Criteria (j) is met.

Access and Transport

58. No changes are proposed to the existing access and parking arrangements associated with the property.
59. It is considered that the development complies with policy TRA2 of the Plan Strategy in that the detail submitted demonstrates that the use of the existing access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
60. Parking is provided to the rear of the property and is accessed from a private laneway located on Duncans Road. 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.
61. DfI Roads have been consulted and have no objections to the proposal.

Consideration of Representations

62. Three objections have been received in respect to the proposal. Consideration of the issues raised (summarised) are set out below:

Development is already in operation

63. The view is expressed that the development has been in operation for a significant period of time, prior to the date of the application. And also advises that that the applicant states that there is a hobby car mechanic business operating from the detached garage at the rear of the property which is a separate business from his serviced accommodation.

64. It is acknowledged that the proposal is already in operation. The application is retrospective and for the retention of the development proposal. This application is for the serviced accommodation only and not any development or business to the rear of the property. The planning history shows no planning approval for the mechanic business to the rear. Only use of the dwelling as tourist accommodation is considered and this in accordance with policy for the reasons explained above.

Rating category

65. The view is expressed that having reviewed the rate category on the Land and Property website they note that this property is paying domestic rates, even though two businesses are in operation from the land within this application.
66. The rating of a property is for Land and Property Services and is not a planning matter.

Present use as residential

67. The view is expressed that the applicant has recorded the land/building present state as residential and they want to challenge this due to the many accommodation websites that number 72 Antrim Road can be booked under.
68. The proposal is for change of use to tourist accommodation, and it is retrospective. It was last lawfully used as a residential dwelling and this application is submitted to regularise the use.

Certificate as per Tourism (NI) Order 1992

69. The view is expressed that they are aware that to have serviced accommodation as a trader in Northern Ireland, a trader is required to have a certificate as per Tourism (NI) Order 1992.
70. Registration is a separate matter. Guest accommodation is a type of tourist accommodation in the Tourism (NI) Order 1992 and this assessment is confined to whether this is an appropriate use at this location.

Other change of use

71. The view is expressed that the applicant has failed to detail the other change of use he would require for this property, namely the hobby car mechanic business.
72. This application is for change of use of the dwelling to serviced accommodation only. There was no evidence of a separate business being operated from the premises at the date of inspection.

Concerns about car mechanics business

73. The view is expressed that their concerns regarding the hobby car mechanic business were raised with the Council on 10.06.2022. And that many details of the mechanics business are not declared on the planning application, for example the usage of water, volume of vehicles, disposal of sewage, disposal

of refuse etc.

74. This application does not include the car mechanic business, and this objection has already been dealt with in preceding paragraphs.

Access

75. The view is expressed that within section 12 the applicant has ticked that the access arrangements for this development involve use of an existing unaltered access to a public road which would be correct if the use was only for serviced accommodation.
76. This application is for the change of use of the dwelling to serviced accommodation only. DfI Roads are consulted, and the scale and nature of the use did not give rise to a request for alterations to the exiting access arrangements due to intensification.

Breach of deeds

77. The view is expressed that the applicant is allowing the hobby car mechanic business to run from the garage of number 72 and that he is operating in breach of the deeds of 72 Antrim Road.
78. Land ownership is a civil matter between the relevant parties. The onus is on the applicant to ensure that they have ownership/control of all lands necessary to implement a planning approval.

Right of way blocked

79. The view is expressed that the hobby car mechanic business often blocks their right to pass over and along the passage to gain access to their home and prevents them from safely getting out of their property to the public road.
80. This is civil issue between the relevant parties.

Neighbour notification

81. The view is expressed that under section 28, they believe that number 76 Antrim Road should be detailed given that number 76 Antrim Road has the power to grant the right of way regarding the private road at the rear.
82. The Council has fulfilled its statutory obligations with regards to neighbour notification.

Correct fee not paid

83. The view is expressed that the applicant may not have paid the correct fee for the application as the applicant has failed to declare the mechanics business.
84. The correct application fee has been paid for the proposed retention of the tourist accommodation. There is no other proposal included in this application.

Lack of respect for neighbours

85. The view is expressed that the lack of respect for the neighbours is upsetting.
86. This would be a civil issue between the relevant parties. The amenity impacts of the proposal have been considered and a refusal of permission cannot be sustained on the basis of a quantified noise or nuisance impact.

Hazardous substances and breach of human rights

87. The view is expressed that they believe that the mechanic business is using hazardous substances, and they have concerns about smell and toxic waste which may be absorbed into their allotment. They advise that they had to stop growing produce as they were concerned that they may be eating toxins and that it breaches their human rights.
88. The mechanics business is not part of this planning application, and the details are with enforcement for investigation.

Noise/privacy

89. The view is expressed that noise disruption from the mechanics business is another violation of their right to enjoy their privacy. Also, noise such as loud music from the dwelling house is disturbing the neighbours and causing concern. It is highlighted that this is a residential area where through the night parties do not occur, people work, and kids go to school.
90. The mechanics business is not part of this planning application, and the details are with enforcement for investigation. A residential use adjacent to residential use is considered to be acceptable. Environmental Health have no objection to the proposed development and raised no concerns with regards to noise impact.

House design/loss of privacy/safety security

91. The view is expressed that the design of the dwellings in this terrace differs from others in the area. It is detailed that property number 74 has their dining window, patio window, patio door, hall upstairs window and bathroom upstairs window all face no. 72 bathroom and hall windows. Also, that the wall of the extension is the full length of the yard of number 74 so a person/people could step onto roof and do an easy jump into the property. And that they want the property design re wall thickness, building shape, window placement and ease of access to neighbouring property to be considered.
92. No internal or external changes to the property are proposed, the design is not changing and is acceptable for residential use. A bathroom window has frosted glass, and a hall window is not an occupied room and is considered to be acceptable, the positioning of the windows does not give rise to concerns of unacceptable overlooking into private amenity space.

Impact on quality of life

93. The view is expressed that the proposal has an impact on the neighbour's quality of life.
94. The proposal has been considered against the Plan Strategy and all material considerations and is policy compliant.

Impact on value of property

95. Concern is expressed about the impact on value of property.
96. The value of property is a material consideration that is not given determining weight.

Conclusions

97. All material considerations have been assessed, the consultation responses have been taken on board and the concerns raised in the representations have all been considered.
98. The assessment demonstrates that the proposal is in accordance with policies TOU1 and TOU7 of the Plan Strategy.

Recommendations

99. It is recommended that planning permission is approved.

Conditions

100. The following conditions are recommended:
 1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.
Reason: This is a retrospective application.
 2. No bedroom in the self-catering accommodation hereby permitted shall be occupied by the same person(s) for a consecutive period of 90 days. The operator shall keep a register of occupants and period of stay. This register shall be available to Lisburn and Castlereagh City Council to view at all times.

Reason: To secure the accommodation and the site for short-term use only, appropriate to the nature of accommodation and the site.

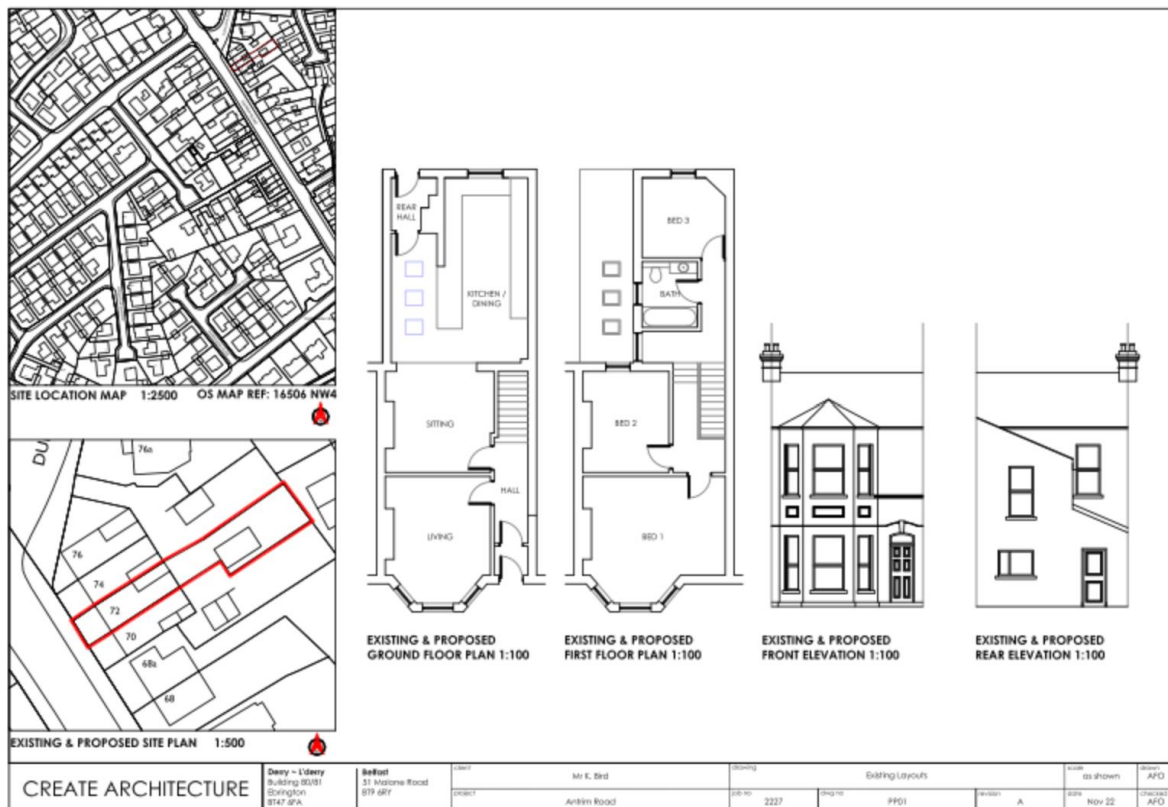
3. Within three months of the date of this decision, a Service Management Plan for the property shall be submitted to, and agreed in writing, with the Council. This plan shall include the procedures in place to manage issues of occupant behaviour, including noise. The development hereby permitted shall not operate unless in accordance with the approved Service Management Plan.

Reason: For the protection of the Residential amenity of neighbouring properties.

4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the development hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of the dwelling or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area.

Site Location Plan – LA05/2022/1135/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 December 2024
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2021/0772/F
Proposal Description	Proposed new dwelling in compliance with Policy COU2
Location	Land between 56a-60 Halfpenny Gate Road Moira
Representations	Two objections
Case Officer	Brenda Ferguson
Recommendation	Refusal

Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 4 November 2024. The recommendation was to refuse planning permission.
2. Following the presentation by officers and having listened to representations from the applicant and his adviser, Members agreed to defer consideration of the application to allow for a site visit to take place.
3. The site visit took place on 19 November 2024. A separate note of this site visit is provided as part of the papers.
4. Additional information was also received on 18 November 2024 from the applicant requesting medical information be taken into account when assessing this application.

Further Consideration

5. At the site visit, Members were reminded that the purpose of the site visit was to allow them to observe the site in its context and to consider which buildings were to be counted as part of a cluster which appeared as a visual entity in the landscape. It was also to observe whether the site was bounded on two sides with other development.

6. The Head of Planning & Capital Development reminded Members with reference to Part 2 of the Plan Strategy of the wording of policy COU2.
7. A site layout plan was used to demonstrate the extent of the application site, its boundaries and the buildings considered to be part of the cluster of development.
8. Members observed what buildings could be seen on approach to the application site from the north beyond Broomhedge Methodist Church and the south beyond Brookfield Special School that would be counted as part of a cluster and appear as a visual entity in the local landscape.
9. A query was raised as to whether the application site could be considered to be bound on one side by Brookfield School. The Head of Planning & Capital Development advised that it was a matter of judgement. The policy does not define whether buildings on the opposite side of the road should be included as development bounding other development in the cluster.
10. A query was raised about the previous planning history, and whether this application would open up an opportunity for a future application for infill development. The Head of Planning & Capital Development stated that he could not speculate on this matter. The Members should confine their assessment to the current application in front of the Committee. This does include a refusal reason for extending a ribbon of development along the Halfpenny Gate Road.
11. The submission of medical information provided in support of the application has been considered under Policy COU6 Personal and Domestic Circumstances.
12. Policy COU6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided a list of criteria are met.
13. It is considered that whilst the applicant has cited significant health issues no evidence has been provided to demonstrate that a new dwelling is a necessary response to the circumstances of the case and that genuine hardship would be caused if planning permission were refused.
14. The medical evidence has not been supported by evidence from a medical or health professional.
15. Some evidence of the reasons why an alternative solution to meet the personal and domestic circumstances of the applicant is explained. However, this evidence does not provide any information such as a site plan to demonstrate why their current site is too restrictive to provide an extension or convert an outbuilding.

16. No detail has been provided to demonstrate why the need can only be accommodated at this location and how genuine hardship would be caused if planning permission were refused.

Conclusion and Recommendation

17. 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.
18. Consideration has been given to the additional medical information submitted in support of the case that the site is necessary to meet the personal and domestic circumstances of the applicant. The requirements of policy COU6 are not met as insufficient evidence has been provided to justify a site specific reason for a dwelling on this site and that genuine hardship would be caused.
19. The advice previously offered that planning permission should be refused is not changed. An additional reason for refusal is added as it is not demonstrated that the requirement of policy COU6 is met.
20. The information contained in this addendum should be read in conjunction with the main DM officer's report previously presented to Committee on 04 November 2024.

Reason for refusal

The proposal is contrary to Policy COU6 of the Lisburn and Castlereagh Plan Strategy in that insufficient evidence has been provided that there are compelling and site-specific reasons why a new dwelling is a necessary response to the particular circumstances of the case, there are no alternative solutions, and genuine hardship would be caused if planning permission were refused.

LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Visit held at 2.36 pm on Tuesday, 19 November, 2024 at Land between 56a-60 Halfpenny Gate Road, Moira, Craigavon****PRESENT:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors P Catney, D J Craig, U Mackin, G Thompson and N Trimble

IN ATTENDANCE:

Head of Planning & Capital Development (CH)
Senior Planning Officer (GM)
Member Services Officer (CR)

Apologies for non-attendance were submitted by Councillors D Bassett and A Martin.

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

LA05/2021/0772/F – Proposed new dwelling in compliance with Policy COU2 on land between 56a-60 Halfpenny Gate Road, Moira, Craigavon

This application had been presented for determination at the meeting of the Planning Committee held on 4 November 2024. The Committee had agreed to defer consideration to allow for a site visit to take place.

The Head of Planning & Capital Development reminded Members that the purpose of the site visit was to address issues around whether or not there were sufficient buildings in the cluster for it to appear as a visual entity in the landscape and to demonstrate that the requirements of policy were met. He outlined to Members the criteria required for the application to meet with policy COU2 with reference to Part 2 of the Plan Strategy document.

Issues had been raised at the Planning Committee meeting regarding the spatial relationship between Brookfield School and the site on the opposite side of the road, and whether or not it formed part of the focal point and whether there were sufficient dwellings to say it was part of the visual entity. Members were shown site location plan and Officers pointed out the existing buildings that were being considered relative to the site. They observed what buildings could be seen on approach to the application site from both directions.

In response to a query as to whether the application site could be bound on one site by Brookfield School, the Head of Planning & Capital Development advised that it was a matter of planning judgement. Policy did not define that buildings on the opposite side of

the road should be included or excluded. The policy states development that bounds two sides of the site.

Reference was made to previous planning history, when the application site had been too large for infill; however, the question was asked if approving this application would open up an opportunity for a future application for infill. The Head of Planning & Capital Development stated that he could not speculate on this matter. Assessment must be confined to the current application in front of the Committee.

The Head of Planning & Capital Development agreed to provide information to the next meeting of the Planning Committee in respect of any objections received to this application.

There being no further business, the site visit was terminated at 3.08 pm.

Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	04 November 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2021/0772/F
Date of Application	14 July 2021
Proposal Description	Proposed new dwelling
Location	Land between 56a-60 Halfpenny Gate Road, Moira, Craigavon, BT67 0HP
Representations	2 letters of objection
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorized as a local application.
2. The application is recommended for refusal as the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
3. The proposal is contrary to criteria (b), (d) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster does not appear as a visual entity in the local landscape, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure. The dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, result in the addition of ribbon development along the Halfpenny Gate Road.
5. The proposal is contrary to criteria (d) and (e) of Policy COU15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the

proposed site lacks long established natural boundaries and relies primarily on the use of new landscaping for integration and therefore the dwelling would not visually integrate into the surrounding landscape.

6. The proposal is contrary to criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, have an adverse impact on the rural character of the area by virtue of the addition of ribboning along the Halfpenny Gate Road.

Description of Site and Surroundings

Site

7. The site is 0.3 hectares and comprised of a triangular portion of land cut out of a larger agricultural field that extends further west and south encompassing No.56A Halfpenny Gate Road.
8. The northern boundary is formed by low hedging. This boundary also abuts the laneway that leads to Nos.58 and 58A Halfpenny Gate Road. The field has an overgrown grass bank running parallel to the roadside. The remaining site boundaries are undefined.

Surroundings

9. The site is located within the countryside, it is however surrounded by a build-up of development at this location, specifically to the east and north. The settlements Lower Broomhedge and Halfpenny Gate both lie approximately half a kilometre from the site in a northern and southern direction.

Proposed Development

10. The proposal is for a single dwelling.
11. Supporting Information provided for consideration within this application consists of the following;
 - Supporting information in form of P1 form and drawings
 - Design and Access Statement

Relevant Planning History

12. The following planning history is associated with the site and an adjacent site:

Reference	Description	Location	Decision
LA05/2018/0219/F	Erection of 2 dwellings (under CTY6 and 8 of PPS 21)	Between 56a and 60 Halfpenny Gate Road	Appeal dismissed

Consultations

13. The following consultations were carried out:

Consultee	Response
DFI Roads	No objection
DAERA WMU	No objection
LCCC EHO	No objection
NI Water	No objection

Representations

14. Two letters of objection have been received in relation to the proposal.

15. A summary of the issues raised are set out below and the issues include:

- Too many developments approved recently within the countryside area
- Building in the corner of the field will invade the privacy of neighbouring properties
- Increase on traffic on road which presents a danger – entrance to the dwelling is on a bad bend
- The proposal lies opposite to Brookfield Special Primary School. There is currently an extension to Brookfield Special Primary School which will increase the numbers again
- The proposal is contrary to policy CTY2A of PPS 21
- The proposal is also contrary to Policies CTY12, CTY13 and CTY14 in that if the proposed dwelling is approved it will fail to integrate into the landscape and harm the local landscape and character of the area.

- Planning application LA05/2018/0219/F got refused due to the site being too big. If this is passed this will reduce the size of the remaining land and the applicant will apply for further sites on the frontage of this field

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

18. The site is located in the countryside in the Lisburn Area Plan (LAP). No other site-specific plan designation applies.
19. Draft BMAP remains a remains a material consideration in accordance with the transitional arrangements. In draft BMAP (2004) this site is identified as being located in the open countryside.t
20. In the subsequent revision to draft BMAP (2014) this site remains in the open countryside..

21. This application is for a new dwelling in the open countryside. The policies that apply in the plan to new residential development in the open countryside are as follows.
22. The strategic policy for new housing in the countryside is set out in Part 1 of the Plan Strategy. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

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

Development in the Countryside

24. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

25. As explained, this is an application for a new dwelling in an existing cluster and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU 2, COU 15 and COU 16.
26. 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*

27. The justification and amplification of COU2 further states:

For the purpose of this policy the following definitions will apply:

A visual entity in the local landscape is defined as a collective body of buildings, separated from the countryside when viewed from surrounding vantage points.

A focal point is defined 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 in the cluster.

Effective design principles for compliance with the policies of COU2 are illustrated and set out in the Department's design guidance, 'Building on Tradition'.

Integration and Design of Buildings in the Countryside

28. 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

29. 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.*

Infill/Ribbon Development

30. There is a history of an an infill proposal being dismissed at appeal and refused planning permission. This question of whether this proposal would create or add to a ribbon of development is also required to be assessed. Policy COU8 Infill/Ribbon Development states that:

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.

Waste Management

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

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

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

Natural Heritage

32. The proposed development requires the removal of roadside vegetation. 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

33. This proposal involves the construction of a new access onto 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:

*it will not prejudice road safety or significantly inconvenience the flow of vehicles; and,
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.

34. The justification and amplification states:

New development will often affect the public road network surrounding it. This policy seeks to avoid or mitigate adverse impacts and ensure that proposed access arrangements are safe and will not unduly interfere with the movement of traffic.

Development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of the Department's Development Control Advice Note 15, Vehicle Access Standards (2nd Edition, published in August 1999). For the purposes of this policy, a field gate is not an existing access.

The proximity of the proposed access to junctions, other existing accesses and the total number of accesses onto a given stretch of road are relevant matters in the assessment of traffic hazards. The combining of individual access points along a road will be encouraged as this can help to improve road safety.

Control over the land required to provide the requisite visibility splays will be required to ensure that they are retained free of any obstruction. This may be subject to a planning condition requiring that no development shall take place until the works required to provide access, including visibility splays, have been carried out.

Regional Policy and Guidance

Regional Policy

35. 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.

36. 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 adopted Plan Strategy have been drafted to be consistent with the SPPS.

37. 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

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

Building on Tradition

39. Whilst not policy, and a guidance document, the SPPS states that regard must be had to the guidance in assessing the proposal. BOT states in relation to cluster development that:

4.3.0 Policy CTY2A of PPS 21, Sustainable Development in the Countryside, defines what constitutes a cluster and that it sets down very clear guidance on how new developments can integrate with these. The guidance also acknowledges that a key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

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

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

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

Development Control Advice Note 15 – Vehicular Access Standards

41. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It is stated at paragraph 1.1 that:

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

Assessment

New dwellings in Existing Clusters

42. The first test is to determine if the application site is located within an existing cluster of development.
43. This is a full application and a site layout drawing along with floor plans, elevations, and a drawing detailing the proposed access arrangement have been provided by the agent in support of the application.
44. Immediately north of the site there are two dwellings at Nos. 60 Halfpenny Gate Road and 58a Halfpenny Gate Road. These dwellings are physically separated from the site by a laneway which leads to both Nos.58 and 58a, which lies further on up the laneway. No. 58a sits directly behind no. 60. Further east lies the Broomhedge Methodist Church, the Church Manse at no. 62 and no. 64

Halfpenny Gate Road. The buildings at no. 58a, 60, Broomhedge Methodist Church, The Manse at number 62 and no 64 Halfpenny Gate Road are considered to be part of the cluster.

45. Directly opposite the site and extending further to the southeast lies the Brookfield Special School and its associated grounds. A dwelling lies immediately south of the school at No.63 Halfpenny Gate Road. Further south lies a group of farm buildings and beyond this, two further dwellings lie at the start of the Robbery Road which continues to the left. The buildings associated with Brookfield Special School and no 63 Halfpenny Gate Road are considered to be part of the cluster.
46. It is accepted that there is an existing cluster of development that lies outside a farm and consists of a minimum of four established dwellings. Criteria (a) is met.
47. The second test is to determine whether the cluster is a visual entity. It is not however considered that the cluster of development can be read as part of a visual entity, and the buildings are not all visible collectively when viewed from surrounding vantage points. This is due to the position of the school buildings which sits opposite and further south of the cluster of dwellings located to the north of the site along Halfpenny Gate Road.
48. Also, when travelling along the Halfpenny Gate Road past no 56a in a northern direction no 58a and the Methodist Church are the only buildings visible within the cluster. When travelling in the opposite direction past no 64 Halfpenny Gate Road, Broomhedge Methodist Church and only three of the dwellings are visible. Therefore, the cluster is not visible in its entirety as a collective group. For this reason, criteria (b) is not met.
49. The third test is to determine whether there is a defined focal point such as a social/community building within the cluster of development. Broomhedge Methodist Church is located to the north of the site and Brookfield Special School to the southeast. The cluster is associated with a focal point and for this reason criteria (c) is met.
50. In consideration of the fourth test criteria (d) the identified site does not provides a suitable degree of enclosure due to the lack of existing vegetation on three of its boundaries.
51. Furthermore, the site is not bounded on at least two sides with other development in the cluster. The dwellings to the north No.58a and No.60 Halfpenny Gate Road bound the northern boundary of the application site. They are separated from the application site by a laneway, however even if the lane way was to be discounted the application site is only bound on one side by development. Criteria (d) is therefore not met.
52. The fifth test is not met for the same reason. It is also considered that development of the site cannot be absorbed into the existing cluster of development by rounding off and consolidation. As a result, the proposed

development would significantly alter the existing character and visually intrude into the open countryside through the addition of ribbon development. The proposal also fails to meet criteria (e).

Policy COU8 – Infill/Ribbon Development

53. The dwellings east of the site front onto the Halfpenny Gate Road at Nos.60, 62 and 64 Broomhedge Road and Broomhedge Methodist Church are a ribbon of development.
54. An application was refused on the site for two infill dwellings which was refused planning permission and dismissed on appeal. This is not a gap site and a dwelling on the site if approved, will add to an existing ribbon of development along the Halfpenny Gate Road. The proposal also fails to meet Policy COU8.

Policy COU15 - Integration and Design of Buildings in the Countryside

55. Turning then to policy COU15, it is considered that the proposed development, would not be a prominent feature within the local landscape as a result of the dwelling proposed being single storey. Criteria (a) is met.
56. The proposed dwelling would be sited to cluster with the established dwellings to the east. Criteria (b) is met.
57. It is considered that the proposed dwelling will blend in with the landform and the existing buildings to the east. The gently slope of the land to the rear of the site will provide a suitable backdrop for a proposed single storey dwelling and garage. Criteria (c) is met.
58. It is considered that the application site lacks long established natural boundaries. The low hedgerow that abuts the laneway and sparse low hedgerow along the roadside in front of the grass bank are the only forms of vegetation. The site does not benefit from sufficient screening and lacks established boundary vegetation to aid screening and integration of the proposed dwelling within the landscape. Criteria (d) is not met.
59. Furthermore, it is considered that the development would rely solely upon new landscaping for the purposes of integration as there is a very low level of existing vegetation and the site is open and exposed to views when travelling along the Halfpenny Gate Road in both directions (between nos. 56a and 60). Criteria (e) is not met.
60. The dwelling proposed is single storey with hipped roof and measures 5.6 metres in height from finished floor level. Finishes of the dwelling are not however known and garage plans/elevations have not been provided. The form/footprint of the proposed dwelling also takes on a different layout to what is shown on the proposed site plan.

61. On the basis of the information provided, it is concluded that the dwelling is of modern design however windows and door openings retain vertical emphasis, and the dwelling takes on a simple form and style. It is considered to be in keeping with the design principles as set out in the Department's design guidance "Building on Tradition". Criteria (f) is met.
62. The ancillary works will integrate with the surroundings with a proposed access to be created off the Halfpenny Gate Road. Criteria (g) is met.

Policy COU16 - Rural Character and Other Criteria

63. For the reasons outlined above, a new building would not be prominent in the landscape and would be sited to cluster with existing dwellings to the east. Criteria (a) and (b) are met.
64. The application seeks to provide a dwelling and garage on the site. The traditional pattern of the development to the north of the site is road frontage dwellings. This proposal is also for a dwelling facing onto Halfpenny Gate Road and therefore the proposal is not in conflict with this criteria. Criteria (c) is met.
65. The nearest settlements of both Lower Broomhedge and Halfpenny Gate are approximately 500m from the site. The proposal is a substantial distance from these settlements therefore is not likely to mar the distinction, nor would it create or lead to urban sprawl as its sits within the open countryside and is divorced from both these settlements. Criteria (d) is met.
66. In relation to criteria (e) it is contended that a dwelling on the site, if approved would add to an existing ribbon of development along the Halfpenny Gate Road. For this reason, the proposal would have an adverse impact on the rural character of the area and is in conflict with criteria (e) of COU16.
67. In relation to criteria (f) the dwelling is sited and designed to ensure that the proposal does not have an adverse impact on neighboring residential amenity. The proposed dwelling is to be positioned an acceptable distance way from the closest dwelling. Criteria (f) is therefore met.
68. The detail provided has demonstrated that the dwelling and garage can reasonably be sited without detriment to compliance with other planning and environmental considerations including those for drainage/sewerage. NI Water and Environmental Health are content.
69. In respect of criteria (g) as set out in paragraphs 90-91, it has been demonstrated that all necessary services, including the provision of non mains sewerage, can be provided without significant adverse impact on the environment or character of the locality. Criteria (g) is met.
70. It is considered that criteria (h) is met in that the impact of ancillary works would not have an adverse impact on rural character.

71. In respect of criteria (i) for the reasons set out in paragraphs 98-101, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Waste Management

72. Details submitted with the application indicates that a septic tank is proposed as a means of non-mains sewerage provision.
73. In their response dated 12/01/22, EHO advise that they have no objections to the proposed development subject to a standard condition.
74. Based on an assessment of the detail, the location of the proposed septic tank and the advice received from EHO, it is considered that the applicant has demonstrated that the proposal will not create or add to a pollution problem. The policy tests associated with Policy WM2 are therefore met.

Access, Movement and Parking

75. It is proposed to create a new access onto the Halfpenny Gate Road.
76. A detailed drawing has been provided illustrating the access arrangements with agreed visibility splays of 2.4 x 79 in both directions.
77. DFI Roads have been consulted and offer no objections subject to conditions.
78. Based upon a review of the information provided and the advice from statutory consultee, it is accepted that the new access to the public road can accommodate a dwelling 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

79. The site consists of a portion of an open field with minimal boundary vegetation. There will be no hedgerow removal of 30m or greater required for the provision of the visibility splays as at present there is no existing hedgerow along the site frontage with only sparse shrubbery having to be removed which is of no biodiversity value. A biodiversity checklist was therefore not considered necessary in this instance.
80. Retention of the existing hedgerow to the east will ensure that the development will not cause any harm to any protected features of natural heritage importance.
81. The requirements of policies NH 5 of the Plan Strategy are met in full, and the proposal will not have an adverse impact on habitats, species or features of natural heritage importance.

Representations

82. The following points of objection have been raised within five letters of objection and are considered below:

- Too many developments approved recently within the countryside area.

This application is assessed on its own merits however it is considered that the proposal is contrary to policy for the reasons provided.

- Building in the corner of the field will invade the privacy of neighbouring properties.

It is considered that the single storey dwelling will not cause an unacceptable adverse impact on the privacy of neighbouring properties.

- Increase on traffic on road which presents a danger – entrance to the dwelling is on a bad bend.

DfI Roads have assessed the proposal and have concluded that there are no concerns with respect to the proposed access arrangements. There is no contrary evidence to disagree with this advice.

- The proposal lies opposite to Brookfield Special Primary School. There is currently an extension to Brookfield Special Primary School which will increase the numbers again.

The primary school and any developments pertaining to this site is a separate matter. Again, as above, DfI Roads are content with all information provided in respect of the access arrangements.

- The proposal is contrary to policy CTY2A of PPS 21.

It is considered that the proposal is contrary to Policy COU2 of the LCCC Plan Strategy 2032 which now supersedes the Policy CTY2A of PPS 21 for the reasons mentioned above.

- The proposal is also contrary to Policies CTY12, CTY13 and CTY14 in that if the proposed dwelling is approved it will fail to integrate into the landscape and harm the local landscape and character of the area.

It is considered that the proposal is contrary to Policy COU 15 and COU16 of the LCCC Plan Strategy. These policies now supersede CTY12, CTY13 and CTY14 of PPS 21.

- Planning application LA05/2018/0219/F got refused due to the site being too big. If this is passed this will reduce the size of the remaining land and the applicant will apply for further sites on the frontage of this field.

This proposal is considered on its own merits, and it is concluded that the development, if permitted would be contrary to policy as mentioned in the refusal reasons above. The assessment is made against any current live applications.

Conclusions

83. For the reasons outlined above, the application is contrary to the SPPS and Policies COU1, COU2, COU8, COU15 and COU16 of the Plan Strategy.

Recommendations

84. It is recommended that planning permission is refused.

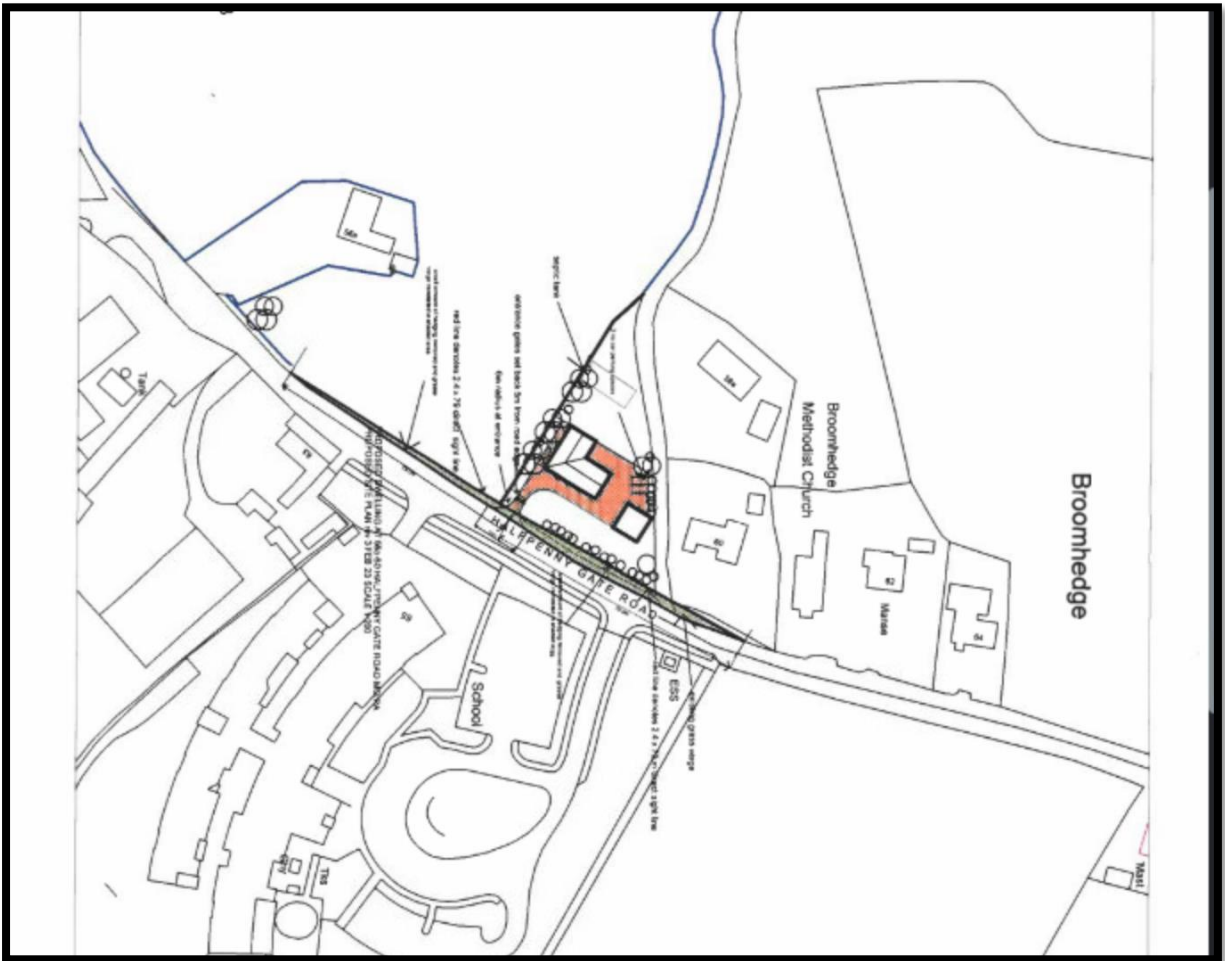
Conditions

85. The following refusal reasons are recommended;
 - The application is recommended for refusal as the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
 - The proposal is contrary to criteria (b), (d) and (e) of Policy COU2 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the cluster does not appear as a visual entity in the local landscape, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.
 - The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, result in the addition of ribbon development along the Halfpenny Gate Road.
 - The proposal is contrary to criteria (d) and (e) of Policy COU15 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and relies primarily

on the use of new landscaping for integration and therefore the dwelling would not visually integrate into the surrounding landscape.

- The proposal is contrary to criteria (e) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposal would, if permitted, have an adverse impact on the rural character of the area by virtue of the addition of ribboning along the Halfpenny Gate Road.

Site Location Plan – LA05/2023/0772/F



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	02 December 2024
Committee Interest	Local Application (Called in)
Application Reference	LA05/2022/0632/F
Date of Application	01 August 2023
Proposal Description	Proposed farm dwelling and garage
Location	35a Lurganure Road, Lisburn, BT28 2TS
Representations	12 letters of objection
Case Officer	Brenda Ferguson
Recommendation	REFUSAL

Summary of Recommendation

1. This application is categorised as a local application.
2. The application is recommended for refusal as it is considered that the proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. The proposal is contrary to Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated why it is not practicable to obtain access from the existing lane to the proposed dwelling.
4. The proposal is contrary to Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the ancillary works do not integrate with their surroundings and will rely primarily on the use of new landscaping for integration.
5. The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that if approved, would mar the distinction between the settlement and the surrounding countryside and otherwise result in urban sprawl and the impact of ancillary works would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

5. The application site comprises of a portion of two agricultural fields located to the east and south of 35a Lurganure Road. The field slopes gently to the southwest away from the dwelling.
6. The boundaries are largely undefined apart from the northern boundary which abuts the curtilage of 35a Lurganure Road and is bounded partly by a hedgerow and sparse vegetation. The site is wrapped around the curtilage of 35a and the existing farm buildings, which are sited further to the northeast.
7. The site is currently accessed from the existing laneway that leads to the dwelling at 35a Lurganure Road. A new access is proposed onto the Lurganure Road to the south of 45 Lurganure Road.

Surroundings

8. Directly adjacent and to the west of the site is the small settlement of Lurganure which is mainly comprised of detached dwellings sited along both sides of the road. The character of the lands beyond the small settlement and is mainly rural in character and comprised of farm holdings, single dwellings and agricultural lands.

Proposed Development

Full planning permission is sought for the erection of a farm dwelling and garage.

Relevant Planning History

Reference Number	Description	Location	Decision
S/1995/0126	Bungalow	To rear of 39 Lurganure Road, Maze, Lisburn	Permission refused
S/2010/0327/F	Farm dwelling.	To rear of 35 and 37 Lurganure Road, Lisburn.	Permission granted
LA05/2023/0926/O	Proposed 2 no. dwellings within settlement limit	To the rear of 39 Lurganure Road, Lisburn,	Decision pending

Consultations

9. The following consultations were carried out:

Consultee	Response
DAERA	Business has been in existence for more than six years. Single Farm Payment claimed.
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
Rivers Agency	No objection
NIEA	No objection

Representations

10. Twelve letters of objection have been received to date and the issues raised include:

- 41, 43, 43a, and 43b were not notified about this application. Correct neighbour notification procedures not carried out.
- Entrance on dangerous bend of road and visibility splays will not be achieved
- Proximity of soakaway for new dwelling to River Lagan
- Lack of biodiversity checklist, to assess potential impact on local biodiversity
- Site location map and site layout map appear to be incorrect and do not show accurate representation of how close dwelling will impact on boundary with neighbouring properties.
- Negative impact on value of property
- Loss of privacy/loss of light into neighbouring garden
- Access prejudices road safety - the newly proposed access lane contravenes points 5.71; 5.72; 5.73 and 5.74 of Planning Policy Statement 21: "Sustainable Development in the Countryside" subheading "Access and other ancillary works"
- Map does not show additional ground purchased to rear of 34b and 34c

- Additional farm dwelling should use existing entrance rather than new entrance that snakes around the existing dwellings
- It would be a further detriment and blight to the countryside permitting an entrance and driveway that has little to no connection to the proposed property or existing farm
- The potential loss of light and privacy to 43b, 43c and 45 Lurganure Road
- If the proposed entrance is approved, it would make the new property even more separate from the farm & help detach it even more from within the cluster of the current farm buildings as stated within PPS21
- the proposed dwelling does not seem to be sensitively positioned within the farm building/contrary to policy. It appears to protrude prominently from the farm buildings into the rear view of the neighbouring properties
- an outdated map been used to misleadingly show the boundaries incorrectly for 43, 43A, 43B & 43C, but that it has been doctored to include the property at 35A
- The proposed two-story dwelling does not align with the architectural style of the surrounding properties which are dormer or bungalow style buildings.
- Dwelling is significantly larger and more imposing than those around it.
- Parking identified for the existing farm dwelling and proposed dwelling not sufficient.
- Proposal contravenes policy CTY2A – new dwellings in existing clusters
- Proposal dwelling is also not in keeping with the “conversion and re-use of existing buildings” principles of PPS 21.
- The proposed dwelling at 35a would prove detrimental to an important visual break in existing development. Has due consideration been given to the aspect, character and historical importance of St Matthew’s Church and its Church Hall?
- Proposal does not fit within the definition provided as having “little appreciation of any physical separation” when “viewed from surrounding vantage points”. Further there is no vegetation whatsoever that provides natural screening: the proposed site is currently an open field full of grazing cattle.
- The proposed dwelling and detached garage will be unduly prominent in the landscape and due to the proposed location out with the cluster of existing farm buildings the development will further erode the rural character of the local area,
- If approved, this dwelling will be utilised as an opportunity for further financial gain.
- The revised proposal remains contrary to Policy COU1, COU10, COU15 and COU16 in terms of lack of clustering with farm buildings, visual integration, urban sprawl and rural character.
- The new position of the dwelling and garage still does not form a visual cluster with the established farm buildings, as required by policy
- The proposed site for the dwelling is on land that regularly floods during periods of heavy or prolonged rain.
- There is also a risk that should planning be granted and this is to be genuinely used as a farm dwelling for family then the existing lane will be utilised and the new lane will not be developed and a farm dwelling is intended for profitable gain through disposal.

Local Development Plan

11. 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

12. 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.

13. In accordance with the transitional arrangements the existing Local Development Plan is the adopted Plan Strategy and the extant Plan which is the Lisburn Area Plan (LAP).
14. In LAP the application site is in the open countryside adjacent to the settlement limit of Lurganure.
15. Draft BMAP remains a material consideration. In draft BMAP (2004) and the subsequent revision to the draft (2014) the site remains in the open countryside and adjacent to the settlement limit of Lurganure.
16. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside [Strategic Policy 09] states:

The Plan will support development proposals that:

- (a) *provide appropriate, sustainable, high quality rural dwellings, whilst protecting rural character and the environment*

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

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

18. 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.

19. 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

20. 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 outwith 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

21. 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

22. 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

23. The site is large and has the potential to result in the loss of hedgerow which a priority habitat. 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

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

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

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

Access and Transport

25. The proposal involves the construction of a new vehicular access to a public road. Policy TRA2 – Access to Public Roads states:

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

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

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

Flooding

26. The site is located adjacent to a watercourse. Policy FLD 1 – Development in Fluvial (River) Flood Plains states that:

FLD1 Development in Fluvial (River) Flood Plains New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) *essential infrastructure such as power supply and emergency services*
- b) *development for the storage of hazardous substances*
- c) *bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) *any development located close to flood defences. Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.*

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) *replacement of an existing building*
- b) *development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*
- c) *water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain*
- d) *the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children*

e) the extraction of mineral deposits and necessary ancillary development.

Proposals that fall into any of the following categories will not be permitted by this exception:

- a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) essential infrastructure*
- c) development for the storage of hazardous substances. Development*

Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria:

- a) demonstration of exceptional benefit to the regional or sub-regional economy*
- b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.*

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk. Minor Development Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable: a) new hard engineered or earthen bank flood defences b) flood compensation storage works c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain.

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.

28. Paragraph 3.8 of the SPPS states:

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

29. 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

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

Building on Tradition

31. Paragraph 2.7.0 of Building on Tradition states that:

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

32. 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.

33. 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).
34. 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.
35. With regards to waste water treatment, Building on Tradition [page 131] states that

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

Development Control Advice Note 15 – Vehicular Access Standards

36. The policies in PPS 3 are replaced by the Plan Strategy but the guidance in Development Control Advice Note 15 – Vehicular Access Standards is retained. It is stated at paragraph 1.1 that:

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

Assessment

37. This application is a full planning application for a dwelling on a farm.
38. The name and address of both the applicant and owner of the farm business has been provided. The applicant owns the farm business and DAERA have confirmed that the applicant has claimed payments through the Basic Payment Scheme or Agri Environment scheme for 2019, 2020, 2021, 2022 and 2023.
39. DAERA have also confirmed that the farm business has been established since 28/04/2005 and Mr Stephen Hall claimed through the Basic Payment Scheme (BPS) in 2024 also under the same business ID.
40. The supporting evidence submitted with the application is assessed and the farm business is both active and established for the required period of six years. DAERA has confirmed this in their consultation response. Additional evidence was not deemed necessary as the Council is satisfied that the land identified as being actively farmed for the required period. The Council is satisfied that criteria (a) is met.
41. A search of Planning Portal for the lands identified on the submitted Farm Map confirms that no dwellings or development opportunities appear to have been sold off from the holding for the required period of time. Criteria (b) of Policy COU10 is met.
42. Plans submitted with the application demonstrates that the main dwelling linked to the farm business lies immediately to the north at 35a Lurganure Road and the farm buildings are sited approximately 30 to 40 metres north of this dwelling. The farm buildings are clustered within the farmyard which is accessed via an existing laneway between 35 Lurganure Road and St. Matthews Church Hall.
43. The proposed dwelling and garage are shown to be located south of the existing dwelling. The garage is to be sited approximately 11 metres away from 35a Lurganure Road and the new dwelling positioned approximately 5 metres beyond this.

44. This is a revised siting from that previously indicated and the dwelling and garage are now located closer to the existing dwelling and cluster of farm buildings to the north. The dwelling and garage will be sited to cluster with the established group of buildings on the farm, namely the dwellings at 35a Lurganure Road and the associated agricultural buildings.
45. The visual linkage between the site and the established farm buildings is considered. There are restricted views of the farm buildings and 35a when travelling along the Lurganure Road due to the size and form of the buildings, their setback away from the roadside and existing vegetation to the back of 35-41 Lurganure Road.
46. When observing both the site and group of buildings from the roadside there are occasional glimpses of the buildings, and it is considered that due to the siting of the dwelling south of these buildings there will be a degree of intervisibility consistent with the views albeit limited. This part of criteria (c) of COU10 has been met.
47. Access to the site is proposed from a new access to a public road and not through the existing farm lane.
48. It is indicated by the applicant that the existing access is not to the required standard and cannot be upgraded to meet these standards. Whilst DfI Roads are satisfied that the new access as shown on the site layout plan, including the visibility splays, can be provided to the required standard it is not demonstrated that criteria c) is met and it is not explained why it is not practicable to use the existing access despite it being substandard. This part of criteria (c) of COU10 has not been met.

Integration and Design of Buildings in the Countryside

49. Turning then to Policy COU15, it is noted that the proposed dwelling and garage on the site would not give rise to issues of prominence. This is due to the distance of set back from the road by approximately 90 metres from the Lurganure Road. The existing topography of the field in which the dwelling is to be located is low-lying. Criteria (a) is met.
50. In respect of criteria (b), and as detailed in paragraph 44, the proposed dwelling and garage will be clustered with the established group of buildings, namely the existing dwelling at 35a Lurganure Road and agricultural buildings to the north. Criteria (b) is met.
51. In terms of criteria (c) it is noted that the landform is such that the lowest point in the field is at the north eastern corner. The dwelling and garage will be sited within this part of the field, which is not exposed to public views. The dwelling proposed is two-storey, however it will benefit from the existing site topography and backdrop of the farm dwelling at 35a, the farm buildings and the dense

- vegetation on the opposite site of the River Lagan further to the east. Criteria (c) is met.
52. There is an existing post and wire fence augmented with part hedgerow/part sparse vegetation that bounds the site to the north. A post and wire fence bounds the site to the east and the remainder of the site is open with no defined boundaries. The site where the dwelling and garage are proposed however is capable of providing a suitable degree of enclosure for the buildings to integrate into the landscape. This is due to the backdrop of existing buildings and the low-lying nature of the site which is not exposed to public views. Criteria (d) is met.
53. In relation to criteria (e) whilst the dwelling and garage considered in isolation would not rely on new landscaping for integration purposes it is important to take account of the proposal including any ancillary works. The extent of the proposed access needs to be taken into consideration including the visual prominence of the new laneway which stretches and meanders for approximately 180 metres back from the edge of the road. The laneway does not follow a defined field boundary and runs through a prominent part of the field open to public views. It would solely rely on the use of new landscaping for integration and for this reason fails to meet criteria (e).
54. The dwelling proposed is two-storey with a traditional pitched roof and ridge height of 9.3 metres. Windows and doors maintain a vertical emphasis on all elevations. The proposed finishes are as follows:
- Walls – smooth sand/cement render finish
 - Roof – blue/black slate
 - Windows – white Upvc, argon gas filled with double glazing
 - Rainwater goods – black Upvc gutters and down spouts, black upvc fascia, barge bed and soffit.
55. The proposed garage is single storey pitched roof with a ridge height of 5.8 metres. The finishes are proposed to match the dwelling.
56. The design of the dwelling and garage have been assessed against the policy provisions set out in the Plan Strategy and the Guidance in Building on Tradition. It is said to be in keeping with the guidance for two storey dwellings in the countryside and is of a design that is in keeping with the area. Criteria (f) is met.
57. The main impact resulting from the ancillary works is the construction of the proposed access. The access will not run alongside an existing hedgerow rather it will meander through an open field which will be exposed to public views. It is considered that due to the length of the access laneway, its prominent location and its positioning within the field will result in the ancillary works failing to blend in with their surroundings.

58. The new access is detrimental to the character of the area, it will be an obtrusive feature at this location and is not capable of being integrated into the countryside. Criteria (g) is not met.
59. For the reasons outlined it is considered the proposal is contrary to criteria (e) and (g) of Policy COU15.

COU16 - Rural Character

60. A new dwelling will not be unduly prominent in the landscape for the reasons outlined above at paragraphs 57-59. Criteria (a) is met.
61. Criteria (b) of policy COU16 requires the dwelling to cluster with an established group of buildings. As detailed in paragraph 48 the proposed dwelling and garage will cluster with the established group of buildings to the north, namely the existing farm dwelling at no. 35a and the agricultural buildings further north of this building. Criteria (b) is met.
62. The application seeks to provide a dwelling and garage on the site. The proposal is in keeping with the traditional pattern of development to the north of the site which is that of a rural farm dwelling and farm buildings. This proposal is also for a farm dwelling which will be clustered with the existing farm grouping. The proposal is not therefore in conflict with this criteria. Criteria (c) is met.
63. In respect of criteria (d) it is considered that the settlement of Lurganure lies to the west and north west of the site. It is drawn around St Matthews Church Hall and runs along the back of the curtilages of the dwellings at 35-45 Lurganure Road.
63. There is a clearly defined distinction between the settlement of Lurganure and the surrounding countryside. On the eastern side of the road, the settlement limit follows the demarcated boundaries of the residential curtilages of nos. 35 to 49 Lurganure Road. The new access proposed introduces built development of an urban form along a road frontage which runs through an open field to the south of this settlement and in doing so visibly extends development into the countryside. It is contended that the new access will mar the distinction between the Lurganure settlement and the surrounding countryside and otherwise result in urban sprawl. The proposal fails to meet criteria (d).
64. For the reasons mentioned in previous paragraphs this proposal will have an adverse impact on the rural character of the area by virtue of the introduction of a new access in the countryside which is unacceptable. Criteria (e) is not met.
65. In respect of criteria (f) the dwelling and garage are sited and designed to ensure that it does not have an adverse impact on residential amenity in respect of any neighbouring properties. There is suitable separation distance between the proposed dwelling and the existing dwellings to the west. Criteria (f) is met.

66. In relation to criteria (g) 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 provision of the services will not result in significant adverse impact on the character of the locality. Criteria (g) is met.
67. In relation to criteria (h) the impact of the ancillary works in respect of the proposed access laneway, would have an adverse impact on the rural character of the area by introducing an urban form of development along a road frontage in the countryside. The proposed access will Criteria (h) is not met.
64. In respect of criteria (i) for the reasons set out at paragraphs 84-86 access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic. Criteria (i) is met.
65. For the reasons outlined in the preceding paragraphs it is considered that the proposal fails to meet criteria (d) (e) and (h) of COU16.

Policy WM2 - Waste Management

66. 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.
67. LCCC Environmental Health were consulted and offer no objection. NI Water have also replied indicating they are content subject to suitable conditions and informatives.
68. Consent to discharge is required as a separate consent outside of the planning process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified. DfI Rivers have commented that the site on which the dwelling and garage are proposed does not lie within a floodplain and there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
69. Based on a review of the information and advice received from consultees, it is accepted that a septic tank and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

Access and Transport

70. It is proposed to create a new access onto the Lurganure Road.
71. A detailed drawing has been provided illustrating the access arrangements with agreed visibility splays of 2.0m x 67m (left hand splay) and 2.0m x 63m (right hand splay) in both directions.

72. DFI Roads have been consulted and offer no objections subject to conditions.

Based upon a review of the information provided and the advice from statutory consultee, it is accepted that the new access to the public road can accommodate a dwelling without prejudice to road safety or significant inconvenience to the flow of traffic.

73. TRA 2 goes on to say that a number of other consideration should be taken into account, one of which is, the contribution of the proposal to the creation of a quality environment.
74. It has been outlined above that the impact of the ancillary works in respect of the proposed access laneway, would have an adverse impact on the rural character of the area and therefore the proposal would not contribute to a quality environment.
75. The requirements of policy TRA2 of the Plan Strategy are therefore not met in full..

Natural Heritage

76. The site consists of a portion of an open field with minimal boundary vegetation.
77. At present there is no existing hedgerow along the site frontage and therefore no hedging has to be removed for the provision of visibility splays. Only sparse shrubbery having to be removed which is of no biodiversity value. A biodiversity checklist was therefore not considered necessary in this instance.
78. Retention of the existing hedgerow to the north of the site will ensure that the development will not cause any harm to any protected features of natural heritage importance.
79. The requirements of policies NH 5 of the Plan Strategy are met in full, and the proposal will not have an adverse impact on habitats, species or features of natural heritage importance. No issues of concern shall arise consistent with policy tests set out in the Plan Strategy.

Flooding

80. In respect on Policy FLD1, DFI Rivers have advised that the – The Flood Maps (NI) indicates that a portion of the eastern boundary of the site lies within the 1 in 100 year fluvial flood plain including the most up to date allowance for climate change. Rivers Directorate would consider that this proposal is contrary to Policy FLD1.
81. Having considered the advice provided and following clarification of this matter with DFI Rivers, it is contended that the area where the dwelling and garage are proposed to be sited does not lie within the 1 in 100 year fluvial flood plain.

Consideration of representations

- 41, 43, 43a, and 43b were not notified about this application. Correct neighbour notification procedures not carried out.

All neighbours have been notified as of 19/09/23, 20/09/23, 23/02/24 and 13/09/24 (revised siting).

- Entrance on dangerous bend of road and visibility splays will not be achieved

The latest site plan indicates the access point to be further south of the bend in the road. DfI Roads have been re-consulted on the revisions and have no objections to the latest drawing.

- Proximity of soakaway for new dwelling to River Lagan

Environmental Health have been consulted regarding the location of the proposed soakaway and advised they have no objections. NIEA Water Management Unit refer to standing advice.

- Lack of biodiversity checklist, to assess potential impact on local biodiversity

A biodiversity checklist was not considered to be necessary in this instance. The site consists of an open field with undefined boundaries and the provision of sight splays will not require removal of any roadside vegetation in excess of 30 metres. There will be no adverse impact on natural heritage features.

- Site location map and site layout map appear to be incorrect and do not show accurate representation of how close dwelling will impact on boundary with neighbouring properties.

Revised site layout drawing has been submitted, the scale has been shown and measurements have been taken to the neighbouring boundaries to form an assessment.

- Negative impact on value of property

This matter lies outside the remit of planning and as such cannot form part of the overall assessment.

- Loss of privacy/loss of light into neighbouring garden

It is concluded that the dwelling is a suitable distance from the neighbouring properties and will not cause overlooking into the gardens or rear of dwellings along the Lurganure Road.

- Access prejudices road safety - the newly proposed access lane contravenes points 5.71; 5.72; 5.73 and 5.74 of Planning Policy Statement 21: "Sustainable Development in the Countryside" subheading "Access and other ancillary works"

DfI Roads are content with the latest revised site plan indicating the access point off the Lurganure Road and required visibility splays.

- Map does not show additional ground purchased to rear of 34b and 34c

A small portion of land to the rear of 34b and 34c included within the curtilage is not reflected on the site plan however this has been taken into consideration and forms part of the assessment and measurement of the dwelling to the existing properties.

- Additional farm dwelling should use existing entrance rather than new entrance that snakes around the existing dwellings

It is concluded that the proposed new access will have a detrimental impact on the rural character of the area.

- It would be a further detriment and blight to the countryside permitting an entrance and driveway that has little to no connection to the proposed property or existing farm.

As above, it has been concluded that the proposed new access is detrimental to the rural character and will be visually prominent in the landscape.

- The potential loss of light and privacy to 43b, 43c and 45 Lurganure Road

The proposed dwelling is deemed to be a suitable distance from these properties so as not to cause overlooking however it is noted that the dwelling will be unduly prominent in the landscape.

- If the proposed entrance is approved, it would make the new property even more separate from the farm & help detach it even more from within the cluster of the current farm buildings as stated within PPS21

It is contended that in respect of the revised siting of the dwelling and garage to the south of the existing dwelling, the buildings will now be visually linked and clustered with the group of buildings on the farm.

- the proposed dwelling does not seem to be sensitively positioned within the farm building/contrary to policy. It appears to protrude prominently from the farm buildings into the rear view of the neighbouring properties

It is considered that the proposed dwelling is now positioned to cluster with the farm buildings and will not be prominent in the landscape.

- an outdated map been used to misleadingly show the boundaries incorrectly for 43, 43A, 43B & 43C, but that it has been doctored to include the property at 35A

The plans as submitted have been considered and are sufficient for an assessment of the proposal to be made. The boundaries of the neighbouring sites have been taken into account in the assessment.

- The proposed two-story dwelling does not align with the architectural style of the surrounding properties which are dormer or bungalow style buildings.

The dwelling as proposed is typical of other farm dwellings in the surrounding area and the dwelling and garage on this particular site will not be unduly prominent in the landscape.

- Dwelling is significantly larger and more imposing than those around it.

As above, the dwelling is said to be suitable in terms of design and will not be a prominent feature in the landscape due to its positioning within the field and set back position from the Lurganure Road.

- Parking identified for the existing farm dwelling and proposed dwelling not sufficient.

DfI Roads are content with the site layout drawing indicating parking and turning arrangements and the advice of the consultee is accepted.

- Proposal contravenes policy CTY2A – new dwellings in existing clusters

The dwelling is assessed against Policy COU10 – farm dwellings. Policy CTY2A does not form part of this assessment.

- Proposal dwelling is also not in keeping with the “conversion and re-use of existing buildings” principles of PPS 21.

As above, the proposal has been assessed against the policy for farm dwellings in the countryside and proposes a new dwelling and not conversion/re-use of existing.

- The proposed dwelling at 35a would prove detrimental to an important visual break in existing development. Has due consideration been given to the aspect, character and historical importance of St Matthew’s Church and its Church Hall?

It is concluded that the proposal will mar the distinction between the settlement limit of Lurganure and the surrounding countryside and contribute to urban sprawl therefore having an adverse impact on the character of the area.

- Proposal does not fit within the definition provided as having “little appreciation of any physical separation” when “viewed from surrounding vantage points”. Further there is no vegetation whatsoever that provides natural screening: the proposed site is currently an open field full of grazing cattle.

An assessment of the proposal has been made against the relevant policy and is considered to be contrary to COU1, COU15 and COU16 of the Plan Strategy for the reasons provided.

- The proposed dwelling and detached garage will be unduly prominent in the landscape and due to the proposed location out with the cluster of existing farm buildings the development will further erode the rural character of the local area.

It is agreed that the proposed dwelling will not be unduly prominent on the landscape.

- If approved, this dwelling will be utilised as an opportunity for further financial gain

This is not a material consideration of determining weight. There is no requirement in policy to retain the dwelling for use on the farm holding.

- The revised proposal remains contrary to Policy COU1, COU10, COU15 and COU16 in terms of lack of clustering with farm buildings, visual integration, urban sprawl and rural character.

Further assessment in terms of the revised siting concludes that the proposal is contrary to Policies COU1, COU15 and COU16 for the reasons provided.

- The new position of the dwelling and garage still does not form a visual cluster with the established farm buildings, as required by policy

It is contended that the new position of the dwelling and garage will allow it to cluster with the existing farm dwelling and agricultural buildings to the north.

- The proposed site for the dwelling is on land that regularly floods during periods of heavy or prolonged rain.

An assessment has been made in terms of Policy FLD1 and it is concluded that where the dwelling and garage are to be located lies outwith the floodplain and a Flood Risk Assessment was not deemed necessary.

- There is also a risk that should planning be granted and this is to be genuinely used as a farm dwelling for family then the existing lane will be utilised and the new lane will not be developed and a farm dwelling is intended for profitable gain through disposal.

The new laneway is proposed for access purposes due to the impracticalities of utilising the existing lane for access to the proposed site. The future use of the site cannot be determined and is not a planning consideration at this stage.

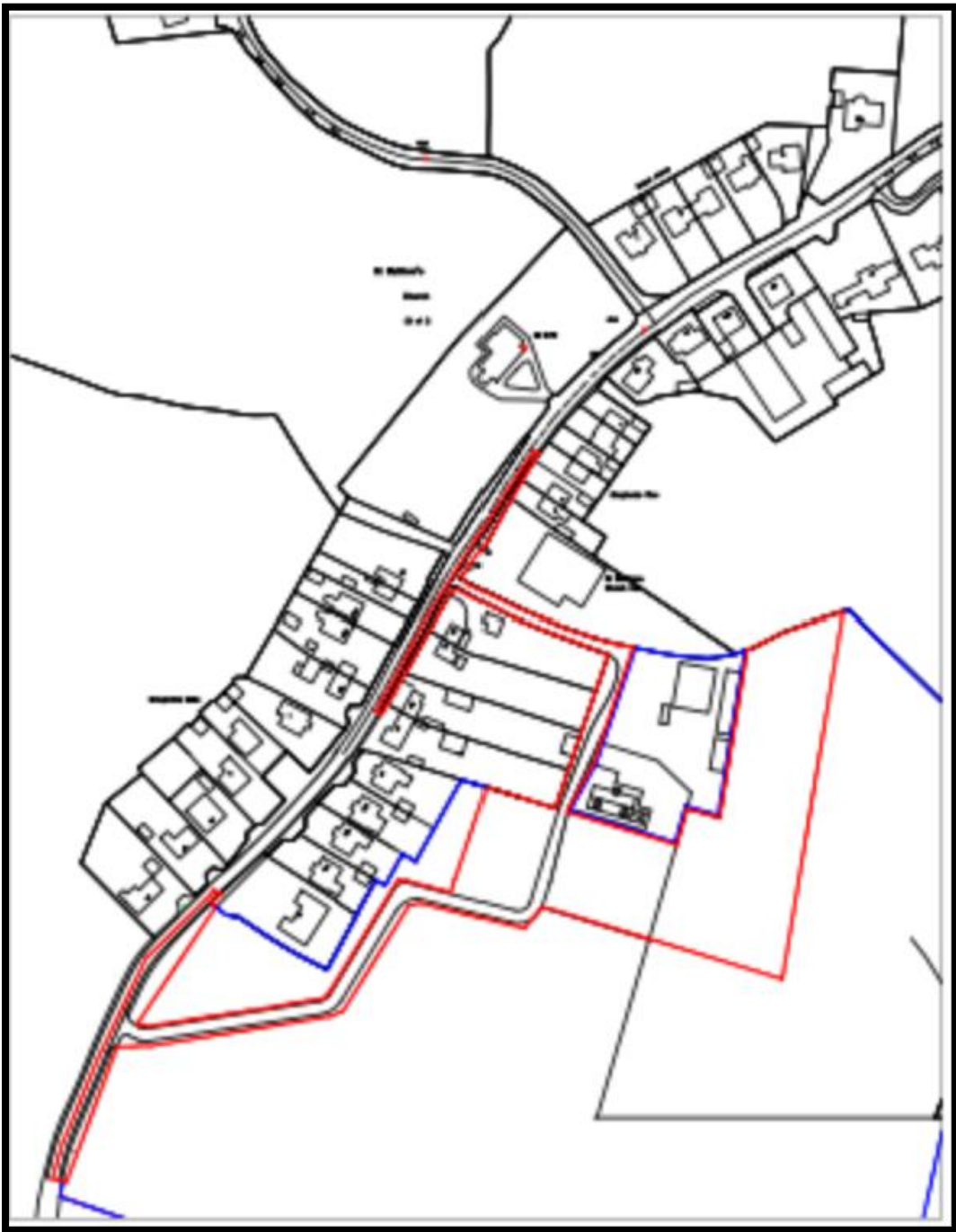
Conclusions and Recommendation

82. It is recommended that planning permission is refused.

Refusal reasons

- The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
- The proposal is contrary to Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated why it is not practicable to obtain access from the existing lane to the proposed dwelling.
- The proposal is contrary to Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the ancillary works do not integrate with their surroundings and will rely primarily on the use of new landscaping for integration.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that if approved, would mar the distinction between the settlement and the surrounding countryside and otherwise result in urban sprawl and the impact of ancillary works would have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2023/0632/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	02 December 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2022/0831/F
Date of Application	18 August 2022
District Electoral Area	Downshire East
Proposal Description	Proposed retention of recently constructed agricultural building
Location	Land adjacent to 112 Back Road Drumbo
Representations	0
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 contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
3. In addition, proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
4. The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.

5. The proposal is contrary to Policy COU12 criteria (c) and (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location, and it has not been demonstrated that the proposal visually integrates into the local landscape.
6. The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
7. The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.
8. The proposal is contrary to Policy COU15 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the design of the building is inappropriate for the site and its locality
9. The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
10. The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
11. The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
12. The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles

Description of Site and Surroundings

13. This site is located at the south side of Back Road and to the east of an occupied dwelling at 112 Baack Road.
14. The site measures 0.18 hectares in size and is rectangle in shape. It is accessed from Back Road via a laneway. This leads to an existing agricultural building and hard standing which is set back from the Back Road by approximately 30 metres.

15. The building is single storey with a rectangular footprint and has an open sided structure with a pitched roof. Within the building there is an internal sectional wall. Onside is for housing cattle and the other for storing hay.
16. The finishes on the building include dark blue metal cladding on the roof and part of the exterior walls. The remainder of the exterior walls are of block construction finished in grey render. The open sided structure is supported by steel stanchions.
17. The access laneway has mature hedging on the east side that runs parallel with the lane. The southern and eastern boundaries are defined by post wire fencing and earth mound. The northern boundary consists of hedging.
18. The topography of the site an undulating level but generally falling way from the roadside towards the rear boundary of the site.

Surroundings

19. The site is located in the open countryside and the area is predominantly rural in character. The site is bounded by open agricultural fields to the north, south and east. To the west of the site lies 112 Back Road which is a detached single storey dwelling.

Proposed Development

20. The is full planning permission for the retention of a recently constructed agricultural building.

Relevant Planning History

	Description	Location	Decision
LA05/2017/0351/F	Proposed replacement dwelling and garage	112 Back Road Drumbo Lisburn	Permission granted

Consultations

21. The following consultations were carried out:

Consultee	Response
DFI Roads	Objections to proposal
NI Water	No objection
Environmental Health	No objection
NIEA	Objections to proposal
DAERA	Business has not been in existence for more than 6 years.

Representations

22. No letters of representation received during the processing of the planning application.

Planning Policy Context

Local Development Plan Context

23. 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

24. 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.

25. In accordance with the transitional arrangements the existing Local Development Plan is the adopted Plan Strategy and the extant development plan which is the Lisburn Area Plan (LAP).

26. The site is located in the countryside in LAP and at page 49 it states:

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

27. Draft BMAP remains a material consideration in draft BMAP (2004) and the subsequent revision to the draft in 2014 this site is also identified was being located in the open countryside.

28. This application is for new agricultural building in the open countryside. The strategic policy sustainable development and good design and positive place [Strategic Policy 01 and 05] states:

29. Strategic Policy 01 Sustainable Development states:

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

30. Strategic Policy 05 Good Design and Positive Place Making states:

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.

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

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

33. As explained, this is an application for a farm shed and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU12, COU15 and COU16 of the Plan Strategy.
34. COU12 Agricultural and Forestry Development
35. *Planning permission will be granted for development on an agricultural or forestry holding where it is demonstrated that:*
 - a) the agricultural or forestry business is currently active and established (for a minimum of 6 years)*
 - b) it is necessary for the efficient use of the agricultural holding or forestry enterprise*
 - c) in terms of character and scale it is appropriate to its location*
 - d) it visually integrates into the local landscape and additional landscaping is provided as necessary*
 - e) it will not have an adverse impact on the natural or historic environment*
 - f) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.*

In cases where development is proposed applicants will also need to provide sufficient information to confirm all of the following:

- *there are no suitable existing buildings on the holding or enterprise that can be used*
- *the design and materials to be used are sympathetic to the locality and adjacent buildings*
- *the proposal is sited beside existing farm or forestry buildings.*

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

Planning permission will only be granted for agricultural and forestry buildings/works subject to the criteria stated, as well as the criteria for an active and established business set out under Policy COU10.

Prior to consideration of any proposed new building, the applicant will be required to satisfactorily demonstrate that renovation, alteration or redevelopment opportunities do not exist elsewhere on the agricultural or forestry holding. Any new buildings should blend unobtrusively into the landscape.

Sufficient information to demonstrate why a location away from the existing agricultural or forestry buildings is essential for the efficient functioning of that agricultural or forestry holding will be required. If justified, the building will be required to visually integrate into the landscape and be of appropriate design and materials. A prominent, skyline or top of slope ridge location will be unacceptable.

All permissions granted under this policy will be subject to a condition limiting the use of the building to either agricultural or forestry use as appropriate.

Integration and Design of Buildings in the Countryside

36. 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

37. 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.*

Access and Transport

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

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

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

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

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.

40. Paragraph 3.8 of the SPPS states:

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

41. 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

Agricultural and Forestry Development

42. The proposal is seeking retrospective planning permission for an agricultural building at land adjacent to 112 Back Road, Drumbo.
43. A P1C form has been submitted alongside the application. The form states that Mr Neil Reid at No 112 Back Road is the farmer. The P1C form states the farm business was established in 2015. The farm business id (665138) was allocated on 05/02/20. It is claimed that single farm payments are not applied for.
44. Within Question 2 of the P1C Form its stated that Mr Neil Reid has a herd number 393059. It is claimed that animals were kept at 112 Back Road during years 2014 – 2016. This was in the name of Mr Reid's father. His herd number was 390207.
45. Question 3 of the P1C form explains a payslip of cattle sent to W.D Meats in 2022 and invoice of heifer nuts delivered in 2014 to feed calves kept at 112

Back Road during 2014 – 2016. Question 6 advises that no other sites are available at 122 Back Road.

46. No DAERA farm maps have been provided as part of this application, but this is not unusual on farms where single farm payment is not received
47. DAERA have been consulted on the application and confirmed that the business id 665138 for Mr Reid has not been in existence for more than 6 years and that the business ID was first allocated on 04 December 2020.
48. DAERA confirmed in their response that no single farm payment claims have been made in the last 6 years. DAERA answered 'No' to the question is the application site is on land which payments are currently being claimed by the farm business.
49. Supporting information with the application submitted by the agent included:
 - A supporting letter from agent
 - A supporting letter from applicant
 - Aerial imagery at 112 Back Road Drumbo for 2013 and 2014
50. More details regarding farming activity over recent years have been submitted that include:

2013

- April rates bill

2014

- F.S Herron Invoice – Heifer replacement nut bags

2015

- Home/Life Insurance X 2

2020

- June Rates bill
- DARD Letter – Business ID Allocated

2021

- DARD Letter – Move Restricted Herd
- DARD Letter – Options for OTS Cattle
- DARD Notice – Notice prohibiting movement of certain cattle

2022

- NIFCC Certificate – Beef Producer
 - Receipt and cheque for cattle purchase
51. Criteria a) of Policy COU12 states that development on an agricultural holding will be granted where it is demonstrated that the holding is currently active and established for a minimum of 6 years. Under COU10 criteria a) provides more information on the level of detail required to demonstrate the farm business is active and established. This includes independent, professionally verifiable business accounts, that it has been established for at least 6 years.
52. The agent has provided information on the P1C Form states that Mr Reids own business ID665138 was allocated on 05 February 2020. Mr Reid advised within his statement that it had been decided within the family that Mr Reid needed to farm at a separate location with a separate herd number. No details have been provided of Mr Reid's fathers farm holding. In addition, within policy it refers to a farm/business in the singular therefore only Mr Reid business id 665138 can be taken into account here.
53. The information provided above is not deemed sufficient to demonstrate that the farm business has been active and established for the required period of six years. No information has been submitted to demonstrate active use on the farm holding between 2016 – 2019. The information within the years provided are not deemed sufficient to establish that there is an active business.
54. Therefore, taking the above into consideration criteria a) has not been met as it has not been demonstrated that the agricultural holding has been active and established for a minimum of 6 years.
55. The applicant and agent has provided detail within the supporting statement and documents that the agricultural building was built for housing isolated cattle. The documents provided includes a letter from DAERA confirming that eight diseased cattle were isolating at this location.
56. On DAERAs website within the document 'Biodiversity Code for Northern Ireland Farms' it is stated that:
- New or returning livestock should be placed in isolation for 21 days. This includes animals returning home from shows. The quarantine facility should be a house, which does not share airspace, water supply or drainage with any other animal accommodation, and is a minimum of 3 metres away from other livestock areas. A field or paddock may also satisfy these criteria. If in doubt your own Veterinary Surgeon can advise on suitability.*
57. The shed measures 13 metres by 9 metres and has a ridge height of 5.2 metres. The size of the building is considered excessive in size for the requirement of housing the number of isolated cattle. As advised above a field or paddock may be suitable or in this context a smaller shed may have been erected to accommodate the isolated cattle.

58. The shed is not a building necessary for the efficient use of the agricultural holding. Criteria b) is not met.
59. The building has a pitched roof with a ridge height of 5.2 metre. The material finishes of the building as previously indicated is dark blue cladding, grey render walls and steel support stanchions. The size and scale of the building appears prominent at this location.
60. The building is excessive in size for its function, for the holding and within the surrounding area. The character and scale of the proposal is not appropriate to its location and criteria c) is not met for the following reason.
61. The building is not visible when travelling west to east as it is screened by the existing dwelling at 112 Back Road. Views of the shed are also broken up by mature trees and hedging adjacent to the access point of 112 Back Road.
62. Although it is set down slightly from the level of the road it remains open from a critical view travelling east to west along Back Road and also in long distance views from Front Road. The building is considered to appear prominent when travelling along Front Road towards the site. The building is considered not to visually integrate into the local landscape. Criteria d) is not met.
63. The proposal is not considered to have an adverse impact on the natural or historic environment. There are no features of natural or historic within the vicinity of the site. Criteria e) is met.
64. In terms of criteria f) the proposal shall not have a detrimental impact on amenity of residents nearby nor any issues arise from noise, smell and pollution. EHO have been consulted and offered no objections.
65. The balance of the criteria associated with Policy COU12 details that the applicant shall provide information to demonstrate there are no suitable buildings on the holding that can be used.
66. The agent has advised that during construction of a replacement dwelling (LA05/2017/0351/F) the existing farm buildings were demolished. Even if the buildings were part of the farm holding these are no longer present on site as confirmed during site inspection. No weight is attached to the fact that there were buildings here in the past.
67. The design and materials as considered above are sympathetic to the rural character of the place and reflect the design of the nearby buildings.

Integration and Design of Buildings in the Countryside

68. Turning then to policy COU 15 in terms of criteria (a), it is considered that the proposal is a prominent feature in the landscape when viewed front the junction with Front Road and travelling east to west along Back Road.
69. In terms of criteria (b) the building is not considered to cluster an established group of buildings. The building sited beside a single farm dwelling at 112 Back Road west of the site. Criteria b) is not met.
70. With regard to criteria c) the building is considered open to critical viewpoints along both Front Road and Back Road when travelling east to west. The building does not blend with the landform and does not have a sufficient backdrop or landscaping to integrate and is considered prominent at this location. The northern boundary comprises of hedgerow and the southern boundary comprises of post wire fence. that would not be suitable to integrate here. New landscaping would be needed to integrate fully here and criteria e) is not met.
71. In terms of criteria (f), the building is rural in nature with corrugated sheeting on the exterior walls and roof. The design of the building is single storey with a standard pitched roof and ridge height of 5.2 metres. It is considered the design of the building is rural in nature however it is appropriate for the site and its locality.
72. In terms of criteria (g), any ancillary works such as the access and land around the development should integrate into the surroundings.
73. The application proposes to use an existing access and runs along part of a hedgerow on site. This access was however due to be closed off as part of the approval LA05/2017/0351/F to limit the number of access points onto the public road.
74. DfI Roads has been consulted and indicated the existing access is potential in breach of planning permission and a number of additional drawings are required. The existing access runs along existing hedgerow and is considered to integrate with the surroundings.

Rural Character

75. In terms of policy COU16, in terms of criteria (a), it is considered that the proposal would be unduly prominent in the landscape.
76. Criteria (b) has been explained in paragraph 72 above the proposal is not considered to a cluster with an established group of buildings. The proposal is beside a single building at 112 Back Road and does not cluster here.

77. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area.
78. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside.
79. For the reasons outlined earlier in the report it is considered the proposal would result in an adverse impact on the rural character of the area. Criteria (e) is not met.
80. Residential amenity shall not be adversely impacted on by the proposal. EHO have been consulted and offered no objections. Criteria (f) is met.
81. In relation to criteria g) relating to necessary services it has not been demonstrated that the proposal would not have an adverse impact on the environment by way of surface water environment. NIEA Water Management Unit (WMU) have been consulted and replied stating:

Water Management Unit has considered the impacts of the proposal on the water environment and on the basis of the information provided are unable to determine if the development has the potential to adversely affect the surface water environment.

82. WMU were seeking clarification on how manure is to be handled, and details of any tanks shown on the plans. WMU also requested information on the use of the yard.
83. The agent was emailed with the consultation responses on 21/03/2024. The email stated that that agent should provide the information that had been requested from the consultees within 14 days. To date nothing has been received.
84. Based on the information made available to the Council, it has not been demonstrated how the proposal can provide the necessary services, and that the proposal would not have a significant adverse impact on the environment.
85. In terms of criteria i) DfI roads have been consulted on the application and had noted the existing access used as part of this application was due to be permanently closed and the verge reinstated as part of a previous approval. DfI Roads requested additional information relating to ownership, visibility splays and speed surveys.
86. Again, and as stated above, the agent was emailed on 21/03/24 requesting the above information however to date this has not been provided.
87. Therefore, based on the information made available to the Council, it has not been demonstrated how the proposal and access to the public road cannot be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

88. As advised above the proposal is considered to be contrary to criteria a), b), e), g) and l) of Policy COU16.

Access, Movement and Parking

89. The site plan provided details the site entrance and laneway on the south side of Back Road. The proposal is seeking to use the existing access.
90. As previously indicated above the agent has not submitted the details requested by DFI Roads including additional information relating to ownership, visibility splays and speed surveys.
91. Advice from DfI Roads states that they find the proposal unacceptable as submitted. They express concern in relation to the proposed development and the use of the access which was due to be permanently closed up as a condition of a previous approval. As advised above the agent was emailed on 21/03/2024 and asked to submit additional information which was not received.
92. Therefore, based on the information made available to the Council, it has not been demonstrated that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles. The proposal is considered to be contrary to criteria a) of Policy TRA 2.

Conclusions

93. In conclusion the application is recommended to refuse in that the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.
94. In addition, proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
95. The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.
96. The proposal is contrary to Policy COU12 criteria (c) and (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location, and it has not been demonstrated that the proposal visually integrates into the local landscape.

97. The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
98. The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.
99. The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
100. The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
101. The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
102. The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.

Recommendations

103. It is recommended that planning permission is refused.

Refusal Reasons

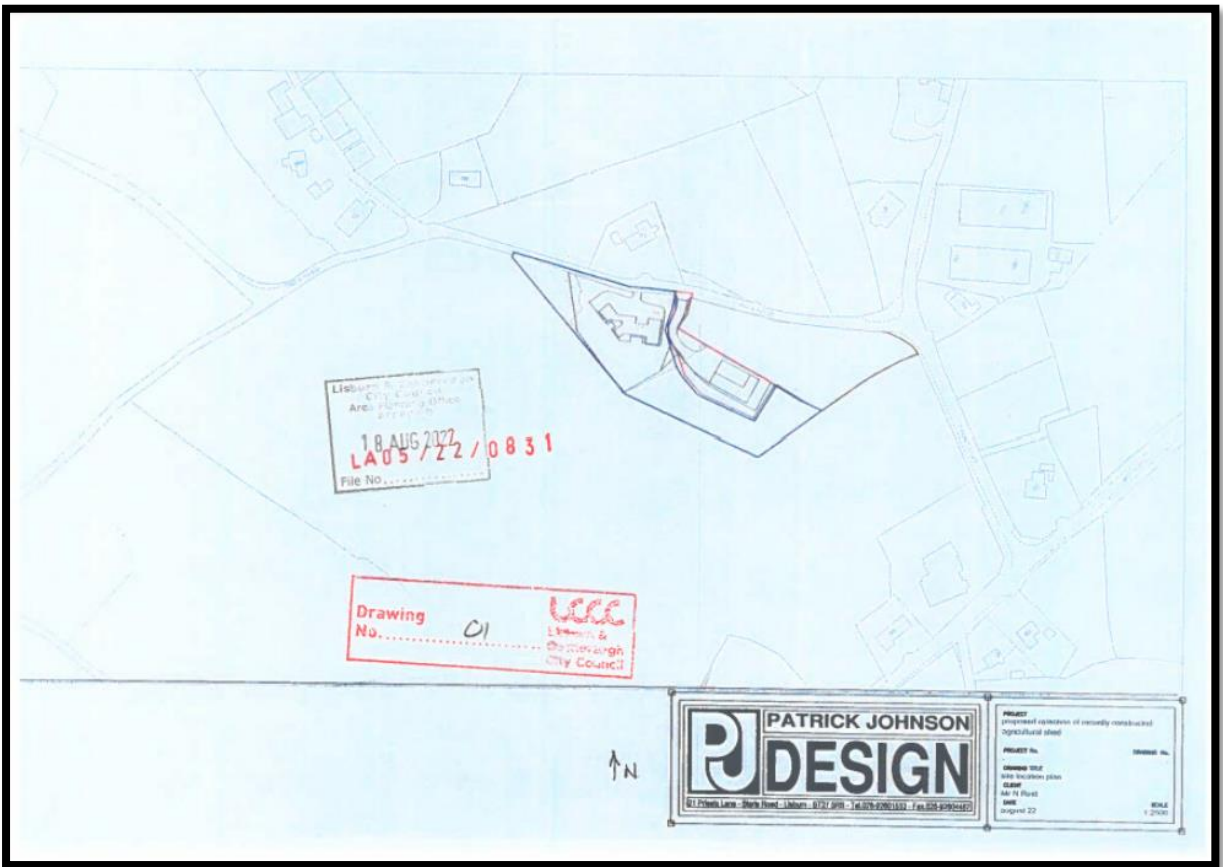
104. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the development in principle is not considered to be acceptable in the countryside nor will it contribute to the aim of sustainable development.

- The proposal is contrary to Policy COU12 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the agricultural holding is currently active and established for a minimum of 6 years.
- The proposal is contrary to Policy COU12 criteria (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the development is necessary for the efficient use of the agricultural holding.
- The proposal is contrary to Policy COU12 criteria (c) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the character and scale of the development is not appropriate to its location.
- The proposal is contrary to Policy COU12 criteria (d) of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that it has not been demonstrated that the proposal visually integrates into the local landscape.
- The proposal is contrary to Policy COU15 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is a prominent feature in the landscape and is not sited to cluster with established group of buildings.
- The proposal is contrary to Policy COU15 criteria (c) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal fails to blend with the landform and would rely on the use of new landscaping for integration.
- The proposal is contrary to Policy COU15 criteria (f) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the design of the building is inappropriate for the site and its locality
- The proposal is contrary to Policy COU16 criteria (a), (b) and (e) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposal is unduly prominent in the landscape and is not sited to cluster with a group of buildings and if permitted would result in an adverse impact on the rural character of the area.
- The proposal is contrary to Policy COU16 criteria (g) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated that the proposal can provide the necessary services that would not have a significant adverse impact on the environment.
- The proposal is contrary to Policy COU16 criteria (i) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

- The proposal is contrary to Policy TRA2 criteria (a) of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that it has not been demonstrated how the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles.

Site Location Plan – LA05/2022/0831/F.



Site Layout Plan – LA05/2022/0831/F



Drawing No.
 18 AUG 2022
 File No.

PATRICK JOHNSON DESIGN
 11 The Old Lane, Back Road, Colinton, Edinburgh, Midlothian, Scotland, EH10 5JN
 Tel: 0131 276 1234

DRAWN BY DATE 18 AUG 2022	CHECKED BY DATE 18 AUG 2022
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Lisburn & Castlereagh City Council

Committee	Planning Committee
Date of Committee Meeting	2 nd December 2024
Committee Interest	Called in
Application Reference	LA05/2023/0932/F
Date of Application	22 nd November 2023
District Electoral Area	Downshire West
Proposal Description	3 no pigeon sheds (retrospective)
Location	21 Little Wenham, Moira, BT67 0NN
Representations	Seven
Case Officer	Peter McFadden
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.

Description of Site and SurroundingsSite Context

2. The application site is comprised of the buildings and curtilage of an occupied residential property at 21 Little Wenham, Moira. The dwelling is a two-storey semi-detached dwelling with associated domestic garage with a vehicular access/driveway.
3. There is a small garden area located to the front of the dwelling and a larger and irregularly shaped private garden at the rear. There is a wooden terraced deck immediately to the rear elevation of the dwelling.

4. The dwelling is finished in; red brick, brown roof tiles with pitched roof, white UPVC window units and white UPVC rainwater goods. The garage is of similar construction.
5. The front boundary of the application site are undefined opening onto the cul-de-sac. The side boundary, abutting No 23, is defined by the existing detached garage and wooden fencing approximately 1.2 metres in height which extends to the rear boundary of the site. The rear boundary of the site is defined by a mixed species hedge approximately two-metres high with an agricultural field immediately to the rear. The rear side boundary with No 19 is defined by a close boarded fence approximately 1.6 metres in height.
6. There are three separate pigeon sheds located in the rear garden. The buildings measuring approximately 52 square metres in total are of timber construction with flat or mono pitched roofs.

Surrounding Context

7. Little Wenham is located in the settlement of Moira and is residential in character. The dwellings are semi-detached with a red brick finish with pitched roof and brown tiles. the wider established residential area is characterized by a mix of single storey, 1.5 and two-storey detached and semidetached dwellings with in-curtilage parking.

Proposed Development

8. Full retrospective planning permission is sought for the three pigeon sheds within the rear curtilage of 21 Little Wenham, Moira.
9. The 3 separate pigeon sheds when taken together result in 52 square metres of floor space with flat or mono pitched roofs. The plans note that the walls are constructed of wooden panels. From the site visit all of the sheds are painted brown with the exception of one gable which is painted blue. Each shed is accessible, to allow for internal cleaning and the care of the birds. There are also external caged areas on the front elevation of each of the three sheds which allow the birds to have access from the shed to an outdoor space.
10. The following clarification has been provided in relation to the dimensions and capacity of the pigeon sheds:
 - Each shed houses 30 birds
 - Shed1 - 9m x 2.9m = 28.13 sq m with max height of 2.2m and 0.5m above ground level

- Shed 2 - 4m x 2.9m = 12.18 sq m with max height of 2.1m and 0.5m above ground level
- Shed 3 - 4m x 2.9m =12.18 sq m with max height 2.3m and 0.2m above ground level
- The applicant has advised that the birds are racing pigeons. He comments that the '*birds are raced from different locations across GB and Ireland with no specific flight paths*'.

Relevant Planning History

11. There is no relevant planning history associated with this application site.

Consultations

12. The following consultations were carried out:

Consultee	Response
Environmental Health	Advice

There are two separate complainants. Issues raised are Rodent activity, odour, dirt and noise. The public health EHOs have provided advice in relation to housekeeping, rodent treatments and trimming boundary hedges. We also note a high number of general rat/mice complaints from residential properties adjacent to this location in comparison to other areas of the council area.

Representations

13. There have been seven letters of objection. 5 from surrounding properties and 2 anon objections. The issues raised in these submissions are as follows:

- Visual impact of the structures
- Amenity from the birds including noise
- Impact on future house prices of nearby dwellings
- Issues relating to bird waste (droppings)/potential to attract vermin
- Delay in receiving neighbour notification letters

Local Development Plan

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

Plan Strategy 203215.

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

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

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

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

16. In accordance with the transitional arrangements the Local Development Plan is the adopted Plan Strategy and the Lisburn Area Plan (LAP).
17. Draft BMAP remains a material consideration.
18. In LAP and draft BMAP the application site is located within the settlement limit of Moira and no other designation applies
19. This a retrospective planning application for development within the curtilage of a dwelling which is for the use and enjoyment of the occupier of the property. 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 following operational policies in Part 2 of the Plan Strategy apply.
21. As this development is ancillary to and within the curtilage of an occupied residential property policy HOU7 - Residential Extensions and Alterations states that:

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

a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area

b) the proposal does not unduly affect the privacy or amenity of neighbouring residents

c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality

d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

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

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

22. Given the development type best practice advice is taken from a document 'The Control of Pigeon Lofts'

Regional Policy and Guidance

Regional Policy

23. 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 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.'

24. 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.

25. It states that:

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

26. 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.

27. Paragraph 3.8 of the SPPS states that:

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

28. 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

Residential Extensions and Alterations

29. This planning application seeks retrospective permission for three pigeon sheds within the rear amenity space of 21 Little Wenham in Moira. As noted above, this includes a large pigeon shed abutting the northwestern rear boundary and two conjoined sheds abutting the northeastern boundary with 19 Little Wenham.

30. In terms of scale, massing and design the sheds as constructed would be subordinate in scale and mass to the existing dwelling. No part of the sheds would project above the existing ridgeline of the dwelling. There would also be limited views of the sheds (due to their location) from public viewpoints, with only minimal long-range views of the tops of the sheds from Backwood Road travelling into Moira in a south easterly direction.
31. Given the design and siting from a public viewpoint they would not be considered to be incongruous and remain subordinate ancillary buildings. In summary, the scale, massing, design and external materials of the sheds would not be unsympathetic to the appearance of the existing property, particularly given the limited public views, and would also be unlikely to detract from the appearance and character of the surrounding area. On balance the development meets the policy tests outlined in Criterion a) of policy HOU7.
32. In relation to privacy, the application does not include additional accommodation for human habitation but sheds to accommodate pigeons. The siting of the sheds in themselves would not lead to adverse privacy impacts on adjacent residential properties.
33. Regarding the potential for loss of light or overshadowing the sheds being applied for are located at least 5 metres away from the nearest third-party dwelling, which is 19 Little Wenham. Numbers 19 and 21 (the site) are sited approximately 1 metre higher than the ground level on which the sheds sit. The lower elevation of the sheds together with the existing fence and boundary treatments would not lead to an unacceptable level of overshadowing or loss of light to the residents of the adjoining dwelling.
34. In relation to 23 Little Wenham the separation distance from the sheds as well the level differences and screening provided by the garage would limit any impacts of overshadowing or loss of light to this residential property. From the information provided and through viewing on site the sheds would not cause any overshadowing into any neighbouring properties.
35. Given the nature of the use of the sheds, there is the potential to impact upon the amenity of residents living close to the application site.
36. LCCC Environmental Health have been consulted and following initial consultation advised that the development had the potential to cause a loss of amenity with respect to odour, noise and pests at nearby residential properties. They cite by way of evidence and to assist officers with their assessment the '*Belfast Divisional Planning Office – Development Guidance Note – The Control of Pigeon Lofts*' guidance document clarification was required including the number of birds, structural detail of the sheds including the height raised above ground level, building dimensions (m²), and location of ventilation grilles, siting details and any identified flight paths.

37. This guidance note has been used as best practice in the consideration of Pigeon lofts across Northern Ireland. Whilst not policy or retained regional guidance it does provide officers with direction in considering the amenity impacts of dealing with the construction of pigeon lofts.
38. Within this document, it is stated that the pigeon loft '*shall be located within the site of the dwelling so that the distance to adjacent residential properties is maximised. The shed should not be located at a distance of less than 5 metres from any adjacent residence (to the closest part of the dwelling house)*'. It further states that in '*exceptional cases this distance may be reduced where screening is used to reduce noise and smell problems*' however given the existing boundary and scope for supplementing this it is unlikely that such screening would be viable in this case.
39. I find no distinguishable difference between the description of the development as sheds rather than lofts.
40. Having regard to the size, scale and maximum occupancy levels the sheds are located further down the existing garden of No 21 towards the rear boundary and therefore further away from the closest third-party dwelling house, which in this case is No 19. From the drawings submitted Shed 3 would be located approximately 5.3m from the closest part of the dwelling house No 19.
41. The document further states that '*all sheds should be raised 0.5 to 1 metre above ground level (to allow for cleaning), and the highest part of the loft shall be no more than 3 metres above ground level*'.
42. From the site visit and inspection of the submitted plans and elevations it appears that due to the ground level falling to the northwest boundary the minimum height the sheds is not maintained at a consistent level and it is observed that most of the gaps are below this 0.5 metre recommended level. As evidenced on site and the elevations provided the sheds do not have the recommended gap to allow for cleaning purposes. This gives rise to potential issues of odour. A noticeable odour was evident and obvious during the site visit.
43. The document further states that '*all sheds shall be orientated so that open ventilation grilles are facing away from adjacent residential properties.*'
44. There are aviary cages on the front elevation of the sheds and also particular on the southeastern gable of Shed 3. These open ventilation grills do face towards the existing dwellings. While the impact of this is ameliorated to a degree by the close boarded fence the open nature of this feature is that it would have some amenity impact on the neighbouring dwelling. There were birds in the sheds at the time of the site visit (numbers unknown) and there was noise emanating from

the sheds due to the nature of their construction number of birds and the open grills.

45. In relation to the construction of the sheds the document notes that all sheds shall be purpose built, constructed of materials that are easily maintained, and sited to allow proper management and maintenance. It appears that from the drawings and what is on site that the sheds have been purpose built, allowing for access for internal cleaning and care of the pigeons.
46. There are concerns over how the sheds are designed to allow for the collection of droppings and ventilation. This is not as previously stated in line with the recommend gap to allow for cleaning underneath the sheds. Additionally, Sheds 2 and 3 are located in very close to the neighbouring boundary. This again curtails and limits access to provide maintenance and cleaning to that side of the shed.
47. The document states that sheds should be sited to allow an adequate distance from the property boundary and that sheds should not be sited closer than 1 metre to the property boundary to permit adequate space for cleaning and maintenance. From the site plan the sheds are measured to be approximately 0.3m from the boundary with No 19. The close proximity to the side boundary and the lack of gap below the sheds leads to potential cleaning and maintenance issues leading to noise and odour issues and potential pests.
48. It is recommended best practice that *'the loft should have a floor area of not greater than 8 square metres – larger lofts will only be allowed where there are very large curtilages or in rural sites which are not visually obtrusive'*. It also notes that *'a reduction in floor area may be required where the curtilage is restricted'*. As noted above, this application is for 3 pigeon sheds, the largest having a floorspace of approximately 28sqm and the other two sheds, which are located along the boundary with another residential property, of 12sqm each. Each of these sheds when taken in isolation are well in excess of the recommended size on a site such as this. The total area as previously indicated is approximately 52sqm, well in excess of the 8sqm provided in the guidance. In addition, the 3 sheds are also not located within a large curtilage which provides for adequate separation from neighbouring properties.
49. Whilst the document does not include the recommended maximum number of pigeons that can be kept at a property are indeed within a pigeon shed it would ultimately depend on the size of the shed itself. The information provided by the agent indicates that there are 30 birds per building, and as there are 3 sheds that could equate to 90 birds being housed in total. It is noted that while Shed 1 is quite large in scale, Sheds 2 and 3 are much smaller however this clarification provided would indicate that they would each house the same number of birds. This is a domestic setting, with third party residential properties on both sides of the site, and therefore the scale relating to the number of birds should also be of a domestic nature. Objectors do make reference to in the region of 100 birds being keep in the sheds.

50. Best Practice recommends a floorspace of no more than 8 square metres. Defacto this limits the number of birds which can be housed. This is related to the domestic scale and the nature of the use being located in the rear amenity/garden of a domestic property. A much larger floorspace 52 square metres rather than the recommended 8sqm in such a location which is the case in this application, allied with the other issues where the best practice is breached it could then potentially, by reason of noise, odour and pests, have a greater impact on the amenity of nearby residents. There was odour and noise observed on site as well as bird droppings. The issue of the sheds not being elevated to the recommend height and the proximity to the boundary would give rise to these issues not being able to be addressed. The potential for pests while not observed on the ground was referred to by objectors.
51. Lastly, the document also cites 'anticipated amenity' as a material factor which must be considered in the case of pigeon lofts. It notes that *'where there is no tradition of pigeon keeping residents may have an 'anticipated amenity' which would not include the introduction of pigeon lofts into an area'*. On this point it further notes that in areas with no tradition of pigeon keeping *'approval may be granted subject to the necessity of taking fully into account the neighbouring residents' expectations of amenity. This is the degree to which they could expect that such development would not take place and the existence of covenants on properties would be a firm indication that residents had such an expectation'*.
52. There is no evidence that this is an area which has a tradition of pigeon keeping and no supporting statement accompanied the application to explain a site specific need or history of pigeon keeping. A planning history check using a radius of 100 metres from the property did not identify any planning applications for pigeon sheds. While it is possible that pigeon sheds within other curtilages have been built without planning permission, permitted development legislation does not include PD rights for the keeping of pigeons. As such permission is always required for structures either referred to as sheds or lofts for the keeping of pigeons.
53. On the balance therefore, it is considered to be unlikely for this area has a tradition of more than one residence keeping pigeons. In terms of the neighbour residents' expectations of amenity, no details of the existence of covenants relating to the properties have been provided, however the submission of a number of objections, often citing similar concerns with the proposal, which as noted is already in existence, would indicate that the residents amenity is adversely impacted due to the presence of the sheds and pigeons at this location.
54. In summary, while the sheds are unlikely to create adverse issues relating to privacy, overshadowing or loss of light on the adjacent dwellings or their associated private amenity areas, the nature and scale of the development is causing adverse impacts on the amenity of the neighbouring residents from noise and odour due to the siting, design of the building submitted with this retrospective proposal. This was observed on site.

55. Criterion c) of Policy HOU7 requires that the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.
56. The sheds as sited would not result in the unacceptable loss of or damage to trees or other landscape features which contribute significantly to the local environmental quality. No TPO's were identified within or in close proximity to the application site which would be affected by this proposal. Overall, it is contended the proposal would meet the policy tests outlined in Criterion c).
57. Criterion d) of the plan states that should the development be approved sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and maneuvering of vehicles. It is noted that development is to the rear of the property and does not impinge on current parking arrangements to the front of the site or require any additional parking. Regarding the retention of private amenity space, it is accepted that while the amount and quality of such space is reduced by the presence of the sheds the remaining space would still be more than 40sqm. On this basis it is considered that the development would meet the requirements under Criterion d).
58. Taking all the best practice for pigeon lofts in to account to inform the assessment of this proposal against planning policy it is considered that there is a loss of amenity to neighbouring residents for the reasons outline and the requirement of criteria (b) of Policy HOU7 of the LCCC Plan Strategy are not met. The observations noted during the site visit (odour, noise, potential pest issue and waste dirt droppings) all are contrary to criteria B of HOU7 in that the proposal as observed is unduly affecting the amenity of neighbouring residents. This is also back up by complaints received by the councils Environmental Health Department.

Consideration of Representations

59. To date there has been 7 objections however a number of these have been submitted anonymously. The issues raised has been noted earlier in this report and consideration of these are noted below:

- Visual impact of the structures

The siting of the structures is to the rear of the dwelling at No 21 Little Wenham and therefore there are limited public views of these, with principal views coming from the adjacent dwellings and some minor long range views from the public road. Given the relatively low elevation, design and materials used it is unlikely that the visual impact of these sheds would be of significant merit to warrant a refusal.

- Amenity from the birds including noise

This issue has been considered and the assessment would view that due to the floorspace and associated number of birds, the design of the sheds to allow a proper cleaning regime, as well as the proximity of the sheds to the neighbours boundary, it is considered that the development would likely lead to adverse impact on the amenity of residents in adjoining residential properties.

- Impact on future house prices of nearby dwellings

Loss of value is not assessed to be a significant material consideration. There is no evidence that the development has resulted in an actual loss of value.

- Issues relating to bird waste (droppings)/potential to attract vermin

This issue has been considered and the assessment would view that due to the number of birds and siting of the sheds, some of which are close to the boundary with the neighbouring properties boundary, it is considered that the development would likely lead to adverse impact the adjoining residential properties.

- Delay in receiving neighbour notification letters

Neighbour notification letters were issued 07/12/2023 and 06/06/2024 as per Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 (GDPO). The Council has no control over when these letters are delivered to the relevant properties however in this case as the most recent letter was issued in June 2024 it is considered that neighbours have now had an acceptable time period in which to consider the information associated with the application and opportunity to respond to the Council.

Conclusions

60. Following a site inspection, an assessment of Planning policy and all other material considerations including reference to good practice for dealing with pigeon sheds, it is considered that the proposal would cause demonstrable harm to the amenity of neighboring dwellings by way of noise, odour and pests.

Recommendations

61. It is recommended that retrospective planning permission is refused on the following reason:

- The proposal is contrary to criteria (b) of Policy HOU7 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposal would unduly impact on the amenity of neighboring residents and cause an unacceptable adverse effect on their living conditions through noise, odour and pests.

Site Location Plan – LA05/2023/0932/F





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

Item for:	Decision
Subject:	Item 2 – Proposed stabling and maintenance rail depot for ballast material, maintenance buildings and associated staff accommodation and ancillary works on Lands at Ballinderry Road (east of Moira Road and south of existing railway line).

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 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	<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 2(a) - Report in relation to LA05/2024/0762/PAN</p> <p>Appendix 2(b) – LA05/2024/0762/PAN – PAN Form</p> <p>Appendix 2(c) – LA05/2024/0762/PAN – Site Location Plan</p>
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Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Meeting	02 December 2024
Responsible Officer	Conor Hughes
Date of Report	18 November 2024
File Reference	LA05/2024/0762/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) from Translink for the submission of a proposed stabling and maintenance rail depot for ballast material, maintenance buildings and associated staff accommodation and ancillary works on lands at Ballinderry Road, Lisburn (east of Moira Road and south of existing railway line).

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 23 October 2024. The earliest possible date for the submission of a planning application is week commencing 20 January 2025.

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 Jack Patterson, Gravis Planning, 1 Pavilions Office Park, Kinnegar Drive, Holywood.
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 a proposed public event will be held to include a number of large boards setting out the proposal. The event will be held in a meeting room at Ballinderry Parish Church Halls and members of the design team will be in attendance. The event will take place between 12:00pm and 7:00pm on 15 January 2025.

The event will be published in the Ulster Star from 3rd January 2025.

A Notification letter will issue to all properties within 200 metres of the site boundary week commencing 23 October 2024.

A copy of the Notice also issued to Elected Members of the DEA and others as identified on the PAN form on 23 October 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	Other
<input type="text" value="Other"/>	<input type="text"/>

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

Country

286

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

287

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)

367420

288

Site Area

What is the area of the site?

10.15

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 stabling and maintenance depot for ballast material, maintenance buildings and associated staff accommodation and ancillary 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: Drop-in public consultation event (12-2pm and 4-7pm)

Venue: Ballinderry Parish Church Halls

Date and time: 15/01/2025 12:00

Please add separate details for each publication used for the above consultation

Publication

Name of publication Ulster Star

Proposed advert date start 03/01/2025

Proposed advert date finish 03/01/2025

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)

Invitation leaflets will be distributed to all addresses within a 200 metre radius of the proposed development in advance of the public consultation event taking place. These leaflets will contain further information on the proposal and said public consultation event, contact details for the project team and various means of providing feedback. Individual briefings will be held with elected representatives upon request.

Details of any other publicity methods (e.g. leaflets, posters)

Further to the above, 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.

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:

Lisburn and Castlereagh City Council - Killultagh DEA Ald James Tinsley Cllr Claire Kemp Cllr Gary McCleave Cllr Ross McLernon Cllr Thomas Beckett

Date notice served:

23/10/2024

Other(s):

Lagan Valley MLAs / MP David Honeyford MLA, Emma Little-Pengelly MLA, Michelle Guy MLA, Paul Givan MLA, Robbie Butler MLA, Sorcha Eastwood MP

Date notice served:

23/10/2024

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

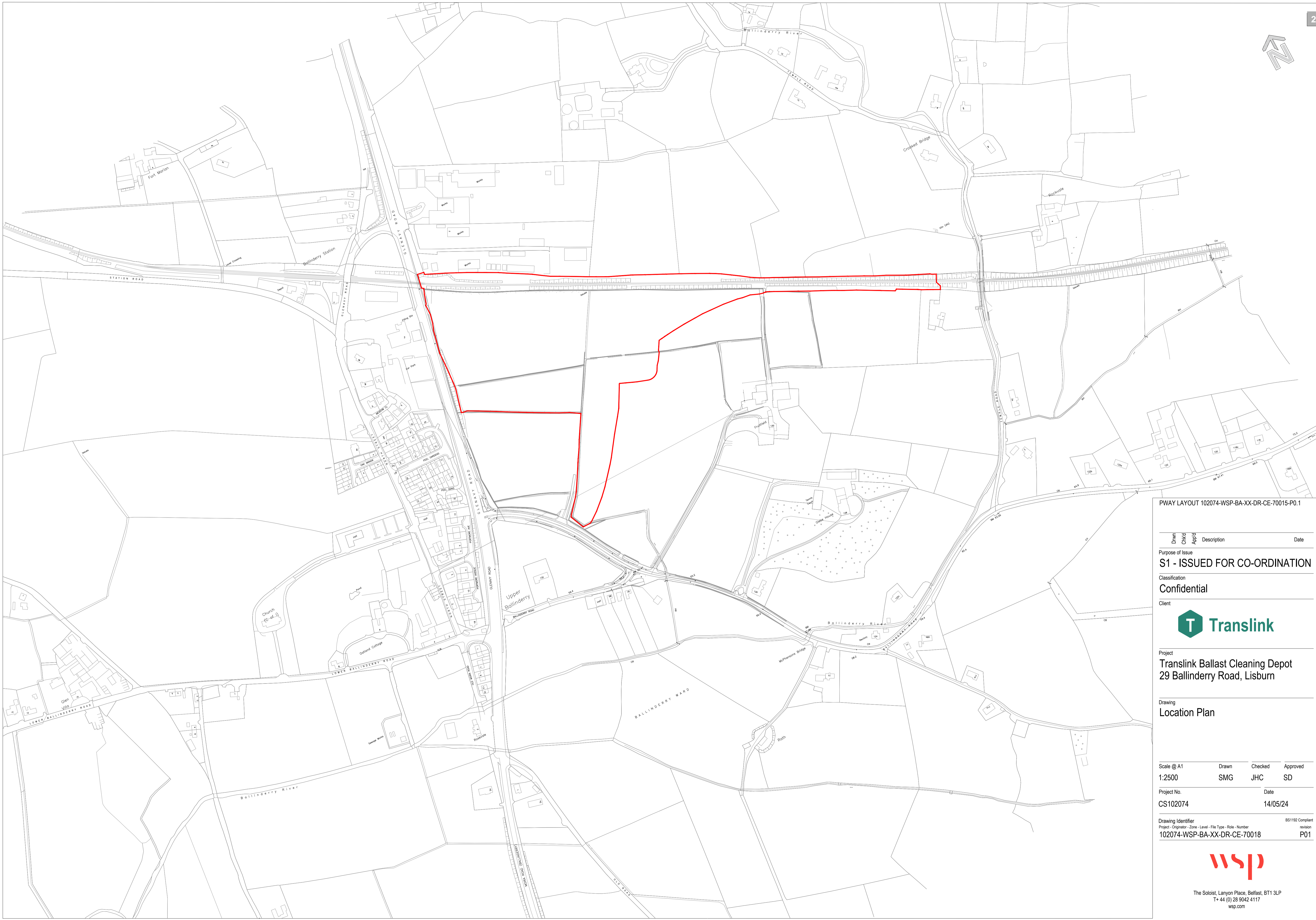
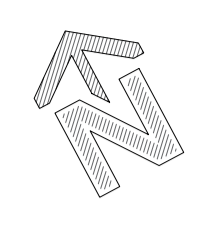
Jack Patterson

Date

23/10/2024

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



PWAY LAYOUT 102074-WSP-BA-XX-DR-CE-70015-P0.1

Drawn	Checked	Approved	Description	Date
			S1 - ISSUED FOR CO-ORDINATION	
Classification				
Confidential				
Client				



Project
Translink Ballast Cleaning Depot
29 Ballinderry Road, Lisburn

Drawing
Location Plan

Scale @ A1	Drawn	Checked	Approved
1:2500	SMG	JHC	SD

Project No.	Date
CS102074	14/05/24

Drawing Identifier	Revision
102074-WSP-BA-XX-DR-CE-70018	P01



The Soloist, Lanyon Place, Belfast, BT1 3LP
T+ 44 (0) 28 9042 4117
wsp.com

Printed by Graham, Stephen On: 13 May 2024 at 13:15
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Committee:	Planning Committee
Date:	02 December 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 3 – Statutory Performance Indicators – October 2024

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 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 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. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 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 October 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 October 2024 was 29.4 weeks. This number of weeks reflects the larger number of older applications processed this month and does not impact adversely on the general downward trend on processing times. Performance for the year to date is noted to be 33.80 weeks. The October performance is based on 49 applications having been decided. The percentage number of cases processed within 15 weeks continued to increase from a low of 12.2% in April to 25.2% year to date. 4. The team is focused on improving performance whilst continuing to reduce the number of older applications aligned with the requirements of the performance improvement objective for planning. The implementation of a service improvement plan will see an overall improvement against this target in this business year. 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
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applications. Following a recent recruitment all outstanding vacancies in the planning structure are anticipated to be filled by the end of January 2025.

- 6. Members will note that the performance against the statutory target for major applications for October 2024 was 210.6 weeks with performance year to date noted to be 72.8 weeks. The same number of decisions have issued this year as applications received. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.
- 7. The challenge in achieving good performance consistently can depend on several 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 reviewed and a protocol is agreed to speed up the processing of planning agreements.

2.0 **Recommendation**

It is recommended that the Committee notes the information in relation to the October 2024 Statutory Performance Indicators.

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
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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 outlining progress against statutory targets and EQIA is not required.	

4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
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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 outlining progress against statutory targets and RNIA is not required.	

Statutory targets monthly update - October 2024 (unvalidated management information)
Lisburn and Castlereagh

	Major applications (target of 30 weeks)				Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	1	49.4	0.0%	60	49	32.6	12.2%	20	19	46.6	63.2%
May	2	1	59.2	0.0%	62	60	34.3	23.3%	33	41	33.6	80.5%
June	1	1	22.4	100.0%	45	73	32.0	31.5%	13	26	39.3	69.2%
July	1	1	197.8	0.0%	37	62	32.4	32.3%	14	22	49.9	63.6%
August	2	1	135.4	0.0%	50	62	27.7	32.3%	22	6	32.9	83.3%
September	0	2	64.2	0.0%	46	74	44.2	14.9%	21	28	59.6	60.7%
October	3	1	210.6	0.0%	45	49	29.4	28.6%	22	21	42.9	66.7%
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	10	8	72.8	12.5%	345	429	33.8	25.2%	145	163	39.6	69.3%

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 December 2024
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Appeal Decision – LA05/2020/0011/O

1.0 **Background**

- 1 An application for a replacement dwelling on lands 275 metres southwest of 15 Fort Road, Crumlin, Antrim was refused planning permission on 14 February 2023.
- 2 Notification that an appeal had been lodged with the Planning Appeals Commission was received on 31 March 2023.
- 3 The procedure followed in this instance was written representation with Commissioner’s site visit on 1 October 2024.
- 4 The main issues in the appeal were whether the proposed development was acceptable in principle in the open countryside and the impact the proposed building works would have on the natural heritage.
- 5 A decision received on 22 October 2024 confirmed that the appeal was dismissed.

Key Issues

1. The proposed development was for a replacement dwelling and the case advanced by the appellant is set out at paragraph 10 of the Commission Decision.
2. The Commissioner clarified at paragraph 11 that the Justification and Amplification section of policy COU 3 states that the essential characteristics of a dwelling include original features such as doors and window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.
3. At paragraphs 11 and 12 the Commissioner described both the internal and external characteristics of the existing buildings on the site. It was concluded that the building subject to the appeal did not exhibit the essential characteristics of a dwelling.
4. At paragraph 14 the Commissioner stated that the appellant describes that the building was previously used as a dwelling. In this respect the appellant relied on details of the previous ownership and references to historical records in the Griffith’s Valuation which described the building as a “herd’s house”.
5. The Commissioner stated at paragraph 15 that even if it was accepted that the appeal building was previously used as a dwelling, the nature of the building had changed over the years and that this was recognised by the Appellant in his

presentation to the Planning Committee and that any characteristics that identified it as a dwelling have been removed. Again, it was concluded that the building does not exhibit the essential characteristics of a dwelling.

6. At paragraph 16 the Commissioner outlines that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling where the redevelopment proposed would bring significant environmental benefits and provided it is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. However, the Appellant's agent stated that he did not intend to make any argument at this point for this part of the policy.
7. At paragraph 19 the Appellant claims that time constraints and a limited number of consultants available to undertake the work precluded the submission of a bat survey as requested by the Northern Ireland Environment Agency: Natural Environment Division (NIEA NED).
8. It was also argued by the Appellant that the appeal proposal should be determined based on whether it meets the policy requirements for a replacement dwelling with the proviso that conditions could be attached to any outline planning permission granted requiring the submission of a bat survey at reserved matters stage.
9. At paragraph 21 the Commissioner outlined that bats are a statutorily protected species and that the presence or potential presence of a legally protected species is an important consideration in decision-making.
10. The Commissioner concluded at paragraph 22 that any likely impact on the species and their habitat must be fully considered prior to any determination and that in the absence of this information and given their protected status, a precautionary approach should be warranted. The commissioner was not persuaded that the appeal proposal complies with Policy NH 2 and Policy NH 5 of the Plan Strategy.

2.0 **Recommendation**

It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.

3.0 **Finance and Resource Implications**

No cost claim was lodged by any party in this instance.

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	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 updating the committee on a decision by the PAC and EQIA is not required.	

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 updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 4 – Appeal Decision – LA05/2020/0011/O
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4th Floor
92 Ann Street
Belfast
BT1 3HH

Phone: 02890 893920 (direct line)
Phone: 028 9024 4710 (switchboard)
Email: info@pacni.gov.uk

Lisburn & Castlereagh Borough Council
Local Planning Office

Website: www.pacni.gov.uk

By email only

Our reference: 2022/A0217
Authority
reference: LA05/2020/0011/O
22 October 2024

Dear Sir/Madam

Re:

Appellant name: Mr. Raymond Jordan

Description: Proposed replacement of existing dwelling

Location: 275m south west of 15 Fort Road, Crumlin, Antrim

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Johnathan Nelson
PACWAC Admin Team



Appeal Decision

4th Floor
92 Ann Street
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E: info@pacni.gov.uk

299

Appeal Reference:	2022/A0217
Appeal by:	Mr R Jordan
Appeal against:	The refusal of outline planning permission
Proposed Development:	Replacement dwelling
Location:	275m south-west of 15 Fort Road, Crumlin, Antrim
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2020/0011/O
Procedure:	Written representations and Commissioner's site visit on 1 October 2024
Decision by:	Commissioner D McShane, dated 21 October 2024.

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are:
 - whether the proposed development is acceptable in principle in the countryside; and
 - its impact on natural heritage.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission when dealing with an appeal to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. When the planning application was submitted in January 2020 and refused planning permission in February 2023, the pertinent planning policies were contained in the regional Planning Policy Statements (PPSs). The first three reasons for refusal were based upon policies within Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). Specifically, Policy CTY 1: Development in the Countryside and Policy CTY 3: Replacement Dwellings. The fourth reason for refusal was based upon Planning Policy Statement 2: Natural Heritage (PPS 2). Specifically, Policy NH 2: Species Protected by Law and Policy NH 5: Habitats, Species or Features of Natural Heritage Importance.
5. In June 2023, the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City Plan Strategy (PS), subject to modifications. Consequently, the Council when providing evidence to the appeal in its Statement of Case considered the draft PS to be of determining weight. As such, the Council provided revised reasons for refusal based upon policies within

the PS. The first reason for refusal is based upon Policy COU 1: Development in the Countryside. The second and third reasons for refusal are based upon Policy COU 3: Replacement Dwellings. The fourth reason for refusal is based upon Policy NH 2: Species Protected by Law and Policy NH 5: Habitats, Species or Features of Natural Heritage Importance. Lisburn and Castlereagh City Council adopted its PS in September 2023.

6. Irrespective of when the planning application was submitted and the decision issued, the PS now provides the strategic policy framework for the plan area. The previously retained policies, set out in the suite of regional PPSs, have ceased to have effect within the Council area. The Appellant has had the opportunity to comment on the new policy context and the revised reasons for refusal.
7. In line with the transitional arrangements, set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In this appeal, the Lisburn Area Plan 2001 (LAP) is the relevant DDP. The draft Belfast Metropolitan Area Plan (dBMAP) is a potential material planning consideration. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the latter.
8. In the DDP, the appeal site is located outside any designated settlement development limit in the open countryside and the greenbelt. The LAP contains no policies relevant to the appeal proposal and refers to the Planning Strategy for Rural Northern Ireland (PSRNI). There are no operational policies in the DDP that are pertinent to the appeal proposal. Therefore, I turn to the pertinent policies in the PS.
9. Policy COU 1 of the PS states that there are a range of types of development which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. Under Policy COU 1 details of operational policies relating to acceptable residential development proposals in the countryside are set out in policies COU 2 to COU 10.
10. The Appellant argues that the appeal proposal comprises a replacement dwelling in accordance with Policy COU 3 of the PS. Policy COU 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' includes buildings previously used as dwellings.
11. The Justification and Amplification section of Policy COU 3 states that the essential characteristics of a dwelling include original features such as doors / window openings of domestic scale, chimneys or internal evidence of chimneys or fireplaces, internal walls defining individual rooms.
12. There are two buildings on the appeal site. The 2-storey high appeal building measures approximately 7m by 6m. It comprises 4 rubble stone walls that are substantially intact and a pitched, slate roof above wooden trusses and clay brick corbelling. There is a central opening on the front elevation of the building (north-west), which extends from ground to eaves level that is split by a lintel. The lower

opening comprises a split 1.7m high wooden door set within a wooden frame. The upper opening extends from the lintel to the eaves. It has stone returns and cement covered clay brick sill / base. An opening on the rear elevation of the building (south-east) that also extends from ground to eaves level, is infilled with stone. It appears as a direct mirror image of the opening on the front elevation. There are no other openings. The two-storey building is split horizontally; however, there is no indication of how access is provided internally to the first floor. There are no internal dividing walls, resulting in a single space at ground floor level and a single space at first floor level.

13. The openings within the building are not of domestic scale. Their position and shape along with the layout of the floors and the absence of any internal walls are not indicative of a dwelling. The detailing referred to by the Appellant as confirming the building's status as a dwelling, such as the clay brick corbelling, brick sills and external harling are not exclusive to dwellings and are also apparent on stone farm buildings dating from the period. Examining all aspects of the appeal building, I have not been persuaded that it exhibits the essential characteristics of a dwelling,
14. The Appellant claims that the building was previously used as a dwelling. In this respect historical information in relation to the appeal site, including ownership, the Griffith's Valuation, the Griffith's revision books and OS maps, has been submitted wherein reference is made to a "herd's house". The Agent indicates that it is "most likely" that this description relates to the of the larger of the two stone buildings on the appeal site: the appeal building. It is also claimed that Mr J Lavery resided at the building for a period during the 1940s and early 1950s.
15. Even if it is accepted that the appeal building was previously used as a dwelling, the nature of the building had changed over the years. This was recognised by the Appellant in his presentation to the Planning Committee. Any characteristics that identified it as a dwelling have been removed. The building does not exhibit the essential characteristics of a dwelling for the purposes of Policy COU 3 of the PS. Accordingly, the Council has sustained its second reason for refusal based upon Policy COU 3 of the PS.
16. Policy COU 3 goes on to state that favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling where the redevelopment proposed would bring significant environmental benefits and provided it is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Notwithstanding this provision within the policy, the Appellant's Agent states that "he does not intend to make any argument at this point for this part of the policy". Accordingly, the Council has sustained its third reason for refusal based upon Policy COU 3 of the PS.
17. The appeal proposal fails to comply with Policy COU 3 of the PS. Consequently, notwithstanding a reference to the desire for members of the next generation of the family to move back to the area and become involved in agricultural life, the appeal proposal also fails to comply with Policy COU 1. Accordingly, the Council has sustained its first reason for refusal. The failure of the proposal to comply with Policies COU 1 and COU 3 of the PS is fatal to the appeal proposal.

18. Policy NH 2 of the PS states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. Policy NH 5 of the PS states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats and priority species.
19. During the processing of the application, a preliminary Biodiversity Checklist and a Bat Roost Potential Report, as well as a submission from MCL Consulting were submitted. The Appellant claims that time constraints and a limited number of consultants available to undertake the work precluded the submission of a bat survey as requested by the Northern Ireland Environment Agency: Natural Environment Division (NIEA:NED).
20. It is argued that the appeal proposal should be determined based on whether it meets the policy requirements for a replacement dwelling with the proviso that conditions could be attached to any outline planning permission granted requiring the submission of a bat survey at reserved matters stage.
21. Bats are a statutorily protected species, and harm must be avoided to the species and their habitats. The presence or potential presence of a legally protected species is an important consideration in decision-making. Where there is evidence to suggest a protected species may be present on the site or may be affected by a proposed development, steps must be taken to establish whether it is present and the requirements of the species must be factored into the planning and design of the development.
22. Notwithstanding a passing reference to an intention to retain the appeal building and vegetation in the rebuttal statement, any likely impact on the species and their habitat must be fully considered prior to any determination. In the absence of this and given their protected status, a precautionary approach is warranted. I have not been persuaded that the appeal proposal complies with Policy NH 2 and Policy NH 5 of the PS. Accordingly, the Council has sustained its fourth reason for refusal.
23. Any concern the Appellant may have about the processing of the planning application is a matter for him to raise directly with the Council.
24. The Council has sustained its four reasons for refusal and accordingly the appeal must fail.

This decision is based on LCC Drwg No.01: Site Location Map (Scale 1:1250)

COMMISSIONER D MCSHANE

List of Documents

Planning Authority:- “LPA 1” Statement of Case and Appendices
 “LPA 2” Rebuttal Statement and Appendices
 (Lisburn and Castlereagh City Council)

Appellant:- “APP 1” Statement of Case and Appendices
 “APP 2” Rebuttal Statement
 (Patrick Johnston Design)

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

Item for:	Noting
Subject:	Item 5 – Appeal Decision – LA05/2021/1248/F

1.0 **Background**

1. An application for a new infill dwelling and detached garage on lands 30m northeast of 3 Lurgill Lane, Upper Ballinderry was refused planning permission on 12 January 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 14 March 2023.
3. The procedure followed in this instance was written representation with a Commissioner's site visit taking place on 12 April 2024.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside, integrate into the surrounding landscape, result in a detrimental change to the rural character and settlement pattern of the area, prejudice road safety and impact on natural heritage.
5. A decision received on 17 October 2024 confirmed that the appeal was dismissed.

Key Issues

1. The proposed development was for an infill dwelling and the case advanced by the Council was set out at paragraphs 3.0 of the Commissioner's Decision. The Third Parties case was set out at paragraphs 4.0.
2. The buildings considered by the Commissioner to form part of the substantial and continuously built-up frontage were referred to in paragraph 6.8 of the report.
3. The Commissioner referred to two dwellings located either side of the appeal site at No. 1 and No. 3 Lurgill Lane, and noted that both dwellings had domestic ancillary buildings in the form of detached garages within their curtilages. The Commissioner further noted that the policy does not allow for the inclusion of ancillary domestic buildings, such as garages within the consideration of what is deemed to be a substantial and continuously built-up frontage.
4. The Commissioner acknowledged that the access to No. 1 abutted the lane. However, this was only the access, and the access alone does not constitute frontage and therefore No. 1 Lurgill Lane did not have frontage to the laneway. There was only one building on the southwestern side of the appeal site that had frontage to the laneway and consequently there was no substantial and continuously built-up frontage at this location.

5. The proposal was for a single dwelling and garage which would reflect the size, scale, plot size and width of neighbouring dwellings located along Lurgill Lane, particularly those at Nos. 1 and 3 Lurgill Lane. There are a total of five new properties located off the Lurgill Lane, largely set apart from each other. Four of these dwellings are completed and occupied. The footprint of each is sizable, and each has a detached garage. The properties are set in generous plots with large areas of private amenity space. The appeal site is comparable in size to those plots of Nos. 1 and 3.
6. There was no ribbon development currently at this location given the buildings at Nos. 1 and 3 were located either side of the appeal site but were not beside one another given the alignment of the lane, the physical separation of the buildings and their disposition within their respective plots. The Commissioner agreed that the appeal proposal would create a ribbon of development as it would introduce an additional two buildings beside the dwelling at No. 1 and also read with the dwelling at No. 3.
7. The Commissioner did not agree that the development would be a prominent feature in the landscape given the rolling topography of the site and surroundings views would be limited. Also given the topography, the intervening vegetation and the established boundaries to the east and south of the appeal site, the proposal would not rely primarily on the use of new landscaping for integration.
8. For these reasons the Commissioner concluded that the proposal did not offend criteria a), c), d) and e) of Policy COU15, nor criterion a) of Policy COU16.
9. The Commissioner sets out that the plot size of the appeal site was comparable to those of Nos. 1 and 3 and therefore criterion c) of Policy COU16 was met.
10. With regards to the third parties concerns over road safety and the access arrangements from Lough Road, the Commissioner was satisfied that the extant visibility splays, access width or the laneway would not require to be upgraded beyond current standards and that this representation could not be sustained.
11. For the reasons given above, the Commissioner determined that the appeal proposal was contrary to Policy COU8 of the Council's Plan Strategy as the proposed development would create a ribbon of development. Whilst the Commissioner did not agree that the proposal was visually prominent and the reasons for COU15 and COU16 were not sustained the Commissioner is entitled to reach a different evaluative judgement and there is no additional learning from this decision in respect of the application of policy.

2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 5 – Appeal Decision – LA05/2021/1248/F
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Parties to the appeal

By email only

Our reference: 2022/A0185
Authority
reference: LA05/2021/1248/F
18 October 2024

Dear Sir/Madam

Re:

Appellant name: Lennon Homes Ltd

Description: Proposed new infill dwelling and detached garage

**Location: Lands 30m north east of 3 Lurgill Lane, Upper Ballinderry, BT28
2SG**

Please find enclosed Commission decision and report on the above case.

Yours Sincerely,

Johnathan Nelson
PACWAC Admin Team



Appeal Decision

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309

Appeal Reference:	2022/A0185.
Appeal by:	Lennon Homes Ltd.
Appeal against:	The refusal of full planning permission.
Proposed Development:	New infill dwelling and garage.
Location:	Lands 30m north-east of 3 Lurgill Lane, Upper Ballinderry, BT28 2SG.
Planning Authority:	Lisburn and Castlereagh City Council.
Application Reference:	LA05/2021/1248/F.
Procedure:	Written representations and Commissioner's site visit on 12 April 2024.
Decision by:	The Commission, dated 17 October 2024.

The Commission has considered the report by Commissioner McCallion and accepts his analysis of the issues and recommendation that the appeal should fail. The Commission agrees that the first and second reasons for refusal have been sustained to the extent specified and are determining.

Decision – the appeal is dismissed.

This decision is based on the following drawings:

Drawing No.	Title	Scale	Date
PL-01	Location Map and Proposed Site Plan	1:2500 & 1:500	Council Date Stamped 12 th November 2021
PL-02	Proposed Floor Plans, Elevations and Garage	1:100	Council Date Stamped 28 th February 2022

MARK WATSON
Principal Commissioner

PLANNING APPEALS COMMISSION

**THE PLANNING ACT (NORTHERN IRELAND) 2011
SECTION 58**

**Appeal by Lennon Homes Ltd
against the refusal of full planning permission for proposed new infill dwelling and
garage
at lands 30m northeast of 3 Lurgill Lane, Upper Ballinderry, BT28 2SG**

**Report
by
Commissioner Gareth McCallion**

Planning Authority Reference: LA05/2021/1248/F

Procedure: Written Representations

Date of Site Visit: 12th April 2024

Report Date: 7th October 2024

1.0 BACKGROUND

1.1. Lisburn and Castlereagh City Council received the planning application on 12th November 2021. By notice dated 12th January 2023, the Council refused permission giving the following reasons: -

1. **The proposal is contrary to the SPPS and Policy CTY1 of the Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
2. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY 8 Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not located within a small gap within an otherwise substantial and continuously built-up frontage, which if permitted would add to a ribbon of development along Lurgill Lane.**
3. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:**
 - **The proposed building is a prominent feature in the landscape;**
 - **The proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and**
 - **The proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape.**
4. **The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, would not respect the traditional pattern of settlement exhibited in the area and would add to a ribbon of development along Lurgill Lane.**

1.2. The Commission received the appeal on 2nd February 2023 and advertised it in the local press on 31st March 2023. The Council forwarded the representations it had received at application stage and further submissions have been made by 3rd parties at appeal stage.

1.3. The Lisburn and Castlereagh City Council, Local Development Plan Strategy (Plan Strategy) was adopted in September 2023. Following this change in circumstances, the Council stated that their original reasons for refusal should be superseded with the following:

1. **The proposal is contrary to the SPPS and Policy COU1 of the Lisburn and Castlereagh Council Plan Strategy 2032 in that it is not a type of**

development which in principle is considered to be acceptable in the countryside.

2. The proposal is contrary to the SPPS and Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the development if approved would add to a ribbon of development along Lurgill Lane. Furthermore, the development is not sited within a substantial and continuously built-up frontage nor is the gap site sufficient to accommodate two dwellings whilst respecting the traditional pattern of development.
3. The proposal is contrary to the SPPS and Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the proposed building relies primarily on the use of new landscaping for integration and therefore would not visually integrate into the surrounding landscape
4. The proposal is contrary to the SPPS and Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy 2032 in that the proposed development if approved would not respect the traditional pattern of settlement associated with this part of the Lurgill Lane in terms of plot size.

- 1.4 The Appellant and the 3rd parties were provided with the opportunity to comment on the revised reasons for refusal at appeal stage, so no prejudice arises.

2.0 SITE AND SURROUNDINGS

- 2.1 The appeal site is located between the dwellings at Nos. 1 and 3 Lurgill Lane, a gated, private laneway taken from Lough Road, Upper Ballinderry, Co. Antrim.
- 2.2 The appeal site comprises of a grassed area located to the front and northeast of No. 3 and west of No. 1 Lurgill Lane. The southern boundary of the appeal site is defined by a hedgerow, which demarcates part of the front curtilage of No. 3. The south-eastern boundary is defined by a c. 1-metre-high post and wire fence. Directly beyond this and demarcating the western curtilage and boundary of No. 1 is a c. 2-metre-high close boarded fence. This boundary also contains the north-west facing elevation of an outbuilding associated with No. 1. The northern boundary of the appeal site, whilst physically constrained by Lurgill Lane, is undefined. A section of the south-eastern boundary of the appeal site sits juxtaposed to an agricultural field.
- 2.3 Lurgill Lane extends in a southern direction from Lough Road, through two stone pillars and gates, over undulating pasture, interposed with mature hedgerows and trees. It crosses a small river (Rooghan River) before turning in a westerly direction towards the appeal site. Access, to several newly constructed dwellings, is taken from the laneway. The first of these is No. 1, located south of the junction of Lough Road and a short distance from the river crossing. This property comprises of a large two storey dwelling, two storey garage and an outbuilding.

- 2.4 Northwest of this property is a construction site wherein the foundations for a dwelling have been poured. To the southwest of No. 1 is No. 3, a two-storey dwelling with a detached two storey garage. Some distance west of No. 3 is No. 5 (“the Wedge House”). This is a corner site and comprises a two-storey dwelling and a double storey garage. A brief distance north of No. 5 is No. 4. The southern boundary of this property is open and undefined. This property also contains a double storey garage. Each of the properties are finished with a smooth, white render, black roof tiles and black window fittings.
- 2.5 The remaining environs comprise of undulating agricultural land, interposed with established field boundary vegetation. Several properties, including farm dwellings, buildings and single houses are located along the Lough Road in either direction of Lurgill Lane, with a small collection of ostensibly mixed-use developments located approximately a short distance west of the lane at the crossroad, where the Lough Road dissects the Crumlin Road.

3.0 PLANNING AUTHORITY’S CASE

- 3.1 The relevant planning history associated with the application site is:
- LA05/2021/0606/PAD infilling site for a new dwelling between Nos. 1 and 3 Lurgill Lane, Upper Ballinderry; and
 - LA05/2022/0367/F for retrospective retention of extension to curtilage and proposed extension to existing detached garage to provide covered outdoor patio and first floor terrace, at 3 Lurgill Lane, Upper Ballinderry, planning permission granted on 20th February 2023.
- 3.2 There were several representations received in relation to the planning application now subject to appeal which related to:
- More housing being built in a protected area;
 - Procedural issues;
 - Roads and traffic concerns;
 - Environmental concerns;
 - Historic environment concerns; and
 - Planning Policy issues.
- 3.3 In accordance with the transitional arrangements, the existing Local Development Plan and draft Belfast Metropolitan Area Plan 2004 (draft BMAP) remain material considerations. The site is located within the greenbelt in the Lisburn Area Plan 2001 (LAP) and at page 49 it states that “*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*”.
- 3.4 In draft BMAP this site was in the open countryside and the Belfast Metropolitan greenbelt. In the subsequent revision to the draft BMAP (2014) the site was in the open countryside but reference to the Belfast Metropolitan Area greenbelt is removed. It is stated at Policy SETT 4 at page 32 of Part 3, Volume 1 that “*the policies contained in ‘A Planning Strategy for Rural Northern Ireland’ except where*

superseded by prevailing regional planning policies, will apply to the entire Plan Area”.

- 3.5 The Council’s original reasons for refusal were framed upon the policies in Planning Policy Statement 21 ‘Sustainable Development in the Countryside’. This was the relevant policy context when the Council issued its decision. The Lisburn and Castlereagh Development Plan 2032, draft Plan Strategy (dPS) was published on 28th June 2023. Following legal advice, planning applications determined from this date had to be assessed under the new policy provisions contained within the dPS. Following consideration of paragraph 22 of the Joint Ministerial Statement (JMS) the dPS was a material consideration of determining weight in the assessment of the appeal. However, the decision-making process is not concluded until the outcome of the appeal is known. Following the adoption of the Lisburn and Castlereagh Local Development Plan 2032, Plan Strategy (PS) the reasons for refusal were updated to take account of the adopted policy provisions contained therein.
- 3.6 Policy COU1 ‘Development in the Countryside’, of the PS, which is applicable to this proposal, 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. Any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU15 – COU16”*. This is an application for an infill dwelling and in accordance with the requirements of COU1, the application falls to be assessed against policies COU8, COU15 and COU16. However, the proposal is not considered to be an acceptable type of development in the countryside, and as such it fails to meet the provisions of Policy COU1.
- 3.7 Policy COU8 ‘Infill/Ribbon Development’ states that *“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.
- 3.8 The proposal is contrary to Policy COU8. This policy is restrictive with any infill proposal required to be an exception to the prohibition on ribbon development. The first step is to consider whether the proposal creates or adds to a ribbon of development. 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”*.

- 3.9 The proposal does not engage ribbon development for the following reasons. There are two dwellings located along this section of Lurgill Lane, one to each side of the site. No. 3 Lurgill Lane presents a frontage to the lane and No. 1 Lurgill Lane presents access only onto the lane. These dwellings are both set back at almost equi-distance from the lane. Both are large, two storey dwellings of a similar scale and massing. Both have large ancillary domestic buildings within their curtilages, which are excluded from the assessment.
- 3.10 Notwithstanding the view expressed above, for completeness, a further assessment is included below in the event that the findings on ribbon development, in the first instance, is not accepted. The next step is to consider whether the proposal comes within the exception set out in the policy and to determine whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
- 3.11 There are only two qualifying buildings at this location. The first is the dwelling at No. 3 Lurgill Lane. The associated detached outbuilding (garage) within the curtilage of this property is excluded as it is an ancillary building. The second dwelling is No. 1 Lurgill Lane. This dwelling presents an access only to the laneway. No other part of the curtilage of this property abuts or shares a common boundary with the laneway. An access point does not constitute a frontage to the road and for this reason, the dwelling at No. 1 does not have a frontage to the lane. This approach is supported by various appeal decisions. By way of an example, the appeal 2016/A0114 states that *"a building has frontage to the road if the plot on which it stands abuts or shares a boundary with the road"*. Paragraph 5 of this appeal decision states that *"I do not consider an access, regardless of the access features that delineate it, to constitute a frontage to a dwelling from which it is physically separate"*.
- 3.12 For the reasons stated above, the dwelling at No. 1 Lurgill Lane does not have frontage to the road. Therefore, it does not form part of the substantial and continuously built-up frontage. The photograph provided by the Appellant was taken from the stone bridge located off the lane. No.1 has an access and pillars only onto the lane. Sites need to have a greater frontage than only an access and that frontage should be somewhat comparable to other sites along the lane to be in keeping with the established character of an area. Likewise, the two ancillary buildings located within the curtilage of No. 1, which are excluded from the assessment, do not present a frontage to the laneway.
- 3.13 Whilst the two dwellings are visually linked, for the reasons outlined, it is considered that the existing buildings along this section of Lurgill Lane do not form part of a substantial and continuously built-up frontage. The two ancillary buildings are additional to the main dwelling houses and as such, are excluded from the assessment. There are no other buildings bookending either side of the proposed site.
- 3.14 The next step to consider is whether a small gap exists sufficient to accommodate two dwellings. In this case, the size of the gap is constrained on one side by the detached garage associated with No. 3 and on the other side by the domestic outbuilding associated with No. 1. The gap between these closest two buildings measures 57 metres. That said, due to the siting and orientation of these buildings

on the ground, the size of the gap is not an accurate reflection of the size of the appeal site, as the buildings from which the measurement is taken (consistent with a PAC ruling) are in the most southeastern and southwestern corners of the site.

- 3.15 Notwithstanding the view expressed above and having regard to the existing plot sizes within the immediate area, the application site is not considered to be a small gap sufficient to accommodate two dwellings consistent with Policy COU8. This part of the policy is not met.
- 3.16 Without prejudice to the conclusions reached above and for the purpose of completeness, consideration is given to whether the proposal would 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.
- 3.17 Travelling in both directions along this part of the Lurgill Lane, there is a visual awareness of both dwellings due to the sparse vegetation around their boundaries. A new building at this location would not respect the traditional pattern of development for the following reasons:
- The plot and frontage width associated with the curtilage of No. 3 Lurgill Lane is 0.52 hectares and 41 metres respectively.
 - The plot area of the dwelling at No. 1 Lurgill Lane is 0.63 hectares. As established above there is no frontage associated with this dwelling but access only.
 - The plot frontage of the appeal site is 93 metres and it measures 0.41 hectares.
- 3.18 However, as it has been established that the site is not sufficient to accommodate two dwellings, the proposed development fails to respect the existing pattern of development in terms of plot size.
- 3.19 The proposal is also contrary to Policy COU15. Taking the topography of the site into account, only two of the proposed boundaries are defined on the ground, one along the eastern boundary with a 2-metre close boarded fence and the other on the southern boundary with a 1 metre hedge. The remaining boundaries are undefined. As there is no significant vegetation along these boundaries, a dwelling designed to respect the adjacent properties would be a prominent feature in the landscape.
- 3.20 Furthermore, the lack of long-established natural boundaries means that the site would be unable to provide a suitable degree of enclosure for the building to integrate into the landscape. As such, the dwelling would rely primarily on the use of new landscaping for integration. The only backdrop provided is that associated with the existing dwellings at Nos. 1 and 3 Lurgill Lane. There are no other natural features for the building to blend with.
- 3.21 For the reasons outlined, the proposal is contrary to criteria (a), (c), (d) and (e) of Policy COU15 of the PS.

- 3.22 Regarding Policy COU16, as explained above, the gap is not a small gap sufficient to accommodate two dwellings. For two dwellings to be accommodated, the site would have to be sub-divided. This would result in plots measuring approximately 0.205 hectares. This, when compared with the plots associated with Nos. 1 and 3 Lurgill Lane which are 0.63 hectares and 0.52 hectares respectively, would not respect the traditional pattern of settlement found along this stretch of the Lurgill Lane.
- 3.23 Therefore, for the reasons outlined, the proposal fails to comply with criteria (a) and (c) of Policy COU16 of the PS. It is considered that the development, if approved, would not respect the traditional pattern of settlement associated with this part of the Lurgill Lane in terms of plot size.
- 3.24 Should the appeal be allowed the following conditions are proposed on a without prejudice basis:
- Time limit;
 - Vehicular access and visibility splays;
 - Hard surfacing requirements; and
 - Landscaping scheme

4.0 3rd PARTIES CASE

- 4.1 The subheading 'introduction of new reasons for refusal' within the Appellant's statement of case purports to open the discussion on material considerations. Crucially, new reasons for refusal have not been introduced and these remain as set out on the original decision notice. The Appellant is apparently concerned that an opportunity was not provided to address reasons for refusal relating to integration and rural character during the application process. Even if this were the case, the appeal process provides an arena to facilitate consideration of these matters. However, the evidence provided by the Appellant fails to address these issues.
- 4.2 The appeal proposal is contrary to the provisions of PPS21 'Sustainable Development in the Countryside', specifically Policy CTY8 'Ribbon Development'. The policy's justification and amplification specify that many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and help maintain rural character. The infilling of those gaps should not be permitted. It is not sufficient to simply show how a house can be inserted into the gap. Consideration needs to be given on how a dwelling can knit seamlessly with the landform. In the proposed situation, it is apparent that there is significant rural character, as evidenced by the fact that there exist two disconnected and visually unrelated planning units separated by the appeal site.
- 4.3 Under paragraph 6.73 of the SPPS, planning permission will be refused for a building which creates or adds to a ribbon of development. This proposal does not constitute a continuously built-up frontage. There are already a significant number of applications approved for large, detached dwellings in this rural location, creating an intensification in traffic.

- 4.4 Lurgill Lane is private and unadopted. It currently serves five houses (approvals (S/2007/0950/RM, S/2007/0953/RM, S/2007/0964/F, S/2010/0099/F & LA05/2015/0220/O). Three of which are completed and two have foundations commenced. The current planning submission LA05/2021/1248/F would necessitate the laneway to be upgraded to adoptable standards to facilitate a 6th dwelling. The current entrance geometry is substandard and adding a 6th property would jeopardise road safety, both for existing residents of Lurgill Lane and public road users.
- 4.5 The planning application form at Q12, states that no alterations to the existing access is required. It is contended that significant works are needed to bring the Lough Road access up to standard. The width of the entrance apron is less than 6m wide for the first 10m between the edge of the carriageway and the entrance gates which would be expected for 5 houses. This negates two cars being capable to pass or reside adjacent to one another as they wait for the gates to open. Furthermore, they could not pass based on the existing geometry at the entrance, without the existing gates being realigned and the access widened. No provision is given for manoeuvring in a forward gear, i.e. a lay-by, in the event the gates are closed to rejoin the Lough Road. Therefore, 'Dia1' of the RS1 form, with 6m wide laneway for the initial 10m, would be more appropriate.
- 4.6 The roadside hedge when looking left is obstructed by a mature roadside tree. When looking right upon exiting, a hedgerow obstructs the 2.4m x 80m sightline and requires alteration. A survey of the entrance of the site, where it joins the Lough Road, confirms up to 52m of mixed hedgerow is required to be relocated behind the sightline. As hedgerows are a priority habitat, its removal has the potential to impact on a wildlife corridor. The biodiversity checklist submitted states in Q4 that no hedgerow over c. 30m is impacted by the development. This is erroneous.
- 4.7 It is noted that DFI roads have measured the speed of the Lough Road as 60Mph and have deviated from their own standards for the 'Y' dimension based on 'preservation of trees/hedges'. However, the speed of traffic in conjunction with insufficient width at the entrance and reduced sightlines would endanger life on this fast-flowing section of road. The measured speed of Lough Road is 60mph. This necessitates upwards of 110m sightlines in both directions. Equally due to the number of houses now using Lurgill Lane, the requirements for a 'X' dimension of 2.4m should be increased to 4.5m in accordance with Table A of DCAN 15.
- 4.8 It could be argued that the proposal would increase the traffic flow from Lurgill Lane onto the Lough Road and breach the 5% threshold for intensification of an existing access, as noted in Development Control Advice Note (DCAN) 15, paragraph 1.2. In accordance with DCAN15 – Table A Note 3, "if there is a dispute about the predicted minor road (access) traffic flow, it shall be determined by reference to a recognised database such as TRICS, or failing that, by a direct survey of a similar existing development over an acceptable period." Therefore, it is requested that the Appellant provide speed survey data for the Lough Road for assessment. In accordance with DCAN 15 Table A, the minimum visibility X distance for the intensified site access is 4.5m. It is accepted that there are provisions for the visibility X-distance to be reduced to 2.4m, but only if traffic speeds on the priority road are below 60kph (37mph) and danger is unlikely to be caused.

- 4.9 The entrance of the approval LA05/2019/1228 on the Lough Road has moved 15m north-west and is now closer to the point where Lurgill Lane meets the Lough Road. The impact of traffic from four occupied houses on Lurgill Lane and the additional traffic from the entrance of the development at 29 Lough Road (adjacent to Lurgill Lane) will further intensify the traffic flow onto the Lough Road.
- 4.10 No biodiversity checklist was provided at the time of the application. This was retrospectively submitted by 'Sterna Environmental Ltd' (Sept 2022), in response to our initial objection. The Appellant, under Q14 of the P1 form, stated that they are not aware of any protected wildlife within the application red line. It is considered that this was an inaccurate statement and at best a guess as at that point no ecologist had been appointed. The current proposal for a relaxed sightline of 2.4m x 80m conflicts with a mature roadside tree which will need felled to facilitate this reduced visibility splay. This tree was not covered within the Ecologist's report but bats often roost in hollows and crevices within mature trees. The deviation from the standard was offered in error by DFI, as the expected sightline should remain at 2.4m x 110m. This deviation from the standard does not prevent the hedgerow from being impacted, as inferred, as the right-hand hedgerow still needs removed.
- 4.11 The Ecologist's report confirms that the Rooghan River is hydrologically linked to the Portmore Lough which is a designated ASSI offering habitat to lapwing, snipe, redshank and Irish Hare. Lough Portmore is designated as an Area of High Scenic Value (AoHSV) and should be considered carefully when assessing potential impacts upstream. The Rooghan River would need checked for the presence of newts as part of the Ecologist's report, as the proposal to use a septic tank holds the potential for pollution due to proximity to the river. There are concerns over the proximity of the watercourse as uncontrolled releases of sediment and polluting discharges, e.g. hydrocarbons and cement during the construction phase of the development, have the potential to cause degradation of the adjacent aquatic environment and the designated sites it flows into.
- 4.12 Under Policy COU8, it states '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'. As this application is for one dwelling it fails this test.
- 4.13 The application does not demonstrate why the dwelling is fundamentally required in the countryside rather than within a designated settlement limit. For 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. This application does not meet the criteria and therefore must be refused. Whilst the Appellant supplied photos showing the proposed site in its current state of maintained grassland, infilling of the gap is visually undesirable and will create or add to a ribbon of development.
- 4.14 In summary, it is urged that the Commission uphold the Council's recommendation to refuse. The proposal is contrary to the local development plan, Policy COU8. The existing access requires an upgrade to 6m width over the initial 10m, contrary to the proposal as submitted. The proposed sightlines should not be relaxed to 2.4m x 80m but maintained in accordance with the DFI speed survey necessitating 2.4m x

110m in both directions. The impact of the sightlines necessitates the removal of excessive hedgerow which is a protected habitat.

5.0 APPELLANT'S CASE

- 5.1 The background documents to the appeal demonstrate the level of communication between the Council and the Appellant. Throughout these negotiations, the Council did not raise issues of integration and rural character. The introduction of these reasons for refusal is unfair. The appellant was not offered the opportunity to address these matters during the processing of the planning application.
- 5.2 Prematurity reasons surrounding the draft Plan Strategy (dPS) did not form any part of the decision, nor was matters regarding the dPS raised during the processing of the planning application or subsequent submission of the appeal. The appeal was made 21 days after the decision on the application was issued. The Council had ample opportunity to raise any concerns they may have had on the grounds of prematurity. The policies contained within the PS should not take precedence over the reasons for refusal attached to the original decision. However, on a without prejudice basis, if the Commission is of the opinion that the PS is to be applied and reliance on PPS21 and Policy CTY8 thereof is misplaced, we have considered both approaches.
- 5.3 The Appellant has been prejudiced due to the processing time of the application which was outside of their control. The following declaration is made: *"It is our strong contention that failures of the Planning Authorities are the reason why this case was not resolved long before 28 June 2023. The application was submitted 12 Nov 2021 and the refusal notice some 14 months later on 16 Jan 2023. We the appellants immediately lodged the appeal and were only invited to make the first SOC some 6 months later. It is our understanding that the LPA has a statutory duty to issue planning decisions within 8 weeks of receipt of applications, and clearly the 14 months taken in this case represents a huge failure. Sufficient weight must be given to these unwarranted delays as a determining factor. We have incurred considerable costs in professional fees and fees paid to LCCC and the PAC during this process. COU8 should not be a determining factor of considerable weight since this process should have been completed long before the directive of 28 June 2023. Rather determining weight should be given to the timeline in this case, and the failure in the planning system. The SOC relies heavily on the new policy as a material consideration of considerable weight, yet our representative Mr Michael McKeown (Healy McKeown Architects) has confirmed that at no time during discussions did the planners raise this as a possible objection. We emphasise again that the frontage of No1 onto the Lane was the only disputed issue discussed as a possible barrier to approval of this application."*
- 5.4 The Appellant's solicitor provided a letter wherein it is stated that *"in the legal system, the general rule is that legislation changes apply prospectively, not retrospectively. This is a cardinal principle of our law. The fact that the LPA are going against this critical aspect of the law is unfair, unreasonable and in contradiction to the Human Rights Act 1998. The LPA appears to be moving the goalposts at this late stage of the process, without any prior discussion or warning to our client"*.

- 5.5 Paragraph 21 of the Joint Ministerial Statement states: *“planning applications will continue to be considered in the light of both current policies and policies in emerging development plans that are going through the statutory procedures. However, in circumstances where development would accord with the provisions of an extant development plan but the development, either individually or cumulatively, would prejudice the ability of an emerging new or replacement development plan to achieve or retain general conformity with the RDS, or would prejudice the outcome of the plan process as outlined at paragraph 20(b) then greater weight needs to be given to the provisions of the emerging development plan than to the extant plan...”*.
- 5.6 Paragraph 1.11 of the SPPS instructs that *“where a Council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date”*. As the current planning application, to which this appeal relates, was determined prior to the direction, it is contended that it is required to be assessed under the provisions of PPS21. The language used in the forgoing two paragraphs suggest ‘applications’ only and do not mention ‘appeals’. There is a distinction between both.
- 5.7 The proposal adheres to one of the types of residential developments listed as acceptable in principle, namely the development of a small gap site within an otherwise substantial and continuously built-up frontage. The appeal site sits within a gap that exists between Nos. 1 and 3 Lurgill Lane. Together the properties consist of 5 buildings. These comprise a two-storey dwelling, two storey detached garage and ancillary building at No. 1 Lurgill Lane and two-storey dwelling with two storey detached garage at No. 3 Lurgill Lane. Except for the ancillary building associated with No. 1 Lurgill Lane, all the buildings are of a considerable scale, set within generous and substantial plots. Thus, for the purposes of the policy, the appeal site sits within a minimum of three buildings and can be considered an exception to the policy.
- 5.8 The garages located at Nos. 1 and 3 Lurgill Lane could not be considered ancillary in terms of scale or design. These are substantial buildings in their own right. ‘Ancillary’ is not defined within the policy, but reference is made to the size and scale of buildings. The buildings are large two storey, prominent buildings located along this stretch of the laneway. LA05/2022/0367/F granted planning permission for the *“retrospective application for retention of extension to curtilage and proposed extension to the existing detached garage to provide covered outdoor patio and first floor terrace at No. 3 Lurgill Lane”*. This building could not be considered ancillary in terms of scale, use and design as it provides more independent living accommodation, separate from the main dwelling and goes beyond the meaning of a garage which is normally for the storage of vehicles. This building provides first floor accommodation including shower room, office, games room and covered terrace area. Similar, the two-storey building located at No. 1 Lurgill Lane is a detached building with separate external first floor access, first floor balcony and Velux windows and goes beyond the meaning of ancillary garage in terms of size and scale.
- 5.9 The policy is silent on what exactly a frontage onto a laneway, footpath or public road consists of. However, the appeals process has established that for a property to comprise part of a substantial built-up frontage, it must share a boundary with the laneway, footpath or public road and should not be severed from it by a physical

feature. It is not sufficient to have only an access leading onto the thoroughfare which is an approach which has been consistently applied and upheld.

- 5.10 The Council are of the opinion that No. 1 Lurgill Lane does not have a frontage onto the laneway. However, the northwestern boundary of No. 1 fronts and extends onto the laneway. Whilst this boundary includes the access point for the property, it also comprises of the stone pillars either side of double gates with lawns located immediately behind the close boarded fencing which front onto and meet the laneway. This frontage measures 11.2m and thus, does not just comprise the access. Furthermore, the plot is not severed from the laneway by any physical feature.
- 5.11 Appeal 2016/A0114 is applicable to this case insofar as in that case the Commission deemed that the property (that of N.74 Crosskeenan Road) did not have frontage on the public road. It was an access and a laneway leading to the property which abutted the road. In that case it was clear that no garden, hard surface or building associated with the curtilage of the property extended to meet the road. This is distinguishable from No. 1 Lurgill Lane as the plot including the gardens and northwestern boundary for this property does extend to the laneway, not just the access. Respectfully, similar plot configurations have been deemed as acceptable frontages by the Commission and this should be upheld in this appeal.
- 5.12 In line with policy, buildings do not need to comprise of a uniform building line or building grain to comprise ribbon development, providing they have a common frontage or are visually linked. Thus, the decision maker is invited to complete a visual appraisal. When considering the established development pattern, the appeal site is slotted within two bookends of development which comprise of large-scale detached buildings or sizeable plots. The fact that the actual frontages do not sit on all fours when compared against each other is not fatal to the overall spirit of the policy. The appeal site, when considered in the context of the established character, respects the pattern of development in terms of plot size, scale and siting. Frontages do not need to be equal to or proportionate in length. Recently, the Council approved infill opportunities on sites where the frontage was not consistent or similar, including LA05/2022/0563/F and LA05/2021/1303/O.
- 5.13 The site could accommodate two dwellings. However, when considered against the established character, the Appellant is seeking to respect this in terms of plot size and scale. Whilst the policy says 'sufficient to accommodate 2 dwellings' this does not preclude the development of only one dwelling as there would be no demonstrable harm or offence caused to the policy's objectives and aims of sustainable development. The development of one infill dwelling has a reduced impact than the development of two dwellings. As a visual test, how would two dwellings at this location present as a better visual outcome than the development of one property which respects the established pattern of development and makes no greater visual impact?
- 5.14 Regarding the rural character and integration, the Appellant submitted a contextual elevation drawing and photomontage to help address this matter. It is measured and demonstrated that the proposal will not be a prominent feature in the landscape when considered against the established built fabric. The proposal slots into the existing ribbon development, has a lower ridge height than the existing dwellings

which, along with the detached two-storey garages, already feature grandly in the landscape. When considered against the established character, the proposal is not a prominent feature in the landscape and will read with the bookends of development.

- 5.15 The existing buildings are still visible and protrude above their respective boundary treatment, some of which remain low lying. The proposal will emulate this character by implementing the landscape scheme which has been detailed and annotated on the site layout plan. Although additional planting is proposed, the proposal does not rely on this for integration. The photomontage denotes vegetation in the background and, along with the existing buildings, provides a suitable backdrop which the proposal will be read against. Furthermore, the appeal site benefits from intervening vegetation along the field boundaries and approaching the laneway (including during winter months). This vegetation remains within the ownership of the Appellant and will be retained in perpetuity.
- 5.16 As outlined, the appeal site sits within a gap within a substantial and built-up frontage. Therefore, it will not result in suburban type development. A ribbon of development already exists along this stretch of the laneway. The proposal seeks to consolidate this pattern of development. Although the properties exhibit different designs, they still complement each other due to their bespoke character, design and plot size. With the Council having no objections to the plot size and design it is considered that the development respects the established character. As the proposal is one which satisfies an infill opportunity, it cannot result in suburban style build-up of development, as this already exists.
- 5.17 The resident of No. 41C Crumlin Road, lives approximately 600m from the appeal site. Given the separation distance between the appeal site, together with the intervening vegetation and topography, the proposal will have no impact on this property. This resident had no objections to planning applications seeking infill dwellings which are closer to their property. LA05/2020/0039/F granted permission c. 125m south of No. 41C Crumlin Road. LA05/2021/0483 granted permission approximately 550m south of No. 41C Crumlin Road. These approvals are closer to 41C Crumlin Road than the appeal proposal. Furthermore, the property of No. 41C Crumlin Road was approved as an infilling dwelling in line with Policy CTY8 'Ribbon Development' under Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21). The property was developed by and is referred to as 'Jasmine House' on the Appellant's website. Regarding the representation made by the resident of No. 1 Lurgill Lane, this property was developed by the Appellant and also features on the website.
- 5.18 Road safety and access provisions did not form a reason for refusal. Notwithstanding, these matters were addressed during the planning application process, with the site layout and topographical survey both of which annotate exactly the features present on the ground. It is noted that the statutory consultee and expert, the Department for Infrastructure Roads (DFI Roads) had no objection to the proposal nor requested a speed survey.
- 5.19 The sight visibility splays cross under the crown spread of the trees located along the roadway. There has been no information or ecological assessments provided by 3rd parties to substantiate that bats roost in the trees. Nevertheless, they do not require

to be removed or felled. Accordingly, there was no requirement for the Appellant's ecologist to survey the trees.

- 5.20 A thorough appraisal of the site has been carried out by the Appellant's ecologist and a Biodiversity Checklist was provided. Species and protected areas were considered as part of the appraisal. It has been determined that no impact would be caused to protected sites and species and no further ecological assessments are required. Recommendations have been put forward which will be implemented on approval of planning permission.
- 5.21 There is a 3rd party letter of support appended to the evidence. The letter backs the bespoke design of the proposal which will complement the surrounding developments off the Lurgill Lane. It acknowledges that the access benefits from good visibility and advocates on behalf of the Appellant's deep connection with the land.

6.0 CONSIDERATION

- 6.1 The main issues in this appeal are whether the proposed development would:
- be acceptable in principle in the countryside;
 - integrate into the surrounding landscape;
 - result in a detrimental change to the rural character and settlement pattern of the area;
 - prejudice road safety; and
 - impact on natural heritage.
- 6.2 Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.3 The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2023 Plan Strategy (PS) on 26th September 2023. The PS sets out the strategic policy framework for the Council area. Compliant with the transitional arrangements, as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), reference to the Local Development Plan now becomes a reference to the Departmental Development Plan (DDP) and the PS read together. Any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.
- 6.4 In this appeal, the DDP is the Lisburn Area Plan 2001 (LAP). In it, the site is located in the countryside. The LAP directs to the Planning Strategy for Rural Northern Ireland (PSRNI). However, most of its policies pertaining to development in the countryside were superseded by the regional Planning Policy Statement 21 'Sustainable Development in the Countryside', (PPS21). The appeal site also falls within greenbelt as designated within the draft Belfast Metropolitan Area Plan 2004 (dBMAP), and again, this former designation has been superseded by regional policy in PPS21. The dBMAP does not contain any policies material to the appeal

development. I am satisfied, having reviewed the DDP, that there is no conflict with the PS.

- 6.5 In compliance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), operational policies set out in the PS are now in effect in this council area. Whilst the appellant referred to the JMS in their overall arguments that the previous policy provisions of PPS21 should still apply to this case, existing policy retained under the transitional arrangements, including PPS21, has now ceased to have effect in this council area. Planning applications and appeals must be determined under the legislative and policy context prevailing at the time. Therefore, despite the arguments advanced by the Appellant, the previous regional policies have been superseded and the length of time the proposal has been in the planning system does not circumvent the legislation and the transitional arrangements currently in place. The LDP has statutory primacy subject to other material considerations. It now falls to the Commission to assess the proposal in the context of the LDP, having regard to the amended reasons for refusal, which the Appellant had the opportunity to address. Guidance contained within Development Control Advice Note 15 'Vehicular Access Standards' (DCAN 15) is also a material consideration.
- 6.6 Policy COU1 of the PS is titled 'Development in the Countryside'. It states that "*there are a range of types of development which in principle are acceptable in the countryside and which will contribute to the aims of sustainable development*". Details of these operational policies are set out in policies COU2 to COU10. Policy COU1 also advises that any proposal for development in the countryside will be required to meet all the general criteria set out in policies COU15 'Integration and Design of Buildings in the Countryside' and COU16 'Rural Character and other Criteria'.
- 6.7 Policy COU8 'Infill/Ribbon Development' states that "*planning permission will be refused for a building which creates or adds to a ribbon of development*". However, it goes on to state "*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*".
- 6.8 There are two dwellings located either side of the appeal site. Both have domestic ancillary buildings in the form of two storey detached garages within their plots. No. 1 Lurgill Lane, also has a second ancillary, linear building. The appellant referred to the ancillary building within the curtilage of No. 1 as a garage. Whilst I acknowledge that the garages within the curtilages of Nos. 1 and 3 are of a considerable scale, I have not been furnished with persuasive evidence that these buildings have moved beyond an ancillary use. Indeed, planning permission LA05/2022/0367/F, which the Appellant points to, approved an extension to the curtilage of No. 3 Lurgill Lane together with a covered outdoor patio. The policy does not allow for the inclusion of ancillary domestic buildings, such as garages, within the consideration of what is deemed to be a substantial and continuously built-up frontage.

- 6.9 I acknowledge that the access to the property at No. 1 abuts the lane. However, the stone pillars and close boarded fencing define the mouth of the access, and an access alone does not constitute frontage. Therefore, the property at No. 1 Lurgill Lane does not have frontage to the laneway. Indeed, this was acknowledged by the Appellant in relation to appeal decision 2016/A0114, whereby it was found that an access point alone does not constitute a frontage to a public road. Appeals 2019/A0198, 2018/A0209 and 2017/A0249 which were also referred to, have not been appended in full. Thus, contextually I cannot compare their circumstances to those of the proposal before me. Pursuant to the policy, the two-storey garages are not qualifying buildings and there remains only one building on the southwestern side of the appeal site which has frontage to the private laneway. Consequently, there is no substantial and continuously built-up frontage at this location.
- 6.10 Policy COU8 goes on to state that “*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*”. There are a total of five new properties located off the Lurgill Lane, largely set apart from each other. Four of these dwellings are completed and occupied. The footprint of each is sizable, and each has a detached garage. The properties are set in generous plots with large areas of private amenity space. The appeal site is comparable in size to those plots hosting Nos. 1 and 3. The proposal is for a single dwelling and garage which would reflect the size, scale, plot size and width of neighbouring dwellings located along Lurgill Lane, particularly those of Nos. 1 and 3. Whilst I agree with the Appellant that a single dwelling on the appeal site would respect the existing development pattern on the ground, however, it does not meet the terms of Policy COU8 as there is no substantial and continuously built up frontage and the policy, as written, requires two dwellings.
- 6.11 I now turn to consider the issue of ribbon development. The justification and amplification of Policy COU8 is limited in its description of this type of development. It 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*”.
- 6.12 Whilst the Council refused the proposal based on their assessment that it would *add* to ribbon development, they advise that the proposal *does not engage ribbon development* (emphasis added). In reaching its conclusion, they argue that there are two dwellings located along this section of the lane, Nos. 1 and 3 “*one to each side of the site*”. The Council further deliberates that, “*3 Lurgill Lane presents a frontage to the lane and 1 Lurgill Lane presents access only onto the lane. They are both set back at almost equi-distance from the lane. Both are large two storey dwellings of similar scale and massing*”.
- 6.13 As noted above, No. 1 Lurgill Lane does not have frontage to the laneway. However, the policy, with reference to ribbon development, refers to ‘fronting’ a road which, to my mind, is different to having frontage to a road. Given their orientation, the dwellings at Nos. 1 and 3 both front onto Lurgill Lane. None of their ancillary buildings front onto the lane as their front elevations face towards the principal dwelling and into their own respective curtilages. The two dwellings are located either side of the appeal site, with their curtilages bounding same. They are not, however, beside one another given the alignment of the lane, the physical separation

of the buildings and their disposition within their respective plots. Therefore, I consider that there is no ribbon development currently at this location. However, the appeal proposal would create a ribbon of development as it would introduce an additional two buildings, one of which would front the lane and be beside the dwelling at No. 1 and also read with the dwelling at No. 3.

- 6.14 The decision held in 2016/A0114 was undertaken in the superseded policy context and does not sit 'on all fours' with the appeal before me. Considering my findings in relation to Policy COU8, and those matters as raised by 3rd party representations, the appeal proposal does not meet the infill criteria specified in extant policy. Therefore, the Council's second reason for refusal, so far as stated, is sustained.
- 6.15 The Council consider that the proposal fails to satisfy Policy COU15 'Integration and Design of Buildings in the Countryside' and Policy COU16 'Rural Character and other Criteria'. Whilst the Council has only suggested that criteria a), d) and e) under Policy COU15 and criteria c) under Policy COU16 are offended, I note that its evidence expands to include criterion c) of Policy COU15 and criterion a) of Policy COU16. The Appellant has been provided with an opportunity to respond, so whilst the introduction of additional objections is unhelpful, no prejudice arises.
- 6.16 Criterion (a) of Policy COU15 states that a new building will not be permitted if it is a prominent feature in the landscape. The amplification of the policy advises that prominent, skyline or top of slope/ridge locations are unacceptable and new planting alone would not be sufficient for integration purposes. Criterion (a) of Policy COU16 states that a new development proposal would be unacceptable where it is unduly prominent in the landscape.
- 6.17 The appeal site is not located on a prominent landform such as a ridge or the top of a slope/hill. Public views are largely limited to those found along a short section of Lough Road and are restricted by intervening topography and vegetation. When looking south towards the appeal site, the top of the dwellings and ancillary buildings of Nos. 1 and 3 are discernible but not prominent. Travelling south along Lurgill Lane, views of the appeal site, together with the buildings at Nos. 1 and 3 are generally intermittent due to the rolling nature of the surrounding topography, which is interposed in places, with existing vegetation, including mature trees.
- 6.18 The Appellant's evidence, which includes contextual views of the proposal, demonstrates how the proposed dwelling and garage would blend with the existing landform, trees and buildings. The contextual view also illustrates that due to the siting of the proposal, its ridge heights will not exceed those of the buildings at Nos. 1 and 3 Lurgill Lane. Whilst there would be some sightings of the proposal from viewpoints along the public road, given the rolling topography of the site and surroundings these views would be limited. Therefore, I do not agree that the proposal would be a prominent or unduly prominent feature in the landscape.
- 6.19 Visual integration is an assessment of the extent to which proposed development will blend unobtrusively with its surroundings and policy advises that new planting alone will not be sufficient for integration purposes. As stated above, the appeal site is not situated in a prominent location. The rolling topography, as well as the intervening vegetation, means that the proposal would blend with the landform. The southern and eastern boundaries of the appeal site are established by virtue of the boundary

treatments undertaken by the occupants of Nos. 1 and 3 Lurgill Lane. While some landscaping would be required along the northerly boundary of the appeal site, not so much would be necessary as to offend the policy. Given the topography, the intervening vegetation and the established boundaries to the east and south of the appeal site, the proposal would not rely primarily on the use of new landscaping for integration. Therefore, for the reasons stated, I find that the proposal does not offend criteria a), c), d) and e) of Policy COU15, nor criterion a) of Policy COU16. The Council's third reason for refusal is not sustained.

- 6.20 The Council consider the proposal is contrary to Policy COU16 criterion c), which states that a new development proposal will be unacceptable where, it does not respect the traditional pattern of settlement exhibited in the area. The Council do not define what they consider the traditional pattern of settlement in the area to be but have advised that the proposal is contrary to the policy by virtue of its plot size. I note that the Council referred to Policy COU8 and the requirement for two dwellings. However, there is no specific requirement in Policy COU16 regarding the number of dwellings. In line with the Council's calculations, the plot size of the appeal site is comparable to those of Nos. 1 and 3. The Appellant has applied for one dwelling and associated garage on an equivalent plot size and of a similar design, size and scale of those already exhibited off the Lurgill Lane. Notwithstanding my earlier conclusions in respect of the existing pattern of development under Policy COU8, which relates to whether the appeal proposal constitutes an exception to that policy, I find for the above reasons that the proposal would respect the traditional pattern of settlement exhibited in the area. Therefore, I do not find that criterion c) of Policy COU16 is offended. For the reasons given above, I consider that the Council's fourth reason for refusal is not sustained.
- 6.21 The 3rd parties concern regarding road safety relate to the access arrangements from Lough Road, matters pertaining to widths along the laneway and the need to potentially upgrade Lurgill Lane to adoptable standards due to the number of properties accessing it. DCAN 15 advises that intensification is considered to occur when a proposed development would increase the flow of traffic using an access by 5% or more. There are currently five buildings approved, with four built and occupied, off Lurgill Lane and I accept that intensification would occur from the potential vehicle movements associated with an additional dwelling. I note that the Council, following consultation with DfI Roads, has not objected to the appeal development on road safety grounds and recommend visibility splays of 2.4m x 80m. According to the DfI Roads consultation response, these standards are based on measured traffic speeds (85thile on priority road) of 60mph. DCAN 15 deals with matters relating to, inter alia, new development access standards to the public road with associated sight visibility splays.
- 6.22 I am satisfied from my own on-site observations that the entrance to Lurgill Lane is both wide enough and has sufficient length to the gates to allow a normal sized car to pull in off the road. I note that the gates can be used to control the flow of traffic on the lane and there is an intercom system in place also. There are several formal passing bays located along the laneway and, whilst it is undulating to reflect the natural topography, the surface of the laneway largely comprises an even surface dressing. I note within the consultation from DfI Roads, consideration was given to the Roads (NI) Order 1993 but there was no recommendation by the statutory authority that the laneway was required to be brought up to adoptable standards.

- 6.23 Having regard to Table A of DCAN 15, I concur with the 3rd party that the private lane onto the public road benefits from an x-distance of c 2.4 metres. Regarding the y-distance, again from my assessment, and those measurements as denoted on the plans which accompanied the appeal, there exists a sightline distance of some 80 metres in either direction. The splays extend under the crown spread of the mature trees, the trunks of which are located within the hedgerow which sits behind the splay, to the west. Thus, following consideration of DCAN15, the above assessed access arrangements, measured speeds and existing laneway specifications, I am satisfied that, if planning permission was to be forthcoming, the extant visibility splays, access width or the laneway would not require upgrading beyond current standards.
- 6.24 The appeal site is largely comprised of grassland. There are no water courses traversing it, although I note the location of the Rooghan River, which Lurgill Lane crosses at a point close to the entrance to No.1. This river also abuts the northern boundaries of this property, together with the site under construction opposite the appeal site, and also that of No. 4 Lurgill Lane. The appeal proposal is located at a greater distance from the river than these recently constructed properties. If the proposal was approved, no hedgerows would be required to be removed and a construction method plan to control and mitigate sediment and potentially polluting discharges during the construction phase of the development, could be secured with by conditions. Matters pertaining to a septic tank could also be a condition of approval and discharge from same is regulated by statute. Furthermore, I note that, from the background papers, the Department of Agriculture, Environment and Rural Affairs (DAERA) advised that it had considered the impacts of the proposal on designated sites and other natural heritage interests and had no objections to the proposal. Therefore, I consider that the objections raised on ecology and natural heritage matters would not warrant the withholding of planning permission.
- 6.25 Regarding the length of time the application was with the Council, I note that the Appellant held discussions with the planning authority and there was an ongoing dispute regarding the 'frontage' of No. 1 Lurgill Lane being a possible barrier to planning approval. I also acknowledge the issues raised by the Appellant with respect to those refusal reasons relating to concerns which may not have been disclosed by the Council before the decision was issued. Whilst the issue of delay is one which should be addressed with the Council directly, the Appellant always had the option to invoke their right under Section 60 of the Act to appeal against the non-determination of their planning application. Furthermore, the Commission is assigned to address the final position of the Council who, as the planning authority, is tasked with defending their ultimate objections.
- 6.26 Regarding the Human Rights Act 1998, Human Rights are qualified rights, and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. I have already concluded that the proposal runs contrary to planning policy and therefore I do not regard it to be in the public interest that such development is approved. Furthermore, I consider the approach adopted by the Council, in its interpretation of the legislative and planning policy requirements, to be both reasonable and proportionate in balancing the rights of the individual with the public interest and it follows that I find no unacceptable or disproportionate infringement of the appellant's human rights.

6.27 For the reasons given above, the appeal proposal is contrary to Policy COU8 of the Council's Plan Strategy. Notwithstanding the correspondence submitted in support of the appeal development, as I have found that the appeal proposal is not a type of development which in principle is acceptable in the countryside, it follows that Policy COU1 is not met. Thus, the Council's first reason for refusal is also sustained. The Council's first and second reasons for refusal, so far as stated, are sustained and are determining in this appeal.

7.0 RECOMMENDATION

7.1 I recommend to the Commission that the appeal be dismissed.

7.2 The recommendation relates to the following drawings: -

Drawing No.	Title	Scale	Date
PL-01	Location Map and Proposed Site Plan	1:2500 & 1:500	Council Date Stamped 12 th November 2021
PL-02	Proposed Floor Plans, Elevations and Garage	1:100	Council Date Stamped 28 th February 2022

List of Documents

Planning Authority: -	Statement of Case, Lisburn and Castlereagh City Council Rebuttal Statement, Lisburn and Castlereagh City Council Council Comments on the Plan Strategy, Lisburn and Castlereagh City Council
Appellant: -	Appellant's Statement of Case, TC Town Planning Appellant's Rebuttal Statements, TC Town Planning Appellant's Comments on the Plan Strategy, TC Town Planning
3 rd Parties: -	Statement of Case by Ballymullan Architect Ltd Statement of Case by Ms SJ McCann Rebuttal Statement by Ms SJ McCann

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

Item for:	Noting
Subject:	Item 6 – Appeal Decision – LA05/2023/0024/F

1.0 **Background**

1. An application for a dwelling on land north and adjacent to 55D Bailliesmills Road, Lisburn was refused planning permission on 4th March 2024.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 9th April 2024.
3. The procedure followed in this instance was written representation with Commissioner's site visit on 29th August 2024.
4. The main issues in the appeal are whether the proposed development would be acceptable in principle in the countryside, adversely impact residential amenity, adversely impact the environment and character of the area and create or add to a pollution problem.
5. A decision received on 30th October 2024 confirmed that the appeal was dismissed.

Key Issues

1. The proposed development was for a dwelling in a cluster.
2. The Council's reason for refusal specified that criterion c) of Policy COU2 was not met. The third party had also raised concerns that criteria b) - e) were not met. At paragraph 8 of the report, it was noted that there was no dispute that there was a cluster of development. There was dispute around what constituted a 'cluster' for the purpose of the policy.
3. At paragraph 9 the Commissioner sets out the Council's and appellant's consideration of what buildings comprised the cluster. These were at odds with one another.
4. The Commissioner noted that Criterion b) requires the cluster to appear as a visual entity *Singular* (emphasis added) in the local landscape. From an onsite inspection the Commissioner found most favour with the Council's position in that the cluster comprised the four established buildings No 55, 55a, 55c and 55d all which form a close grouping of buildings. The agricultural shed was discounted. The Commissioner agreed with the third parties that No 55a was not visible with the aforementioned buildings nor was No. 55b.

5. The main view of the appeal site and adjacent development was from a westerly approach and only No's 55, 55d and 55c were visible in the landscape as a cluster. Nos. 55a and 55b were not visible. From the eastern approach only Nos. 55, 55c and 55d would read as a collective body of buildings.
6. The Commissioner sets out at paragraph 12 the Council's position on what would constitute a vantage point for assessment purposes. Policy COU2 is silent on the definition of a vantage point but policy requires a cluster to appear as a visual entity in the landscape from surrounding vantage points. It follows that a vantage point must from a public view rather than a view from within the site.
7. The Commissioner sets out at paragraph 13 that there is a collective body of buildings and when viewed aurally the alleged cluster does not appear as a single visual entity in the local landscape when viewed from surrounding vantage points as only three qualify buildings are visible together. Policy criterion b) is not met.
8. There was no focal point, and no social/community building identified in the cluster. Criterion c) of Policy COU2 was not met.
9. As the Commissioner had found the subject buildings were not development in the cluster criterion d) of Policy COU2 could not be met.
10. There has been found to be no cluster to round off or consolidate hence criterion e) of Policy COU2 had not been complied with.
11. In relation to the amenity concerns raised by the Council and third parties (drainage and location of septic tank) it was considered that given the paucity of the information provided that these specific objections could not be sustained. After due consideration the Commissioner was satisfied that an appropriately worded condition could be imposed to ensure that a suitable method of sewage disposal is provided.
12. Third parties raised concerns relating to designated sites. In any event as the principle of development was found to unacceptable there can be no adverse impacts, and any assessment was not required.
13. After consideration it was noted that the design and layout of the proposed dwelling would be inappropriate for the site or its locality or on residential amenity of adjacent or proposed occupants.
14. In relation to potential flooding the applicant has failed to submit sufficient information on this issue. Therefore, it is uncertain if the site is prone to flooding or surface water runoff from the site which would adversely impact other development. The proposal therefore failed to comply with Policy FLD3.
15. This appeal clarifies the approach taken by the Council in examining the buildings that actually form part of the cluster as a visual entity was correct and that it is not sufficient to examine the cluster in two dimensions. The importance of examining buildings in their context is essential for the proper application of policy.

2.0	<u>Recommendation</u>	
	It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.	
3.0	<u>Finance and Resource Implications</u>	
	No cost claim was lodged by any party in this instance.	
4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required.	

Appendices:

Appendix 6 – Appeal Decision – LA05/2023/0024/F



Appeal Decision

Planning Appeals Commission
4th Floor
92 Ann Street
Belfast
BT1 3HH
T: 028 9024 4710
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Appeal Reference:	2024/A0005.
Appeal by:	John Martin.
Appeal against:	The refusal of full planning permission.
Proposed Development:	Erection of a dwelling.
Location:	North and adjacent to 55D Bailliesmills Road, Lisburn, BT27 6XT.
Planning Authority:	Lisburn & Castlereagh City Council.
Application Reference:	LA05/2023/0024/F.
Procedure:	Written representation with Commissioner's Site Visit on 29 th August 2024.
Decision by:	Commissioner Kieran O'Connell, dated 30 th October 2024.

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the development would:
 - be acceptable in principle in the countryside;
 - adversely impact residential amenity;
 - adversely impact the environment and character of the area, and
 - create or add to a pollution problem.
3. Section 45(1) of the Planning Act (NI) 2011 (the Act) requires the Commission, in dealing with an appeal, to have regard to the local development plan (LDP) so far as material to the application and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4. The Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) sets out the strategic policy framework for the Council area. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.

5. The Lisburn Area Plan 2001 (LAP) operates as the DDP for the area, with the draft Belfast Metropolitan Area Plan 2004 remaining a material consideration in certain circumstances. Within the LAP, the appeal site is within the countryside and the greenbelt. The LAP contains no policies relevant to the appeal proposal. It directs to the Planning Strategy for Rural Northern Ireland, which was superseded by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21). The appeal site also falls within the greenbelt designated within the draft BMAP 2004. However, it too would have been superseded by the rural policies within PPS 21 and does not contain any policies material to the appeal development.
6. As the PS has been adopted in this council area, in accordance with paragraph 1.9 of the Strategic Planning Policy Statement for Northern Ireland (SPPS), the previously retained policies, such as the Planning Policy Statements, now cease to have effect. Accordingly, there is no conflict between the DDP and the PS. Guidance provided in 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' (BoT) is also pertinent to the assessment.
7. Policy COU 1 of the PS is titled 'Development in the Countryside'. It states that *'there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development'*. One such type of development relates to new dwellings in clusters, in accordance with Policy COU 2, 'New Dwellings in Existing Clusters'. Policy COU 1 goes on to state that any proposal for development in the countryside will also be required to meet all the general criteria set out in Policies COU 15 'Integration and Design of Buildings in the Countryside' and COU 16 'Rural Character and Other Criteria'.
8. Policy COU 2 states that planning permission will be granted for a dwelling at an existing cluster of development provided all five stated criteria a-e are met. The Council's concerns under this policy relate to criterion c), however, the Third Party has raised concern with criteria b) – e). Accordingly, there is no dispute that there is a 'cluster' of development outside of a farm holding consisting of more than four qualifying buildings, and that criterion (a) is met. However, there is dispute around what constitutes a 'cluster' for the purpose of the policy.
9. The Council's Case Officer Report (COR) states that the cluster in this instance comprises No. 55 immediately west of the appeal site, No. 55c and 55d immediately south and southeast of the appeal site and No. 55a and 55b to the northeast of the appeal site. The Council also recognises that there is an agricultural shed to the north of the appeal site. The Appellant argues that the cluster is much larger, comprising a series of buildings extending from No. 55 Bailliesmills Road in an easterly direction to the crossroads junction with Old Ballynahinch Road and River Road. Several buildings north of the crossroads extending from No.166 to No.155 Old Ballynahinch Road and its outbuildings are included, as are buildings on the eastern side of Old Ballynahinch Road.
10. Criterion b) stipulates that the cluster must appear as a visual entity in the local landscape. The justification and amplification of the policy advises that a visual entity is *'a collective body of buildings, separated from the countryside when viewed from surrounding vantage points'*.

11. Criterion b) requires the cluster to appear as a visual entity *singular* (emphasis added) in the local landscape. A dense belt of mature woodland trees between No. 7 Bailliesmills Road and No. 55c Bailliesmills Road visually separates development to the north and south of the crossroads and along both sides of Old Ballynahinch Road, including No. 7 Bailliesmills Road, from the appeal site. This mature woodland has the effect of visually dividing the development akin to the type of circumstances cautioned against on page 69 of BoT, as recognised by the Third Party. Furthermore, from my onsite observations, I find most favour with the Council's arguments that the 'cluster' of development comprises the four established dwellings at No. 55, 55a, 55c, and 55d, all of which form a close grouping of buildings, and are outside of a farm. The agricultural shed to the north is an outbuilding and, therefore, discounted. Whilst I agree with the parties that criterion a) is satisfied, I concur with the Third Party that No.55a is not visible with the aforementioned buildings, nor is No.55b. The main view of the appeal site and adjacent development is from the westerly approach travelling along Bailliesmills Road. From this vantage point, only No's 55, 55d and 55c are visible in the landscape. No. 55a and 55b are not visible owing to their setback and the maturity of vegetation surrounding their plots. Nor is the agricultural shed to the north of the appeal site visible for the same reasons, even if it were counted as a qualifying building. From the eastern approach, only No. 55c, 55d and 55 would read as a collective body of buildings from this vantage point.
12. The Council argued that views from 'within' the appeal site would constitute a vantage point for assessment purposes. Whilst Policy COU 2 is silent on the definition of a vantage point, the policy requires a cluster to appear as a visual entity in the landscape from surrounding vantage points. It follows that a vantage point must form a public view rather than a view from within a site.
13. Taken in the round, while there is a collective body of buildings within the area when viewed aerially on a plan, the alleged cluster does not appear as a single visual entity in the local landscape when viewed from surrounding vantage points as only three qualify buildings are visible together. As such, criterion b) of Policy COU 2 is not met.
14. Criterion c) of Policy COU 2 further requires that '*the cluster is associated with a focal point such as a social/community building*'. The justification and amplification of Policy COU 2 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 in the cluster*'. Given my conclusions above regarding the qualifying buildings, there is no social/community building within or near these buildings, and as such, there is no focal point. The former flax mill, Cargycreevy Masonic Hall and the building between No. 164b and 166b Old Ballynahinch Road highlighted by the parties all lie outside of the aforementioned buildings at a distance away and are not visible or associated with this development. Accordingly, criterion c) of Policy COU 2 is not met.
15. Criterion d) of Policy COU 2 states that '*the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster*'. As I have found that the subject buildings are not development in a cluster for the reasons outlined above, this criterion cannot be met.

16. Criterion e) of Policy COU 2 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'*. There is no development opportunity for a dwelling in these circumstances as there is no cluster to round off or consolidate. As such, the proposal fails to comply with criterion e) of Policy COU 2.
17. The Council's third, fourth and fifth reasons for refusal are interrelated in so far as they relate to the impact of non-mains sewerage infrastructure on residential amenity, the character of the locality and the environment.
18. The third and fourth refusal reasons relate to Policy COU 16, titled 'Rural Character and other Criteria of the PS'. It requires that all 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. It goes on to list nine instances where new development will be unacceptable. The Council's concerns relate to criteria (f) and (g) in that, they argue that the appeal development would adversely impact on residential amenity, and 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.
19. The Council's amenity concerns relate solely to the position of the proposed treatment plant. They argue that *'the proposed dwelling is positioned 5m from the boundary with 55d, the area identified for the soakaway is most likely insufficient, and the proposed treatment plant is located less than 9m from this dwelling'*. They go on to state that *'the detail provided does not demonstrate, therefore, that the dwelling and garage can reasonably be sited without detriment to residential amenity in relation to impacts associated with drainage/sewerage'*. The Environmental Health (EHO) response states that they *'recommend (emphasis added) that any septic tank should be no less than 7m from the dwelling it is serving and 15m from any other dwelling'*. The Council do not state that adherence to such distances is a regulatory requirement, nor would they appear to be mandatory. Furthermore, their response is a recommendation only, so whilst the septic tank would not meet the recommended 15m distance from No 55d, it would be around 9m from the proposed dwelling, according with EHO's advice. In my judgement the shortfall on this discrete matter, would in itself, not warrant the dismissal of this appeal as no persuasive evidence has been provided to demonstrate that the treatment plant could not be located, as shown on the proposed site plan. Furthermore, the Council do not demonstrate how or why the proposed soakaway would be *'insufficient'* or how it would have a detrimental impact on residential amenity.
20. The Council and the Third-Party do not specify how the location of the proposed treatment plant would have a detrimental effect on either future residents of the proposed dwelling or those of No. 55d. Neither do they adequately describe the impacts associated with the drainage/sewerage provision. Given the paucity of information provided on this matter, I cannot sustain these objections.
21. The Council's fourth and fifth reasons for refusal are interrelated as they address matters relating to pollution and associated impacts on the environment arising from the provision of non-mains sewerage infrastructure and, as such, are

therefore considered together. The Council argued that it has not been demonstrated that all necessary services, including the provision of non-mains sewerage, can be provided without significant adverse impact on the environment, nor has it been demonstrated that there is sufficient capacity to discharge effluent to a watercourse and that this would create or add to a pollution problem.

22. In response to the Council's concerns, the Appellant argues that a package treatment plant *'such as Viltra WO system giving 98.5% purity of effluent discharge'* into an existing field drain that leads to the Ravarnet River via a soakaway could be used. It is further argued that *'Discharge Consent'* would normally be made at the same time as a Building Control application and that this *'would not be unreasonably withheld'*. In any event, neither matter was contested by the Council or Third Party at the Rebuttal Stage, which could infer concession on such matters.
23. Policy WM 2 of the PS titled *'Treatment of Waste Water'* states *'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'*.
24. The Council's concerns appear to stem from their EHO response, which advised, *'This is a very small site, and the area for the soakaway would most likely be insufficient. The requirements of the Water (Northern Ireland) Order 1999 must be met, therefore, prior approval for consent to discharge must be obtained from the Northern Ireland Environment Agency. In addition, Environmental Health recommends that any septic tank should be no less than 7m from the dwelling it is serving and 15m from any other dwelling'*. As I read it, the Council's EHO response is directional in nature, requiring that the Appellant comply with a separate regulatory control regime outside of the planning process. EHO does not raise pollution concerns regarding the impact of the proposal on the environment.
25. Policy WM 2 places the onus on the Appellant to demonstrate that the proposal would not create or add to a pollution problem. Notwithstanding, it is noted from the background papers that the Council consulted with DfI Rivers, NI Water and NIEA Water Management Unit during the processing of the application and none raised any concerns subject to conditions and informatives. There was no mention of any existing or potential pollution problems within the vicinity of the appeal site or wider area. In such circumstances and given the limited evidence from the Council to justify its ultimate position, it is difficult to sustain such objections.
26. The Appellant suggests that a condition could be imposed to secure the delivery of a package treatment plant and discharge consent. NIEA Water Management Unit direct to the conditions and informatives contained within their standing advice. It contains a condition stating that *'no development should take place on-site until the method of sewage disposal has been agreed in writing with NI Water or a consent to discharge has been granted'*. I am satisfied that an appropriately worded condition could be imposed to ensure that a suitable method of sewage disposal could be provided without creating or adding to a pollution problem or creating an adverse impact on the environment. Within the evidential context provided, I am not persuaded that the concerns raised by the Council and Third Party with regard to Policy COU 16 or Policy WM 2 of the PS would warrant the

refusal of planning permission. Furthermore, the Council has not advanced an argument as to how a septic tank/treatment plant that would normally be below ground would have an adverse impact on the character of the area. As such, the objection on this matter is not sustained.

Designated Sites

27. The Third Party raises additional concerns relating to the protection of EU Designated sites as set out in Regulation 56 of The Conservation (Natural Habitats, etc) Regulations 1994, citing that it is unclear how the tests in *Landelijke Vereniging Tot Behoud Van De Waddenzee v Staatsecretaris Van Landbouw (C-127/02) [2005] 2 CMLR 3* and *People Over Wind & Sweetman v. Coillte Teoranta (C-323/17) (Sweetman II)* have been provided for or how the policy provisions contained within the SPPS and Policy NH1 of the PS have been complied with.
28. Policy NH 1, titled 'European and Ramsar Sites-International' states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on, a) 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.
29. The Third Party does not state which Designated Sites, if indeed there are any, would be impacted or how they would be impacted upon beyond those impacts associated with effluent and discharge to a watercourse via a soakaway. As indicated above, the Appellant has identified the location of the proposed treatment plant and soakaways and also stated that such a treatment plant could achieve 98.5% purity of effluent discharge, which is uncontested by the parties. As such, I have no persuasive evidence before me to suggest that the residual effects from such a treatment plant would have an adverse impact on Designated Sites or water quality locally. In any event, as I have found the principle of development to be unacceptable, there can be no adverse impact on the integrity of any Designated Sites on this occasion, nor would an Appropriate Assessment be necessary.

Design, Layout and Amenity

30. In addition to the Council's stated objections, the Third Party raised concern that the proposed design and layout of the appeal development would be contrary to criterion f) of Policy COU 16 of the PS, which relates to residential amenity and that it would not be integrated contrary to Policy COU 15 of the PS. They argue that the proposal would be crammed into the site and subsequently cause dominance, overlooking and privacy issues for existing and proposed occupants.
31. The proposed single-storey dwelling would be situated within the northernmost section of the appeal site to the rear of No. 55d. Its orientation would be easterly and would be angled towards its access, and the attached garage to the rear of No. 55d. The proposed dwelling would be approximately 14.9m to the rear garage or approximately 17m to the dwelling of No. 50d. The front elevation of the proposed dwelling would have several windows orientated towards a small section of rear amenity space pertaining to No. 55d and a blank gable-ended wall. These windows would be associated with three bedrooms, a porch and a drawing room which would be low occupancy rooms. Whilst there would be some perception of

overlooking, I am not persuaded, given the nature and type of the rooms, including the orientation of the proposed dwelling away from the habitable rooms and usable amenity areas of No. 55d, that the proposal would have an adverse impact on residential amenity in terms of overlooking or loss of light. Furthermore, even though no levels have been provided, from my observations on site, the proposed dwelling would be on a comparable level to 55d, and as such, I am not persuaded that No. 55d would dominate the appeal development or vice versa.

32. The Third Party also states that the residential amenity of No. 55d would be *'irrevocably harmed'* by noise and visual intrusion associated with the proposed access arrangements. Whilst I accept that the access to the proposed dwelling would run close to the eastern boundary of No. 55d, I am not persuaded that the level of traffic associated with one dwelling would be such that it would result in an adverse impact on the residential amenity of No. 55d by way of noise. Regarding the visual intrusion element of the objection, an access laneway to the site already exists, so I am not persuaded that 'visual intrusion' would be significantly worse.
33. Turning now to consider the arguments presented in relation to impacts on No. 55 and No. 55c. From my observations on site, given the siting, angle, distance and orientation of the proposed dwelling relative to No. 55, I am not persuaded that the proposal would be dominated by No. 55 to an unreasonable extent. No. 55c abuts the eastern boundary of the appeal site and its access. It is situated on higher ground than the appeal site, however, given its bungalow nature, gable-ended orientation towards the proposed dwelling and separation distance involved, I am not persuaded that it would dominate the appeal development, nor would it have an adverse impact on its residential amenity.
34. The Third-Party argues that the appeal site is not suitably enclosed and would rely primarily on the use of new landscaping to integrate. From my on-site observations, I am satisfied that the vegetation along the eastern and northeastern boundaries extending to circa 6m high and the vegetation circa 2-3m high within the elevated side garden of No. 55 along part of the northwestern boundary would provide a suitable degree of enclosure and a backdrop to satisfactorily integrate the single storey dwelling proposed. As such, I am not persuaded that appeal development would rely on the use of new landscaping for integration purposes.
35. Taken in the round, I am not persuaded that the design and layout of the proposed dwelling would be inappropriate for the site or its locality, nor would the residential amenity of the adjacent or proposed occupants be adversely impacted for the reasons stated above. As such, the Third Party's concerns on such matters are not sustained.

Build up

36. The Third Party also argues that the appeal development would result in a suburban style build up that would significantly alter the character of the area. Policy COU 16 is entitled 'Rural Character and other Criteria'. Whilst Policy COU 16 does not explicitly deal with the build-up phenomenon, criterion (e) states that *'a new development proposal will be unacceptable where it has an adverse impact on the rural character of the area'*. Given my conclusions above regarding the principle of development, a dwelling on the appeal site would read with No. 55, 55d and 55c when travelling along Bailliesmills Road, adding to the built-up appearance of this area and further eroding its rural character contrary to criterion

(e). As such, all of the criteria within Policy COU 16 would not be satisfied when read as a whole. The Third Party's concerns in relation to rural character and other criteria are therefore sustained to the extent specified.

Flooding

37. The Third Party raises concerns regarding flooding and argues that DfI Rivers misinterpreted the former regional policy on which the Council based its consideration and that this *'demonstrates the dangers of disproportionate reliance on presumptively expert consultees warned against in the McCann Case Law [2022] NICA 60 (MBA9)'*. The Council contends that the appeal development is policy compliant regarding this issue, and, as such, did not request either a drainage or flood risk assessment.
38. The DfI Rivers consultation response regarding development and surface water states, *'the Flood Hazard Map (NI) indicates that the site is affected by portions of predicted pluvial flooding along the north-eastern boundary'... 'although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site'*.
39. Whilst DfI River's response was predicated on former regional policy, it is similar to Policy FLD 3, 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plain' of the PS. It states that 'a Drainage Assessment (DA) will be required for development proposals that exceed any of the following thresholds:
- a) a residential development of 10 or more units
 - b) a development site in excess of 1 hectare
 - c) a change of use involving new buildings and/or hard surfacing exceeding 1,000 square metres in area.
- It goes on to state that *'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'*.
40. Considering DfI River's consultation response and the third party's submission of the NI strategic flood map which shows the site is affected by portions of predicted pluvial flooding along the north-eastern boundary the above policy is engaged. The appellant has failed to submit sufficient information on this issue. Given the lack of information regarding potential flood risks, site levels and potential mitigation measures from the appellant, I cannot be certain that the appeal site and development therein would not be prone to flooding or that surface water runoff from the appeal development would not adversely impact on other development in the area. In this evidential context, I find that the proposal therefore also fails to comply with Policy FLD 3 of the PS.

Precedent Cases

41. The Appellant provided a list of planning applications within the Bailliesmills area where dwellings were approved as part of a cluster. No details of these were

provided for comparative purposes. However, the Council and Third-Party state that those approvals were applied for under former regional policy, which allowed for development at a crossroads. This is no longer applicable given the change in policy context, and, as such, the approvals do not assist the Appellant's case.

42. The Appellant also referred to an unspecified appeal decision in which it was stated that *'there can be instances where failure to adhere to all criteria of a policy is not fatal, with that a matter of judgement individual to each proposal. In my judgement, I find the failure against the third criterion of Policy CTY2a is not, in this case, critical, and the various site-specific matters referred to above outweigh that failure as there would be no demonstrable harm to interests of acknowledged importance'*. Again, no details of this decision were provided for comparative purposes, and that decision also engaged former regional policy. Whilst I accept it is not necessary to slavishly adhere to policy, there are no site-specific circumstances in this case to outweigh the policy objections outlined above.
43. The Appellant argues that if the appeal site is not developed, it will become unsustainable and a potential dumping ground. I am not persuaded that this argument amounts to exceptional circumstances or betterment that would outweigh the policy objections outlined above. Even if such dumping were to occur, there is separate statutory responsibility for pollution control.
44. The Appellant also argues that the proposal would have been approved under the former regional policy had it been dealt with within the statutory recommended timescales for determining such applications. He further argues that the appeal should be assessed under the policy context at the time the application was made valid.
45. Regional policy has been superseded following the adoption of the PS, which currently provides the relevant policy context for considering the appeal proposal (see paragraphs 3-6 above which relate to the legislative provisions in place). No persuasive evidence has been presented to demonstrate that the length of time the proposal has been in the planning system represents exceptional circumstances that outweigh those legislative arrangements and the sustained policy objections to the proposal. Furthermore, the Appellant was professionally represented and should therefore have known that the PS was at an advanced stage and could have invoked his right under Section 60 of the Act to appeal against the non-determination of his application in a timely manner as acknowledged by the *'Glebe Homes Limited v Lisburn and Castlereagh City Council [2024] NIKB 42'* case law. This could have ensured assessment under the former regional policy, but compliance with same may not have been forthcoming, considering some of my conclusions above.
46. All in all, I am not persuaded that the delay and any resultant financial consequences arising outweigh the legislative provisions pertaining to the primacy of the plan. There is a separate process to deal with matters of dissatisfaction with the Council's processes, which lies outside of this appeal. As the proposal does not comply with Policy COU 2 or the provisions of Policy COU 16, it also fails to comply with Policy COU 1 of the PS. The Council's objections to the appeal development are sustained as specified above. Accordingly, the appeal must fail.

This decision is based on the following drawing: -

- 1:2500 scale site location plan and proposed elevations 1:100 scale. Drawing No. 01 date stamped received by the Council 9th January 2023.
- Unscaled site layout plan and 1:100 scale proposed floor plans. Drawing No. 02, date stamped, received by Council on 9th January 2023.
- 1:500 scale 'Access Arrangement plan Drawing No. 03 date stamped received by Council on 15th May 2023.

COMMISSIONER KIERAN O'CONNELL

List of Documents

- Planning Authority: - Statement of Case by Lisburn & Castlereagh City Council.
Rebuttal Statement by Lisburn & Castlereagh City Council.
- Appellant: - Statement of Case by G.T. Design.
Rebuttal Statement by G.T. Design.
- Third Party: - Statement of Case by MBA Planning.
Rebuttal Statement by MBA Planning.

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

Item for:	Noting
Subject:	Item 7 – 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 four operators, Openreach, Avison Young, Cornerstone and KTL of their intention to utilise permitted development rights at eight locations within the Council area to install communications apparatus. The installations consist of broadband and telecommunication apparatus, upgrades and relocation or replacement of antenna and equipment in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notifications advise the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	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 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 <u>or</u> 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 7 – 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 December 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Openreach	BT	33, Lurganville Road, Moira, Craigavon,	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	17/10/2024
2.	Avison Young	EE Ltd	17 Listullycurran Road, Dromore	Removal and replacement of 3no antennas, relocation of 3no antennas, internal upgrade of existing equipment cabin, installation of 1no new GPS node and associated ancillary works thereto	17/10/2024
3.	Openreach	BT	1 Purdysburn Road, Belfast	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus	17/10/2024
4.	KTL	BT	Queensway, Lambeg	Swap the existing 15m phase 5 pole for a new 20m phase 7 pole in the same position, remove 1 no. existing cabinet and add 2 no. new cabinets in the location shown on the plan.	22/10/2024
5.	Openreach	BT	27 Ravarnet Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	07/11/2024
6.	Avison Young	EE Ltd	Ballynahinch Road, Carryduff	Removal and replacement of 1no cabinet with associated ancillary works thereto.	07/11/2024
7.	Avison Young	EE Ltd	Lisburn Road, Moira	Installation of 1no new cabinet with associated ancillary works thereto.	07/11/2024
8.	Cornerstone	Vodafone	Proposed telecommunications base station at East Point Entertainment Village Car Park B, Circa 30m East of Domino's pizza and circa 150m North-west of pirate's adventure golf, Old Dundonald Road, Dundonald.	Proposed installation of a 25m lattice tower with headframe, 12 no. antennas, 4 no. dishes, 6 no. equipment cabinets and 1 no. meter cabinet on a new concrete base with a 2.4m high palisade fence and all other ancillary apparatus and development thereto.	13/11/2024