



October 9th, 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, 14th October 2024** at **10:00 am**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

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

# Agenda

## 1.0 Apologies

## 2.0 Declaration of Interests

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

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

📄 *Disclosure of Interests form.pdf*

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## 3.0 Minutes of the Planning Committee Meeting held on 2 September, 2024 and Special Meeting held on 18 September, 2024

*For Approval*

📄 *PC 02.09.2024 - Draft Minutes for Adoption.pdf*

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📄 *(S) PC 18.09.2024 - 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 - FINAL.pdf*

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

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

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📄 *Appendix 1.1(a)(i) - Note of Meeting with NI Water in relation to Quarterlands dated 23 September 2024 - FINAL.pdf*

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📄 *Appendix 1.1(a)(ii) - Consultation response from NI Water dated 04 October 2024.pdf*

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📄 *Appendix 1.1(a)(iii) - Consultation Response from Lagan Valley Regional Park dated 31 March 2022.pdf*

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

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- Appendix 1.1(c) - Note of Site Meeting - 19.09.2023 - Quarterlands Road - FINAL.pdf** Page 51
- Appendix 1.1(d) - DM Officer Report - LA0520220033F - Quarterlands - FINAL.pdf** Page 53
- (ii) **LA05/2023/0022/F - Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary 135m north of 14b Feumore Road, Lisburn**
- Appendix 1.2(a) - DM Officer Report - LA0520230022.F - Feumore Road - AddendumPage 102 - FINAL.pdf**
- Appendix 1.2(b) - Note of Site Meeting LA05-2023-0022-F - FINAL.pdf** Page 105
- Appendix 1.2(c) - DM Officer Report - LA0520230022.F - Feumore Road - FINAL.pdf** Page 107
- (iii) **LA05/2023/0276/F - Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara**
- Appendix 1.3 - DM Officer Report - LA0520230276F - FINAL.pdf** Page 132
- (iv) **LA05/2021/0740/F - Two dwellings with garages on land between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh**
- Appendix 1.4 - DM Officer Report - LA0520210740F - FINAL.pdf** Page 153
- (v) **LA05/2024/0106/O - Proposed replacement dwelling and garage for domestic use on land to the rear of 190 Killynure Road, Saintfield**
- Appendix 1.5 - DM Officer Report 20240106F - Killynure - FINAL.pdf** Page 175
- (vi) **LA05/2023/0396/F - Dwelling on a farm on land 200m east of 75 Dromore Road, Dromara, Dromore**
- Appendix 1.6 - DM Officer Report - LA0520230396F - Dromore Road - FINAL.pdf** Page 194
- (vii) **LA05/2023/0470/F - Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn**
- Appendix 1.7 - DM Officer Report - LA0520230470F - FINAL.pdf** Page 213
- (viii) **LA05/2021/1150/F - Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new 2 drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn**
- Appendix 1.8 - DM Officer Report - LA0520211150F - Temple Filling Station - FINAL.pdf** Page 233

## **4.2 Statutory Performance Indicators - August 2024**

*For Noting*

▮ *Item 2 - Statutory Performance Indicators - August 2024 - FINAL.pdf* *Page 256*

▮ *Appendix 2 - Unvalidated Management Information - August 2024.pdf* *Page 258*

## **4.3 Appeal Decision – LA05/2022/0703/A**

*For Noting*

▮ *Item 3 - Appeal Decision - LA0520220703A - FINAL.pdf* *Page 259*

▮ *Appendix 3 - Appeal decision - LA05 2022 0703A (1).pdf* *Page 262*

## **4.4 Appeal Decision – LA05/2022/0977/F**

*For Noting*

▮ *Item 4 - Appeal Decision - LA0520220977F - FINAL.pdf* *Page 269*

▮ *Appendix 4 - Appeal Decision - LA05 2022 0977F (1).pdf* *Page 272*

## **4.5 Notification by telecommunication operator(s) of intention to utilise permitted development rights**

*For Noting*

▮ *Item 5 - Notifications from an Operator in respect of intention - FINAL.pdf* *Page 281*

▮ *Appendix 5 - List of Notifications - October 2024.pdf* *Page 283*

## **4.6 Correspondence from Department for Communities – Guidance on Historic Windows**

*For Noting*

▮ *Item 6 - Correspondence from Department for Communities Guidance on Historic Windows - FINAL.pdf* *Page 285*

## **5.0 Any Other Business**

## LISBURN & CASTLEREAGH CITY COUNCIL

### MEMBERS DISCLOSURE OF INTERESTS

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

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

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

#### 1. Pecuniary Interest

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

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

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

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Nature of Pecuniary Interest:


2. Private or Personal non Pecuniary interest

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

\_\_\_\_\_

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

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

\_\_\_\_\_

Nature of Private or Personal non Pecuniary Interest:


Name:
Address:

Signed:	Date:

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

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**LISBURN & CASTLEREAGH CITY COUNCIL****Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 2 September, 2024 at 10.21 am****PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Alderman O Gawith

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

**IN ATTENDANCE:**

Director of Regeneration and Growth  
 Head of Planning & Capital Development  
 Principal Planning Officer (RH)  
 Senior Planning Officers (MB, PMcF, GM, AS and PS)  
 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 apologies for non-attendance at the meeting on behalf of Alderman J Tinsley and Councillors D Bassett and D J Craig.

2. **Declarations of Interest**

The following declarations of interest were made:

- Councillor A Martin declared an interest in respect of planning application LA05/2022/0538/F, given that he had had a conversation with the applicant, he shared a laneway with the proposed development and his farm ran alongside this one. Councillor Martin stated that he would be leaving the Council Chamber when this application was being considered;
- In respect of planning application LA05/2022/0033/F, Councillor P Catney stated that he had met with a representative of the residents but had not given an opinion at that meeting and did not consider that he had conflicted himself in any way; and

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## 2. Declarations of Interest (Contd)

- Councillor U Mackin declared an interest in respect of planning application LA05/2022/0033/F given that he would be speaking on behalf of residents. He stated that he would be leaving the Council Chamber when this application was being considered.

## 3. Minutes of Meeting of Planning Committee held on 5 August, 2024

It was proposed by Councillor G Thompson, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 5 August, 2024 be confirmed and signed.

## 4. Report from the Head of Planning & Capital Development

### 4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 1 major and 8 local applications on the schedule for consideration at the meeting. He further advised that application LA05/2024/0291/F had been withdrawn from the schedule to allow Officers time to consider amended details which had been submitted by the agent on 29 August, 2024.

#### 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) LA05/2023/0914/F – The development is seeking full retrospective planning permission for the retention of an earthen screening bund located along the western extents of the permitted quarry at Temple Quarry, 26 Ballcarngannon Road

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

The Committee received Mr C Tinsley who stated that he was in support of the application and was happy to address any Members' queries, of which there were none.

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

### Debate

There were no comments made at the debate stage.



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

### Vote

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

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

Prior to the application being presented by Officers, the Chair, Alderman M Gregg, stated that it was necessary to go 'into committee' in order that legal advice could be sought.

### "In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed to go 'into committee' to consider this matter. Those members of the public in attendance left the meeting, as did Councillor U Mackin (10.41 am).

Legal advice was provided by the Legal Advisor in respect of this application.

### Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor S Burns and agreed to come out of committee and normal business was resumed (11.03 am).

When the members of the public returned to the public gallery, the Chair, Alderman M Gregg, stated that, as a result of legal advice received, it was necessary that this application be deferred to allow further written legal advice to be provided. It was anticipated that a meeting would be convened within the next few weeks to enable this application to be considered.

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed that the application be deferred, as outlined by the Chair.

### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.05 am).

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### Resumption of Meeting

The meeting was resumed at 11.17 am.

Councillor U Mackin returned to the meeting at this time.

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

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

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

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

### Debate

During debate:

- Alderman O Gawith referred to the number of houses being built and the provision of affordable housing units. He had been reassured by Officers during discussion that all 10 would be built, and presumably sold and occupied, and was not concerned about the condition in this instance; and
- the Chair, Alderman M Gregg, stated that he had concerns regarding trigger points in relation to affordable housing. He considered conditions should be written in such a way that there was no wriggle room for the rest of developments to be delivered prior to Section 76 or any other Agreements.

### 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.

The Chairman, Alderman M Gregg, advised that, to afford time for the next speaker to arrive, consideration of item 4.1 Schedule of Applications would be adjourned at this time and other report items would be considered.

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- 4.2 Submission of an Application under Section 54 of the Planning Act (NI) 2011 to Vary Condition 8 of Planning Approval S/2014/0884/F to Allow Submission and Approval of a Construction Environmental Management Plan (CEMP) on a Phased Basis (Enabling Works and Main Works). If required, submission of a further application under Section 54 of the Planning Act (NI) 2011 to vary or remove condition 9 & 10 of planning approval S/2014/0884/F which relate to the requirement for noise insulation measures, subject to agreement of appropriate noise mitigation measures during construction on land east of Knockmore Road, south of 68-80 Addison Park and 8-10 Knockmore Road and north of Flush Park, Lisburn

It was proposed by Councillor P Catney, seconded by Alderman O Gawith 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.

- 4.3 Site for New Cemetery including New Main Vehicular Access and Secondary Access, Parking and Associated Infrastructure Works on Lands Located circa 60m east of 10 Quarterlands Road, circa 80m west of 28 Quarterlands Road, circa 80m east of 27 Carnaghliiss Road and circa 150m east of 29 Carnaghliiss Road, Crumlin

It was proposed by Councillor N Trimble, seconded by Councillor P Catney 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.

- 4.4 Proposed Redevelopment of the Poole's SuperValu Site in Moira Incorporating 1 Replacement Retail Unit and 3 Lettable Hot Food Units. Proposed Demolition of the Existing Retail Units and Associated Outbuildings. Proposed Adjustment of Site Entry and Exist Point Locations. Proposed Construction of Associated Car Parking including 3 DDA, 2 Parent & Child, 1nr Air/Water/Vac Spaces and 4 EV Car Charging Point. Proposed Pedestrian Footpaths with Protection Bollards and Landscaped Areas. Proposed Dedicated Secure Delivery Yard at 1 Main Street, Aughnafosker, Moira

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith 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.

The Chair, Alderman M Gregg, advised that consideration of item 4.1 Schedule of Applications would now resume.

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- (iv) LA05/2023/0339/F – Erection of 8 dwellings (change of house type to site 398a-e and 400a-e previously approved under LA05/2018/0512/F), garages and all associated site on lands surrounding 9 Millmount Road comprising lands north east of Comber Greenway, east of Millmount Road and 150m west and south west of 60 Greengraves Road, Dundonald

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

The Committee received Mr N Salt to speak in support of the application and a query raised was responded to.

There were no Members' queries put to Planning Officers.

#### Debate

During debate:

- Alderman O Gawith welcomed the fact that obligations around wider roadworks would be fulfilled, as well as the obligation that 2 affordable housing units would be built and available for occupation before the sixth unit was occupied; and
- the Chair, Alderman M Gregg, welcomed work having started in relation to traffic lights. He also welcomed the provision of affordable housing which would be delivered through a Section 76 Agreement. However, Alderman Gregg was disappointed that the Council seemed to continually miss opportunities to provide developer-led improvements. There had been a perfect opportunity with this application for the developer to provide linkages to the Billy Neill Country Park, as well as footpath linkages into Greengraves, but that opportunity had been missed. Alderman Gregg stated that he was in support of the recommendation of the Planning Officer to approve planning permission.

#### Vote

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

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

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

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

There were no Members' queries put to Planning Officers.

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

#### Debate

There were no comments made at the debate stage.

#### Vote

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

#### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.15 pm).

#### Resumption of Meeting

The meeting was resumed at 12.21 pm.

The Chairman, Alderman M Gregg, advised that, given the proximity to lunch break, consideration of item 4.1 Schedule of Applications would be adjourned at this time and other report items would be considered.

#### 4.5 Northern Ireland Annual Statistics – Annual Statistical Bulletin (April 2023 – March 2024)

A number of Members' queries were responded to by the Head of Planning & Capital Development.

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to note the contents of the Northern Ireland Statistics Bulletin, together with the analysis of the bulletin relative to Lisburn & Castlereagh City Council.

#### 4.6 Statutory Performance Indicators – July 2024

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that information relating to Statutory Performance Indicators for July 2024 be noted.

#### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.35 pm).

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### Resumption of Meeting

The meeting was resumed at 1.06 pm.

The Chair, Alderman M Gregg, advised that consideration of item 4.1 Schedule of Applications would now resume.

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

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

The Committee received Mr D Rooney, accompanied by Mr R Armstrong, 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 N Trimble stated that the applicant was a young entrepreneur who was keen to progress a tourism business that had become popular. He accepted comments made about the application not quite conforming with policy; however, his reading of policy was that the application was fluid enough to be approved through policy and not be an exception. The nature of this accommodation demanded that it be located outside of settlement limits as that was the appeal of glamping. Councillor Trimble was satisfied that there was enough of a tourism offering nearby, eg. Sandy Bay Marina, Rams Island, bird reserve and the lough itself, to warrant this type of self-catering accommodation. In respect of TOU3, he also considered there to be enough information to warrant that it had been demonstrated why it could not be within a settlement due to the nature of the accommodation. Whilst Councillor Trimble appreciated Officers' rationale, he deemed that this application could be approved through policy and was not in support of the recommendation of the Planning Officer to refuse planning permission. In respect of policies COU15 and COU16, they required that the proposal sympathetically integrate into the countryside and that it not have a detrimental impact on the rural character. Councillor Trimble believed that this proposal met both of those requirements. In relation to clustering, that was not specifically defined as being immediately adjacent to or restricted by a distance. There was an element of judgement whether there was a visual link or whether it was within the scope of existing buildings. Councillor Trimble saw no reason why he could not argue that this proposal clustered in. It was on the periphery of the settlement and to bring it any closer would negate the appeal of the proposal itself;

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

- the Chair, Alderman M Gregg, concurred with Councillor Trimble's comments. The appeal of glamping pods was their isolation. He did not agree with Officers that the application should be refused and that it was an exception to policy. He considered that the application did fit with policy TOU3. By the nature of this accommodation, it was demonstrated that it would not be within a settlement. He stated that the car park element of the proposal did cluster with other buildings within the settlement and the pods were visually linked to the car park;
- Councillor U Mackin referred to the economic benefits associated with a new business venture such as this one and stated that this should be taken into account. He too considered that, by the nature of the accommodation being sought, it could not be located with the settlement. In respect of the conversion of other buildings, those may or may not be within the control of the applicant. Councillor Mackin stated that new businesses should be encouraged. In respect of the requirement that the proposal be associated with existing approved tourism accommodation, that was not possible as this was a new venture. Councillor Mackin considered that the application should be approved and that there was adequate justification for that. In respect of policies COU15 and COU16 around clustering, admittedly the site was on the edge of a development or close to it. The applicant had confirmed that the farm could be seen very clearly from the site and was within a 100 metre distance and, therefore, it did cluster. The overriding policies were TOU3 and TOU4;
- Councillor P Catney stated that, whilst he had sympathy for the applicant, he was in support of the recommendation of the Planning Officer to refuse planning permission. He knew the area very well and knew businesses that operated in the area. Taking on board tourist amenity, as defined by Tourism NI, the view of Lough Neagh was not considered as tourism, but Lough Neagh itself was tourism. Councillor Catney deemed that, with tweaking and working there was probably a viable tourism business in this proposal, but looking at the criteria as set out and delivered to the Committee, he was in agreement with the recommendation of the Planning Officer. He further voiced concern regarding the potential impact on surrounding wildlife and the fact that approval of this application could set a precedent;
- Councillor A Martin stated that the applicant had vision and it was good for a young person to have that. However, the application fell down on policy TOU4 in that it was not an extension of existing tourist accommodation. If this was approved, Councillor Martin could apply to site glamping pods on his farm. He was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith referred to policy TOU3 and the point made by Officers that it had not been demonstrated that there were no suitable opportunities by means of the conversion and reuse of a suitable building or the replacement of a suitable building for tourist accommodation. He stated that glamping pods were a very specific type of tourist accommodation and it was not possible to convert an old building into a glamping pod; therefore,

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

that criteria did not apply. In respect of policy TOU4, Officers had laid out their objections to the surrounding tourism offers and considered an attraction 1.5 miles away to be too far. Alderman Gawith pointed out that the glamping pods were aimed at people who wanted to get away for a bit. They could walk, cycle or drive to Sandy Bay Marina, where there was parking available. He did not consider that the objection in respect of TOU4 applied and stated that he was not in support of the recommendation of the Planning Officer to refuse planning permission; and

- Councillor G Thompson stated that she was not in support of the recommendation of the Planning Officer to refuse planning permission. This proposal was for a glamping site and, by its nature, did not have to be sited within a settlement. A 1.5 mile walk to the nearest tourist attraction would not be a problem for the people this accommodation would attract;

At this point, it was proposed by Councillor P Catney and seconded by Councillor A Martin that the application be deferred to allow for a site visit. On a vote being taken, the proposal was declared 'lost', the voting being 2 in favour and 6 against.

With the indulgence of the Chair, a number of Members' queries were addressed by the Head of Planning & Capital Development.

#### "In Committee"

At this point, it was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to go 'into committee' in order that legal advice could be sought. Those members of the public in attendance left the meeting (2.49 pm).

Legal advice was provided by the Legal Advisor in respect of this application.

#### Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to come out of committee and normal business was resumed (3.16 pm).

When the members of the public returned to the public gallery, the Chair, Alderman M Gregg, stated that the meeting had gone 'into committee' to seek legal advice, which was good practice given that there seemed to be a level of disagreement with the Planning Officer's recommendation on this application.

Having listened to the legal advice given, Councillor G Thompson proposed that the application be deferred to allow for a site visit in order that clarification could be provided in respect of distance and clustering. This proposal was seconded by Councillor P Catney and, on a vote being taken, declared 'carried', the voting being 5 in favour and 3 against.



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### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break 3.19 pm).

### Resumption of Meeting

The meeting was resumed at 3.29 pm.

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

Having declared an interest in this application, Councillor A Martin did not return to the Council Chamber during its consideration.

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

The Committee received Mr A Johnson, accompanied by Mr M Malcolmson, to speak in support of the application and a number of Members' queries were responded to.

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

### Debate

There were no comments made at the debate stage.

### Vote

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

In favour: Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor G Thompson, Councillor Trimble and the Chair, Alderman M Gregg **(6)**

Against: None **(0)**

Abstain: Councillor U Mackin **(1)**

Councillor A Martin returned to the meeting at 3.54 pm.

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

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

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

The Committee received Mr N Coffey, accompanied by Mr A McCready, to speak in support of the application and a number of Members' queries were responded to.

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

Debate:

During debate:

- Councillor N Trimble stated that there was a cluster of development at this location that was clearly outwith the farm. The site itself was on a farm, albeit a disused farm for the last 5 years. If this application was approved, the outbuildings would go and the farm would cease to exist so the farm issue would totally disappear and the argument that the proposal would add to ribbon development would not apply. There was a cluster of development outside the farm, ie a crossroads, Orange Hall, etc. Councillor Trimble stated that he was not in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor U Mackin pointed out that policy COU2 (a) stated that the cluster of development lay outside a farm and consisted of 4 or more established buildings. It did mention the type of buildings that would be excluded. There were 4 buildings within this cluster, and many more, with the focal point of the crossroads and Orange Hall. At the site visit, Members had stood at the side of the road and could observe the crossroads, Orange Hall, a property at Glebe Road, a long building and numbers 6 and 8 Ballykeel Road, so there was clearly a cluster. Councillor Mackin did not believe that COU2 (a) referred to a cluster of buildings on a farm. The cluster of development here lay outside the farm. In relation to COU16, Councillor Mackin did not consider that the proposal would adversely impact the rural character. Given that the current buildings on the site were in a state of disrepair, this proposal would actually improve the rural character. Councillor Mackin also stated that there would be no addition to existing ribbon development. He was not in support of the recommendation of the Planning Officer to refuse planning permission.;
- Alderman O Gawith referred to one of the refusal reasons offered by the Planning Officer relating to COU8 and the creation of ribbon development. If the current outbuildings were taken away, there would be a space that would have to be built on and that would create ribboning on Ballykeel Road. Reference was also made to fact that the site was not a small gap, sufficient to accommodate 2 dwellings; therefore, the proposal did not meet that requirement of COU8;
- the Chair, Alderman M Gregg, stated that he understood the point made by Alderman Gawith regarding COU8, in that if the site was judged as a small gap, it would have to be large enough to accommodate 2 dwellings. However, the difference here was that there was already something on the site. He suggested that perhaps COU4 was the appropriate policy to measure against rather than COU8;

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

- Councillor N Trimble stated that, if seeking to approve the application under COU8, he would agree that there was not a sufficient gap to accommodate 2 dwellings. However, based on what had been presented, he considered that approval could be granted under COU2 – a new dwelling in an existing cluster; and
- Councillor A Martin stated that in relation to COU1, erecting a new house at this site would look very well. In respect of COU2, he pointed out that this was not an active farm, so that policy fell. In respect of COU8, there was already a ribbon of development in existence and in relation to COU16, he did not consider that the proposed development would have an adverse impact on the area's rural character. Councillor Martin was not in support of the recommendation of the Planning Officer to refuse planning permission.

Vote

On a vote being taken, it was agreed not to adopt the recommendation of the Planning Officer to refuse planning permission, the voting being:

In favour: None **(0)**

Against: Councillor S Burns, Councillor U Mackin, Councillor A Martin, Councillor G Thompson, Councillor Trimble and the Chair, Alderman M Gregg **(6)**

Abstain: Councillor P Catney and Alderman A Gawith **(2)**

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble, seconded by Councillor U Mackin and, on a vote being taken, agreed that the application be approved, the voting being as follows:

Vote

In favour: Councillor S Burns, Councillor U Mackin, Councillor A Martin, Councillor G Thompson, Councillor Trimble and the Chair, Alderman M Gregg **(6)**

Against: None **(0)**

Abstain: Councillor P Catney and Alderman A Gawith **(2)**

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

In agreeing to approve the application, the following reasons were offered:

- In respect of COU2, the application met all the criteria of a new dwelling in an existing cluster. To engage with the recommended refusal reasons on COU2, in relation to (a) there was a clear demonstration that there was an existing cluster outwith the farm, complete with focal point; and (e) the consolidation of this cluster through rounding off would not intrude into the open countryside or create a ribbon of development;
- COU8 would fall away as a refusal reason if COU2 was met;
- In respect of COU16, the proposed development would not have an adverse impact on the rural character of the area, rather it would enhance the area as it would be removing dilapidated structures. The proposed development would not be unduly prominent on the landscape; would be sited to cluster with an established group of buildings; respected the traditional pattern of settlement in the area; did not mar the distinction between the development and surrounding countryside; would not adversely impact on rural character or residential amenity; all necessary services were available and could be provided without significant adverse effect on the environment or character of the facility; impact of ancillary works would not have an adverse impact on rural character; and access to the public road could be achieved without prejudice to road safety or significantly increasing the flow of traffic;
- COU1 as a refusal reason would fall away as refusal reasons under COU2, COU8 and COU16 had been addressed.

It was agreed that authority be delegated to the Head of Planning & Capital Development to formulate the precise wording of conditions relating to planning permission for this application.

#### 4.7 Council Validation Checklist Requirements

It was proposed by Councillor P Catney, seconded by Councillor A Martin and agreed (a) to note the Council Validation Checklist Requirements document and associated validation matrix; and (b) that the document be presented to the September meeting of the Regeneration and Growth Committee for decision, published on the Council website and implemented with effect from the date on which the proposed legislation takes effect.

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

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

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#### 4.9 Local Development Plan 2032 Quarterly Update

It was proposed by Councillor G Thompson, seconded by Councillor N Trimble and agreed to note the update information in respect of the Local Development Plan 2032, together with the contents of correspondence regarding NI Water economic constraints and wastewater treatment works capacity.

#### 4.10 Enforcement Quarterly Update

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed to note the quarterly update in respect of enforcement cases.

### 5. Any Other Business

#### 5.1 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 7 October. He also reminded Members that a special meeting would be convened before that date to consider planning application LA05/2022/0033/F, as agreed earlier.

#### 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 5.16 pm.

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Chair/Mayor

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**LISBURN & CASTLEREAGH CITY COUNCIL**

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**Minutes of Special Planning Committee Meeting held in the Council Chamber and in Remote Locations on Wednesday, 18 September, 2024 at 5.05 pm****PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, 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  
 Principal Planning Officer (RH)  
 Senior Planning Officers (MB and PMcF)  
 Member Services Officers (CR and EW)

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 special 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**

There were no apologies.

2. **Declarations of Interest**

The following declarations of interest were made in respect of planning application LA05/2022/0033/F:

- Councillor U Mackin declared an interest given that he would be speaking on behalf of objectors. He also advised that he would have to leave the meeting early due to a prior appointment;
- Councillor P Catney declared an interest given that he had met with a representative of the residents, as well as a representative of the applicant. At no time had he expressed an opinion on the application; and
- Councillor A Martin declared an interest given that he was a member of the Board of Lagan Valley Regional Park, which could be part of that Regional Park or outside of it. It is in close proximity to the application site. He had not had any conversation with the applicant or anyone else to do with this.

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## 2. Declarations of Interest (Contd)

During the meeting, Alderman J Tinsley submitted a written declaration of interest in respect of this application as he had been contacted by objectors about this application. He made it clear that he was a member of the Planning Committee and did not express an opinion. He confirmed that he remained undecided.

## 3. Report from the Head of Planning & Capital Development

### 3.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there was 1 local application on the schedule for consideration at the meeting.

#### 3.1.1 Applications to be Determined

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

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

Prior to this application being presented by Officers, Mr Wm Orbinson KC, requested to speak on a procedural matter and this request was acceded to by the Chair.

Mr Orbinson advised that, earlier in the month, the objectors' group had posted a link to a petition on its X account asking people to sign this. The link had been reposted by Mrs K Nicholl MLA encouraging people to support the objectors' campaign to have the application refused by signing the petition. It had come to Mr Orbinson's attention that the Chair, Alderman M Gregg, had reposted the link. Whilst the post had since been deleted, Mr Orbinson stated that there was a strong view that, by retweeting the post, Alderman Gregg had shown support and either real or apparent bias by actively advocating the objectors' case. He considered that Alderman Gregg had not maintained impartiality and was in breach of paragraphs 8.1 (h) and 8.1 (i) of the Northern Ireland Local Government Association Code of Conduct for Councillors. In light of this, Mr Orbinson considered that Alderman Gregg should declare a non-pecuniary interest in the application and withdraw from taking part in the meeting.

The Chair, Alderman M Gregg, apologised for his oversight in having shared the objectors' petition. He stated that he would leave the meeting and invited the Vice-Chair, Councillor S Burns, take the chair.

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

#### Adjournment of the Meeting

Councillor S Burns took the chair and declared the meeting adjourned at this point (5.18 pm).

#### Resumption of the Meeting

The meeting was resumed at 5.25 pm.

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

The Committee received the following:

- Dr J Adgey, accompanied by Ms R McDade, to speak in opposition to the application;
- Councillor U Mackin to speak in opposition to the application (Councillor Mackin left the meeting after addressing Members' queries);
- Alderman J Baird to speak in opposition to the application;
- Alderman A McIntyre to speak in opposition to the application;
- Mrs K Nicholl MLA to speak in opposition to the application;
- Mr E Poots MLA to speak in opposition to the application; and
- Mr Wm Orbinson KC, accompanied by Mr G Dodds, Ms A Wiggam, Mr D Thompson, Mr P Lynas, Mr R Barclay, Ms A Reynolds, Mr C Carvill and Mr M Carvill, to speak in support of the application.

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

At the stage when Members' queries were being put to Mr Orbinson and his colleagues, Mr Orbinson drew attention to the fact that Councillor A Martin had declared an interest in this application as he was a member of the Board of Lagan Valley Regional Park, which was an objector to the application. Therefore, Mr Orbinson considered that Councillor Martin should have recused himself from the meeting. Councillor Martin had remained in the meeting had had asked several questions. Mr Orbinson asked that Councillor Martin now recuse himself from further discussion and not take part in the vote, on the same basis as the Chair, Alderman M Gregg, had done earlier.

#### Adjournment of the Meeting

Councillor S Burns declared the meeting adjourned at this point (7.46 pm).



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

#### Resumption of the Meeting

The meeting was resumed at 8.09 pm.

Councillor A Martin confirmed that he had declared an interest in the application given that he was a member of the Board of Lagan Valley Regional Park. He had only become aware from comments by Dr Adgey earlier in the meeting that Lagan Valley Regional Park had submitted an objection. Councillor Martin had not sat on any Board or Committee that had decided about objecting and he had not been aware of such a decision. Councillor Martin left the meeting at this point (8.11 pm).

#### “In Committee”

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to go ‘into committee’ to receive legal advice. Those members of the public in attendance left the meeting (8.11 pm).

Legal advice was provided by the Legal Advisor in respect of this application.

#### Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed (8.54 pm).

It was proposed by Councillor N Trimble and seconded by Councillor P Catney that the application be deferred for the following reasons:

- Following legal advice, it had become clear that there could be a perception that Councillor A Martin’s involvement in the meeting, until such point as he had left, had had the potential to influence other Members and, therefore, it was appropriate to defer; and
- There was a disparity in information provided in relation to waste water capacity and NI Water would be requested to provide clarification on the capacity at Drumbeg Waste Water Treatment Works to accommodate the proposed development and to address comments raised by third parties and the applicant team as part of their presentations.

Prior to this proposal being voted on, Mr Wm Orbinson KC requested permission to address the Committee. The Acting Chair, Councillor S Burns, stated that, as there was a proposal in front of the Committee, the vote would be taken at this stage in proceedings.

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

The proposal in the name of Councillor N Trimble, seconded by Councillor P Catney, that the application be deferred was put to the meeting and unanimously agreed.

Mr Wm Orbinson KC referred again to Councillor A Martin having remained in the meeting after making a declaration of interest. He stated that Councillor Martin had engaged in the debate and asked questions of objectors in a way that could have generated a negative opinion of the application and there was potential for those questions to have influenced other Members. Mr Orbinson sought clarity on how Councillor Martin now having removed himself would solve anything, given that the potential influence was already there. He stated there was a serious question arising as to apparent bias and apparent pre-determination if the Council proceeded to reconvene the meeting at a later date with the same membership, all of whom had been tainted by what had occurred this evening.

The Acting Chair, Councillor S Burns, stated that Mr Orbinson's submission had been noted; however, the vote had been taken and a decision made to defer the application.

### Conclusion of the Meeting

There being no further business, the meeting was terminated at 9.07 pm.

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Chair/Mayor

<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

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

## 1.0 **Background**

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

### **Key Issues**

1. The applications are presented in accordance with the current scheme of delegation. There is one major and seven local applications one whereby exceptions apply and was previously deferred all the rest of which have been Called In.
  - a) LA05/2022/0033/F - Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road, north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.  
Recommendation – Approval
  - b) LA05/2023/0022/F - Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary 135m north of 14b Feumore Road, Lisburn.  
Recommendation – Refusal
  - c) LA05/2023/0276/F - Barn conversion and single storey extension to provide a dwelling with detached garage on lands 100m north east of 12 Mullaghdrin Road East, Dromara.  
Recommendation – Refusal
  - d) LA05/2021/0740/F - Two dwellings with garages on land between 28a and 32a Ballykeel Road (access via Ashdene Road) Moneyreagh.

Recommendation – Refusal

- e) LA05/2024/0106/O - Proposed replacement dwelling and garage for domestic use on land to the rear of 190 Killynure Road, Saintfield  
Recommendation – Refusal
- f) LA05/2023/0396/F - Dwelling on a farm on land 200m east of 75 Dromore Road, Dromara, Dromore  
Recommendation – Refusal
- g) LA05/2023/0470/F - Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn,  
Recommendation – Refusal
- h) LA05/2021/1150/F - Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new 2 drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn.  
Recommendation – Refusal

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

2.0 **Recommendation**

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

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the 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><b>Appendices:</b></p>	<p>Appendix 1.1(a) - LA05/2022/0033/F – Second Addendum Report                  Appendix 1.1(a)(i) – Note of meeting with NI Water                  Appendix 1.1(a)(ii) – Consultation response NI Water                  Appendix 1.1(a)(iii) – Consultation response LVRP                  Appendix 1.1(b) - LA05/2022/0033/F – Addendum Report                  Appendix 1.1(c) – LA05/2022/0033/F – Note of Site Visit                  Appendix 1.1(d) – LA05/2022/0033/F – Case Officer Report                  Appendix 1.2(a) - LA05/2023/0022/F – Addendum Report                  Appendix 1.2(b) - LA05/2023/0022/F - Note of Site Visit                  Appendix 1.2(c) - LA05/2023/0022/F – Case Officer Report                  Appendix 1.3 - LA05/2023/0276/F                  Appendix 1.4 - LA05/2021/0740/F                  Appendix 1.5 - LA05/2024/0106/O                  Appendix 1.6 - LA05/2023/0396/F                  Appendix 1.7 - LA05/2023/0470/F                  Appendix 1.8 - LA05/2021/1150/F</p>
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## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application [Exceptions Apply] – Second Addendum
Application Reference	LA05/2022/0033/F
Date of Application	06 January 2022
District Electoral Area	Downshire East
Proposal Description	Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road.
Location	Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg.
Representations	More than 380
Recommendation	<b>APPROVAL</b>

### Background

1. A composite report presented to the Committee on 02 September 2024 brings together the chronology of assessments as outlined in the reports presented to Committee on that date.
2. The main report has been amended to correct paragraph numbers only. No other changes have been to the substance and content of the planning advice contained in that report.
3. The application was deferred at the 02 September 2024 committee meeting to enable further legal advice to be obtained. An addendum report (Addendum 1) dated 18 September 2024 takes account of the advice.
4. It was previously advised in Addendum 1 that paragraphs 269 to 274 of the case officer report 02 September 2024 were withdrawn and replaced with updated advice on how objections in respect of the European Convention of Human Rights were addressed in the main report.

5. The application was deferred at a special meeting of the Committee on 18 September 2024 before officers had an opportunity to provide Members with clarification in relation to several matters that had been raised.
6. The reason the application was deferred was to enable officers to seek further information from NI Water in respect of the capacity of Drumbeg Wastewater Treatment Works to accommodate the proposed development.
7. Officers met with NI Water on 23 September 2024 to provide a broad overview of the reasons for the application being deferred, and to request that clarification be provided by way of a formal consultation response to matters raised at the committee meeting on 18 September 2024. A note of this meeting is provided as part of the papers – **See Appendix 1.1(a)(i)**.
8. A further consultation was issued to NI Water with a list of queries arising out of the committee meeting. A response received on the 04 October 2024 is provided as part of the papers – **See Appendix 1.1(a)(ii)**.
9. This second addendum report updates members on the advice from NI Water in relation to capacity concerns and any updates/changes to the main planning report arising out of the consultation.
10. Consideration has also been given to issues raised in further third-party representations received from the Quarterlands Group in relation to the following matters:
  - Location of the development in the Lagan Valley Regional Park
  - Consultation response and representation from the Lagan Valley Regional Valley Park office
  - Advice in respect of the loss of hedgerow
  - Other matters related to the last planning committee meeting

## Further Consideration

### Consultation with NI Water

11. The Quarterlands Group have consistently raised concerns about the capacity of the Drumbeg WwTW to accommodate the scale of the proposed development. These concerns were addressed at paragraphs 231 to 234 of the main report.
12. At paragraph 232 in particular, it was advised that NI Water had consistently offered no objection to the proposed development of this site and that there was sufficient capacity at the Drumbeg WwTW to facilitate the proposed development of 17 residential units. It was further explained that the officer had no reason to disagree with the advice provided.

13. At the special committee meeting on 18 September 2024 as part of the speaking request, the Quarterland Group exhibited a letter sent to the Council on 30 July 2024 from NI Water titled 'NI Water Economic Constraints'. Attached to this letter was a table dated June 2024 which identified the Drumbeg WwTW with a status of 'red'.
14. The key associated with this table, explained that where a WwTW was categorised as red, new development would be refused as the works has no capacity. It further explained that in relation to the Local Development Plan making process that the works had insufficient capacity for future growth.
15. The advice contained in the table of June 2024 was at odds with consultation responses returned by NI Water to the Planning Authority in February 2022 and December 2023 both of which indicated that there was capacity at the Drumbeg WwTW.
16. The Quarterlands Group were concerned that the most up to date position in relation to the capacity of the works was not addressed and the purpose of the latest consultation was to establish whether there was capacity for the development proposed.
17. Having considered the most update to date consultation response provided on 04 October 2024 – See **Appendix 1.1(a)(i)**, advice is offered as set out in following paragraphs.
18. NI Water explain that on 01 February 2022, they responded to a statutory planning consultation confirming that the receiving Drumbeg WwTW had available capacity to serve this proposal for 17 domestic units. This response was valid for 18 months [until August 2023].
19. NI Water further explained that this response was in accordance with a Pre-Development Enquiry (PDE) they issued to the planning applicant dated 19 August 2021 which again was valid for 18 months [until February 2023].
20. The PDE application had proposed 24 domestic residential units but after assessing the headroom capacity at Drumbeg WwTW, NI Water (at that time) considered that there was only capacity for 17 domestic residential units.
21. It would appear that the applicant took account of the advice contained in the PDE before submitting a formal application to the Council on 06 January 2022.
22. NI Water also advised in their response dated 04 October 2024, that when they initially responded to the statutory planning consultation, the available treatment headroom was allocated against this proposed development and the WwTW was deemed closed to all new development except for proposals with
  - extant planning approval;
  - Like for like development; and



- Development in brownfield sites which would result in reduced flows compared to previous use to be confirmed by hydraulic flow calculations.
23. In a further consultation response dated 11 December 2023 (as the previous advice had time expired after 18 months) NI Water reaffirmed that they had no objection and that there was sufficient capacity at the works to accommodate the proposed development. This further indicated that this advice was valid for a period of 18 months from the date of the response [until June 2024].
  24. Officers have always understood from the consultation responses that there was headroom for the proposed development at the Drumbeg WwTW and that this had been accounted for when the planning application was submitted. This is explained at paragraph 25 of the first Addendum Report dated 18 September 2024. This paragraph stated:

*The capacity issues referred to are known and understood by officers and NI Water has consistently advised that there is capacity in the network to facilitate the number of units proposed in this development notwithstanding the capacity issue would then arise at the completion of the proposed development.*
  25. In the response received on 04 October 2024, NI Water confirmed again that the headroom status at the Drumbeg WwTW did take account of the site as land was within the settlement limit of Drumbeg and in accordance with the Plan Strategy and Lisburn Area Plan. They further explained that the status of Drumbeg WwTW was changed to red as a result of NI Water recommending approval of this application in February 2022 and again when they were reconsulted and responded on 11 December 2023 with no objection.
  26. Further clarification is offered below, by way of supplementary information as to why NI Water had no objection to this proposed development.
  27. NI Water has further explained that the Drumbeg WwTW is not currently operating above its Design Population Equivalent (1919) even when assessing it against the Actual Population Equivalent (1877) which was used to assess this proposal back in 2021 (PDE response) and early 2022 (first statutory planning response).
  28. NI Water explained that when they responded to the first statutory planning consultation, the available treatment headroom was allocated against this development and the WwTW was deemed closed, subject to the exceptions outlined above at paragraph 22.
  29. The response further noted that the residential units associated with the current application have not yet been constructed and that Drumbeg WwTW is still operating below its Design Population Equivalent.
  30. The response explained that Drumbeg WwTW is a Public Register Works which discharges treated effluent into the River Lagan. In 2014 Drumbeg

WwTW was subject to a Capital Base Maintenance upgrade scheme (circa £800k).

31. NI Water explained that Drumbeg WwTW is subject to a Water Order Consent (WOC) issued by the Northern Ireland Environment Agency (NIEA) in accordance with the Water (Northern Ireland) Order 1999. WOC's are drawn up to ensure that the discharges from WWTWs can be absorbed by the receiving water without damaging the aquatic environment or breaching national or European Commission (EC) standards.
32. The current Drumbeg WwTW Water Order Consent parameters for treated effluent are as follows:
  - 30mg/l Biological Oxygen Demand
  - 50mg/l Suspended Solids
  - 20mg/l Ammonia
33. The average 2024 Audit Samples for Drumbeg WwTW are as follows:
  - 8mg/l Biological Oxygen Demand
  - 12mg/l Suspended Solids
  - 4mg/l Ammonia
34. NI Water confirm that this demonstrates that the works is operating satisfactorily and well within the WOC parameters for treated water effluent.
35. NI Water also explained that the Drumbeg WwTW catchment is not a fully combined sewerage network. It is a mixture of combined, partially separate, and fully separate sewerage networks.
36. They explained that there are no Unsatisfactory Intermittent Discharges (UIDs) or DG5 properties (properties that have suffered internal flooding) located within the catchment.
37. NI Water also advised that the catchment is also split in two and there are two respective inlet pipes to the receiving Drumbeg WwTW. The catchment within which this site is located is served by a sewer network which could be assessed as oversized for the area served.
38. The foul flow from this proposal will discharge to an existing 450mm diameter public foul sewer on the Quarterlands Road. Approximately 160 metres downstream this public sewer increases in diameter to 600mm and remains at 600mm for the remainder of its route (approximately 1.7Km) to the Drumbeg WwTW.
39. NI Water has advised that 450mm and 600mm diameter sewers would be considered large for the existing flows and they confirm that the NI Water flow screening tool assesses the existing network to be operating within capacity.

40. NI Water offered for comparison some other similar sized WwTW catchments within LCCC area. The Aghalee WwTW with a Design PE of 2000 has a single inlet pipe of 300mm diameter serving all of the catchment and Glenavy WwTW with a Design PE of 2500 has a single inlet pipe of 450mm diameter serving all of the catchment.
41. The consultation response highlights that further work is needed by NI Water to update and agree their approach in responding to future applications where the receiving works has an amber or red status. Those parts of the consultation that make reference to using up-to-date census data and that suggest there may be more capacity in the Drumbeg WwTW than what has been currently modelled are of limited significance and not given any weight in this assessment.
42. NI Water has not agreed corporately to provide a revised table updating the June 2024 version. As this table is published and circulated to the Council as advice it must be taken account of in the assessment of this proposed development.
43. It is still accepted that the proposed development was taken account of in preparing the June 2024 table and the advice that the Drumbeg WwTW will have no capacity once the development is completed and has no capacity for future growth of 10% despite this level of growth being allowed for in the Plan Strategy of the Lisburn and Castlereagh Local Development Plan. Although it is accepted that this position may change in the future.
44. Significant weight is also to be attached to the supplementary information that confirms the Drumbeg WwTW is operating within its design capacity and that the network catchment is capable of receiving wastewater and transmitting this to the works.
45. The advice previously offered at 212 to 214 and 231 to 234 of the main officer's report and paragraphs 23 to 26 of the Addendum 1 report is not changed but when read in conjunction with this report confirms that the advice of NI Water be given significant weight and that the requirements of policy FLD 3 are met for the same reasons set out in the main report.

### **Additional Representation from the Quarterlands Group**

#### Location of the development in the Lagan Valley Regional Park

46. Information hand delivered to the Council Offices on 20 September 2024 sought to provide clarification as to the Lagan Valley Regional Park designation. The submission was in the form of maps, but no statement was provided to explain the purpose of the submission.

47. Further correspondence received from the Quarterlands Group on 26 September 2024 raised issues in respect of the accuracy of the officer's report in respect of the Lagan Valley Regional Park designation.
48. The case officer report dated 02 September 2024 explains at paragraph 50 that the site is not located within the Lagan Valley Regional Park as designated in the Lisburn Area Plan [LAP] but it does fall within the Lagan Valley Regional Park designation in both versions of draft BMAP.
49. It also explains at paragraph 52 that the last revision to draft BMAP in 2014 is a significant material consideration of determining weight given that the housing designation was unchallenged at the Public Inquiry. Furthermore, the extent of the settlement limit where the application site has a boundary with the open countryside had not changed from the LAP.
50. At paragraph 55 policy U2 of the Lagan Valley Regional Park Plan 2005 is referenced. It is stated:  
  
*'that new development may be considered acceptable provided it relates sympathetically to the design, scale and character of the existing village or hamlet.'*
51. Policies HOU4 and NH6 of the Plan Strategy deal with the design and layout of new buildings in settlements and new development in the AONB (which has the boundaries as the LVRP) respectively. The transitional arrangements at page 12 of Part 1 of the Plan Strategy take priority in the event of a conflict with the policies in an extant plan. Both these policies take priority as they provide a more complete basis for an assessment of the impact on the site, the settlement, the LVRP and the AONB.
52. The assessment of the proposed development against the requirement of policy HOU4 can be found at paragraphs 118 to 140 of the main officer's report and policy NH6 at paragraphs 164 to 198. This advice is not changed as a consequence these representations being received.

Consultation response and subsequent representation from the Lagan Valley Regional Valley Park office

53. It is further stated that the consultation with LVRP is omitted from the table at paragraph 32 of the main report. This is correct and is now appended to this report for reference – See **Appendix 1.1(a)(iii)**. The advice received in March 2022 has been available to view on the Planning Portal and the impact of the proposed development on the LVRP has been taken account of for the reasons outlined above.
54. The view expressed in the March 2022 consultation response was that the 'proposal will intensify urbanisation of the river corridor and will significantly eat away at this valuable green corridor which provides refuge for wildlife in an

urban area'. There was no engagement with the correct policies in the LVRP Plan 2005.

55. The advice received as part of the consultation process provided a generic comment as opposed to anything site specific. There was no acknowledgement that the lands associated with the application fell within the settlement limit of Drumbeg as designated in the Lisburn Area Plan and outside the Lagan Valley Regional Park.
56. Furthermore, the weight to be afforded to the extended designation was made clear in the main officer's report as described above. The policies of draft BMAP are not material for the reasons set out at page 12 of Part One of the Plan Strategy. This consultation response from the LVRP office in 2022 predated the publication of the Plan Strategy and the officer had sufficient information to consider the impact of the proposed development without further consultation.
57. The subsequent objection from the planning sub-committee of the LVRP Board does not raise any new planning issues that require further assessment.
58. No case is advanced as to how the development fails to blend sympathetically with the LVRP and not detract from its character, landscape, or native conservation value. No weight is therefore attached to the objection registered by the Lagan Valley Regional Park planning sub-committee.
59. The case officer report dated 02 September 2024 demonstrates within the context of Policy NH6 considerations that the development is off an appropriate design, size and scale for the locality and the detail also demonstrates how it respects the character of the Lagan Valley Regional Park AONB. The advice provided in this regard is not changed.

#### Advice in respect of the loss of hedgerow

60. The Quarterlands Group make reference to a decision of the High Court in April 2024 – the Glassdrumman Case which officers and Members are familiar with and whereby no regard was had by officers to the loss of hedgerow.
61. The ecological report dated October 2023 provides a detailed appraisal of the hedgerows onsite with reference to the ecological significance at section 3.2.2. The evidence submitted with the application does indicate that there have been hedgerows on the site since at least the mid 19 century and it also acknowledges that native hedgerows on site are Priority Habitats. Photographs of the central hedgerow dominated by hawthorn is also included within the report along with more detailed assessments of their appearance, character, and condition at section 4.2.2.
62. The loss of hedgerows has been considered by Natural Environment Division and the advice received offers objection subject to additional mitigation planting and habitat creation (as per Landscape Management Plan) of native species to compensate for the loss of hedgerow and vegetation.

63. Officers having had regard to the advice provided in these reports by competent ecologist and the subsequent advice from the Natural Environment Division accept that the removal of the hedgerows as identified was not likely to harm any protected species or result in an unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance. This consideration and advice provided in the main report at paragraphs 164 to 198 is not changed and the requirements of Policy NH2 and NH5 are still met.

#### Other Matters related to the planning committee meeting

64. Several other matters of concern are raised in relation to the administration of the special Planning Committee that took place on 18 September 2024. The Quarterlands Group maintain that:
- the proper administrative processes were not followed at this meeting and the applicant should have requested an elected member to leave the meeting at a much earlier stage;
  - their Article 6 rights under the ECHR were breached as the meeting was procedurally unfair; and
  - they were not advised of the differences between a deferral and an adjournment and that the decision to defer was not fair or equitable. This gives rise in their opinion to concerns about how any future meeting will be conducted.
65. In response to the issues raised in respect of the special committee meeting the decision-making process was deferred to allow further information to be gathered. This is in accordance with the Protocol for the Operation of the Planning committee and procedurally correct.
66. The item is heard again from the beginning to ensure that any new information is taken account of and that all parties with an interest in the application process have the opportunity to make representations and be heard at the committee. The meeting will be properly conducted in accordance with standing orders and the protocol for the operation of the planning committee and this is fair and equitable.

### **Conclusions**

67. The information contained in this second addendum should be read in conjunction with the case officer report previously presented to Committee on 02 September 2024 and the first addendum report dated 18 September 2024.
68. The issues raised in the additional representations from the Quarterlands Group are fully and properly considered. They do not change the substance of the previous advice offered.

69. It remains the recommendation of officers that this application should be approved [subject to section 76 agreement] as the proposal is considered to comply with the policies HOU1, HOU3, HOU4, HOU5, HOU6, HOU8, HOU10, NH 2, NH 5, NH6, TRA1, TRA2 TRA7 and FLD3 of the Plan Strategy for the reasons set out in the main report and the two addendum reports. .

Meeting via teams with NI Water Officials in relation to Quarterlands  
23 September 2024

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### In attendance

Conor Hughes [CH] - LCCC  
Rosaleen Heaney [RH] - LCCC  
Roy Mooney [RM] - NIW  
Alan Moore [AM] - NIW

RH confirmed the decision had been deferred at a meeting of the planning committee on Wednesday 18 September 2024 to enable officers to obtain further information from NI Water.

AM explained that he was in attendance remotely, heard all the presentations and listened to the Q&A following the presentations by the objectors and applicant.

CH provided a broad overview of the reasons for the Members seeking deferral before NI Water had the opportunity to answer any queries raised during the meeting.

CH explained that he understood the issues to include differences between the advice offered in final consultation response to the application and subsequent correspondence from NI Water to the Council highlighting there was no capacity in the Drumbeg WWTW; differences in approach between the consultation response in respect of an extension to Bob Stewarts bar and restaurant and this application; differences in understanding of how the capacity of the works to accommodate this proposal had been calculated and what committed development had been taken into account to conclude the works had capacity; and whether there was adequate network sewerage capacity to take the sewage from the site to the works.

AM having been in attendance remotely provided an overview of how NIW Water had concluded the works had capacity. He referred to the submission of a Pre-Development Enquiry and the factors considered in calculating the level of capacity.

He explained having listened to the representations that 2011 census figures had been used and the data calibrated to take account of current situation in producing the headroom report referred to by the objectors in their speaking note and responses to the questions that followed.

AM further indicated that having listened to the objectors comments he had checked the 2021 census data. He explained that headroom capacity is based on occupancy rates and that these rates have reduced between 2011 and 2021 and that there is increased headroom from the reported position if the latest census data is applied.

RM reaffirmed that there was capacity using the current census data and that advice provided to officers has consistently advised that there is capacity for this development.

AM also explained that the Drumbeg Wastewater Treatment Works, is not overloaded and that is performing satisfactorily. He confirmed that monitoring data was available to demonstrate this and detailed the targets that need to be met for discharges from this works.

AM explained there were two inlets to the Drumbeg works and that these are designed to a higher standard than equivalent sized works at Aghalee and Aghagallon. He also stated the network was not solely a combined network and there were a combined and separate network sewerage connections in Drumbeg.



Meeting via teams with NI Water Officials in relation to Quarterlands  
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AM confirmed that account has been taken of other developments in the assessment of this proposal. RM further mentioned that NI Water had received numerous requests for information in this regard to this issue and had provided responses.

AM confirmed that the consultation response in relation to Bob Stewarts Bar and restaurant returned to the Council recommended refusal but that there was on-going engagement with the applicant and that further information was pending and the consultation process is not concluded.

CH sought clarification in respect of the letter received from NI Water in July 2024 which included a table dated June 2024 that advised the works were at capacity.

AM outlined the purpose of this table and explained it is subject to periodic review. He was not able to confirm what the basis for the conclusion was. He would need to consult with colleagues.

**Action** – it was agreed that the Council would consult NI Water outlining the information required to address the issues raised at the committee meeting and gave rise to a request to defer the application to request further information.

**Northern Ireland Water**

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BT42 3HA  
[www.niwater.com](http://www.niwater.com)  
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Lisburn & Castlereagh City Council  
Planning Office

4 October 2024

**Planning Reference: LA05/2022/0033/F****Site Location: Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park Drumbeg**

Thank you for your re-consultation dated 27/09/2024 in respect of the above planning application.

Please see our responses in red text below to your 8 questions.

NI Water are requested to consider their last consultation and to address the following queries:

1. In respect of the letter of the 30 July 2024 and associated table dated June 2024, the Drumbeg Wastewater Treatment Works is categorised as red. The reason for this red categorisation is not explained in the consultation process to date.

Please explain why this table categorises the works to be at capacity when advice provided previously offers no objection? I would be further grateful if you could detail the differences between the two pieces of advice and confirm which is correct?

*On 01/02/2022, NI Water responded to a statutory planning response (valid for 18 months) in respect of this proposal confirming that the receiving Drumbeg WWTW had available capacity to serve this proposal for 17 domestic units. This response was in accordance with a previous Pre-development Enquiry (PDE) response dated 19/08/2021 (valid for 18 months). The PDE application was for 24 domestic units but after assessing the headroom capacity at Drumbeg WWTW, NI Water confirmed that there was only capacity for 17 domestic units. The applicant took account of this advice and when the planning application was subsequently submitted, the proposal was for 17 domestic units. When NI Water responded to this statutory planning consultation, the available treatment headroom was allocated against this development and the WWTW was deemed closed to all new development except for:*

- Proposals with extant planning approval*
- Like for like development*
- Development in brownfield sites which would result in reduced flows compared to previous use to be confirmed by hydraulic flow calculations.*

*In summary both pieces of advice are correct. There was headroom at Drumbeg WWTW when the planning application was submitted. This headroom was allocated to this proposal for 17 domestic units and Drumbeg WWTW was then closed as indicated in the table dated June 2024.*

2. In respect of the same table, growth factors and estimation of capacity are applied. The Council has already published its Plan Strategy and growth is projected at 10%.

Can you please address whether growth within the Council area at 10% is accommodated within the table and/or any reasons why the projected growth of 10% agreed through the Local Development Plan Process is now categorised as red?

*Drumbeg WWTW is categorised as Red in the table for the reasons stated above. It remains categorised as Red in the Table for the various growth factors. As applied growth factors will increase the PE over time, without any capital upgrade schemes the Design PE of the works will not increase.*

3. In respect of the same table, the Asterix under the heading network current planning status confirms that the Drainage Area Plan Model does not exist for this small settlement and that the status is based on the following headings:

- a. the high-level screening tool.
- b. operator experience; and
- c. current performance data.

Under these three headings, can you please explain how the status was categorised as red [no capacity] when the consultation response offers no objection.

*This asterisk refers to the wastewater network, not the WWTW. The network is not categorised as Red. As stated, there is no Drainage Area Plan Model for this existing network, and consequently it is not possible to give a definitive status of the catchment. NI Water therefore will base any decisions regarding the performance of such a catchment on the high-level screening tool, operator experience and current performance data.*

4. In respect of the same table, there is a comment which refers the reader to [see network issue note 3 below]. The commentary at this note 3 states that the status is based on:

“an analysis of the existing area plan settlement boundaries”

Can you please confirm that the headroom capacity status of red took account of this site as land within the settlement limit of Drumbeg in accordance with the Plan Strategy and Lisburn Area Plan?

*I can confirm the headroom status took account of this site as land within the settlement limit of Drumbeg in accordance with the Plan Strategy and Lisburn Area Plan.*

Can you further advise whether the categorisation of Drumbeg Wastewater Treatment works as red in the table of June 2024 has been reassessed or could it be subject to change given the consultation response that was issued before recommending approval?

*The status of Drumbeg WWTW was changed to Red as a result of NI Water recommending approval of this proposal in the statutory planning response dated 01/02/2022 (valid for 18 months) as confirmed above. This was re-confirmed in a re-consultation response dated 11/12/2023 (valid for 18 months). The Capacity Table issued with the NI Water correspondence dated July 2024 is a dynamic table which is issued on an annual basis. It was first issued at the*

*commencement of the LCCC Local Development Plan process. The Table is updated annually taking into account any additional relevant information that is issued in the intervening periods i.e. capital scheme upgrades, Drainage Area Plan Model outputs, operational performance data. The review of this Table would have been carried out by NI Water Strategic Investment Planning team early in 2024.*

5. In respect of the same table, the Council was advised at a meeting on 23 September 2024 that the table was based on 2011 census data and not the latest census data from 2021, the entirety of which the Council understands was published in the public domain in December 2023 by the Northern Ireland Statistics and Research Agency.

The Council notes that the publication of the data from Census 2021 occurred up to six months before the table which is dated June 2024. Why is it then the case that the table is prepared on the basis of what would appear to be out of date information?

*When a Population Equivalent (PE) study was carried out in late 2021/2022 the 2021 NI Census Population data had not been published and was not available. That is why 2011 NI Census population data projected to the relevant year was used. This methodology is in accordance with NI Water Wastewater Non-Infrastructure Asset Standard, Volume 2: Wastewater and Population Determination. NI Water has over 1000 WWTWs, 1300 Wastewater Pumping Stations and 16,000km of sewers. It takes time to update all our records with the 2021 NI Census Population data. Drumbeg WWTW PE information has now been updated using 2021 NI Census Population data – detailed in response to next question.*

Can you please advise whether the red status would change if the 2021 data was applied? The Council must be assured that NI Water have not based their advice on out-of-date information. The reason for this is that the Asterix draws on a high-level network screening tool, and it is not explained what is taken account in the screening.

*Using 2021 NI Census Population data, NI Water Developer Services has now carried out new PE calculations using the number of properties confirmed by the on-site check carried out in late 2021/early 2022, allocating each property to its respective settlement and applying the 2021 NI Census occupancy rates calculated from 2021 NI Census population data as per Table CT0046 – extract below. (Note: This 2021 NI Census population information is in the public domain and can be downloaded from NISRA website).*

<b>CT0046: Person and household estimates for settlements [notes]</b>			
Table population: All usual residents and households			
Geographic level: Settlement			
Source: Census 2021			
Some cells refer to notes which can be found on the notes worksheet.			
This worksheet contains one table.			
Geography	Geography code	Usual residents	Households
BALLYAUGHLIS	N11000414	114	51
BALLYCARN	N11000415	105	39
BALLYLESSON	N11000416	121	41
BALLYNADOLLY	N11000417	98	37
BALLYSKEAGH	N11000418	192	98
BOARDMILLS	N11000419	95	30
CARR	N11000420	*	*
DROMARA	N11000421	1,118	444
DRUMBEG	N11000422	770	323
DRUMBO	N11000423	397	168

*You will note the table lists the number of residents and number of households for each settlement. The applicable settlements for Drumbeg catchment are Ballyaughlis, Ballyskeagh, Drumbeg and Drumbo. By dividing the number of households into the number of residents for each settlement, the respective settlement occupancy rates were calculated. Based on using the 2021 NI Census population data, the Actual PE within Drumbeg WWTW catchment has been calculated to be 1693. As the Design PE is 1919, the theoretical headroom as determined by these updated PE calculations is 226. These calculations have been audited and signed-off by NI Water Wastewater Asset Performance Unit and are consistent with NI population trends over the past 100 years or more, where every NI Census has confirmed a trend of reducing NI household occupancy rates. The 2021 NI Census occupancy for all of NI is 2.44. These updated calculations would also confirm that there is available headroom within this receiving works. It is highly likely that as a result of the updated PE calculations for Drumbeg WWTW confirming a theoretical headroom of 226, the status of this WWTW will be changed to Green subject to sign off by senior NI Water management. The high-level screening tool gives an indication of any capacity issues within a wastewater network.*

6. Officers were further advised at a meeting on 23 September 2024 that the current performance data indicates that the Drumbeg works is operating efficiently.

Can you confirm the performance data on which this assessment is based and how this is taken account off in the table appended to the NI Water letter of 30 July 2024. It should be clarified what parameters are measured and the significance of these in terms of understanding why your consultation response offers no objection and the network planning status for the works which indicates no capacity?

*Drumbeg WWTW is not currently operating above its Design PE even when assessing it against the Actual PE (1877) which was used to assess this proposal back in 2021 (PDE response) and early 2022 (statutory planning response). When NI Water responded to the statutory planning consultation, the available treatment headroom was allocated against this development and the WWTW was deemed closed to all new development except for:*

- Proposals with extant planning approval*
- Like for like development*
- Development in brownfield sites which would result in reduced flows compared to previous use to be confirmed by hydraulic flow calculations.*

*As these domestic units have not been constructed Drumbeg WWTW is still operating below its Design PE. However, the Table appended to the NI Water letter dated 30/07/2024 is based on the inclusion of the 17 domestic units in respect of this proposal being allocated to Drumbeg WWTW.*

*Drumbeg WWTW is a Public Register Works which discharges treated effluent into the River Lagan. In 2014 Drumbeg WWTW was subject to a Capital Base Maintenance upgrade scheme (circa £800k) which included the following:*

- Upgraded power supply with new Motor Control Centre*
- New aerators installed in Oxidation Ditch including new manual penstock*
- 2 new final settlement tanks*
- Replacement pump set for Flow to Full Treatment and new pumping station complete with new pump sets for Return Activated Sludge and Surplus Activated Sludge.*
- Replacement storm tank pump sets for returning storm flows for treatment and cleaning storm tanks.*
- Replacement grit removal plant*

- Replacement thickened sludge transfer pump set
- New final effluent chamber
- Associated Instrumentation, Control and Automation (ICA) equipment.

*Drumbeg WWTW is subject to a Water Order Consent (WOC) issued by our Environmental Regulator the Northern Ireland Environment Agency (NIEA) in accordance with the Water (Northern Ireland) Order 1999. WOC's are drawn up to ensure that the discharges from WWTWs can be absorbed by the receiving water without damaging the aquatic environment or breaching national or European Commission (EC) standards.*

*The current Drumbeg WWTW Water Order Consent parameters for treated effluent are as follows:*

- 30mg/l Biological Oxygen Demand
- 50mg/l Suspended Solids
- 20mg/l Ammonia

*The average 2024 Audit Samples for Drumbeg WWTW are as follows:*

- 8mg/l Biological Oxygen Demand
- 12mg/l Suspended Solids
- 4mg/l Ammonia

*These results confirm the works is operating satisfactorily and well within the WOC parameters for treated water effluent. Based on these sample results, the works has been predicted to pass this year as it has done for the past 5 years. The Wastewater Treatment Works Public Register is available to view through arrangement with NIEA Water Management Unit.*

7. Several queries were raised by Members following representations by third parties and the applicant which extend beyond the differences between the consultation response and the correspondence received on 30 July 2024 in relation to the network. You advised at our meeting of 23 September 2024 that the inlets are of a higher design standard than similar sized works elsewhere in the Council Area.

Can you advise of any other technical network considerations which may be relevance to the assessment of Drumbeg WWTW and thus this application such as the capacity of the network to accommodate the scale of development proposed?

*Drumbeg WWTW catchment is not a fully combined sewerage network. It is a mixture of combined, partially separate and fully separate sewerage networks with an approximate split of 50% combined 50% separate. There are no Unsatisfactory Intermittent Discharges (UIDs) or DG5 properties (properties that have suffered internal flooding) located within the catchment. The catchment is split in 2 and there are 2 respective inlet pipes to the receiving Drumbeg WWTW. The catchment within which this site is located is served by a sewer network which could be assessed as oversized for the area served. The foul flow from this proposal will discharge to an existing 450mm diameter public foul sewer on the Quarterlands Road. Approximately 160 metres downstream this public sewer increases in diameter to 600mm and remains at 600mm for the remainder of its route approximately 1.7kM to the WWTW. Although this area is the larger of the 2 sub-catchments, 450mm and 600mm diameter sewers would be considered large for the existing flows. I can also confirm that the NI Water flow screening tool assesses the existing network to be operating within capacity.*

*As a comparison with some other similar sized WWTW catchments within LCCC area; Aghalee WWTW, Design PE 2000 has a single inlet pipe of 300mm diameter serving all of the catchment; Glenavy WWTW has a single inlet pipe of 450mm diameter serving all of the catchment.*

*Saintfield located in the neighbouring Newry City Mourne & Down area has an inlet pipe serving approximately 5000PE which is 375mm diameter, significantly less than the diameter of the relevant pipes serving this part of Drumbeg catchment.*

8. At our meeting on 23 September 2024, you explained that a Pre-Development Enquiry [PDE] has been agreed for this site.

Can you explain how the PDE has informed your assessment of this proposal and how in response to the earlier questions that you have taken account of other proposed and/or permitted development within the catchment of the Drumbeg Wastewater Treatment works? You should also confirm that all the commitments (i.e. other proposed and/or permitted development) have been taken account of as part of this assessment?

*The original PDE application was for 24 domestic units. Based on our existing data we could only confirm treatment capacity available for 17 units. The subsequent statutory planning consultation for this proposal confirmed a development of 17 domestic units which was in accordance with our PDE response. Since the date of the PDE response & original statutory planning consultation I have carried out a review of statutory planning consultations received which NI Water would have taken account of as follows.*

- *4 for minor extensions to existing properties – no impact*
- *2 for replacement dwellings – no impact*
- *1 for a new dwelling with discharge to a private septic tank – no impact*
- *1 with extant planning approval – complies with criteria for approving within constrained catchment.*
- *1 with discharge assessed as like for like – no impact.*
- *1 for a Boutique Hotel with discharge to a private septic tank – no impact*
- *1 for an extension to a public bar/restaurant. This has been recommended for refusal and is subject to a Wastewater Impact Assessment which is currently being processed.*

*Based on the above detailed evidence, NI Water is content to recommend approval of this proposal as per NI Water previously issued statutory planning consultation responses dated 01/02/2022 and 11/12/2023.*

Yours faithfully

***Alan Moore***

**Alan Moore**

**NI Water**

**North & East planning Team Lead**



30<sup>th</sup> Mar 2022  
ePIC Responses  
The Planning Service

**Ref : LA05/2022/0033/F**

**Location:** Lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road, north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg

**Details:** Erection of 17 detached dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road

The Regional Park has considered the above planning application and acknowledges that it lies within the boundary of the Regional Park. The proposed intensification of housing would mean a significant shift from the existing semi-rural setting to an urban setting. It would greatly impact the character of Lagan Valley Regional Park and Lagan Valley Area of Outstanding Natural Beauty in terms of increased traffic pressure and its associated problems, loss of open greenspace and biodiversity. Pressure for new build, redevelopment or infill housing poses a serious threat to the integrity of the buffer zone between urban and rural.

Both government and local councils have developed strategic objectives to protect and promote access to open greenspace for both mental and physical well-being and to alleviate the impacts anthropogenic climate change. We feel that this development would represent a serious reversal in these initiatives. The proposed development will further reduce the amount of greenspace along the river corridor and would therefore contravene policy COU 12.

**Policy COU 12**

**Development Proposals in the Lagan Valley Regional Park within the Metropolitan Development Limit and Settlement Development Limits**

Planning permission will only be granted for new development or intensification of urban development where it can be demonstrated that the proposal is appropriate to, and does not have a significant adverse effect on, the character of the Park, the settlement, the landscape quality and features or the visual amenity and meets the following criterion:





- where located adjacent to the River Lagan, proposals should integrate with, and take into account, the river and its associated features where appropriate.
- these urban locations require balance with their location within the Park and the need to protect and where possible enhance its character. All development must therefore be associated with and blend sympathetically with the Park and not detract from its character, landscape or native conservation value.

The proposed will intensify urbanisation of the river corridor and will significantly eat away at this valuable green corridor. This green corridor provides the only refuge for wildlife in an urban area and the river corridor forms vital access for the adjacent communities for both recreation and mental health benefits. It is important that this resource is protected for future generations and for the wellbeing of the City of Lisburn. We therefore object to this development.

Yours sincerely

Dr Andy Bridge

Manager, Lagan Valley Regional Park

## Lisburn & Castlereagh City Council

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

### Background

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

## Further Consideration

### Human Rights

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

*the proposed removal of green spaces, the potential future flooding risks, the intrusion into....privacy and [the] right to enjoy a quiet and safe residential environment, caused by the scale of the proposed building which is out of character with the surrounding areas and the increased noise, traffic, and light pollution which will change the character of the village.*
9. Article 6 of the Convention guarantees a right to a to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law

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

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

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

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

#### Equality Impacts

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

#### Additional Representation

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

### **Conclusions**

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

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

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

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

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

**IN ATTENDANCE:**

Head of Planning & Capital Development (CH)

Principal Planning Officer (RH)

Member Services Officer (CR)

Apologies were received from Councillors D Bassett and S Burns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



## Lisburn & Castlereagh City Council

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

### Background

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

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

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

### Summary of Recommendation

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

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

## Description of Site and Surroundings

### Site

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

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

### Surroundings

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

### **Proposed Development**

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

### Relevant Planning History

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

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

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

### Consultations

32. The following consultations were carried out:

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

## Representations

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

## Environmental Impact Assessment (EIA)

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

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

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

## Local Development Plan

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

### Plan Strategy 2032

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

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

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

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

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



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

#### Lagan Valley Regional Park Local Plan 2005

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

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

56. This is an application is for residential development inside a settlement and a number of strategic policies apply. The strategic policy for Housing in Settlements is set out in Part 1 of the Plan Strategy.
57. Strategic Policy 01 – Sustainable Development states that:

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

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

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

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

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

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

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

61. Strategic Policy 08 Housing in Settlements states that:

*The Plan will support development proposals that:*

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

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

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

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

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

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

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

### **Housing in Settlements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

67. The Justification and Amplification states:

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

68. It also states that:

*Accessible Accommodation*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Accessible Accommodation

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

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

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

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

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

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

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

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

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

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

74. The Justification and Amplification states:

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

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

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

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



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

### **Natural Heritage**

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

#### *European Protected Species*

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

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

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

#### *National Protected Species*

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

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

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

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

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

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

79. The policy also states that:

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

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

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

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

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

### **Access and Transport**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Flooding**

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

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

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

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

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

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

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

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

## Regional Policy and Guidance

### Regional Policy

88. Paragraph 3.8 of the SPPS states:

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

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

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

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

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

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

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

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

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

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

94. Paragraph 6.182 of the SPPS further states that:

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

95. Paragraph 6.198 of the SPPS states that:

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

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

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

97. Paragraph 6.132 of the SPPS further states that:

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

## **Regional Guidance**

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

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

### Creating Places

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

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

101. Paragraph 7.16 provides guidance on separation distances stating

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

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

### Housing in Existing Urban Areas

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

105. Paragraph 5 of the advice note states:

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

- *creating a safe environment;*

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

106. Paragraph 6 states:

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

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

#### Planning Supplementary Guidance

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

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



## Assessment

### Housing in Settlements

#### Policy HOU1 – New Residential Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Policy HOU10 – Affordable Housing

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

### **Access and Transport**

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

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

### **Natural Heritage**

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

- Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
- Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
- Provide a map showing the habitats identified on site and location of identified ecological constraints.

167. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.

- Desktop Study
  - Designated
  - Data Requests
  - Historical Mapping
- Field Survey
  - Phase 1 Habitats
  - Invasive Species
  - Potential to support protected species
- Personal Experience
- Limitations

168. Section 4.1 explains that there are no sites with statutory designations for nature conservation within 2km of the site nor is there any hydrological connection from the site to any site with a statutory designation.

169. Section 4.1.2 explains that there are six SLNCs within 1km of the site. These sites are designated for their diversity of habitats, species, landscapes and earth science features.

170. There are two parcels of long-established woodland within 1km of the site.

171. It is stated in the report that data obtained from the Northern Ireland Bat Group contained bat roost records and general observations of bat species. The assessment explains that many of the records are associated with Derriaghy to the northwest, Drumbeg to the east or the River Lagan to the north. No records were discovered directly related to the application site.

172. The report also explains that field survey results confirm that the site comprises two semi-improved fields delineated by hedgerows, located to the east of houses on Quarterland Road. An additional smaller area of grassland between the road and the fields is also present. The assessment notes that no protected or priority species of plants were noted during the survey.

173. The broad habitats noted with this site include the following:

- Scattered Scrub
- Semi Improved Neutral Grassland



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

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

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

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

### **Flooding and Drainage**

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

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

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

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

### **NIE Infrastructure**

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

### **Consideration of Representations**

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

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

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

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

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

- Increased risk of Flooding

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

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

- No Housing Need

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

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

- Impact on AONB and Lagan Valley Regional Park

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

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

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



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

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

#### Neighbour Notification Process

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

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

#### Planning History

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

#### Inadequate Environmental Impact Assessment

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

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

#### Pre-eminence of LDP 2032

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

#### Fair and Equitable process

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

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

#### Human Rights

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

### Equality Impacts

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

### Conclusions

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

### Recommendations

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

### Conditions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2023/0022/F
Proposal Description	Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary
Location	135 metres north of 14b Feumore Road, Lisburn, BT28 2LH
Representations	One
Case Officer	Catherine Gray
Recommendation	<b>Refusal</b>

### Background

1. This application was included on the Schedule of Applications for consideration by the Committee at a meeting on 02 September 2024. The recommendation was to refuse planning permission.
2. Following the presentation by officers and presentation by the applicant and just before a vote was taken, Members agreed to defer consideration of the application to allow for a site visit to take place. A site visit took place on Tuesday 24 September 2024. A separate note of this site visit is provided as part of the papers.

### Further Consideration

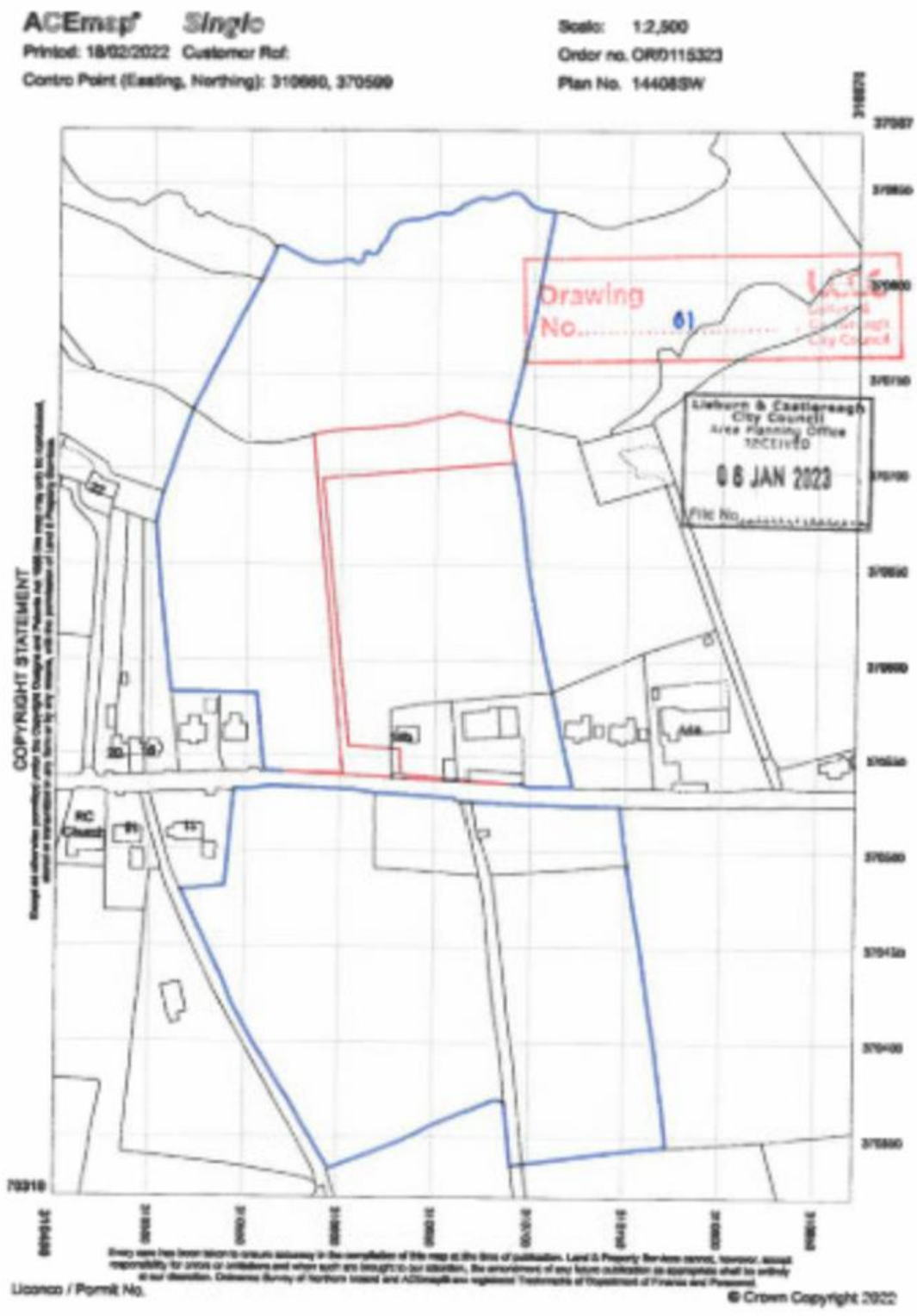
3. Members were reminded that the site visit was arranged to provide them with an opportunity to observe the proposed development within its immediate context and to observe the relationship between the proposed glamping pods and the existing buildings.
4. The site location plan was used to demonstrate the extent of the application site and its site boundaries. The area associated with the proposed carparking relative to the glamping pod area was also outlined. An extract from the site location plan was used to demonstrate the location of the access and internal pathway connecting the two areas.

5. Confirmation was provided that the roadside hedge was shown to be retained and that the area of car parking would be provided behind it the hedge and that a pathway would extend along the hedge line to the west of the site towards the glamping pod area to the north.
6. Members also had the opportunity to observe the position of the glamping pods relative to the existing buildings along the edge of the Feumore Road adjacent to the application site and the Lough beyond the site boundary to the north.

### **Conclusion and Recommendation**

7. The purpose of the site visit was to afford Members an opportunity to visit the site and observe the proposed development in its context. No new issues were raised that require further consideration. The advice previously offered that planning permission should be refused is not changed.
8. The information contained in this addendum should be read in conjunction with the main officer's report previously presented to Committee on 02 September 2024.

### Site Location Plan – LA05/2023/0022/F



**LISBURN & CASTLEREAGH CITY COUNCIL****Note of Planning Committee Site Visit held at 10.42 am on Tuesday, 24 September, 2024 at Lands 135m North of 14b Feumore Road, Lisburn****PRESENT:**

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:**

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

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

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

This application had been presented for determination at the meeting of the Planning Committee held on 2 September 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 provide Members with an opportunity to observe the site within its immediate context and to enable them to observe the visual relationship between the proposed glamping pods and the closest buildings at the roadside.

Members and Officers met at 14b Feumore Road. With the aid of the site location plan, the Principal Planning Officer outlined the extent of the application site and its boundaries. The area associated with the proposed car parking relative to dwelling at 14b was explained. The location of the access was also outlined with the aid of an extract from the site layout drawing.

Confirmation was provided that the roadside hedge was shown to be retained and that the area of car parking would be provided behind the hedge. A pathway would extend along the hedge line to the west and that there was only pedestrian access to the glamping pods to the north.

Members moved to the driveway of 14b and observed where the parking spaces would be located. It was noted that there would be shared access with the existing dwelling.

Members then moved to the proposed location of the glamping pods and observed the approximate location of the glamping pods, the Lough beyond the site boundary. Members

had an opportunity to observe the relationship to and distances from the established buildings on the roadside adjacent to the application site.

In response to a question from a Member about the policies to be taken into account in the decision making process The Principal Planning Officer reminded Members of the policy context associated with the refusal reasons namely Policy TOU1, TOU3, TOU4, COU15 and COU16 of the Plan Strategy.

The Head of Planning & Capital Development further stated that Members could weigh other material considerations and depart from policy, but it was a question of whether the evidence provided in support of such material considerations was sufficient to allow departure from policy criteria.

There being no further business, the site visit was terminated at 11.11 am.

## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	02 September 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2023/0022/F
Proposal Description	Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to site boundary
Location	135 metres north of 14b Feumore Road, Lisburn, BT28 2LH
Representations	One
Case Officer	Catherine Gray
Recommendation	<b>Refusal</b>

### Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
3. The proposal is contrary to Policy TOU3 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposal does not involve the replacement of an existing rural building nor has it been demonstrated that there is no suitable site within the settlement of Feumore or other nearby settlements to accommodate the proposed development; that there are no suitable opportunities for the proposal by means of the conversion and reuse of a suitable buildings; nor, is this the replacement of a suitable building for tourist accommodation.
4. The proposal is contrary to Policy TOU4 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development is not located within the grounds of an existing or approved tourist accommodation or holiday park, nor is it provided at or close to an existing or approved tourism amenity that is a significant visitor attraction in its own right.

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

## Description of Site and Surroundings

### Site

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

### Surroundings

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

## Proposed Development

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



## Relevant Planning History

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

## Consultations

14. The following consultations were carried out:

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

## Representations

15. One representation has been received in opposition to the proposal. The following issues are raised:
- Excessive construction in the vicinity of property 14b Feumore Road.
  - Construction results in a loss of trees
  - Loss of picturesque view
  - Impact on privacy
  - Increased traffic
  - Noise and disturbance and fear of crime
16. These issues are considered as part of the following assessment.

## Local Development Plan

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

## Plan Strategy 2032

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

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

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

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

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

*The Plan will support development proposals that:*

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

*b) safeguard key tourism assets*

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

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

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

### **Development in the Countryside**

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

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

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

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

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

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

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

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

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

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

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

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

*A new development proposal will be unacceptable where:*

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

### Tourism

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

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

31. Policy TOU1 Tourism Development in Settlements states:

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

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

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

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

a) *the building is of permanent construction*

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

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

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

*otherwise improved*

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

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

#### *Tourist Accommodation on the Periphery of a Settlement*

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

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

- the replacement of a suitable building(s)*

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

#### *Expansion of Existing Tourist Accommodation*

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

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

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

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

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

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

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

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

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

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

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

34. The Justification and Amplification states:

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

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

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

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

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

35. Policy TOU7 General Criteria for Tourism Development states:

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

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

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

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

*areas of outside storage are screened from public view*

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

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

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

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

*h) it does not harm the amenities of nearby residents*

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

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

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

36. The Justification and Amplification states:

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

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

### **Natural Heritage**

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

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

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

*b) a listed or proposed Ramsar Site.*

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

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

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

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

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

38. The site is also located in close proximity to Lough Neagh and a number of environmental designations apply which are suitable habitat for protected species. Policy NH2 Species Protected by Law states:

*European Protected Species*

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

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

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

*National Protected Species*

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



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

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

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

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

### **Waste Management**

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

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

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

### **Access and Transport**

41. The proposal involves alteration of an existing access point that currently serves property number 14B Feumore Road, to serve the proposed development. Policy TRA 2 – Access to Public Roads states:

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

- a) *it will not prejudice road safety or significantly inconvenience the flow of*

- vehicles; and,
- b) it does not conflict with Policy TRA3 Access to Protected Routes.

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

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

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

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

*Development proposals will provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards<sup>33</sup> or any reduction provided for in an area of parking restraint designated in the Local Development Plan. Proposals should not prejudice road safety or significantly inconvenience the flow of vehicles.*

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

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

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

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

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

### **Historic Environment**

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

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

## **Regional Policy and Guidance**

### **Regional Policy**

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

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

46. Paragraph 3.8 of the SPPS states:

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

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

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

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

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

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

49. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy have been drafted to be consistent with the SPPS.
50. The following retained regional guidance documents remain material considerations:

### **Building on Tradition**

51. It notes with regards to visual integration that the following points be considered:
- Work with the contours (not against them)
  - Look for sheltered locations beside woodland
  - Make use of natural hollows
  - void full frontal locations where bad weather can damage buildings
  - Avoid north facing sloping sites (difficult to achieve good passive solar gains)
  - Look for sites with at least two boundaries in situ and preferably three
  - Look for sites that face south (easy to achieve good passive solar gains).
52. It also includes design principles that have been considered as part of the assessment:
- Get the size and scale right relative to what is existing.
  - Understand and reflect the character and layout of the group in terms of the relationship between buildings and landscape.
  - Avoid the use of typical suburban features such as dormer and bay windows, porticos and pediments on the building and concrete kerbs, tarmac, blockwork walls, pre-cast concrete fencing and ornate gates and lampposts around the site.
  - Retain existing hedgerows, boundaries and mature vegetation.
  - Acknowledge building lines and informal setbacks.
  - Maximise rural landscape treatments such as gravelled lanes and driveways, grass verges and local native species for new planting.

53. With regards to wastewater treatment, Building on Tradition [page 131] states that

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

#### **Development Control Advice Note 15 – Vehicular Access Standards**

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

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

#### **Assessment**

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

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

#### Development in the Countryside

#### **Policy COU1 Development in the Countryside**

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

#### **Tourism**

#### Policy TOU3 Proposals for Tourist Accommodation in the Countryside

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

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

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

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

#### Self-Catering Tourist Accommodation in the Countryside

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

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

#### Policy TOU7 General Criteria for Tourism Development

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



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

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

### **Policy COU15 Integration and Design of Buildings in the Countryside**

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

**Policy COU16 Rural Character and other Criteria**

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

**Waste Management**

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

### Access and Transport

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

### Natural Heritage

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

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

### **Historic Environment**

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

### **Consideration of Representations**

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

#### Excessive construction in the vicinity of property 14b Feumore Road

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

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

#### Construction results in a loss of trees

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

#### Loss of picturesque view

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

#### Impact on privacy

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

#### Increased traffic

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

#### Noise and disturbance and fear of crime

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

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

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

### Conclusions

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

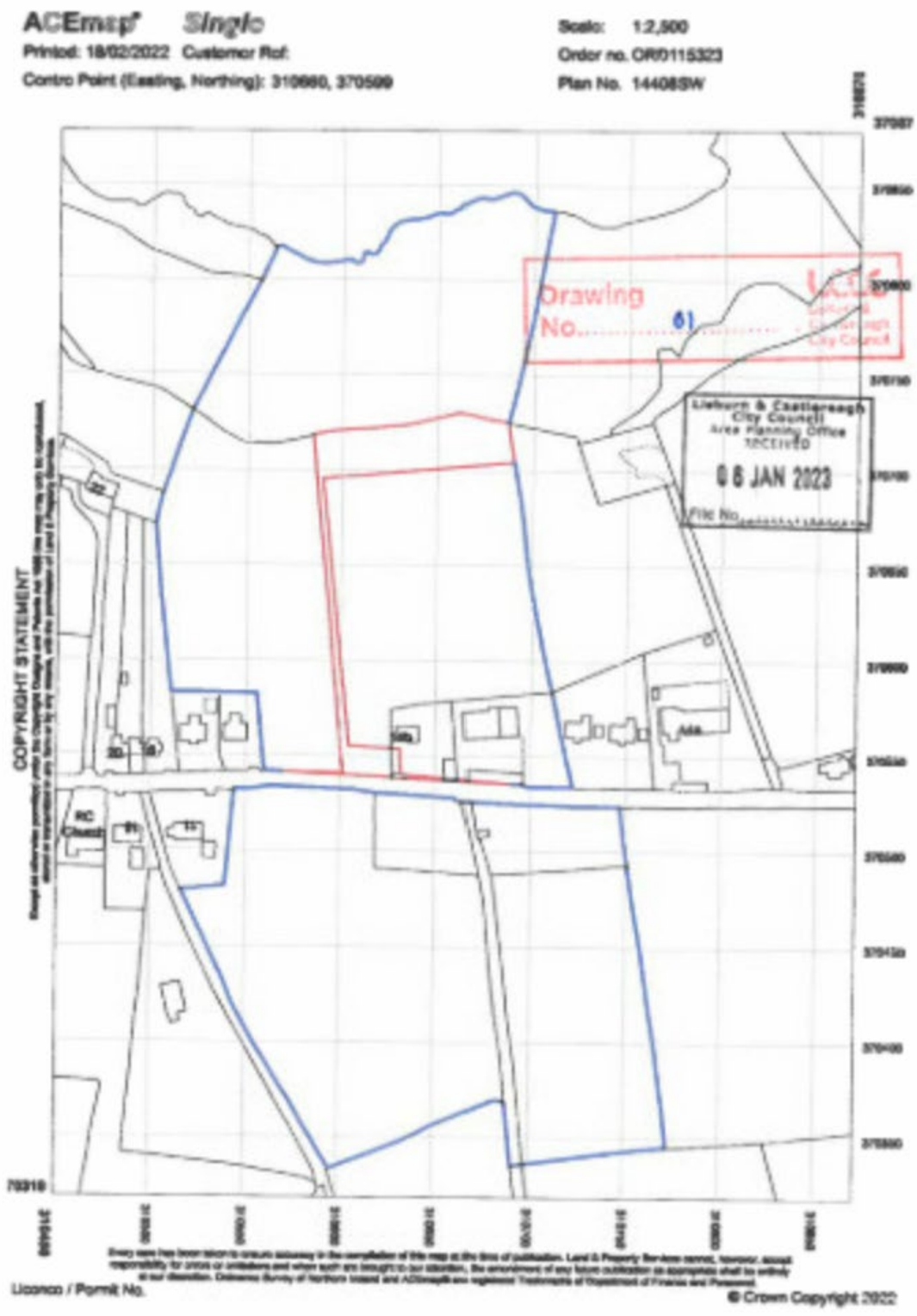
### Recommendation

140. It is recommended that planning permission is refused.

### Refusal Reason(s)

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

### Site Location Plan – LA05/2023/0022/F



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2023/0276/F
Date of Application	28 March 2023
District Electoral Area	Downshire East
Proposal Description	Barn conversion and single storey extension to provide a dwelling with detached garage
Location	Lands 100 meter north-east of 12 Mullaghdrin Road East, Dromara, BT25 2AQ
Representations	None
Case Officer	Cara Breen
Recommendation	<b>REFUSAL</b>

### Summary of Recommendation

1. This application is categorized as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented with a recommendation to refuse as the proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to criteria (b) of policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the conversion if permitted would not maintain or enhance the form, character and architectural features, design and setting of the existing building.
4. The proposal is contrary to criteria (c) of Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the new extension if permitted is not sympathetic to the scale, massing and architectural style and finishes of the existing building.



5. The proposal is contrary to criteria (e) of Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposed residential use is not sympathetic to the vernacular building as the scale and nature of adaptations do not result in a sympathetic conversion. The development when completed would not be appropriate to a countryside location as the character of the original building is lost.

## Description of Site and Surroundings

### Site

6. The site is located on land 100 metres north-east of 12 Mullaghdrin Road East, Dromara. The site is accessed from an existing overgrown agricultural style laneway which comes to an end in the adjacent field.
7. The site consists of an irregular shaped field with a rectangular shaped building located towards the north-western corner. Boundaries on all sides are defined by gorse bushes with some hedgerow.
8. The topography rises from 195 to 200 MOD across the site from front to back but within undulating rough terrain forming knolls. The site sits at a considerably higher level than Mullaghdrin Road east.
9. The building proposed for conversion is single storey with a corrugated pitched tin covered roof. It has rubble stone walls and three openings to the northern elevation. There seems to be three compartments to the building and one small gable ended window. There is one small window on the southern elevation and a small window beside one of the door openings on the northern elevation.

### Surroundings

10. The site is in the countryside where the area is characterised by clusters of individual dwellings, agricultural buildings and agricultural land.
11. There is a large single storey dwelling and outbuildings located to the south-west of the site at 12 Mullaghdrin Road East.
12. There is also a relatively new storey and a half dwelling constructed to the south-east of the site along a laneway with some older outbuildings scattered along the laneway.

## Proposed Development

13. The application seeks full planning permission for a barn conversion and single storey extension to provide a dwelling with detached garage.

### Relevant Planning History

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

### Consultations

15. The following consultations were carried out:

Consultee	Response
DfI Roads	No objection
Environmental Health	No objection
NI Water	No objection
NIEA NED	No objection
NIEA WMU	No objection

### Representations

16. No representations were received in relation to this application.

### 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 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 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.*

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

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

19. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
20. In both the Lisburn Area Plan and draft BMAP (2004) and the later revision to the draft (2014), the application site is identified in the open countryside beyond any defined settlement limit.
21. 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.*

22. The following operational policies in Part 2 of the Plan Strategy also apply.
23. The proposal is for a barn conversion with single storey extension to provide a 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.*

24. As explained, this is an application for a barn conversion and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU4, COU15 and COU16 of the Plan Strategy.

### **The Conversion and Reuse of Buildings for Residential Use**

25. The proposal is for the conversion of a stone barn. Policy COU4 – The Conversion and Reuse of Buildings for Residential Use states that:

*Planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a non-listed vernacular building or a suitable locally important building (such as former school houses, churches and older traditional barns and outbuildings) for use as a single dwelling where this would secure its upkeep and retention.*

*Such proposals will be required to be of a high design quality and to meet all of the following criteria:*

- a) *the building is of permanent construction*
- b) *the conversion or reuse would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality*
- c) *any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building*
- d) *the conversion or reuse would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings*
- e) *the nature and scale of the use is demonstrated to be appropriate to a countryside location.*

*Buildings of a temporary construction such as those designed and used for agricultural purposes, including sheds or stores will not be eligible for conversion or reuse under this policy.*

*Exceptionally, consideration may be given to the sympathetic conversion or reuse of a traditional non-residential building to provide more than one dwelling where the building is of sufficient size; the scheme of conversion involves minimal intervention; and the overall scale of the proposal and intensity of use is considered appropriate to the locality.*

*In all cases evidence of a building's condition must demonstrate that it is reasonably capable of being made structurally sound or otherwise improved.*

*A former dwelling previously replaced and retained as an ancillary building, or where it was conditioned for demolition but has subsequently become immune from enforcement action, will not be eligible for conversion back into residential use under this policy.*

#### 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.*

### **Habitats, Species or Features of Natural Heritage Importance**

28. There is the potential for species protected by law to be impacted as a result of the conversion of the existing building. Policy NH2 – Species Protected by Law states that:

#### *European Protected Species*

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

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

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

#### *National Protected Species*

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

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

29. 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**

32. 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**

33. The proposal involves the improvement of an existing access to a public road. This will provide access for pedestrians and vehicles. Policy TRA2 – Access to Public Roads states:

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

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

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

34. The justification and amplification states:

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

## **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. The Department intends to undertake a review of the SPPS within 5 years.*

36. 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*

37. This proposal is for conversion of a barn with single storey extension to provide a dwelling. Bullet point three of paragraph 6.73 of the SPPS states that:

*The conversion and re-use of existing buildings for residential use:*

*provision should be made for the sympathetic conversion and re-use, with adaptation if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention.*

*Provision should also be made for the conversion of a locally important building to provide more than one dwelling where the building is of sufficient size; the conversion involves minimal intervention; and, the intensity of the use is considered appropriate to the locality. A former dwelling previously replaced and retained as an ancillary building to the new replacement dwelling will not be eligible for conversion back into residential use under this policy;*

38. 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**

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

## **Building on Tradition**



40. 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*

41. Paragraph 3.5.0 of Building on Tradition states that:

*Applicants should have regard to the following principles of conservation:*

- *Minimum intervention: based on respect for the existing fabric*
- *Maximum retention of fabric: the least possible loss of the original fabric*
- *Reversibility: avoid using process or materials whose future removal would damage the original historic fabric*
- *Legibility: replacements or new additions should be distinguishable from the original*

42. 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).

43. 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.

44. With regards to wastewater treatment, Building on Tradition [page 131] states that

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

## Assessment

### Conversion and Reuse of Buildings for Residential Use

30. Policy directs that planning permission will be granted for proposals for the sympathetic conversion, with adaptation if necessary, of a **non-listed vernacular building** or a **suitable locally important building** (such as former school houses, churches and older traditional barns and outbuildings) for use as a single dwelling where this would secure its upkeep and retention.
31. With regards to whether the building qualifies as a non-listed vernacular or suitable locally important building the following assessment is made.
32. The justification and amplification of Policy COU 4 states that for the purposes of the policy

*a 'Locally Important Building' is a building, structure or feature, whilst not statutory listed, has been identified by the Council as an important part of their heritage, due to its local architectural or historic significance.*

33. It also states that :

*'Vernacular Buildings' are those that reflect the local 'folk tradition' and are typical of a common type of building in a particular locality, generally pre 1925. For more detail refer to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland', published by DoE, March 1998.*

34. In relation to defining what constitutes the vernacular, and in particular rural vernacular dwellings a Sense of Loss document advises that: "Rural vernacular or traditional architecture is the construction of small plain buildings in the countryside (particularly before 1925) where the dominant influence in siting, materials, form and design is the local 'folk tradition'. Such vernacular buildings will have been typical, i.e., of a common type in any given locality and will lack the individualistic and 'educated' design features that characterised international fashions in formal architecture during the same period."
35. It highlights that rural vernacular houses may be recognised as such by meeting most of the primary characteristics and some of the secondary characteristics listed below. As this is not a vernacular 'house' these characteristics are of limited weight and not assessed.
36. The agent draws on the OS Country 1<sup>st</sup> Edition maps circa 1830 whereby the footprint of the barn is evident and to the Griffiths Valuations records and maps for James McAdams for a House Offices and Lands in 1863. This would place the building within the pre 1925 bracket to be considered for its vernacular quality.
37. In relation to the vernacular qualities the agent states that the proposed building is of linear plan, the depth of roof is limited to 6 metres gable, typical of the ladder rule, the openings are low in proportion and ratio to mass and lack symmetry and the internal traverse walls extend up to support the roof.
38. The agent also states that the structure was sufficiently important in the local context for it to feature on sheet 21 to gain tax in 1954.
39. Having regard to this information and observations on site, there are no views of the structure from the public road and as such, the local importance is largely confined to the age of the structure and the materials used in its construction. That said, it is evident that later adaptations have been made and it has been re roofed with openings altered. Within this context, it is not considered that the structure is of such particular local architectural significance that it should be retained.
40. However, the building does on balance fit into the rural vernacular description being a small plain building (outbuilding associated with a house which has subsequently been demolished), from the relevant pre 1925 time period and constructed using materials, form and design conducive to the local 'folk tradition' being fairly common in style, without traditional design features.
41. For this reason, the first part of the policy test is considered on balance to be met with the building qualifying as one that is suitable for conversion.
42. Turning to the balance of the policy tests associated with policy COU4, the building has been standing since the late 1800's and as such, is of permanent construction. Criteria (a) of Policy COU 4 is met.

43. Criteria (b) requires the conversion or reuse to maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality.
44. The proposed conversion includes the removal of the existing roof, build-up of the gable ends to create a new roof pitch and increase the ridge height from 3.3 metres to 4.1 metre. It is proposed to build up the wall plate using stone to match existing and add a new slate covered pitched roof.
45. In terms of the existing building the external rear wall will retain the existing openings with more regular window and door openings with soldier course detailing being added. The gable ended window opening remains in the same location but altered to be uniform with the other windows and a new opening is made on the southern elevation which is internal to the house. The conversion will provide for a dwelling with three bedrooms and one bathroom and an ensuite.
46. A structural survey by ADD Consulting Structural & Civil Engineers was submitted by the applicant in support of the barn conversion. This survey concludes that in accordance with planning policy, ADD Consulting consider the building to be “structurally sound and capable of conversion”.
47. ADD consulting note from the survey that there are aspects that would need to be addressed to facilitate this conversion including rebuilding localised areas where walls lean by more than 5 degrees and where vegetation has taken root. The view is expressed that these parts of the building should be locally taken down by hand and rebuilt and where possible with the original stones used as part of these works.
48. The survey suggests that there may be some areas where underpinning to the existing stone walls is required, and the roof would need to be completely removed and replaced.
49. Advice was obtained from an independent structural engineer as part of the planning application process in relation to the suitability of the building for conversion and viability of the survey carried out by ADD Consulting.
50. The Council’s independent structural engineer commented that the details submitted in the ADD Consulting survey would suggest that a greater length of wall than what is shown would need to be taken down or at the very least rebuilt and that another wall shown in the survey as having partially collapsed should be re-built using the original stone.
51. Advice received also makes reference to the underpinning referred to in the ADD consulting survey with the view expressed that it is not clear where exactly the areas requiring underpinning are located or why they are needed.
52. Clarification was sought from the applicant on the matters raised by the Councils independent structural engineer. ADD Consulting commented that ‘when Planning Permission is granted the scheme shall move forward into a

Building Control application and at that stage full working drawings and details for the structural repair works shall be submitted to the Council for review.'

53. The Council's structural engineer agreed that the underpinning was more of a Building Control consideration rather than one for planning and confirmed that they were satisfied that the extent of the underpinning was not relevant at the planning stage.
54. ADD Consulting provided additional comment in relation to observations made by the Council's structural engineer regarding the likelihood of localised rebuilding of wall panels. They commented that while the building was neither listed nor in a conservation area the premise of the project will be to retain as much of the original building fabric as possible and during the construction stage the integrity of each section of wall shall be assessed to determine if the walls can be left in their current condition or need to be rebuilt.
55. Having regard to this information and advice obtained from the Council's independent structural engineer and despite the ADD consulting survey indicating that the building is structurally sound it is considered that it may not be suitable for conversion in its current form as large sections of the walls would need to be rebuilt, the height of the building increased with a different roof pitch and new slate roof. The extent of the adaptations are significant and it is not demonstrated that the proposed works will secure the retention and upkeep of this vernacular building.
56. Furthermore, the adaptation of the building with a large extension in front of the barn is not sympathetic conversion. The footprint of the extension is 85 square metres which is larger than the existing barn which is 80 square metres. The extension will be single storey with a pitched slate roof and height of 5 metres which is taller than the existing barn which is 3.3 metres.
57. Given that the extension is proposed in the front of the barn, and is larger in scale and mass, there is no sense that the new extension is subordinate to the building being converted and reused. Instead, the building to be adapted is dwarfed by the extension and cannot be described as sympathetic.
58. On approach from the laneway to the site and from neighbouring properties, the new build element would be the dominant feature with the existing barn concealed to the rear.
59. With all of the proposed adaptations the building would appear as a new build dwelling in the landscape and the form and character of the original barn lost when subsumed into the much larger development.
60. The applicant argues using the Griffith valuation book and PRONI maps from 1830 that historically there was a dwelling on this site therefore this new dwelling will have no impact on the setting of the countryside. However, there is no evidence of a dwelling on site at present which the applicant argues is the result of this dwelling being demolished due to the Department of Agriculture tidying up fields in the post war era. As there is no longer a dwelling on site, this

argument cannot be considered as a reason why a new dwelling is acceptable in the countryside. No weight is afforded to this argument as a material consideration.

61. The proposal will not have an adverse impact on the character or appearance of the locality as there are currently limited views of the site due to the surrounding undulating topography and set back from the public road.
62. It is considered that the proposal does not comply with criteria b) of Policy COU4 as the conversion or reuse would not maintain or enhance the form, character and architectural features, design and setting of the existing building. The existing building is informal, plain, and modest which is precisely the qualifying reasons that it is considered a non-listed vernacular building and suitable for conversion.
63. Furthermore, the height of the existing barn will be increased with a new pitch to the roof and new slate roof, large sections will need to be rebuilt which will alter the existing character of the barn, the scale and massing of the new extension is larger than the existing barn and this will be built in front of the existing barn concealing the barn from view.
64. For the reasons outlined above, criteria (b) is not met as the conversion would not maintain or enhance the form, character and architectural features of the existing building.
65. The new 'extension' is not considered to be sympathetic to the scale, massing and architectural style and finishes of the existing building as the extension appears as a new build dwelling. The building identified as being worthy of conversion is lost as a result of the 'extension' which is larger in scale and massing than the existing barn. Criteria (c) is not met.
66. The conversion or reuse of the existing building would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings. Environmental Health have been consulted and there is sufficient separation distance to any neighbouring properties to ensure the proposed dwelling would have no adverse impact on residential amenity. Criteria (d) is met.
67. For the same reasons outlined above, the proposed residential use is not sympathetic to the vernacular building as the scale and nature of adaptations do not result in a sympathetic conversion. The development when completed would not be appropriate to a countryside location as the character of the original building is lost. Criteria (e) is not met.

#### Integration and Design of Buildings in the Countryside

68. The ridge of the proposed dwelling is 5 metres above the existing ground level and the retained boundary vegetation and additional proposed landscaping will

- also ensure that the dwelling is not a prominent feature in the landscape. The requirements of criteria (a) is met.
69. The proposed dwelling is set back a sufficient distance to be sited to cluster with the existing buildings south-west of the site at 12 Mullaghdrin Road East. The requirement of criteria (b) is met.
  70. The existing building is set back from the Mullaghdrin Road East by approximately 135 metres. This along with the backdrop and enclosure provided by the rising land to the north-west and the hedgerow, trees and scrub on the boundaries enable the development to blend with the landform. The finished floor level is set to take account of the sloping ground in the backdrop. The requirements of criteria (c) are met.
  71. Existing landscaping is to be retained with stonewall boundaries and proposed new planted hedgerows and trees. The curtilage is already well defined, and any additional planting will aid integration of the site. This landscaping is not relied on to integrate the building into the site and for these reasons, the requirements of criteria (d) and (e) are met.
  72. Notwithstanding the inappropriateness of the design in terms of it dominating the building identified for conversion in both scale and massing, the design of the proposed new dwelling is of simple rural vernacular form as detailed above.
  73. The finishes are appropriate with stone finish and non-profiled slate tiles on the roof. There is a strong solid to void ratio between the walls and window. Account is taken of the guidance at paragraph 4.5.1 of Building on Tradition and the form of the new building is appropriate to its location in the open countryside.
  74. It is considered that the use of simple rural vernacular form and a limited palette of materials and finishes is appropriate for the site and its locality, and the new building will blend in with the existing landform, trees and landscaping features which provide a backdrop. The requirements of criteria (f) are met.
  75. In terms of ancillary works an existing private lane is used. The existing entrance will be altered to give 2 metres x 70 metres both directions for sight visibility splays. There is a considerable amount of hard standing of gravel proposed to lap in around the rear of the dwelling to access the garage. There are however no public views of this, and they are needed to make the site function for vehicular access. There are no other retaining structures proposed.
  76. The remainder of the ancillary works are below ground engineering works to install a septic tank and soakaway. None of these works will impact on the ability of the dwelling to be integrated into its surroundings. The requirements of criteria (g) are met.

#### Rural Character and Other Criteria

77. The proposed development is not considered to be unduly prominent in the landscape for the reasons outlined in the preceding paragraphs. Criteria (a) is met.
78. Views of the new building and conversion are limited to the immediate context and the development is sensitively designed to cluster with the existing buildings to the southwest for the same reasons outlined above. Criteria (b) is met.
79. The development respects the pattern of development by grouping the buildings on the same private land set back from the public road. The requirements of criteria (c) are met.
80. The site is not located close enough to any settlement limits to mar the distinction between the settlement and the open countryside. It does not result in a suburban style build-up of development given the distance of set back and the use of topography and existing landscape features to assist in integrating the buildings into the landscape. Criteria (d) is met.
81. The rural character of the area is not adversely impacted by the proposed development for all the reasons detailed in the preceding paragraphs. The site is not prominent, and the buildings are arranged to cluster with the existing buildings to the southwest. This is not a suburban style build-up of development, and the building is carefully designed to ensure it integrates into the landscape. Criteria (e) is met.
82. The nearest dwelling at 12 Mullaghdrin Road East is a sufficient separation distance away to ensure there would be no unacceptable adverse impact on residential amenity. Criteria (f) is met.
83. All of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created. The only ancillary works are to construct the driveway and this is designed to run adjacent to and behind the existing building. These ancillary works will not harm the rural character of the area. Criteria (g) and (h) are met.
84. No new access is created to the public road. DfI Roads was consulted and offers no objections therefore the proposal will not prejudice road safety or significantly inconvenience the flow of traffic. Criteria (i) is met.

#### Development Relying on Non-Mains Sewerage

85. The P1 form indicates that surface water will be disposed of via soakaways and that foul sewage will be disposed of via a septic tank and soakaway both of which are located to the south east of the proposed buildings.
86. No existing pollution problem is identified at the site or on the surrounding lands. The advice offered from the Environmental Health Unit of the Council, NIEA Water Management Unit and NI Water is that they have no objection subject to the necessary consents being granted and that no pollution problem



is created by the proposed development. No discharge of treated effluent is proposed to a watercourse.

87. Based on an assessment of the detail and the advice received, it is considered that the applicant has demonstrated that the proposal will not create or add to a pollution problem and that the scheme is in accordance with policy WM2.

#### Access and Transport

88. The proposal involves the use of an existing access onto Mullaghdrin Road East which is not a protected route. The provision of 2m by 70m visibility splays each side are proposed. The requirements of criteria (b) of policy TRA2 are met.
89. DfI Roads has no objection to the access arrangement from the site onto the private lane.
90. Based on a review of the detail of the access arrangement and taking account of the advice from DfI Roads, it is considered that the application is in accordance with the requirements of criteria (a) of policy TRA2 as the proposed access onto the private lane will not prejudice road safety or significantly inconvenience the flow of traffic.

#### **Natural Heritage**

91. The application involves the conversion of an old stone building. Ayre Environmental Consulting were engaged to undertake an ecological appraisal, relating specifically to Bats. Site investigations were conducted in August 2022. Two surveyors undertook one dusk emergence survey.
92. The report states that the existing site contains an existing fieldstone-built structure currently utilised for livestock shelter and set within an area of upland grassland farming.
93. Three species of bats were recorded during the dusk emergence survey with registrations recorded from Common and Soprano pipistrelle, and Leisler's bat only.
94. Findings of the investigations have established that the existing built structure is not utilised by the local bat population for roosting purposes – no active roosting sites were identified.
95. The report confirms that site investigations have established that the site is of limited importance to the local bat population due to no foraging activity being recorded occurring directly within the site and only three individual bats observed commuting directly through the site area and continuing out with the site to the north.

96. No significant impacts upon bats are predicted to arise should the current proposals be granted in light of no active roosting site being identified. Due to the site being void of any active roosting sites, no mitigation proposals or recommendations have been provided specifically relating to roosting bats.
97. Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns. NED acknowledged receipt of a Bat Survey and Impact Assessment dated February 2023 By Ayre Environmental Consulting and has considered the contents.
98. Using the information submitted, NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that the Bat Survey has indicated that no bats were recorded emerging or re-entering the building, therefore NED is content that the building is unlikely to currently support roosting bats. However, if roosting bats are found during works, all works must stop, and advice sought from NIEA Wildlife Team.
99. NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended), known as the Wildlife Order. NED thus advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.
100. Based on a review of the information and advice from NED, it is accepted that the proposal would not result in demonstrable harm being caused to any feature of natural heritage importance and as such the requirements of policies NH2 and NH5 are considered to be met.

## Conclusions

101. For the reasons outlined above, it is considered that the proposal is contrary to Policies COU 1 and criteria (b), (c) and (e) of Policy COU 4 of the Plan Strategy.

## Recommendations

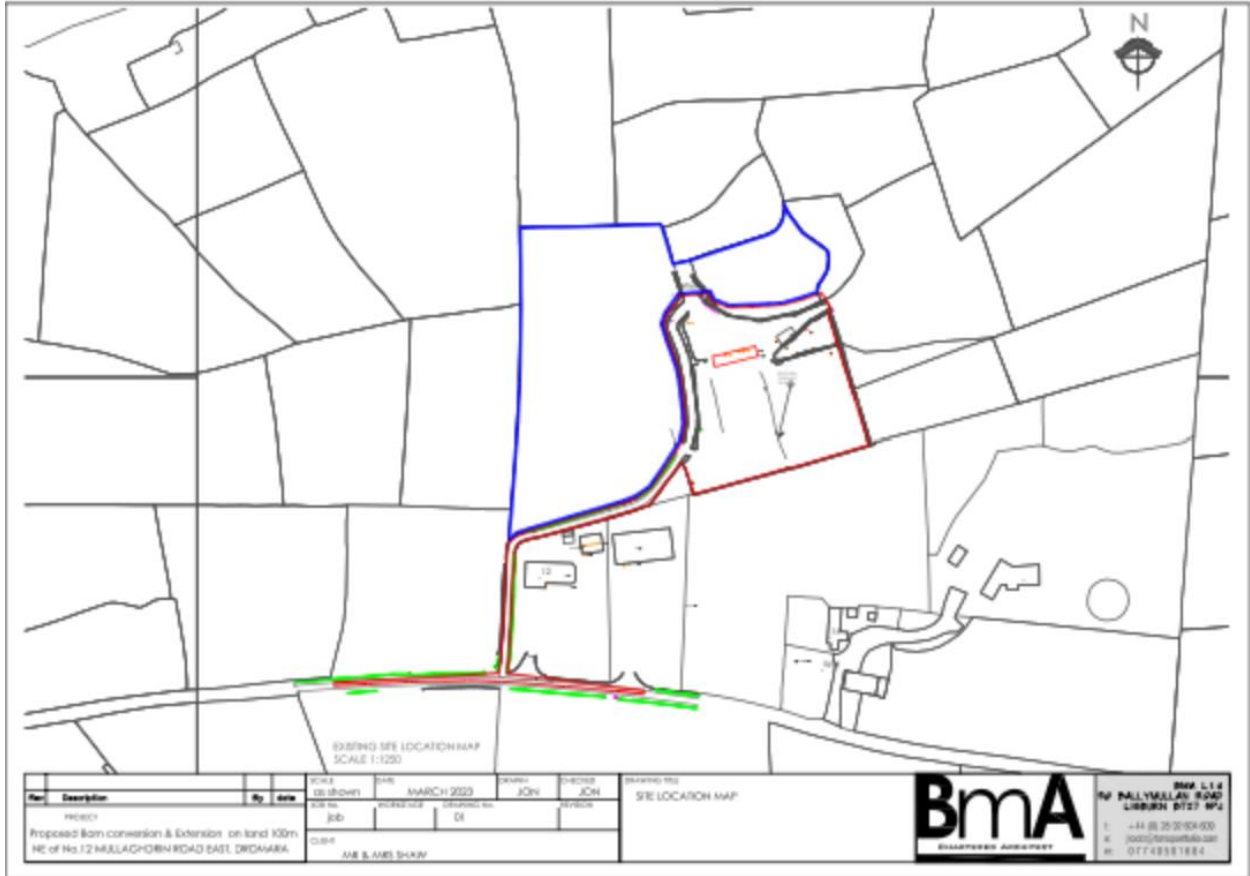
102. It is recommended that planning permission is refused.

## Refusal Reasons

103. 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 proposed development is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to criteria (b) of policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the conversion if permitted would not maintain or enhance the form, character and architectural features, design and setting of the existing building.
- The proposal is contrary to criteria (c) of Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the new extension if permitted is not sympathetic to the scale, massing and architectural style and finishes of the existing building.
- The proposal is contrary to criteria (e) of Policy COU4 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that the proposed residential use is not sympathetic to the vernacular building as the scale and nature of adaptations do not result in a sympathetic conversion. The development when completed would not be appropriate to a countryside location as the character of the original building is lost.

Site Location Plan – LA05/2023/0276/F



**Lisburn & Castlereagh City Council**

<b>Planning Committee</b>	
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 227m<sup>2</sup> (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 (181-227m<sup>2</sup>/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. Furthermore, the ancillary works are also considered to have an adverse impact on the rural character of the area. 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	14 October 2024
Committee Interest	Local Application [Called In]
Date of Application	06/02/2024
Application Reference	LA05/2024/0106/O
District Electoral Area	Castlereagh South
Proposal Description	Proposed replacement dwelling and garage
Location	To the rear of 190 Killynure Road, Saintfield, BT24 7DE
Representations	None
Case Officer	Laura McCausland
Recommendation	<b>Refusal</b>

### Summary of Recommendation

1. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The proposal is contrary to policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed development is not an acceptable form of development in the countryside.
3. The proposal is contrary to policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the building being replaced does not exhibit the essential characteristics of a dwelling.
4. The proposal is also contrary to criteria (a) and (b) of policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that existing building is not located within an established curtilage and if approved would have a visual impact significantly greater than the existing building.
5. The proposal is contrary to criteria (a) of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape.

6. The proposal is contrary to (a) and (e) of policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape and have an adverse impact on the rural character of the area.

## Description of Site and Surroundings

### Site

7. The application site is approximately 0.8 hectares and comprises an irregular shaped parcel of. comprises land to the rear of 190 Killynure Road.
8. The building proposed for replacement [annotated cottage on site layout drawing] lies into an earthen bank that appears to support part of the gable elevation to the rear.
9. This rear elevation is characterised by an external red brick chimney. This structure is positioned centrally within this gable and is partially rendered. The brick associated with this structure is loose and not completely interlocking and there is obvious separation between the chimney structure and the gable wall.
10. The gable wall to the left of the chimney is constructed from corrugated tin sheeting and to the right constructed from a mixture of red brick and concrete blocks.
11. There is also a plastic tube/pipe enclosed in this gable with concrete/render above. It is inserted randomly and serves no purpose as there are no services to the building. This rear gable elevation is considered in part to be of permanent construction.
12. The pitched roof is constructed from corrugated metal sheets with a ridge plate in place. The corrugating sheeting extends beyond the side elevation to the right of the chimney.
13. The gable associated with the front elevation is constructed with wooden overlapping boards. There is a small single pane window in this elevation. There is a half/door opening in this gable which is in a state of disrepair.
14. This door is constructed using wooden boards which are vertically with oversized hinges. The horizontal timber boards are level with the ground and appears to be positioned on concrete slabs and wooden supports. This front gable elevation is not considered to be of permanent construction.
15. Both side elevations are construction using corrugated sheeting similar to that used on the roof. The side elevation to the right of the chimney has a small opening in the elevation and a section of the roof has been cut away to enable light to penetrate the opening on this elevation.

16. There is a second smaller building to the side of the building annotated as cottage to be replaced. This smaller building is annotated as 'toilet to cottage'. There is no evidence that it was connected to the building annotated as cottage to be replaced.
17. Topography across the site gradually rises from the subject building to the rear field boundary.
18. The site is separated from the property to the front 190 Killynure Road by a boundary hedge with two openings one of which is gated. There are a series of steps leading to an outhouse which is in a state of disrepair. It has a toilet in place.
19. The northern direction boundary is defined by tall mature vegetation, the western and southern boundaries are undefined, the eastern boundary comprises of tall mature vegetation.
20. Access is taken via a private access laneway directly from the Killynure Road and via an iron gate from a yard adjacent to Killynure Road.

### **Surroundings**

21. This site is in the open countryside and the Killynure Road in the local vicinity of the site is comprised of single dwellings, farm holdings and agricultural lands. Properties vary in design, scale and material finish.

### **Proposed Development**

22. Outline permission is sought for a replacement dwelling and garage for domestic use. The following documents are submitted in support of the application.
  - Biodiversity Checklist.
  - Design Access Statement
  - Planning Supporting Statement
  - Supporting Evidence.
23. The garage annotated on drawing 02 to be demolished does not form part of this application as the building sits outside the red line boundary.

### **Relevant Planning History**

24. The relevant planning history associated with the application site is set out in the table below;

Reference Number	Description	Location	Decision
LA05/2017/1079/O	Proposed infill dwelling and garage	50m NW of no. 190 Killynure Road Saintfield BT24 7DE	Approval
LA05/2021/1126/RM	New infill dwelling and garage	50m NW of no. 190 Killynure Road Saintfield BT24 7DE	Approval
LA05/2017/0104/LDP	Proposed erection of 1 no agricultural shed/store	70m NW of 190 Killynure Road Saintfield BT24 7DE	Certified

### Consultations

13. The following consultations were carried out:

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

### Representations

14. No representations have been received in relation to this application.

### 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 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 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.*

17. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
18. The site is located in the countryside in the LAP. In draft BMAP (2004) and the subsequent revision to the draft in 2014 this site is also identified as being located in the open countryside.
19. This application is for a replacement dwelling in the open countryside. The strategic policy contained in part 1 of the LCCC Plan Strategy 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.*

20. The following operational policies in Part 2 of the Plan Strategy also apply.
21. The proposal is for a replacement 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.*

22. As explained, this is an application for a replacement dwelling and in accordance with the requirements of Policy COU1, the application falls to be assessed against policies COU3, COU15 and COU16 of the Plan Strategy.

### **Replacement Dwellings**

23. Policy COU3 – Replacement Dwellings states:

*Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to ‘dwellings’ includes buildings previously used as dwellings.*

*In cases where a dwelling has recently been destroyed, for example, through an accident or a fire, planning permission may be granted for a replacement dwelling. Evidence about the status and previous condition of the building and the cause and extent of the damage must be provided.*

### **Non-Listed Vernacular Buildings**

*The retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.*

*In all cases where the original dwelling is retained, it will not be eligible for replacement again. Equally, this policy will not apply where planning permission has previously been granted for a replacement dwelling and a condition has been imposed restricting the future use of the original dwelling, or where the original dwelling is immune from enforcement action as a result of non-compliance with a condition to demolish it.*



### *Replacement of Non-Residential Buildings*

*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 the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Non-residential buildings such as domestic ancillary buildings, steel framed buildings designed for agricultural purposes, buildings of a temporary construction and a building formerly used for industry or business will not be eligible for replacement under this policy.*

*In addition to the above, proposals for a replacement dwelling will only be permitted where all of the following criteria are met: a) the proposed replacement dwelling must be sited within the established curtilage of the existing building, unless either (i) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (ii) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits; b) the overall size of the new dwelling must not have a visual impact significantly greater than the existing building; c) the design of the replacement dwelling should be of a high quality appropriate to its rural setting.*

### Integration and Design of Buildings in the Countryside

#### 24. 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

#### 25. 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**

- 26. As the existing building is being replaced consideration is given to the potential for an adverse impact or damage to be caused to priority species such as bats. Supporting ecological reports are submitted with the application.
- 27. 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**

28. A private package treatment plant is proposed and Policy WM 2 - Treatment of Wastewater states:

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

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

### **Access and Transport**

29. 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.*

30. The justification and amplification states:

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

## **Regional Policy and Guidance**

### **Regional Policy**

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

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

32. Paragraph 3.8 of the SPPS states:

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

33. This proposal is for replacement dwelling. Bullet point two of paragraph 6.73 of the SPPS states that:

*provision should be made for the replacement of existing dwellings where the building to be replaced exhibits the essential characteristics of a dwelling and, as a minimum all external structural walls are substantially intact. Replacement dwellings must be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. In cases where the original building is retained, it will not be eligible for replacement again. Planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances.*

34. 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**

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

### **Building on Tradition**

36. Paragraph 5.1.3 of Building on Tradition states that:

*Replacement projects can help to reinvigorate our rural landscape through the sensitive redevelopment of the historic footprints of long-established buildings. Sites for replacement projects can prove an attractive option for building in the countryside as they will generally have key services in place in terms of access, water and power etc. but will also have well established mature boundaries that will already have achieved a strong visual linkage with the landscape.*

*Renewing development on these sites reinforces the historic rural settlement pattern.*

37. At paragraph 5.2, it provides basic rules for replacement dwellings as follows:

*The replacement dwelling should generally be placed as close as possible to the footprint of the original house, unless significant benefits are apparent in terms of visual and functional integration.*

*The replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits.*

*The proposal takes full advantage of the retention of established and mature landscape and boundary features and retains the discreet character of existing access points.*

*Use is made of recycled building materials in the new proposal.*

38. 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).

39. 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.

40. With regards to wastewater treatment, Building on Tradition [page 131] states that:

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

## Assessment

### Replacement Dwellings

41. The first policy test is to demonstrate that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact as set out.
42. From a site inspection, a building [annotated as cottage to be replaced on drawing 02] was evident on the site along with an outbuilding [annotated as toilet to cottage] separated from the yard and buildings of the adjacent dwelling at 190 Killynure Road by a hedgerow.
43. A statement submitted on behalf of the applicant explains that any replacement dwelling would BE sited in the same field to the northwest.
44. The response provided to Question 1 of Part 2 of the biodiversity checklist submitted in support of the application indicates that the applicant is seeking to retain the buildings coloured green on the site layout plan. That said, no detail has been provided as to how this is incorporated into the wider scheme and there is no justification set out as to why it is important to retain the building.
45. The building [annotated as cottage to be replaced on drawing 02] is currently vacant and in a significant state of disrepair. The building is approximately 4 metres by 3 metres by 2 metres in height.
46. As explained earlier in the report, the gable associated with the front elevation is constructed with wooden overlapping boards. There is a small single pane

window in this elevation. There is a half/door opening in this gable which is in a state of disrepair.

47. This door is constructed using wooden boards which are vertically with oversized hinges. The horizontal timber boards are level with the ground and appears to be positioned on concrete slabs and wooden supports. This front gable elevation is not considered to be of permanent construction.
48. This rear gable elevation is characterised by an external red brick chimney. As explained earlier in the report, this structure is positioned centrally within this gable and is partially rendered. The brick associated with this structure is loose and not completely interlocking and there is obvious separation between the chimney structure and the gable wall.
49. The gable wall to the left of the chimney is constructed from corrugated tin sheeting and to the right constructed from a mixture of red brick and concrete blocks.
50. There is also a plastic tube/pipe enclosed in this gable with concrete/render above. It is inserted randomly and serves no purpose as there are no services to the building. This rear gable elevation is considered to be of permanent construction.
51. Both side elevations are construction using corrugated sheeting similar to that used on the roof. The side elevation to the right of the chimney has a small opening in the elevation and a section of the roof has been cut away to enable light to penetrate the opening on this elevation.
52. Having regard to the tests associated with policy COU3 and the advice provided within the related justification and amplification which requires the building identified to be replaced to include original features such as doors/windows, chimneys or internal evidence of chimneys or fireplaces, the features observed on site as described earlier in the report are not considered to be original features of a dwelling house.
53. The Agent has provided examples of single room cottages reflective of this period. The examples are for buildings of solid masonry construction with evidence of internal chimneys and earthen floors shown.
54. In contrast, the internal layout of the building associated with the current application, comprises a single space and the floor is a mixture of different sized paving slabs. It is not uniform/even as you would expect in a domestic dwelling.
55. The chimney and hearth may have been remnants of a former building, but the repairs are extensive and there is no evidence of other masonry construction to indicate this hearth and chimney were part of a dwelling house.
56. Three of the external walls are of temporary construction and not original to the building as they are propped on bricks and stones. Whilst all four walls are

substantially intact the building is not considered to exhibit the essential characteristics of a dwelling for the reasons outlined.

57. Furthermore, whilst observations during the site inspection indicate that there is water supply to the outside timber framed toilet building, there was no evidence of any electric or water supply to the building annotated as cottage to be replaced on drawing 02.
58. Within the supporting statement, the agent states that there is an internal stud partition present within the building. No internal dividing walls for individual rooms were observed during the site inspection. In fact, the roof was supported at one point by a metal pole to ensure it would not collapse in.
59. Within this context, advice is provided that the onus is on the applicant to provide evidence that the dwelling was in former use of a dwelling and no PRONI Maps or Griffith evaluation information has been provided to demonstrate that the building was a former dwelling.
60. The outside timber framed toilet building is mostly overgrown and whilst a toilet and tiled floor is evident, this outbuilding was likely part of the neighbouring farm holding and not an outside toilet associated with the building annotated as a cottage to be replaced.
61. For the reasons outlined above, and whilst it is accepted that all external walls are substantially intact, it is not accepted that the building identified to be replaced exhibits the characteristics of a dwelling.
62. Turning to the balance of the policy tests associated with Policy COU3, the proposed replacement dwelling is required to be sited within the established curtilage of the existing building.
63. Within this context and as advised earlier in the assessment, there is no clear curtilage associated with the existing buildings. Plan 01 confirms the new dwelling is to be sited within the hatched area as indicated. The hatched area encompasses the immediate land around the existing buildings and the area extends into the agricultural land to the rear of these buildings.
64. It is assessed that the building annotated as cottage to be replaced was never domestic in nature hence domestic curtilage exists. Instead, the building appears to be outbuilding associated with the adjacent domestic property/garage.
65. Whilst this is an outline application and no design details have been provided at this stage, detail within the Design Access Statement indicates that a single storey dwelling of 250 sqm would be sought at reserved matters stage.
66. Without prejudice to the view expressed in relation to the principle of development and the fact that no curtilage exists, the proposed replacement dwelling is shown to be in an alternative position to the existing building.



67. No rational has not been presented to demonstrate that an alternative position would result in demonstrable landscape, heritage, access or amenity benefits.
68. For the reasons outlined above, it is considered that neither criteria (a) (i) or (a)(ii) are met.
69. In terms of criteria (b), the topography of the site rises from south to north across the site and west to east at this location. The site is set back from the Killynure Road and is largely tucked behind the existing dwelling and associated outbuildings at 190 Kilynure Road and hidden from all transient and static views on both short and long western and eastern approaches (Killynure Road) and northern and southern approaches (Ballybracken Road).
70. The proposed site hatched area on plan 02. The existing building is extremely modest in size measuring 4 by 3 metres providing a footprint of 12 square metres.
71. The agent in their statement the agent suggests a dwelling of 250 square metres. Whilst the requirement any new building to provide for modern living standards the new dwelling would be some 16 times larger than the existing building.
72. Having regard to the existing topography and rise ground behind at the site and this detail, it is considered that any new development (even a single storey dwelling of 250 metres squared) would have a significantly greater visual impact than that of the existing building and as such, criteria (b) is not capable of being met.
73. As explained earlier, this is an outline application, and no design details have been submitted. That said and without prejudice to the view expressed in relation to principle of development, a new dwelling could be designed to be of high quality appropriate to the rural setting at this location. For this reason, criteria (c) are capable of being met.
74. For reasons set out above the principle of the proposed development fails to comply with policy criteria (a) and (b) set out in COU3 of the Plan Strategy.

#### Integration and Design of Buildings in the Countryside

75. Without prejudice to the view expressed that the principle of development is not met, and that any dwelling would have a visual impact significantly greater than the existing dwelling, a dwelling if approved at this location would be a prominent feature within the local landscape. Criteria (a) is not therefore capable of being met.
76. Reference is made to the existing building being retained. This building is currently sited to cluster with an established group of buildings at 190 Killynure Road thus a new dwelling if approved would when viewed from all critical

vantage points at this rural location cluster with these established buildings also. For this reason, criteria (b) is capable of being met.

77. Whilst no landscaping plan has been provided it is considered that criteria (c), (d) & (e) could be met in that, the site is bounded by existing natural mature vegetation which could be conditioned to be retained and the existing development to south of the proposal building afford sufficient screening to help any new development to integrate into the existing landscape.
78. Whilst this is an outline application and no design details have been provided, it is considered that a dwelling could be designed to be appropriate to this rural location. Criteria (f) is capable of being met.
79. Having regard to the topography of the site, it is considered that any ancillary works associated with the development could be designed so as to integrate with their surroundings. All the other ancillary works associated with the installation of a septic tank underground and connecting to existing overhead utilities which are an existing feature of the landscape would be minimal as they are exhibited in close proximity to the site thus criteria (g) is capable of being met.
80. For the reasons outlined above, the proposed development is not in accordance with criteria (a) of Policy COU15 of the Plan Strategy.

#### COU16 - Rural Character

81. For the reasons outlined above with the context of Policy COU15 considerations, it is considered that a dwelling if approved, would be unduly prominent in the landscape. Criteria (a) is not capable of being met.
82. Again, for the reasons outlined within the context of Policy COU15, a new dwelling if approved would cluster with an established group of buildings and as such, criteria (b) is capable of being met.
83. The pattern of settlement at this location observed during the site inspection is one whereby dwellings are sited on large plots either directly abutting the Killynure Road with some development also being set back slightly from the road.
84. Having regard to the area hatch on drawing 01, the proposed dwelling is shown to be sited in a location that is set back from the road slightly consistent with the established pattern of settlement. For this reason and the requirement of criteria (c) can be met.
85. This site is not adjacent to any settlement limit and as such, it will not mar the distinction between settlement and the surrounding countryside. Sufficient separation distances can be achieved from the property 190 Killynure Road to ensure that no adverse impact on residential amenity. Criteria (d) and (f) can be met.

86. Due to the significantly greater impact of the proposed dwelling beyond that of the existing building to be replaced criteria (e) cannot be met and new development would result in adverse impact on rural character.
87. During site inspection and on review of detail provided on the P1 Form conclude that criteria (g) and (h) can be met in that, all of the proposed services are provided underground or from existing overhead lines therefore no adverse environmental impact will be created, nor will any ancillary works harm the rural character at this location.
88. Criteria (i) has been adhered to in that, DfI Roads have been consulted and offer no objection to the proposed development.
89. The proposed development is deemed to not to be in accordance with policy COU16 of the Plan Strategy (a) and (e).

### **Policy WM2 - Waste Management**

90. Detail provided on the application form denotes that surface water is to be disposed of via soakaway system, foul to be disposed of via septic tank and source of water via mains.
91. Environmental Health were consulted and offer no objections in principle.
92. Consideration of flood risk is included as a criterion for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
93. The proposed development is deemed to be in accordance with policy WM2 - Waste Management.

### **Access and Transport**

94. The proposal seeks permission for a replacement dwelling with use of an existing unaltered access to a public road for both vehicular and pedestrian use.
95. DfI Roads have considered the detail of the application and have offered no objection.
96. Having regard to the detail of the application and advice from DfI Roads, it is considered that the proposal will not prejudice road safety or inconvenience the flow of vehicles. The policy requirements of Policy TRA2 can be met.

### **Natural Heritage**

97. A Biodiversity checklist is submitted in support of the application. This checklist confirms that no building is to be demolished to accommodate new development at this location and that an existing access is to be used therefore

as indicated within the biodiversity checklist removal of existing hedgerow is not required to accommodate visibility splays.

98. Natural Environment Division have been consulted and offer no objection subject to condition.
99. It is considered that the proposal complies with policy NH2 and NH5 of the Plan Strategy and proposed development will not result in an unacceptable adverse impact on or damage to habitats, species or features of Natural Heritage Importance.

### Conclusions

100. For the reasons outlined above, the proposed development fails to satisfy the requirements of policies COU1, COU3, COU15 and COU16 of the Plan Strategy.

### Recommendations

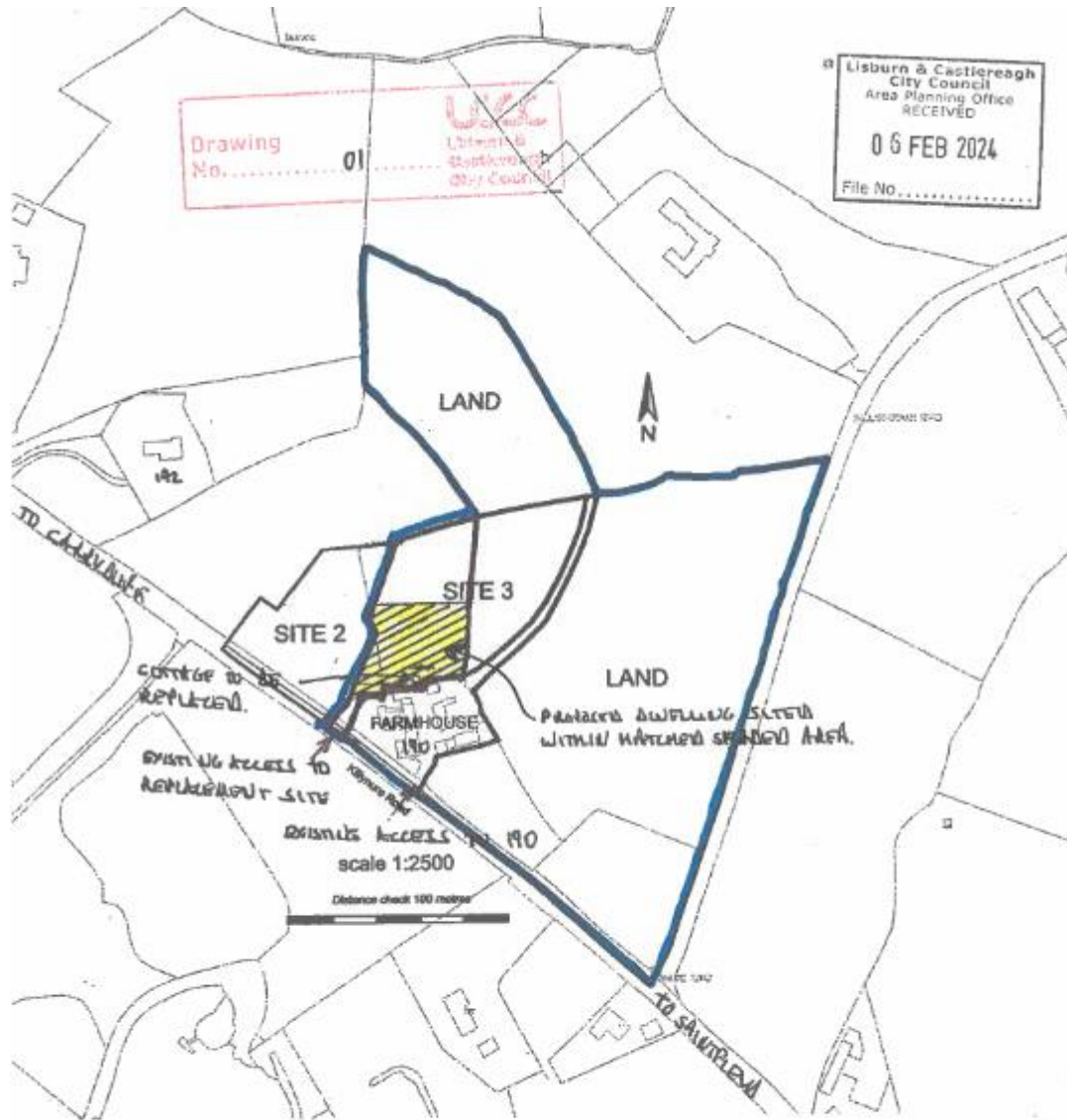
101. It is recommended that planning permission is refused.

### Refusal Reasons

102. The following Refusal Reasons are recommended:
  - 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 COU3 of the Lisburn and Castlereagh City Council Plan Strategy in that the building does not exhibit the essential characteristics of a dwelling.
  - The proposal is also contrary to policy COU3 criteria (a) and (b) of the Lisburn and Castlereagh City Council Plan Strategy in that existing building is not located within an established curtilage and a dwelling if approved would have a visual impact significantly greater than the existing building.
  - The proposal is contrary to policy COU15 (a) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted would be unduly prominent in the landscape.
  - The proposal is contrary to policy COU16 (a) and (e) of the Lisburn and Castlereagh City Council Plan Strategy in that a dwelling if permitted

would be unduly prominent in the landscape and have an adverse impact on the rural character of the area.

Site Location Plan – LA05/2024/0106/O



JOB DESCRIPTION  
PROPOSED SITE FOR A REPLACEMENT DWELLING AND GARAGE

SITE ADDRESS  
TO THE REAR OF 190 KILLYNURE ROAD, SAINTFIELD, CO.DOWN BT24 7HN

## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application (Called In)
Application Reference	LA05/2023/0396/F
Date of Application	11 May 2023
Proposal Description	Dwelling on a farm
Location	200M East of 75 Dromore Road, Dromara, Dromore, BT25 2NH
Representations	None
Case Officer	Brenda Ferguson
Recommendation	<b>REFUSAL</b>

### Summary of Recommendation

1. This application is categorized as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented with a recommendation to refuse as it is considered to be 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 criteria (c) of Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy in that the new buildings are not sited to cluster with an established group of buildings on the farm nor has it been demonstrated that the proposed alternative site is justified. No demonstratable health and safety reasons or verifiable plans to expand the farm business are submitted to justify siting a dwelling approximately 90 metres from the existing farm building group. Access is not taken from an existing lane, and it is not demonstrated why it is not practicable to do so.

4. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy in that the development, if approved, would create a ribbon of development along the Dromore Road.
5. The proposal is contrary to criteria (b) and (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed dwelling and garage are not sited to cluster with an established group of buildings and the access does not integrate into the landscape.
6. The proposal is contrary to criteria (b), (e) and (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed dwelling and garage are not sited to cluster with an established group of buildings and access if approved, would have an adverse impact on the rural character of the area by virtue of the creation of ribbon development.
7. The proposal is contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law.
8. The proposal is contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

### Description of Site and Surroundings

9. The application site is a rectangular plot cut out of roadside agricultural field. The field undulates but generally rises towards the north-eastern corner at its highest point.
10. An agricultural laneway runs along the eastern boundary and a second laneway is adjacent to the northwestern corner of the site. Silage clamps and a group of agricultural sheds linked to the principal group of farm buildings are between 90 and 100 metres away.
11. The eastern and northern boundaries around are defined by hedgerow. The southern and western boundaries are undefined. A low hedgerow abuts the roadside where a new access is proposed onto the Dromore Road.

### Surroundings

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

### Proposed Development

13. Full planning permission is sought for a dwelling on a farm. Supporting information provided in respect of this application consists of the following:

- P1c form
- Design and Access supporting statement
- Supporting information including DAERA farm maps

### Relevant Planning History

14. There is no relevant planning history associated with the application site or the adjacent farm at 75 Dromore Road, Dromara.

### Consultations

15. The following consultations were carried out:

Consultee	Response
DAERA	No Objection
LCCC Environmental Health	No Objection
DFI Roads	No Objection
NI Water	No Objection
Rivers Agency	No Objection

### Representations

16. No representations have been received to the application.



## 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 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 state that the old Development Plans will cease to have effect on adoption of the new LDP at Local Policies Plan (LPP) stage.*

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

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

19. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
20. In both the Lisburn Area Plan and both revisions of draft BMAP, the application site is identified in the open countryside beyond any defined settlement limit.
21. 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.*

22. The following operational policies in Part 2 of the Plan Strategy also apply.
23. 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.*

24. 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 COU8, COU10, COU15, COU16 and WM2 of the Plan Strategy.

### **COU8 Infill/Ribbon Development**

25. Planning permission will be refused for a building which creates or adds to a ribbon of development.
26. 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.
27. 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.

### **COU10 Dwellings on Farms**

28. Policy COU10 – Dwellings on Farms states:

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

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

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

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

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

COU15 Integration and Design of Buildings in the Countryside

29. 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.*

### COU16 Rural Character and other Criteria

#### 30. 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**

#### 31. The potential impact of the proposal on natural heritage interests is considered. A hedgerow along the site frontage is removed to construct a new vehicular access. 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

32. A septic tank is proposed and Policy WM 2 - Treatment of Wastewater states:

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

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

## Access and Transport

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

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

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

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

34. The justification and amplification states:

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

## 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. The Department intends to undertake a review of the SPPS within 5 years.*

36. 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*

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

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

38. 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**

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

## Building on Tradition

40. 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.*

41. 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.*

42. 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).

43. 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.

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

*If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge*

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

## Assessment

### Farm Dwelling

45. This application seeks full planning permission for a dwelling on a farm under Farm Business.
46. A farm business ID is provided with the application along with the name and address of both the applicant and owner of the farm business. The applicant resides at 75 Dromore Road. There are joint owners of the farm residing at 75 and 75A Dromore Road. It is noted that the applicant does not own the farm business.
47. DAERA have confirmed that the farm business has been established since 07 February 2009.
48. The business has been in existence for more than 6 years and payments through the Basic Payment Scheme or Agri Environment scheme have been claimed in each of the last 6 years.
49. The supporting evidence submitted establishes that the farm business is both active and established and DAERA has confirmed this in their response. Additional evidence was necessary in this particular instance as the land identified on the site location plan is located on lands identified on the farm map and confirmation is provided that the lands have been actively farmed over the required period of time. Criteria (a) of the policy has been met.
50. A search of planning records against the applicants submitted Farm Map confirms that no dwellings or development opportunities appear to have been sold off from the holding within 10 years of the date of the application. Criteria (b) of Policy COU10 is met.



51. Detail demonstrates that the main buildings associated with the farm business are located at 75 and 75A Dromore Road, Dromara some 90 to 100 metres (at its closest point) away from where the proposed dwelling is to be sited. The farmhouse is sited at 75 Dromore Road. There are many farm buildings and silage clamps immediately east and to the rear of the farmhouse.
52. The proposed new dwelling as indicated on drawing 02 published to Portal on 11 May 2023 is to be located within a roadside field at a distance of approximately 90 metres away from the closest farm building. This is considered not to cluster with an established group of buildings on the farm.
53. Criteria (c) of Policy COU10 does allow for an alternative site elsewhere on the farm by exception provided it is demonstrated that 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 apply, or there are verifiable plans to expand the farm business at the existing building group.
54. The supporting statement submitted with the application shows an area to the north of the existing farm buildings that could be liable to flooding as identified on the Flood Maps (NI). No flood risk assessment is submitted to demonstrate this land is in a fluvial floodplain and Rivers Agency indicate the floodplain is not modelled at this location.
55. The view is expressed that this constraint makes it difficult for any future development of the farm, to the north of the existing farm buildings, either in the form of additional sheds or a new dwelling on the farm. The farm buildings lie outside the floodplain and there is a room to the north for more buildings outside of the predicted (albeit not modelled) extent of the floodplain.
56. A concept plan included within the supporting statement identifies existing sheds which are closest to the application site and denotes that there is the potential for the future development of the farm / extension of these sheds, or possible new sheds as shown by the broken red lines (item 2 of the concept plan).
57. A planning history confirms that there are no extant planning approvals on the farm or current applications for the expansion, replacement or redevelopment of the agricultural sheds. On this basis, it is considered that there are no verifiable plans in place to expand the farm at this location.
58. The supporting statement states that the proposed location of the dwelling is preferred so as not to be too close to farm smells emanating from the existing farm etc – especially those likely to be coming from the silage clamp (item 10 on the concept plan). No odour assessment is provided to verify any odour nuisance, and the applicant already lives on the farm closer to existing farm buildings where there will be odours from the farming operations.
59. Also. if the farm where to expand as has been suggested then this argument would be null and void as the new buildings would be closer to this proposed

site. Having regard to the detail submitted, no demonstrable health and safety reasons are outlined to justify an alternative siting elsewhere on the farm.

60. Whilst there would be a degree of visual linkage between the proposed site and the established farm buildings, no exception is provided to justify the alternative site elsewhere on the farm to justify siting a dwelling approximately 90 metres from the existing farm building group. Criteria (c) of COU10 has been met.
61. Furthermore, and due to the alternative siting away from the established group of buildings, access to the site is not shown to be taken from an existing laneway. Instead, the detail indicates that a new access to a public road will be constructed despite a lane being located along the eastern boundary and at the northwestern corner of the site.

#### Policy COU8 – Ribbon Development

62. This roadside location is not justified as a suitable location for a new farm dwelling for the reasons outlined above. Planning permission will be refused for a building which extends or adds to a ribbon of development”.
63. The justification and amplification of policy states that, “a ribbon development cannot be defined by numbers, although if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning”
64. The site layout identifies that the proposed dwelling and garage are sited and orientated within the site to front onto the Dromore Road. The proposed dwelling and garage are too distant from the farm buildings to cluster with the established group of buildings.
65. As a consequence, the proposed dwelling and garage both fronting the road and beside one another will create a ribbon along the Dromore Road which is contrary to Policy COU8.

#### Integration and Design of Buildings in the Countryside

66. Turning then to Policy COU15, a single storey dwelling, and garage is proposed. Having regard to the topography of the site and boundary vegetation and rising ground in the backdrop, it is considered that the development if approved would not be a prominent feature in the landscape. Criteria (a) is met.
67. For the reasons outlined within the context of Policy COU10 considerations, the proposed dwelling and garage will not be clustered with an established group of buildings, namely the existing dwellings at 75 and 75A and agricultural buildings.
68. The proposed dwelling and garage are considered to be too distant to enable the development to integrate sympathetically with its surroundings. This is particularly evident on approach to the site when travelling from east to west

along the Dromore Road as the site is located at a higher level than the farm buildings and the proposed dwelling and garage will not be seen to group with these buildings. For these reasons criteria (b) is not met.

69. In terms of criteria (c) it is noted that the landform is such that the highest point in the field is at the northeastern corner. The dwelling and garage will be sited within this part of the field, which is more open to public views. The dwelling proposed nonetheless is single storey and will benefit from existing boundary vegetation to the north and east and the rising drumlins to the east and southeast which will act as a backdrop. Criteria (c) is met.
70. There are existing hedgerows that bound the site to the north and east. The remainder of the site is however open with no defined boundaries. The site is however capable of providing a suitable degree of enclosure for the buildings to integrate into the landscape. For this reason, it will avoid relying primarily on the use of new landscaping for integration. Criteria (d) and (e) are met.
71. The dwelling proposed is single storey as is the garage. The proposed ridge height is measured as approximately 5.9m above finished floor level. The proposed finishes are to include render finish to walls, black/dark grey concrete tile/slate to roof and black rainwater goods.
68. The dwelling is designed having regard to guidance set out in Building on Tradition. Criteria (f) is met.
69. The main impact resulting from the ancillary works is the construction of the access. Having regard to the detail associated with this access, it is considered that it will contribute to a proliferation of access points and be detrimental to the character of this part of the countryside as the lane does not run along an existing boundary hedge and will also result in the loss of significant hedgerow along the road frontage. Criteria (g) is not met.

#### COU16 - Rural Character

70. For the reasons outlined above within the context of Policy COU15 considerations, a new dwelling will not be unduly prominent in the landscape.
71. Likewise, and for the reasons outlined above in relation to Policy COU10 and COU15 considerations, the proposed dwelling is too distant from the established group of buildings to allow it to cluster. Criteria (b) is not met.
72. A new dwelling would respect the traditional pattern of settlement exhibited in the area as it introduces a dwelling into an existing area where the pattern would be that of dispersed rural dwellings and farm buildings. Criteria (c) is met.
73. This site is not adjacent to a settlement to mar the distinction between a settlement and the surrounding countryside, and it does not result in urban sprawl when viewed with the existing buildings. Criteria (d) is met.

74. For the reasons outlined earlier in the report, the proposed development is not considered to be an exception to Policy COU10 and if approved would create a Ribbon of Development at this location and have an adverse impact on the rural character. Criteria (e) is not met.
75. The dwelling is sited and designed to ensure that it does not have an adverse impact on residential amenity in respect of any neighbouring properties. Criteria (f) is not met
76. 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. For the same reasons explained above the ancillary works in the form of the construction of a new access will harm the character of the area. Whilst Criteria (g) is met criteria (h) is not.
77. Access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic. This is dealt with further in the report within the context of Policy TRA2 considerations. Criteria (i) is met.
78. For the reasons outlined above, it is considered that the proposal fails to meet criteria (b), (e) and (h) of Policy COU16.

### **Policy WM2 - Waste Management**

79. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soak away and foul sewage via a septic tank.
80. The Councils Environmental Health Unit having reviewed the detail provided offer no objection. NI Water have also confirmed that they are content subject to conditions.
81. 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 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.
82. 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

83. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of the use of a new access onto the Dromore Road which will be used for vehicular and pedestrian use.
84. The site layout drawing shows the access width along with the proposed parking and turning arrangements and required visibility splays. DFI Roads have considered the details and offer no objection in principle to the proposed development subject to standard conditions.
85. Without prejudice to the view expressed in relation to the principle of development and the need for access to the dwelling to be obtained from an existing lane where practicable, it is accepted that a new access to the public road can be accommodated 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

86. The site does benefit from established boundaries consisting of hedgerow planting to the north and east. The boundary planting to these boundaries is shown to be retained.
87. Drawing 02 published to the Portal on the 11 May 2023 indicates that the existing hedgerow is to be cut back well behind the proposed visibility splays.
88. The area of hedgerow to be removed to provide the visibility splays as shown exceeds 30 metres in length. No bio-diversity information has been provided in support of the application and as such a precautionary approach is considered appropriate as it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.
89. For the reasons outlined, the application is considered to be contrary to Policies NH2 and NH5 of the Plan Strategy.

### Conclusions and Recommendation

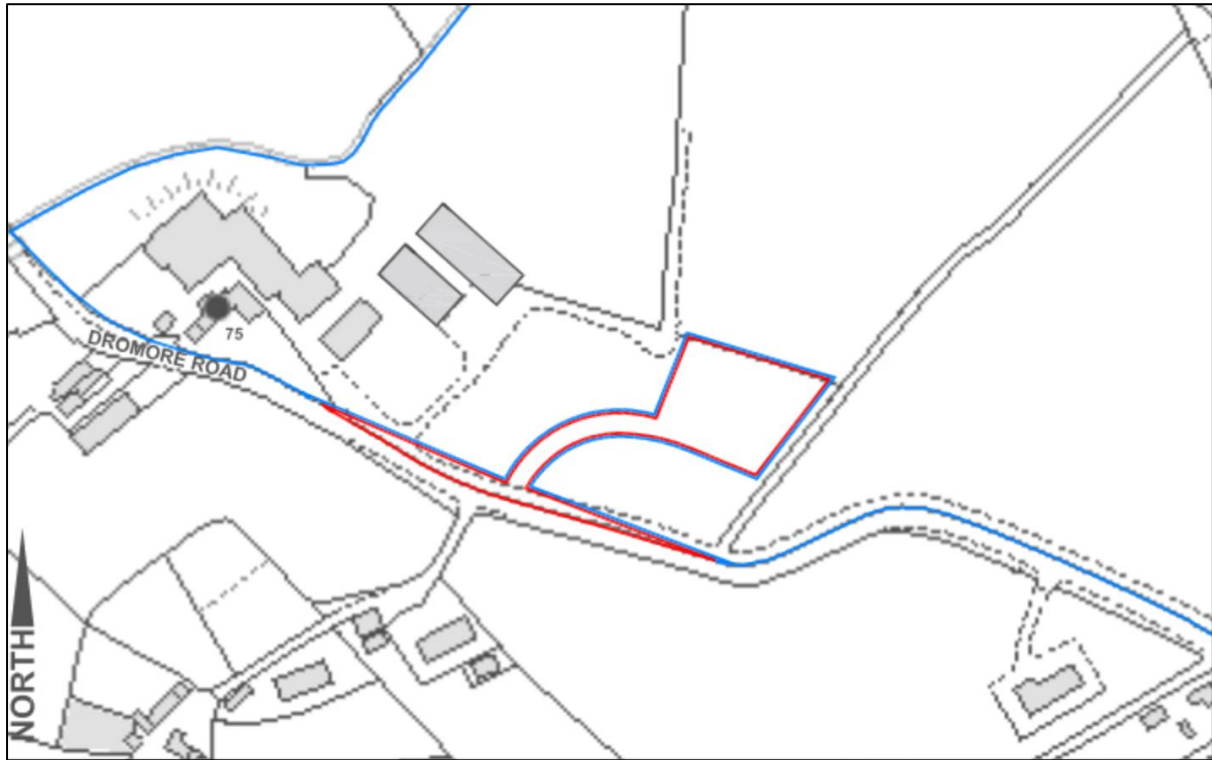
90. For the reasons outlined above, it is considered that the proposal fails to satisfy a number of policy tests and as such, it is recommended that planning permission is refused.

## Refusal reasons

91. The following refusal reasons are recommended.

- The proposal 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.
- The proposal is contrary to criteria (c) of Policy COU10 of the Lisburn and Castlereagh City Council Plan Strategy in that the new buildings are not sited to cluster with an established group of buildings on the farm nor has it been demonstrated that the proposed alternative site is justified. No demonstratable health and safety reasons or verifiable plans to expand the farm business are submitted to justify siting a dwelling approximately 90 metres from the existing farm building group. Access is not taken from an existing lane, and it is not demonstrated why it is not practicable to do so.
- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy in that the development, if approved, would create a ribbon of development along the Dromore Road.
- The proposal is contrary to criteria (b) and (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed dwelling and garage are not sited to cluster with an established group of buildings and the access does not integrate into the landscape.
- The proposal is contrary to criteria (b), (e) and (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the proposed dwelling and garage are not sited to cluster with an established group of buildings and access if approved, would have an adverse impact on the rural character of the area by virtue of the creation of ribbon development.
- The proposal is contrary to Policy NH2 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to harm a species protected by law.
- The proposal is contrary to Policy NH5 of the Lisburn and Castlereagh City Council Plan Strategy, in that it has not been demonstrated that the development proposal is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance.

**Site Location Plan – LA05/2023/0396/F**







## Lisburn &amp; Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2023/0470/F
Date of Application	07 June 23
Proposal Description	Proposed new car valeting, canopy and store (retrospective)
Location	Temple Filling Station, 82 Carryduff Road, Lisburn
Representations	Two
Case Officer	Brenda Ferguson
Recommendation	<b>REFUSAL</b>

### Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee in accordance with the Protocol for the Operation of the Committee in that it has been called in.
2. The application is 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 criteria (b) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings.
4. The proposal is contrary to criteria (d) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved, would mar the distinction between the settlement and the surrounding countryside and would result in urban sprawl.
5. The proposal is contrary to criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved would adversely impact on residential amenity by virtue of noise.

6. The proposal is contrary to criteria (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in the nature and scale of the ancillary works associated with the development would if approved have an adverse impact on the rural character of the area.

### Description of Site and Surroundings

#### Site

5. This site is located in the countryside adjacent to the settlement of The Temple, approximately 4.5km to the south of Carryduff.
6. The site is located to the rear of the existing Temple Service Station. As the proposal is retrospective it comprises a double canopy and metal shipping container store which are positioned some 60 metres southeast of the existing kiosk and retail unit. Formerly, this area was a concrete hard standing used for storage and parking.
7. The filling station site extends to the east where there are additional diesel pumps, hard standing, lorry parking and car wash facilities. To the west is the main station area.

#### Surroundings

8. To the immediate south of the site is a used car sales yard and the land beyond that is agricultural.
9. To the east beyond the confines of the site is also agricultural.
10. There are some residential properties along the road to the north with agricultural fields beyond that. The settlement limit of The Temple is drawn around the garage service station footprint and the properties to the north.

### Proposed Development

11. The application seeks permission for proposed new car valeting, canopy and store (retrospective).

### Planning History

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

Reference	Address	Proposal	Status
LA05/2021/1150/F	Temple Filling Station	Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new 2 no drive thru car washes and 1 no self service car washing bay (retrospective)	Refusal recommended
LA05/2022/0809/F	Temple Filling Station 82 Carryduff Road Lisburn BT27 6UA	Proposed extension to existing retail unit (to rear-under construction)	Approved
LA05/2020/0841/LDP	82 Carryduff Road	Use of rear store area for retail sales as an off licence	Approved
LA05/2018/1167/F	Temple Petrol Filling Station	Erection of car wash/valet unit and diesel pump, re-siting of car wash with provision of tarmac surface, concreting of gravel paths, providing 1.8m wooden fences to rear of septic tanks and around utility area. (Retrospective)	Withdrawn
S/2006/0705/F	82 Carryduff Road Temple, Lisburn	Application to vary condition no. 1 (time limit) of planning permission ref. S/1999/0286/F to read eight years from the date of this permission.	Approved
S/1999/0286	82 Carryduff Road Temple, Lisburn	Redevelopment of filling station incorporating supermarket and cafe, car wash,	Approved

		storage and associated landscaping	
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**Consultations**

13. The following consultations were carried out:

Consultee	Response
NI Water	No objection
LCCC EHO	Objection
DfI Roads	No objection
NIEA Water Management Unit	No Objection
NIEA Regulation Unit	No Objection
DfI Rivers	No Objection

**Representations**

14. Two representations have been received in opposition to the application. A summary of the issues raised is set out below:

- Noise and traffic pollution
- Anti-social behaviour mainly late at night
- Further structures erected without authorised planning
- Detrimental effects on houses which have rear of properties facing onto the site

15. These issues are considered in the assessment that follows.

**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. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
19. The site lies within the open countryside in LAP 2001. In draft BMAP (2004) and the subsequent revision to the draft (2014) this site is located outside of the settlement limit of The Temple. The settlement was drawn along the rear elevation of the kiosk and retail unit of the existing petrol filling station.
20. This application seeks retrospective permission for a car valet unit, canopy and store that is located approximately 56 metres from the rear elevation retail unit and in an area of the open countryside which is not part of the established curtilage of the petrol filling station.
20. Car valeting can be an ancillary use to the operation of a petrol filling station but as this retrospective proposal is located beyond the established curtilage it must be considered on its own merit.
21. An enforcement notice is in effect and the applicant is operating these services in contravention of this notice. The notice requires the removal of the structures to which this application relates. The infilling of the land and the building operations cannot be regularised by way of a certificate of lawful development as enforcement action has already taken place.

22. Turning to the policy requirements for this retrospective proposal. The following strategic policies at Part 1 of the Plan Strategy are relevant.

23. Strategic Policy 01 - Sustainable Development states that:

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

### **Development in the Countryside**

24. Retrospective planning permission is sought for a non-residential use located in the open countryside. Car valeting is a B2 use, and this is not a farm diversification proposal, nor does it propose the re-use of an existing building.

25. 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.*

### **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.*

### **Access and Transport**

28. This proposal uses an existing access onto a Protected Route. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

*Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees. Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use. Submission of a Transport Assessment Form (TAF)32 and a Design and Access Statement may also be required to accompanying development proposals.*

29. 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.*

30. The Carryduff Road (A24) is identified as a Protected Route Road. Policy TRA3 - Access to Protected Routes states that,

*The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:*

*Motorways and High Standard Dual Carriageways – All locations*

*Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.*

*Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.*

*Other Protected Routes – Outside Settlement Limits*

*Planning permission will only be granted for a development proposal in the following circumstances:*

- i. *For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*



- ii. *ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. *For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

*In all cases the proposed access must be in compliance with the requirements of Policy TRA2.*

#### *Other Protected Routes – Within Settlement Limits*

*Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.*

*In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2. Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map*

31. Car parking will be required to service this development. 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.*

### **Planning and Flood Risk**

32. The proposal seeks retrospective planning permission for more than 1000 square metres of buildings and hard standing. 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 hardsurfacing exceeding 1,000 square metres in area.*

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

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

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

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

### **Treatment of Waste Water**

33. The cleaning and valeting of vehicles give rise to the need for disposal of waste water through an inteceptor. Policy WM2 - Treatment of Wastewater states that:

*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.*

### **Regional Policy and Guidance**

34. The SPPS was published in September 2015. It is the most recent planning policy and it is stated at paragraph 1.5 that:
35. 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.
36. 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.*

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

37. 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.*
38. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive

receptors by means of its influence on the location, layout and design of new development.

39. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
40. 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.*

41. 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.

### **Retained Regional Guidance**

42. Whilst not policy, the following guidance document remains a material consideration:

#### **Development Control Advice Note 15 – Vehicular Access Standards**

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

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

## **Assessment**

### **Principle of development**

44. In terms of the use class car valeting is a B2 use as categorised under the Planning (Use Classes) Order (Northern Ireland) 2015.
45. The settlement limit for The Temple is drawn at the rear elevation and this proposal Policy COU1 applies in respect of the proposal which lies within the countryside.

46. Policy COU1 states that there are a range of other non-residential development proposals that may be acceptable in principle.
47. The area where the proposal relates to extends approximately 60 metres eastwards out from the petrol filling station and consists of a car valet, canopy area with storage shed.
48. It is noted as described in the planning history that the remaining area surrounding that is between the kiosk and retail units of the petrol filling station and the car valet unit is the subject of a separate application (LA05/2021/1150/F). That application proposes the erection of car valet unit, new diesel pump, new hard standing turning and parking area and two new drive thru car washes and a self-service car washing bay and is to be considered in tandem with this application.
49. A policy compliance statement has been submitted from the agent dated June 2023. It should be noted that this has not been updated to reflect the operational policies contained within the adopted Plan Strategy 2032. Nevertheless, the comments are considered in respect of the justification provided in the statement.
50. Paragraph 14 states that the settlement limit as drawn around the rear of the existing shop building is:

*“impractical as the filling station would have had some form of hard standing to the rear”.*
51. This is not in dispute and the Council acknowledges that rear access for servicing and other ancillary uses linked to the operation of the petrol filling station would be required and that there was already some minor encroachment into the countryside as a result of the historical development of the site.
52. That said this development is significantly beyond the established curtilage which is defined by the hard standing immediately adjacent to the rear of the existing buildings within the settlement of The Temple.
53. There is no policy basis for this car valet unit, nor is it justified as necessary for operational reasons in conjunction with the existing business, nor is deemed to be ancillary to the existing sui generis use as it is too far removed from the main station area.
54. The statement refers to previously approved application S/1999/0286 for:

*“redevelopment of filling station incorporating supermarket and café, car wash, storage and associated landscaping”.* It is said that this approval encompasses a larger site than the works that are the subject of this application.
55. This planning permission is lapsed. No Certification of Lawful Development Proposed is certified. There is no evidence that the development was commenced, and it cannot be considered a material consideration to be weighed in the decision-making process.
56. In considering all of the above, the proposal in principle is not an acceptable type of development in the countryside and for the reasons mentioned above will offend

the local development plan and is contrary to Policy COU1. Further assessment in relation to policies COU15 and COU 16 are assessed below.

#### Policy COU15 - Integration and Design of Buildings in the Countryside

57. Turning then to policy COU15, it is considered that the proposed development would not be a prominent feature within the local landscape as it is sited to the rear of the existing petrol filling station and is bound by development along both its northern and southern boundaries and as such there are only limited views when travelling along the Carryduff Road in either direction. It is therefore considered that the proposal is not visually prominent in the landscape and therefore criteria (a) is met.
58. The development and related structures are not sited to cluster with an established group of buildings within the countryside. The buildings relied on are the existing buildings within the settlement limit. Criteria (b) is not met.
59. It is considered that the proposal blends in with the built form and backdrop of existing residential properties which abuts the site to the north and an existing commercial premises to the south. The proposal is also located behind an existing petrol filling station. Criteria (c) is considered to be met.
60. The site is delineated by timber fencing. There is built development to the north, south and west. The eastern boundary with the countryside is defined by sparse hedgerow and tree planting. Having regard to this context, it is considered that the site is able to provide a suitable degree of enclosure for the development to integrate into the landscape without relying solely upon new landscaping. Criteria (d) and (e) are therefore met.
61. The design of the structures on site are considered acceptable for this type of development should they have been deemed to be ancillary features in conjunction with the existing petrol filling station.
62. The area of the site behind the petrol station and where the valeting structure is to be located is laid out in tarmac, concrete and hard standing. That said these works do not have planning approval and are associated with a separate application LA05/2021/1150/F. No additional ancillary works required as a result of this proposal. Criteria (g) is met.
63. For the reasons outlined above, the policy tests associated with Policy COU15 criteria (b) is not met.

#### Policy COU16 - Rural Character and Other Criteria

64. For the reasons outlined above, the proposal would not be prominent in the landscape and would be sited to the rear of the existing unit.

65. As stated above the proposal will not be sited to cluster with existing development within the countryside. Criteria (b) is not met.
66. It is considered that there is existing residential development to the north and commercial development to the south and west of the site and as such there is no defined settlement pattern within this immediate area. The proposal is therefore not likely to offend criteria (c).
67. The purpose of a settlement limit is to restrict any future development from extending into the open countryside. The works proposed will extend built development into the open countryside which will result in unnecessary urban sprawl, and which will mar the distinction between the Temple settlement and the surrounding countryside. Therefore criteria (d) is not met.
68. For the same reasons mentioned above the proposal will also have an adverse impact on the rural character of the area. Criteria (e) is not met.
69. In relation to criteria (f) it is considered that the area for expansion when considered in its entirety lies directly south of a number of residential properties located at 162-174 Saintfield Road.
70. In the absence of supporting information, this proposal, when assessed in isolation, is likely to have an adverse impact on residential amenity.
71. In respect of this proposal, Environmental Health note that a Noise Impact Assessment (NIA) was submitted as part of application LA05/2021/1150/F which considers the impact from the car valeting area along with other sources.
72. Environmental Health note that within the NIA the predicted noise levels associated with the development exceed the background noise level. However, the noise associated with this proposal has not been assessed in isolation and therefore the actual noise impact from this development is unclear.
73. In the absence of clear supporting information, Environmental Health advise that the noise impact from the proposal is likely to have an adverse impact on the amenity of adjacent receptors with respect to noise.
74. Officers have no reason to dispute this advice. For the reasons detailed above the proposal would be contrary to criteria (f) of Policy COU16.
75. In respect of criteria (g) all necessary services, including the provision of non mains sewerage, is currently provided without significant adverse impact on the environment or character of the locality. Criteria (g) is met.
76. As mentioned above the area of the site behind the petrol station and where the valeting structure is to be located is laid out in tarmac, concrete and hard standing. That said these works do not have planning approval and are associated with a separate application LA05/2021/1150/F. No additional ancillary works are required as a result of this proposal. Criteria (h) is met.

77. In respect of criteria (i), access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
78. For the reasons outlined above, the policy tests associated with criteria (b), (e) and (f) of policy COU16 are not capable of being met.

### **Policy TRA 2 - Access and Transport**

79. The P1 Form indicates that the existing access arrangements for the development will involve use of an existing unaltered access to a public road for both vehicular and pedestrian access.
80. DFI Roads have considered the detail on the site layout and supporting information provided on 22<sup>nd</sup> May 2023, and offer no objections to the proposed development subject to conditions.
81. The proposal will not prejudice road safety or significantly inconvenience the flow and vehicles.
82. The proposal involves a direct access onto a Protected Route however does not conflict with Policy TRA3 as demonstrated in paragraph 87 below.
83. Based on a review of the information and the advice from statutory consultees, it is accepted that the requirements of Policy TRA2 of the Plan Strategy are met in full.

### **Policy TRA 3 – Access to Protected Routes**

84. Policy TRA3 states that for other protected routes outside settlement limits that:

*Planning permission will only be granted for a development proposal in the following circumstances: i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route; ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route. In all cases the proposed access must be in compliance with the requirements of Policy TRA2.*

85. This proposal is considered against the requirements of criteria (iii). The development proposes to utilise an existing access, and the information provided on the P1 form demonstrates that there will be no intensification of the use of this access based on the extent of the works proposed. It is anticipated that there will be no expected increase in the no. of vehicles attending the



premises daily. DfI Roads have considered the detail and are content that no further information is required.

86. For these reasons the requirements of policy TRA3 are met.

#### **Policy TRA7 - Parking and Servicing Arrangements in new developments**

87. DfI roads have considered the detail as shown on the proposed site layout. The P1 form indicates that there is to be no expected increase in the daily average number of vehicles visiting the site no additional parking is required as a result of the proposed car valeting canopy. It is acknowledged that there is adequate existing parking available to accommodate the proposal.
88. The parking requirement in accordance with published 'Parking Standards' is two non-operational and one operational space. Whilst this is not marked out there is adequate land within the site and at the adjacent petrol filling station to meet this parking requirement,

#### **Policies FLD1 - FLD5 Planning and Flood Risk**

89. A drainage assessment was submitted for consideration under the requirements of Policy FLD3 in respect of LA05/2021/1150/F which covers the extent of works within the entire site area (inclusive of this proposal).
90. The drainage assessment states that within the site to be developed the drainage infrastructure will be installed beneath the internal yard through the eastern portion of the site, linking surface water run-off from areas of hard standing within the site to the proposed site discharge point. A watercourse running parallel to the eastern boundary of the assessment site is proposed as the final discharge point for surface water run-off. Based on the topography of the land, surface water run-off will be gravity fed towards the final discharge point.
91. The DA outlines that for a length of 70 metres a 1.22 diameter concrete culvert along the site access road is required to provide attenuation void of 79.2m<sup>3</sup> above what is required for the site. The proposed discharge point is located to the east of the development site adjacent to an existing water course.
92. Prior to the final discharge from the site to the water course, it is proposed a hydro brake is fitted within the final manhole to ensure site discharge is limited to 2.5l/s.
93. The DA concludes that the proposal will not increase surface water flood risk at, or downstream of the site, it is therefore considered that the proposal meets the requirements of FLD3.

#### **Treatment of Wastewater**

94. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via the existing storm sewers and foul sewage via an "existing biodisc treatment works".

95. A drainage assessment along with an additional drainage response has been submitted for consideration in respect of LA05/2021/1150/F which covers the entire site inclusive of this area where works have been carried out and are operational.
96. Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.
97. Environmental Health were consulted and offer no objection in respect of the drainage proposals. NI Water have also replied indicating they have no objection.
78. Consideration of flood risk is included as a criteria for assessment in policy WM2. DfI Rivers identified that the development does not lie within the 1 in 100 year fluvial, hence would have no specific reason to object to the proposed development from a flood risk perspective.
79. This proposal does not therefore require the submission of a flood risk assessment and consent to discharge is required as a separate consent outside of the planning process. No flood risk is identified.
80. Based on a review of the information and advice received from consultees, it is accepted that adequate provision is in place for the disposal of effluent so as not to create or add to a pollution problem. The requirements of Policy WM2 of the Plan Strategy are met in full.

### Consideration of Representations

81. Consideration of objections and issues raised are set out below:

#### Noise and traffic pollution

82. In respect of traffic, DFI Roads have raised no objections to the development, and it is anticipated that there will be no increase in the average no. of vehicles attending the site. Environmental Health advise that in the absence of clear supporting information, the noise impact from the proposal is likely to have an adverse impact on the amenity of adjacent receptors in respect of the predicted noise levels.

#### Anti-social behaviour mainly late at night

83. Consideration of this is outside of the remit of planning and no material weight can be attached to this, however, the Council have concerns as a whole with regard to impact of development on residential amenity for the reasons outlined earlier in the report within the context of Policy COU16 considerations.

#### Further structures erected without authorised planning

84. Unauthorised development not pertaining to this proposal is a separate matter for enforcement. An enforcement notice is in effect in relation to the unauthorized works on site however it is not being currently pursued pending the outcome of the application process.

Detrimental effects on houses which have rear of properties facing onto the site

85. The proposal is considered to be contrary to planning policy and will have an adverse impact on rural character and on the amenity of neighbouring properties.

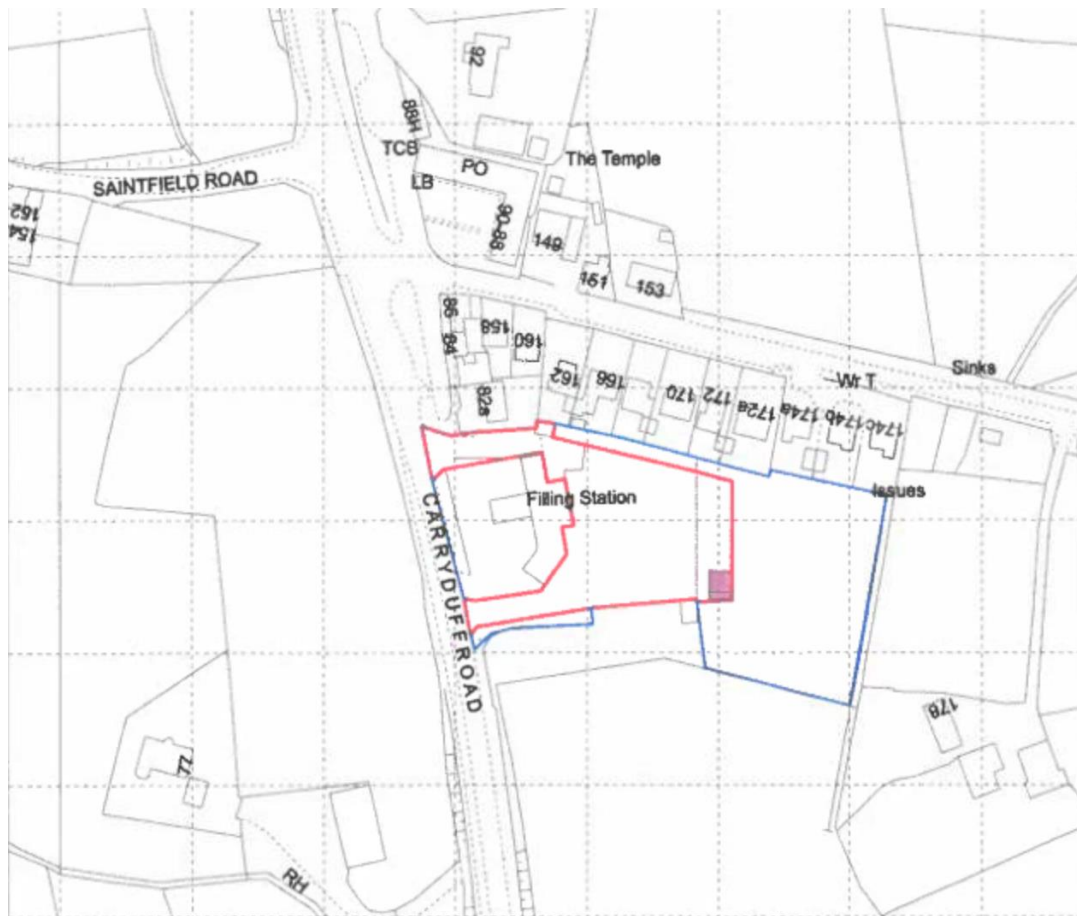
### Conclusions and Recommendation

86. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of Policies COU 1, COU15 and COU16 of the LCCC Plan Strategy 2032.

### Refusal reasons

87. The following refusal reasons are recommended:
- The application 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 criteria (b) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings.
  - The proposal is contrary to criteria (d) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved, would mar the distinction between the settlement and the surrounding countryside and would result in urban sprawl.
  - The proposal is contrary to criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that the development, if approved, would not adversely impact upon residential amenity by reason of noise.

### Site Location Plan – LA05/2023/0470/F



## Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	14 October 2024
Committee Interest	Local Application (Exceptions Apply)
Application Reference	LA05/2021/1150/F
Date of Application	08 October 2001
Proposal Description	New diesel pump, new hard standing turning and parking area and two drive thru car washes a self-service car washing bay (retrospective)
Location	Temple Filling Station, 82 Carryduff Road, Lisburn
Representations	Two
Case Officer	Brenda Ferguson
Recommendation	<b>REFUSAL</b>

### Summary of Recommendation

1. This application is categorised as a local application. The application is presented to the Committee in accordance with the Protocol in that it has been Called In.
2. The application is presented with a recommendation to refuse as 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 criteria (b) of Policy TC6 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that there is a clear need for the development and that it cannot be catered for by the existing petrol station on the same transport route.
4. The proposal is contrary to criteria (b) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings in the countryside.
5. The proposal is contrary to criteria (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in the nature and scale of the ancillary

works associated with the development would if approved fail to integrate with their surroundings.

6. The proposal is contrary to criteria (b) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings in the countryside.
7. The proposal is contrary to criteria (d) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved, would mar the distinction between the settlement and the surrounding countryside and would result in urban sprawl.
8. The proposal is contrary to paragraphs 4.11 and 4.12 of the SPPS and criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved would adversely impact on residential amenity by reason of noise and nuisance from the vehicles attracted to and parked on the hard standing.
9. The proposal is contrary to criteria (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in the nature and scale of the ancillary works associated with the development would if approved have an adverse impact on the rural character of the area.

## Description of Site and Surroundings

### Site

5. This site is located in the countryside adjacent to the settlement of Temple, approximately 4.5km to the south of Carryduff.
6. The development as built is located to the rear of the existing Service Station and which is comprised of retail premises and various built structures linked to the operation of the neighbouring site.
7. The application is retrospective and comprises hard standing and a new diesel pump, a turning and parking area and two drive thru car washes and a self-service car washing bay all of which are operational.
8. The services associated with the car valeting booth as annotated on the site layout drawing 02 and forming part of the original proposal has since been relocated and the subject of a separate application process.

### Surroundings

9. To the immediate south of the site is a used car sales yard and the land beyond that is agricultural. To the east beyond the confines of the site is also agricultural. There are some residential properties along the road to the north with agricultural fields beyond that.

### Proposed Development

10. The application seeks retrospective permission for the erection of a new diesel pump, new hard standing, turning and parking area, two drive thru car washes and a self-service car washing bay.

### Planning History

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

Reference	Address	Proposal	Status
LA05/2023/0470/F	Temple Filling Station	Proposed new car valeting canopy and store (retrospective)	Refusal recommended
LA05/2022/0809/F	Temple Filling Station 82 Carryduff Road Lisburn BT27 6UA	Proposed extension to existing retail unit (to rear-under construction)	Approved
LA05/2020/0841/LDP	82 Carryduff Road	Use of rear store area for retail sales as an off licence	Approved
LA05/2018/1167/F	Temple Petrol Filling Station	Erection of car wash/valet unit and diesel pump, re-siting of car wash with provision of tarmac surface, concreting of gravel paths, providing 1.8m wooden fences to rear of septic tanks and around utility area. (Retrospective)	Withdrawn
S/2006/0705/F	82 Carryduff Road Temple, Lisburn	Application to vary condition no. 1 (time limit) of planning permission ref. S/1999/0286/F to read eight years	Approved

		from the date of this permission.	
S/1999/0286	82 Carryduff Road Temple, Lisburn	Redevelopment of filling station incorporating supermarket and cafe, car wash, storage and associated landscaping	Approved

## Consultations

12. The following consultations were carried out:

Consultee	Response
NI Water	No objections
LCCC EHO	Objection
DFI Roads	No objections
NIEA Regulation Unit	No objections
NIEA Water Management Unit	No objection
NIEA Regulation Unit	No Objection
DFI Rivers	No Objection

## Representations

13. Two representations have been received in opposition to the application. A summary of the issues raised are set out below:

- Noise pollution
- Anti-social/offensive behavior
- Work undertaken some 3 years ago in respect of LA05/2018/1167/F (withdrawn) remains in place
- Increase in traffic to rear of service station



- Concerns regarding litter and health concerns relating to fumes from vehicles
- Loss of privacy
- Development eroding the character of the area

### Local Development Plan

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

#### Plan Strategy 2032

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

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

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

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

16. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
17. The site lies in the open countryside in LAP 2001. In draft BMAP (2004) and the subsequent revision to the draft (2014) this site is located outside of the settlement limit of The Temple. The settlement was drawn along the rear elevation of the kiosk and retail unit of the petrol filling station.
18. Retrospective planning permission is sought for several non-residential uses in the open countryside. The area of hard standing for lorry parking and the drive through and self-service car washes are sui generis uses
19. Whilst the uses proposed to be retained could be considered as ancillary uses to the operation of the petrol filling station, the proposal is retrospective involving

development located beyond the established curtilage and an extension of the use into the open countryside and as such, are required to be considered on their own merit.

20. The following strategic policies set out in Part 1 of the Plan Strategy are relevant to the assessment:

21. Strategic Policy 01 - Sustainable Development states that

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

22. The application seeks to retain services that would typically be associated with the operation of a Petrol Filling Station. The following operational policies set out in Part 2 of the Plan Strategy are relevant to the assessment:

### **Development in the Countryside**

23. 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. Development of inappropriate retailing in the countryside will be resisted. Retailing opportunities in the countryside will only be considered in relation to Policies COU11, COU14 and, in exceptional cases, Policy TC6.*

### **Integration and Design of Buildings in the Countryside**

24. 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

25. 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.*

### **Petrol Filling Stations**

26. It is indicated in the supporting documents that the development is linked to the operation of the established neighbouring use. Policy TC6 Petrol Filling Stations and Roadside Service Facilities states that:

*Petrol filling stations should be located within a defined settlement limit, subject to the following:*

- a) *safe and appropriate access can be achieved at the site*

- b) *it is demonstrated there is a clear need for the facility that cannot be catered for by an existing petrol station on the same transport route*
- c) *proposals for retail unit(s) associated with the Petrol Filling Station above a threshold of 1,000 square metres gross external area which are not within a defined settlement limit will be required to undertake a Retail Impact Assessment and/or an assessment of need.*

*In circumstances where an associated retail unit is proposed, which is under 1,000 square metres (gross area) and is provided at an edge of Town Centre or out of Town Centre location, a quantitative and qualitative assessment of need may be required that clearly demonstrates and takes account of the proposal's impact on defined centres and existing facilities serving a similar function.*

*An exception may be permitted for proposals on the trunk road network in the countryside, subject to compliance with the above policy criteria and where it is demonstrated a clear need for the facility exists that cannot be provided within a defined settlement limit.*

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

### **Access and Transport**

27. The proposal uses an existing access onto a Protected Route. Policy TRA1 - Creating an Accessible Environment states that,

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

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

*Public buildings will only be permitted where they are designed to provide suitable access for customers, visitors and employees. Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use. Submission of a Transport Assessment Form (TAF)<sup>32</sup> and a Design and Access Statement may also be required to accompanying development proposals.*

28. 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.*

29. The Carryduff Road (A24) is identified as a Protected Route Road. Policy TRA3 - Access to Protected Routes states that,

*The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:*

*Motorways and High Standard Dual Carriageways – All locations Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.*

*Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.*

*Other Protected Routes – Outside Settlement Limits*

*Planning permission will only be granted for a development proposal in the following circumstances:*

- i. *For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;*
- ii. *For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and*
- iii. *For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.*

*In all cases the proposed access must be in compliance with the requirements of Policy TRA2.*

30. The proposal seeks to retain a large area of hardstanding for the parking of lorries. 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.*

### **Planning and Flood Risk**

31. The application seeks retrospective permission for more than 1000 square metres hard standing. 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 hardsurfacing exceeding 1,000 square metres in area.*

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

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

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

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

### **Treatment of Waste Water**

32. The operation of two drive thru car washes and a self-service washing booth gives rise to the need for disposal of waste water through an interceptor. Policy WM2 - Treatment of Wastewater states that,

*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.*

### **Regional Policy and Guidance**

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

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

34. 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*

35. 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.*

36. By way of example, it explains that the planning system has a role to play in minimising potential adverse impacts, such as noise or light pollution on sensitive receptors by means of its influence on the location, layout and design of new development.
37. It also advises that the planning system can also positively contribute to improving air quality and minimising its harmful impacts. Additional strategic guidance on noise and air quality as material considerations in the planning process is set out at Annex A.
38. 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.*
39. 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.
40. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

### **Retained Regional Guidance**

41. Whilst not policy, the following guidance document remains a material consideration:

### **Development Control Advice Note 15 – Vehicular Access Standards**

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



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

## Assessment

### Principle of Development

43. A petrol filling station (PFS) is categorised as a "sui generis" use under the Planning (Use Classes) Order (Northern Ireland) 2015. The services associated with this application are sui generis.
44. The settlement limit for Temple is drawn at the rear elevation of the existing PFS. The lands associated with this application lies out with the settlement and within the countryside.
45. Policy COU1 states that there are a range of other non-residential development proposals that may be acceptable in principle.

### TC6 Petrol Filling Stations and Roadside Service Facilities

46. The area where the proposal relates to extends for approximately 60 metres eastwards out from the rear of the petrol filling station and consists of a number of existing buildings/structures currently in operation (including car valeting booth, car jet wash area, additional diesel pump, valeting unit and canopy and a large portion of the site demarcated for lorry parking).
47. The entire site area is already covered in hard-standing and the lorry parking area used by lorries frequently at various times throughout the day. The spaces in this area are not marked out.
48. The car valet service is relocated to an area outside this application site. It is now the subject of a separate application (LA05/2023/0470/F). Both applications are however progressed in tandem.
49. A Policy Compliance statement was submitted by the agent in June 2023. This statement has not been updated to reflect the operational policies contained within the adopted Plan Strategy 2032. That said, the comments are considered in respect of this assessment.
50. Paragraph 14 states that the settlement limit as drawn around the rear of the existing shop building is:

*"impractical as the filling station would have had some form of hard standing to the rear".*

51. This is not in dispute, and it is acknowledged that within reason, a minor encroachment into the countryside would not be detrimental to the rural character as it could be considered as ancillary to the established PFS use.
52. That said, the extent of the area of hard standing evident on the ground out with the settlement limit as part of this application is extensive area and not justified as being necessary for operational reasons in conjunction with the existing business, nor is it deemed to be ancillary to the existing sui generis use.
53. The statement refers to previously approved application S/1999/0286 for  
*“redevelopment of filling station incorporating supermarket and café, car wash, storage and associated landscaping”*.
54. The view is expressed that this approval encompasses a larger site than the works that are the subject of this application.
55. A case is advanced within the Policy Compliance Statement that the area delineated for the lorry parking equates to roughly 1600 square-metres.
56. This is not correct. The additional area of actual hard standing equates to an area in excess of 2900 square metres (in combination with LA05/2023/0470/F). This is not considered to be ancillary in terms of size and scale.
57. The agent has identified that there is a clear demand for the large parking spaces to accommodate space for large vehicles to be able to pull off the road and stop for a rest break. The view is also expressed that the only option to make such provision at the site is to extend the premises to the rear as there is no opportunity for expansion to the front or side of the premises. The view is also expressed that this will accommodate the needs of the long-distance strategic road network travellers.
58. The extent of hard standing to provide parking for large vehicles is not deemed as essential for road users as this facility could be accommodated within the existing parking facilities already available within the Petrol Filling Station which has been in operation for some time without the need for this service. The need for such a large area for the parking of lorries is not clear nor is it clear why this facility that cannot be catered for within the curtilage of the existing petrol station on the same transport route. For the reasons outlined above, the proposal fails to comply with criteria (b) of Policy TC6.
59. Furthermore, and for the reasons outlined, the application is not considered to be an acceptable type of development in the countryside. Policy COU1 is not met.
60. Turning to the balance of the policy tests associated with development in the Countryside the following assessment is made.

Policy COU15 - Integration and Design of Buildings in the Countryside

61. Turning then to policy COU15, it is considered that the proposed development would not be a prominent feature within the local landscape as it is sited to the

- rear of the existing petrol filling station and as such is only visible on approach when travelling along the Carryduff Road in either direction. Criteria (a) is met.
62. The development and related structures are not sited to cluster with an established group of buildings within the countryside. Instead, the development relies on buildings within the settlement limit. Criteria (b) is not met.
  63. It is considered that the proposal blends in with the built form and backdrop of existing development which surrounds the site to the south. Criteria (c) is met.
  64. The site is delineated by timber fencing. There is built development to the north, south and west. The eastern boundary with the countryside is defined by sparse hedgerow and tree planting. Having regard to this context, it is considered that the site is able to provide a suitable degree of enclosure for the development to integrate into the landscape without relying solely upon new landscaping. Criteria (d) and (e) are therefore met.
  65. The design of the structures on site are considered acceptable for this type of development as they are of a scale that is ancillary to and used in conjunction with the existing petrol filling station. Criteria (f) is met.
  66. The ancillary works associated with the extensive lorry park area do not integrate with their surroundings. The hard standing areas comprise concrete and tarmac finishes and they cover the entire site area. The areas are screened by fencing which does not integrate with their surroundings. The areas also extend into the open countryside field which is detrimental to the rural character. Criteria (g) is not met.
  67. For the reasons outlined above, the policy tests associated with criteria (b) and (g) of Policy COU15 are not met.

#### Policy COU16 - Rural Character and Other Criteria

68. For the reasons outlined above within the context of Policy COU15 considerations, the proposal would not be prominent in the landscape and would be sited to the rear of the existing unit. Criteria (a) is met.
69. As stated above within the context of Policy COU16 considerations, the proposal including the structures will not be sited to cluster with existing development within the countryside. Criteria (b) is not met.
70. Elements of the proposal will respect the traditional pattern of settlement exhibited within the immediate area surrounding the Temple Filling Station which comprises a mix of housing and commercial development. Criteria (c) is met.
71. For the reasons outlined earlier within the context of the principle of development, the development will mar the distinction between the Temple settlement and the surrounding countryside and the extent of the works carried out will also result in urban sprawl into the open countryside. Furthermore, the works associated with

the proposed development will have an adverse impact on the rural character of the area. Criteria (d) and (e) is not met.

72. The area for expansion lies directly south of a number of residential properties located at 162-174 Saintfield Road. The accumulation of the works including the creation of large area of hard surfacing for use by lorries, diesel pump, jet wash facilities and valet unit will create a lot of additional noise sources at this location. The extent of these works will have a negative impact on the residents adjoining the site in terms of amenity.
73. A noise assessment was submitted in support of the application. Environmental Health advised in a response dated 15/09/22 that the predicted noise levels marginally exceed the average noise level at 3 receptor locations.
74. They advised that where exceedance of the background noise level are predicted mitigation measures should be installed to reduce the impact e.g. acoustic barriers.
75. Further acoustic information was submitted on 15 November 2022 in support of the application. Advice received from Environmental on 11 May 2023 stated:  
  
*“these supporting documents detail the results of the background noise monitoring, predict the noise levels and considered the potential impact from the development. Each potential noisy activity has been considered, an on-time correction applied, and the potential impact has been assessed using the methodology set out in BS4142:2014. Environmental health note that the predicted noise levels associated with the development exceeds the background noise level. Therefore, Environmental Health advice that the proposal is likely to cause a loss of amenity with respect to noise at adjacent noise sensitive receptors.”*
76. Having regard to the detail submitted and the advice from Environmental Health, the proposal would adversely impact on residential amenity with regard to noise. Criteria (f) is not met.
77. In respect of criteria (g) all necessary services, including the provision of non mains sewerage, is currently provided without significant adverse impact on the environment or character of the locality. Criteria (g) is met.
78. For the reasons outlined earlier within the context of Policy COU15, it is considered that the nature and scale of the area of hard standing is excessive and would have an adverse impact on rural character. Criteria (h) is not met.
79. Access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic and this is considered further in the report within the context of Access and Transport. Criteria (i) is met.
80. For the reasons outlined above, the policy tests associated with criteria (b), (d), (e), (f) and (h) of Policy COU16 are not met.

### **Policy TRA 2 - Access and Transport**

81. The P1 Form indicates that the existing access arrangements for the development will involve use of an existing unaltered access to a public road for both vehicular and pedestrian access.
82. DFI Roads have considered the detail on the site layout and supporting information provided on 16 August 2022, including the parking and maneuvering arrangements associated with the lorry parking area and offer no objections to the proposed development subject to standard conditions and informatives.
83. Based on a review of the information and the advice from statutory consultees, it is accepted that the requirements of Policy TRA2 of the Plan Strategy are met in full and that the proposal will not prejudice road safety or significantly inconvenience the flow of vehicles nor does it conflict with Policy TRA3 for the reasons outlined below.

### **Policy TRA 3 – Access to Protected Routes**

84. The Carryduff Road [A24] is a protected route and part of the trunk road network. Information submitted by the applicant team in August 2022 seeks to demonstrate that there is no significant increase or intensification.
85. It acknowledges that the existing PFS is an existing complex located along the main trunk road and that it is a main stop for travelling lorry drivers who stop to refuel and make use of the parking facilities.
86. The view is expressed that lorries had been parking to the front of the PFS causing serious congestion. The information states that the application seeks to eliminate this ongoing potentially dangerous traffic progression problem to the front of the complex.
87. The information explains that the increase hard standing area to the rear provides for parking, turning and space for unloading of deliveries. It also explains that the site/complex has always had a car wash and valeting area of some description for the last 12 years or more and that the application relocates it away from the residential properties towards the existing car sales business. This valeting service is mainly used by those attending the shop for groceries or passing trade hence minimal intensification arises.
88. The amended extract from the P1 Form indicates that the average number of vehicles from the premises daily is 15 vehicles associated with staff and 800 vehicles associated with visitors and customers. There are 10-12 vehicles associated with goods.
89. The average number of persons attending the premises daily in terms of employees is 15 with 1000 others [including visitors, customers, diners, spectators, pupils etc... attending.
90. The development whilst not acceptable in principle, it does involve the use of an existing access to the public road – a protected road outside the settlement limit.

No concern is expressed by DfI Roads in relation to the intensification of the access and as such, this policy is met.

### **Policy TRA7 Parking and Servicing Arrangements in new developments**

91. The Policy Compliance Statement indicates at paragraph 11 that customers have access to 24 surface level free car parking spaces including two disabled spaces within the complex. It notes at paragraph 12 that whilst the development has parking for private cars, it does not have any space for large vehicles to pull off the road to use the PFS.
92. The site layout [drawing 02] identifies existing parking areas within the confines of the site. Adequate parking and turning areas are already provided for customers using the Petrol Filling Station.
93. The area associated with lorry parking to the rear of the existing service is not shown to be marked out for lorry parking.
94. That said and having reviewed the detail associated with the development it is considered that adequate space is provided for the parking and servicing arrangements, and that that the policy tests associated with Policy TRA7 are met.

### **Planning and Flood Risk**

95. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Policy FLD1 is therefore not applicable.
96. A drainage assessment was submitted for consideration within the context of Policy FLD3. The drainage assessment states that :  
  
*within the site to be developed the drainage infrastructure will be installed beneath the internal yard through the eastern portion of the site, linking surface water runoff from areas of hard standing within the site to the proposed site discharge point. A watercourse running parallel to the eastern boundary of the assessment site is proposed final discharge point for surface water runoff. Based on the topography of the land, surface water runoff will be gravity fed towards the final discharge point.*
97. The DA outlines that for a length of 70 metres a 1.22 diameter concrete culverting along the site access road would provide attenuation void of 79.2m<sup>3</sup> above what is required for the site. The proposed discharge point is located to the east of the development site adjacent to an existing water course.
98. Prior to the final discharge from the site to the water course, it is proposed a hydrobrake is fitted within the final manhole to ensure site discharge is limited to 2.5l/s

99. The DA concludes that the proposal will not increase surface water flood risk at, or downstream of the site, it is therefore considered that the proposal meets the requirements of FLD3.
100. Having regard to the information submitted with the application and the advice from DfI Rivers, it is considered that the tests associated with Policy FLD1 and FLD3 are met.

### **Treatment of Wastewater**

101. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via the existing storm sewers and foul sewage via an "existing biodisc treatment works".
102. A drainage assessment along with an additional drainage information has been submitted for consideration.
103. Water Management Unit has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained.
104. Water Management Unit have advised that if it is not possible to connect the proposed development to the mains sewer then NIEA discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of sewage effluent from the proposed development. Water Management Unit notes that NIEA discharge consent has been granted for the discharge of sewage effluent at the site.
105. Water Management Unit also notes that the drainage plan indicates that surface water run-off from the diesel refuelling / yard area will pass through a full retention / forecourt interceptor before discharging to a nearby watercourse. NIEA discharge consent under the terms of the Water (Northern Ireland) Order 1999 will be required for the discharge of intercepted site drainage.
106. Water Management Unit has records of receiving an application for site drainage for this proposal and is currently assessing the application. This application covers the surface water run-off from the diesel pump / yard area, discharging through a full retention / forecourt separator to a nearby watercourse.
107. Environmental Health were consulted and offer no objection in respect of the drainage proposals. NI Water have also replied indicating they are content subject to suitable conditions and informatives.
108. Consideration of flood risk is included as a criteria for assessment in policy WM2. DFI Rivers identified that the development does not lie within the 1 in 100 year fluvial, hence would have no specific reason to object to the proposed development from a flood risk perspective

109. This proposal does not therefore require the submission of a flood risk assessment and consent to discharge is required as a separate consent outside of the planning process. No flood risk is identified.
110. Based on a review of the information and advice received from consultees, it is accepted that 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.

### Consideration of representations

111. Consideration of objections and issues raised are set out below:

#### Noise pollution

112. Concern is expressed that the proposed development will result in Noise Pollution. The impact of the proposal on residential amenity is considered in the main body of the report and Environmental Health advise that the proposal is likely to cause a loss of amenity with respect to noise.

#### Anti-social/offensive behaviour

113. Concern expressed in relation to anti-social and/or offensive behaviour are matters that sit outside of the remit of planning and no material weight can be attached to these in the assessment. That said, as a whole with regard to impact of development on residential amenity for the reasons outlined earlier in the report within the context of Policy COU16 considerations.

#### Work undertaken some 3 years ago in respect of LA05/2018/1167/F (withdrawn) remains in place

114. Application LA05/2018/1167/F was withdrawn, and a further application submitted seeking retrospective planning permission as part of this proposal.

#### Increase in traffic to rear of service station

115. The impact of the proposal in terms of access and transport is considered in the above assessment and for the reasons outlined, no concern in relation to road safety and/or prejudice to the flow of vehicles on the road network will arise.

#### Concerns regarding litter and health concerns relating to fumes from vehicles

116. Concerns expressed in relation to litter and health are noted. Environmental Health have raised no concerns with respect to these matters.



### Loss of privacy

117. The PFS is well established at this location and the new elements namely the car valeting and Drive Thru wash bay are located some distance from the boundary of neighbouring properties. The development is considered to impact residential amenity by virtue of noise as opposed to loss of privacy.

### Development eroding the character of the area

118. For the reasons outlined in the assessment above, it is considered that the development, if approved, would have an adverse impact on the rural character of the area.

## Conclusions and Recommendation

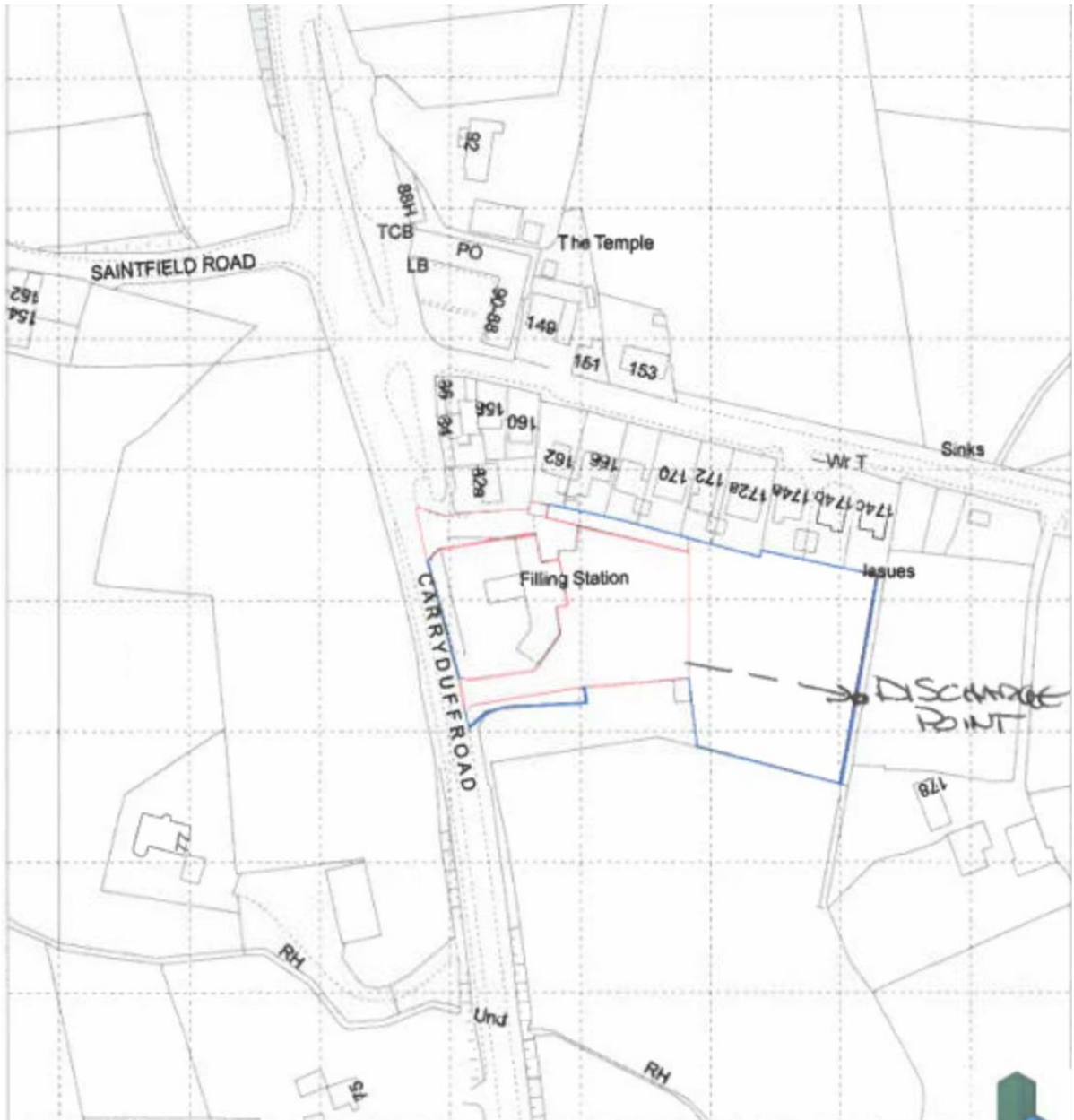
119. For the reasons outlined in the assessment above, the proposal is not in accordance with the requirements of Policies COU 1, TC6, COU15 and COU16 of the Plan Strategy 2032.

## Refusal reasons

120. The following refusal reasons are recommended:
- The application is presented with a recommendation to refuse as 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 criteria (b) of Policy TC6 of the Lisburn and Castlereagh City Council Plan Strategy in that it has not been demonstrated that there is a clear need for the development and that it cannot be catered for by the existing petrol station on the same transport route.
  - The proposal is contrary to criteria (b) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings in the countryside.
  - The proposal is contrary to criteria (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy in the nature and scale of the ancillary works associated with the development would if approved fail to integrate with their surroundings.
  - The proposal is contrary to criteria (b) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that it is not sited to cluster with an established group of buildings in the countryside.

- The proposal is contrary to criteria (d) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved, would mar the distinction between the settlement and the surrounding countryside and would result in urban sprawl.
- The proposal is contrary to paragraphs 4.11 and 4.12 of the SPPS and criteria (f) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in that the development if approved would adversely impact on residential amenity by reason of noise and nuisance from the vehicles attracted to and parked on the hard standing.
- The proposal is contrary to criteria (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy in the nature and scale of the ancillary works associated with the development would if approved have an adverse impact on the rural character of the area.

### Site Location Plan – LA05/2021/1150/F



<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 2 – Statutory Performance Indicators – August 2024

## 1.0 **Background**

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

### **Key Issues**

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of August 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 August 2024 was 27.7 weeks with performance year to date noted to be 32.3 weeks. The August performance is based on 62 applications having been decided. More local planning applications were decided than received in this month. The percentage number of cases processed within 15 weeks continued to increase from a low of 12.2% in April to 32.3% in August.
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 should 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 applications. It is expected that the team will be at full complement by Autumn 2024..

	<p>6. Members will note that the performance against the statutory target for major applications for August 2024 was 135.4 weeks with performance year to date noted to be 59.2 weeks. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.</p> <p>7. The challenge in achieving good performance consistently can depend on 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.</p>	
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that the Committee notes the information in relation to the August 2024 Statutory Performance Indicators.</p>	
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>	
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>	
4.1	<p>Has an equality and good relations screening been carried out?</p>	<p>No</p>
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out</p> <p>This is a report outlining progress against statutory targets and EQIA is not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	<p>No</p>
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.</p> <p>This is a report outlining progress against statutory targets and RNIA is not required.</p>	

<p><b>Appendices:</b></p>	<p>Appendix 2 – Statutory Performance Indicators – August 2024</p>
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**Statutory targets monthly update - August 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 <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 30 weeks	Number received	Number decided/withdrawn <sup>1</sup>	Average processing time <sup>2</sup>	% of cases processed within 15 weeks	Number opened	Number brought to conclusion <sup>3</sup>	"70%" conclusion time <sup>3</sup>	% 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%	34	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%	46	62	27.7	32.3%	22	5	34.9	80.0%
September	-	-	-	-	-	-	-	-	-	-	-	-
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
<b>Year to date</b>	<b>7</b>	<b>5</b>	<b>59.2</b>	<b>20.0%</b>	<b>250</b>	<b>306</b>	<b>32.3</b>	<b>27.1%</b>	<b>103</b>	<b>113</b>	<b>36.9</b>	<b>71.7%</b>

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.

<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 3 – Appeal Decision – LA05/2022/0703/A

## 1.0 **Background**

1. An application advertising consent for a painted sign on the gable end of 133 Ballyskeagh Road, Lisburn was refused planning permission on 16 November 2022 by way of delegated authority.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 08 February 2023.
3. The procedure followed in this instance was by way of written representation with Commissioner Site Visit on 08 August 2024.
4. The main issue in the appeal is whether the proposal would harm the visual amenity of the area.
5. A decision received on 27 August 2024 indicated that the appeal was dismissed.

## **Key Issues**

1. Paragraph 15 of the report explains that the appeal site comprised the gable wall of 133 Ballyskeagh Road which was an end of terrace of 4 two-storey dwellings inside the Drumbeg and part of the western boundary of Drumbeg Area of Village Character.
2. The Commissioner at paragraph 17 of the report considered critical views associated with the appeal site and noted that the critical view of the advertisement is when approaching the site on the Ballyskeagh Road travelling in a westerly direction.
3. The Commission explained in their report that once the sharp bend in the road in proximity to 119 Ballyskeagh Road has been negotiated, from 121 Ballyskeagh Road onwards towards the appeal site, the advertisement becomes the more prominent feature with a significantly greater visual impact with the dwellings in the foreground.
4. At paragraph 20 of the report, the Commissioner expressed the view that in these closer range views, the size, scale and distinctive appearance of the elevated advertisement combined with its varied colour palette, would visually jar against the adjacent traditional and modern domestic properties and their muted colour palette against which the advertisement would read.

5. The Commissioner, having regard to the side on orientation of the host terrace to the road and the fact that the position of the gable on which the sign is proposed allows for prominent views when driving from east to west towards the appeal site, agreed with the Council that the size, scale and appearance of the advertisement does not respect the traditional form and character of the terrace.
6. Whilst the appellant contended that the advertisement was partially screened by the neighbouring detached garage and landscaping, the Commissioner also expressed the view that it was prominent over a considerable distance and that from 121 Ballyskeagh Road onwards, the vast majority of the advertisement would be visible.
7. For the reasons detailed in the report, the Commissioner considered that the size, scale, position and appearance of the advertisement was visually intrusive and a dominant feature which did not respect either the host dwelling or the surrounding context within the Area of Village Character in terms of visual amenity.
8. At paragraph 29, the Commissioner did agree with the appellant that the property at 133 Ballyskeagh Road in itself did not exhibit strong architectural merit and whilst not listed but remained of the opinion that the scale, form, detailing and appearance of the terrace was domestic in character and contribute to the visual appearance of this part of the Area of Village Character and as such, it follows that it would unacceptably detract from the visual amenity, character and appearance.
9. Both refusal reasons presented by the Council were sustained.

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 <b><u>or</u></b> 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
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4.4	Brief summary of the key issues identified and proposed mitigating actions <b><u>or</u></b> rationale why the screening was not carried out.	
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	This is a report updating the committee on a decision by the PAC and RNIA is not required.	
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<b>Appendices:</b>	Appendix 3 – Appeal Decision – LA05/2022/0703/A
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Clyde Shanks Ltd

Our reference: 2022/A0151  
Authority  
reference: LA05/2022/0703/A  
27 August 2024

Dear Sir/Madam

**Re:**

**Appellant name: Bob Stewart**

**Description: Painted sign on gable end of 133 Ballyskeagh Road**

**Location: 133 Ballyskeagh Road, Belfast**

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson  
PACWAC Admin Team



# Appeal Decision

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<b>Appeal References:</b>	2022/A0151
<b>Appeals by:</b>	Mr Bob Stewart
<b>Appeals against:</b>	The refusal of consent to display an advertisement
<b>Proposed Development:</b>	Painted sign on gable end of 133 Ballyskeagh Road
<b>Location:</b>	133 Ballyskeagh Road, Belfast
<b>Planning Authority:</b>	Lisburn and Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/0703/A
<b>Procedure:</b>	Written representations with Commissioner's site visit on 8 <sup>th</sup> August 2024
<b>Decisions by:</b>	Commissioner Kevin Gillespie, dated 27 <sup>th</sup> August 2024

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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. On 17<sup>th</sup> November 2022, Lisburn and Castlereagh City Council (Council) refused the advertisement consent now subject to appeal (LA05/2022/0703/A) because it was, in their opinion, contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 17: Control of Outdoor Advertisements (PPS 17) and the Addendum to Planning Policy Statement 6: Areas of Townscape Character (APPS 6). The refusal of the consent was subsequently appealed.
3. Following the adoption of the Lisburn and Castlereagh Local Development Plan: Plan Strategy 2032 (PS) in September 2023, previously retained policies set out in the suite of regional Planning Policy Statements (PPSs), including PPS 6 and PPS 17, have now ceased to have effect within this Council area.
4. In its Statement of Case, the Council referred to policies in the PS relating to advertisement consent in cases such as the appeal development namely Policy HE11 of the PS titled 'The Control of Advertisements in a Conservation Area or Area of Townscape Character/Area of Village Character' and Policy AD1 of the PS titled 'Amenity and Public Safety'.
5. Policy HE11 requires that proposals for advertisement consent in Areas of Village Character (AVC) maintain the overall character and appearance of the area. This reflects criterion (a) of Policy ATC 3 of APPS 6 which similarly sought advertisement consent maintains the overall character and appearance of the area. Criterion (a) of Policy AD1 requires that proposals for advertisement consent

respect amenity, when assessed in the context of the general characteristics of the locality. This criterion reflects criterion (i) of Policy AD 1 of PPS 17 which similarly sought that advertisement consent respects amenity. Given this, and that no prejudice would arise to the appellant because he has had the opportunity to respond to the updated position in his evidence, the appeal is therefore assessed having regard to the updated policy context as provided by Policies AD1 and HE11 of the PS.

## Reasons

6. The main issue in this appeal is whether the proposal would harm the visual amenity of the area.
7. For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan so far as they are material and any other relevant factors.
8. As indicated above, in September 2023, Lisburn and Castlereagh City Council adopted its PS. In line with the transitional arrangements as set out in the Schedule to the Local Development Plan Regulations (NI) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between the DDP and the PS must be resolved in favour of the PS.
9. The Lisburn Area Plan 2001 (LAP) comprises the departmental development plan (DDP). In it, the appeal site lies within the settlement limit of Drumbeg and an Area of Townscape Character (ATC). It also lies within the Lagan Valley Regional Park and an Area of High Scenic Value. There are no other policies in the DDP that are pertinent to the appeal. In the PS, the site is located within the development limit of Drumbeg and within an Area of Village Character (AVC).
10. Whilst the Strategic Planning Policy Statement for Northern Ireland (SPPS) remains material in accordance with paragraph 1.9 thereof, as the Council has adopted its PS, the previously retained policies have now ceased to have effect. I now turn to the policies of relevance to this appeal in the PS.
11. Policy AD1 of the PS relates to the display of advertisements. It states that consent will be granted for display of an advertisement where (a) it respects amenity, when assessed in the context of the general characteristics of the locality and (b) it does not prejudice public safety. In this case, the objection from the Council was based solely on its detrimental impact on amenity.
12. The accompanying justification and amplification (J&A) text to the policy states that the display of advertisements is a feature of our main streets and commercial centres, often adding colour and interest. It adds that care must be taken to ensure that an advertisement will not detract from where it is to be displayed or its surroundings.
13. The J&A goes on to state that when assessing the impact of an advertisement or sign on amenity, the Council will consider a number of matters. The Council

considered that the proposed advertisement fell under four of these categories, namely, the effect the advertisement will have on the general characteristics of the area; the position of the advertisement on the host building and its scale and size in relation to that building; the size, scale, dominance and siting of the advertisement in relation to the scale and characteristics of the surrounding area and the design and materials of the advertisement or the structure containing the advertisement and its impact on the appearance of the building on which it is to be located.

14. The appeal site comprises the gable wall of No. 133 Ballyskeagh Road which is a bookend dwelling within a terrace of 4 No. two storey dwellings (Nos. 133 – 139 Ballyskeagh Road). The appeal property is located just inside the development limits of Dumbeg Village and forms part of the western boundary of the Drumbeg Area of Village Character (AVC). The overall terrace, which fronts onto the road, displays a simple design approach incorporating a pitched roof across its extent, a proportionate solid to void ratio and 1No. chimney positioned on the roof above each dwelling. It is constructed using a traditional materials palette of natural slate roof tiles and white painted and grey rendered external walls.
15. To the east of the terrace lies 2No. Grade B2 Listed Buildings (Nos. 141 and 145/147 Ballyskeagh Road), a two-storey detached dwelling (No. 143) and a public house known as 'Bob Stewarts' (No. 149). To the west of the terrace lies 2No. modern designed detached dwellings and garages approved under LA05/2017/0316/RM (Nos. 129 and 131 Ballyskeagh Road) beyond which lies No. 127 Ballyskeagh Road which is also a modern designed two storey detached dwelling and attached garage.
16. The appeal advertisement is positioned centrally at first floor level on the grey rendered western-facing gable wall of No. 133 Ballyskeagh Road which measures some 8.7 metres in width. The painted advertisement, which is not illuminated, comprises 3No. elements – written text, an image and a directional sign. The central part of the advertisement shows an image of 3No. flying Toucan birds of varying sizes each with 2No. pints of Guinness balanced upon their beaks. The toucans each have a black body with a white chest and an orange beak. Written text stating '*Lovely Day for a Guinness*' in red lettering and '*at Robert Stewarts Spirit Grocer*' in green lettering is positioned above and below the 3No. flying toucan birds accordingly. Positioned to the east of the text stating '*at Robert Stewarts Spirit Grocer*' are two red directional arrows both pointing northwards (upwards) beside which is written text stating '*80 yards*'. From the evidence, I note that the Council states that the image measures some 1.5 metres x 2.2 metres and the written text both above and below the image measures some 0.2 metres – 0.3 metres in height. These measurements were not disputed by the appellant.
17. When approaching the site travelling along the Ballyskeagh Road in an eastern direction, due to the position of the gable wall which is facing in the opposite direction, the advertisement would not be visible at any point. The critical view of the advertisement is therefore when approaching the site on the Ballyskeagh Road travelling in a western direction.
18. Travelling along the road from east to west, the first sight of the proposed advertisement on the upper part of the gable wall of No. 133, would be from around No. 119 Ballyskeagh Road when it would appear in the driver's peripheral

vision above the roadside hedge positioned along the length on the opposite side of this part of the road. However, whilst visible in its elevated context, it does not present as visually jarring or as a dominant feature from these more distant views because the scale, form and built extent of the 2No. detached dwellings and garages positioned in its foreground and against which the advertisement would be read are more prominent.

19. However, once the sharp bend in the road in proximity to No. 119 Ballyskeagh Road has been negotiated, from No. 121 Ballyskeagh Road onwards towards the appeal site, the advertisement becomes the more prominent feature with a significantly greater visual impact, whereas the dwellings in the foreground fade in prominence.
20. In these closer range views, the size, scale and distinctive appearance of the elevated advertisement combined with its varied colour palette, would visually jar against the adjacent traditional and modern domestic properties with their muted colour palette against which the advertisement would be read. Furthermore, given the side-on orientation of the host terrace to the road, and the fact that the position of the gable on which the sign is proposed allows for prominent views when driving from east to west towards the appeal site, I agree with the Council that the size, scale and appearance of the advertisement does not respect the traditional form and character of the terrace.
21. The appellant contends that the advertisement is partially screened by the neighbouring detached garage and landscaping such that it is not a dominant feature. However, the advertisement is prominent over a considerable distance and from No. 121 Ballyskeagh Road onwards towards the appeal site, the vast majority the advertisement would be visible. As such, the position of the neighbouring detached garage does not minimise the advertisement's unacceptable and dominant visual impact either on the streetscape as a whole or upon on the individual domestic terrace. Irrespective as to whether the advertisement has historical provenance or not, this does not outweigh my conclusions in respect of the appeal advertisement as stated above.
22. Planning appeal 2020/A0110 was cited in the Council's evidence to support its position. However, as the Council acknowledges, that appeal refers to a paper panel display and not a painted sign. Furthermore, that appeal is also within a different Council jurisdiction and subject to a different policy context. It therefore does not assist the Council's case in respect of the current appeal.
23. For the reasons identified above, it is considered that the size, scale, position and appearance of the advertisement is visually intrusive and a dominant feature which does not respect either the host dwelling or the surrounding context within this AVC in terms of visual amenity. The Council's second reason for refusal centred upon Policy AD1 of the PS is therefore sustained.
24. Policy HE11 of the PS states that in Areas of Village Character (AVC), consent for the display of an advertisement should only be granted where the overall character and appearance of the area will be maintained.
25. The J&A to the policy states that the Council will give careful consideration to the impact of the proposal on the visual amenity and overall character of the area and

that particular regard will be paid to the scale and proportions of the sign, the materials used and whether it is illuminated which, in this case, it is not.

26. The J&A states further that consent will not normally be granted for advertisements which are inappropriate to the architectural style or character of the building on which it is proposed, or which would detract from the area in general and that signage on the upper floors of buildings and the internal illumination of signs will not normally be acceptable.
27. Within the evidence, the Council's Conservation Officer states that the appeal building is located within an area of established village character consisting of a number of dispersed dwellings and community buildings dating from the 19<sup>th</sup> century through to the 21<sup>st</sup> century. He goes on to state that No. 133 Ballyskeagh Road forms a gable end to this historic residential terrace at the entrance approach to the Drumbeg AVC such that the property contributes significantly to the character of the terrace as a whole and views into and out of the AVC.
28. The appellant however contends that that the host dwelling does not exhibit strong architectural merit and that as the terrace was not specifically noted within the features/rationale for Drumbeg's designation as an AVC, the Council is overplaying its importance and contribution as part of an 'historic terrace'.
29. Whilst I agree with the appellant that No. 133 does not individually in itself exhibit strong architectural merit, and whilst neither it or the terrace are listed, I nonetheless consider that the scale, form, detailing and appearance of the terrace are domestic in character and contribute to the visual appearance and character of this part of the AVC, whereas the proposed signage is commercial and would be out of context at this location within the AVC.
30. The appellant acknowledges that because of its designation, the area is sensitive to new advertising. I agree and therefore having already concluded that the size, scale, position and appearance of the advertisement is visually intrusive and a dominant feature out of context with the host domestic building, it follows that it would unacceptably detract from the visual amenity and character and appearance of the AVC contrary to Policy HE11 of the PS. The Council's first reason for refusal is sustained.
31. Having regard to all of the foregoing and in line with the wording of the transitional arrangements in the 2015 LDP Regulations, as there is no conflict arising when reading both the DDP and the PS together, the appeal development does not accord with the LDP for the reasons stated. As both the Council's reasons for refusal are sustained, the appeal must fail.

This decision is based on the following drawings:

Drawing Number	Title	Scale	Date Received by the Council
01A	Site Location Map	1:1250	30 August 2022
02A	Proposed Gable Elevation	1:50 @ A3	30 August 2022
03	Block Plan	1:500 @ A1	30 August 2022

**COMMISSIONER KEVIN GILLESPIE**

**List of Documents**

**Planning Authority:-**           **“A1” Lisburn and Castlereagh City Council – Statement of Case**

**“A2” Lisburn and Castlereagh City Council - Rebuttal**

**Appellant:-**                       **“B1” Clyde Shanks (agent) - Statement of Case**

**“B2” Clyde Shanks (agent) - Rebuttal**



<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 4 – Appeal Decision – LA05/2022/0977/F

## 1.0 **Background**

1. An application for the extension to domestic curtilage of existing dwelling to include existing outhouse to become ancillary to the existing dwelling as domestic office and domestic gym was granted planning permission subject to conditions on 28 September 2023. This decision issued by way of delegated authority.
2. Notification that an appeal in relation to condition 2 of this permission had been lodged with the Planning Appeals Commission was received on 23 January 2024.
3. Condition 2 of the earlier planning permission was as follows:

The office and gym hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at 30 Dunlady Road, Dundonald and for no other purposes. In particular at no time shall the building be used for; residential accommodation, industrial, trade or business activity of any description.

4. The reason for this condition was to prevent the building from being used for business or other purposes not related to the main use and safeguard the amenity of nearby residents and the protect the character of the rural area as a whole.
5. The procedure followed in this instance an informal hearing on 19 June 2024.
6. A decision received on 30 August 2024 indicated that the appeal was allowed and condition 2 of permission LA05/2022/0977/F is varied as follows:

*The office and gym hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at 30 Dunlady Road, Dundonald and for no other purposes. In particular at no time shall the building be used for; industrial, trade or business activity.*

7. A copy of the decision report if provided at **Appendix 4**.

## **Key Issues**

1. At paragraphs 10 and 11 of the report, the Commissioner considers evidence presented by the appellant in relation to the description of development whereby the view was expressed that the description was imposed on him by the Council. Having regard to the evidence the Commissioner explained that the concerns raised by the appellant in this regard were misplaced.

2. Furthermore, the appellant referred to Policy COU4 – conversation and reuse of buildings for residential use in their evidence. The Commissioner explained at paragraph 12 that this policy is applicable when considering conversion to a single dwelling but is not relevant to an application for an ancillary domestic use in an outbuilding.
3. The appellant during the hearing confirmed that the purpose of the application was for a home office and home gym for their own use.
4. The appellant questioned the reasonableness of condition 2 as there were no neighbours within 300 metres of the appeal site and as such no amenity impacts in terms of traffic, noise, omissions or overlooking. The appellant also argued that the condition-imposed restrictions on the potential future use of the building with reference to the potential future need to use it as an additional bedroom.
5. The appellant also considered that there was ambiguity as to whether working from home differentiated between an employed and a self-employed person who had their own business. It was questioned if a separate building such as the appeal building was considered as equivalent to a room in a house.
6. The Commissioner at paragraph 21 of the report does not accept that there is ambiguity in policy and guidance as to home working allowing for self-employment. The Commissioner further explained that the relevant consideration is whether the home working, employed or self-employed, is ancillary to the main use of the dwelling. This is a matter of fact and degree as to whether the use is ancillary.
7. The Council's rationale for imposing the condition is explained at paragraphs 16 and 17 of the report. Having regard to the evidence presented, the Commissioner did agree with the Council that a condition was required to ensure that the building would only be used for ancillary residential purposes in connection with the main dwelling house and not as a separate unit of accommodation.
8. It was also considered reasonable for the condition to specify that no industry, trade or business activity take place at any time in order to control the nature and level of activity at the appeal site.
9. Having regard to the evidence, the Council did agree for the condition to be amended to remove reference to residential accommodation accepting the wording '*used solely for domestic purposes*' would be sufficient to ensure that the condition remained enforceable and met the other legal tests.
10. In allowing the appeal the Commission still recognised the need to protect the use of the building from inappropriate uses. This decision provides helpful advice on the wording of conditions for similar proposals in the future.

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	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>	
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 <b>or</b> 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 <b>or</b> 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 – LA05/2022/0977/F



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Lisburn & Castlereagh City Council

Our reference: 2023/A0102  
Authority  
reference: LA05/2022/0977/F  
30 August 2024

Dear Sir/Madam

Re:

Appellant name: Mr. Michael Robinson

Description: Appeal against condition 2. The office & gym hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at No. 30 Dunlady Road, Dundonald and for no other purposes. In particular at no time shall the building be used for; residential accommodation, industrial, trade or business activity of any description

Location: 30 Dunlady Road, Dundonald, Belfast

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Padraig Dawson  
PACWAC Admin Team



# Appeal Decision

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<b>Appeal Reference:</b>	2023/A0102
<b>Appeal by:</b>	Mr. Michael Robinson
<b>Appeal against:</b>	The conditional grant of full planning permission
<b>Development:</b>	Proposed extension to domestic curtilage of existing dwelling to include existing outhouse to become ancillary to the existing dwelling as domestic office and domestic gym
<b>Location:</b>	30 Dunlady Road, Dundonald, Belfast
<b>Planning Authority:</b>	Lisburn & Castlereagh City Council
<b>Application Reference:</b>	LA05/2022/0977/F
<b>Procedure:</b>	Informal Hearing on 19 <sup>th</sup> June 2024
<b>Decision by:</b>	Commissioner Trudy Harbinson, dated 30 <sup>th</sup> August 2024

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## Decision

1. The appeal is allowed and condition 2 of permission LA05/2022/0977/F is amended as set out below.

## Reasons

2. The main issue in this appeal is whether condition 2 of permission LA05/2022/0977/F meets the legal tests for a planning condition.
3. On 28<sup>th</sup> September 2023 the Council granted full planning permission (LA05/2022/0977/F) on the appeal site for *the proposed extension to domestic curtilage of existing dwelling to include existing outhouse to become ancillary to the existing dwelling as domestic office and domestic gym*. This permission was subject to two conditions, a standard time condition and condition 2, which the Appellant challenges under this appeal. Condition 2 reads as follows: -

*The office and gym hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at No. 30 Dunlady Road Dundonald and for no other purposes. In particular at no time shall the building be used for; residential accommodation, industrial, trade or business activity of any description.*

The following reason was given for Condition 2: -

*To safeguard the amenity of nearby residents and the character of the rural area as a whole.*

4. In the determination of this appeal, Section 45 (1) of the Act states that regard must be had to the local development plan (LDP), so far as material to the application, and to any other material considerations. Where regard is to be had to

the LDP, Section 6 (4) of the Act requires that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5. On 26th September 2023 the Council adopted the Plan Strategy (PS) entitled 'Lisburn and Castlereagh Local Development Plan 2032'. In line with the transitional arrangements set out in the Schedule to the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP now becomes a combination of the Departmental Development Plan (DDP) and the PS read together. Again, in accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the PS.
6. The Belfast Urban Area Plan (BUAP) is the relevant DDP. In that plan the site is located outside any settlement and within the Belfast Urban Area Green Belt and within an Area of High Scenic Value (AHSV). Policy GB1 of the BUAP states that there will be a general presumption against further development in the green belt unless it is essential to the operation of farming and must be located in the countryside rather than in a nearby town or village. This green belt policy in the DDP is now outdated, and limited weight is given to it. Policy L4 'City Setting' of the DDP seeks to protect Areas of High Scenic Value in the Antrim and Castlereagh Hills, the Lagan Valley and Lough Shores. While the Draft Belfast Metropolitan Area Plan 2004 (dBMAP) is not a DDP as it was never adopted, it could still be a potential material consideration in certain cases. Within dBMAP the appeal site is also located in the green belt and an AHSV. There is no conflict between the DDP and the PS insofar as they relate to the proposal.
7. In compliance with paragraph 1.11 of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS), operational policies set out in the PS are now in effect. In accordance with paragraph 1.9 of the SPPS, as the Council has now adopted the PS the previously retained policies such as the Planning Policy Statements (PPS) have now ceased to have effect within this council district.
8. The decision on the application (28<sup>th</sup> September 2023) closely coincided with the adoption of the PS and the Council's delegated report considered the proposed development under both the previously retained policy, which in this case was PPS7 Addendum, Residential Extensions and Alterations, and Policy HOU7, Residential Extensions and Alterations of the PS. The Council considered that the appeal development complied with these policies.
9. The appeal site is located at the end of a laneway off Dunlady Road and contains a single storey building with hardstanding to its frontage and side. The building was previously an agricultural byre and store, externally it is finished in exposed stonework and render and has a metal roof. To its west there is a single storey dwelling, number 30 Dunlady Road, which sits gable end to the appeal building. To the north of the appeal site there is a building with a paddock to its rear. The surrounding area is agricultural countryside. The application, now subject of this appeal, sought to extend the curtilage of the dwelling at number 30 to include the appeal building as an ancillary domestic building for use as a home office and home gym. Externally existing stonework is to be retained, rendered walls re-rendered and cedar cladding added around door and window openings and to the upper part of the eastern gable. A large double glazed window and glazed

entrance door will replace existing gate openings and a narrow vertical window will be added to the western gable.

10. The Appellant stated that the description of development was imposed on him by the Council. The evidence is somewhat confusing on this matter. In the written evidence he states that the application is to *'rejuvenate the vernacular out-buildings to create office space to enable long term working at home'*. He goes on to state that the original description on the planning application form was for *'Proposed renovation and conversion of Out-Buildings Byer/Implement Shed to Office/Games Room Gym'*. However, this was not the case, the original Form P1 as submitted described the development proposed as *'Proposed Renovation of Outbuildings (98.5m2) to provide a. Home working Office b. Home Gym'*. Where the form asked for the present use of land/buildings, the Appellant referenced the replacement dwelling, at 30 Dunlady Road, approved under LA05/2016/0185/F and stated that the application related to outbuildings within the curtilage of the dwelling. The approved drawings for that application, however, show the appeal building outside the red line application boundary of the replacement dwelling.
11. The Council agreed an amended description of development to incorporate the extension to the domestic curtilage of 30 Dunlady Road to include the outhouse which the Appellant sought to use as a home office and home gym. The drawings submitted with the application labelled the floor plan 'home office' and 'home gym'. The amended description was agreed with the Appellant, incorporated similar wording with respect to the proposed use of the building, albeit the word 'domestic' was used as opposed to 'home', and is the description that was advertised, neighbour notified and subsequently granted permission. Furthermore, throughout their evidence the Appellant makes reference to homeworking, the buildings being in private domestic use of the family and being ancillary to the existing dwelling. I find the concerns raised by the Appellant with respect to the amended description to be misplaced.
12. In their evidence the Appellant referred to Policy COU4 of the PS. This is entitled *the conversion and reuse of buildings for residential use*. This policy is applicable when considering conversion to a single dwelling but is not relevant to the consideration of an application for an ancillary domestic use. Should the Appellant intend to use the appeal building as a separate single dwelling house that would require an application for planning permission for that specific use. Notwithstanding this, the Appellant confirmed at the hearing that the purpose of the subject building was for a home office and home gym for their own use. Reference to Policy COU4 is misdirected within the context of the ancillary domestic proposal before me. In addition to this PS policy, the Appellant also references PPS21 Sustainable Development in the Countryside, PPS7 Addendum and PPS 4 Planning and Economic Development Annex A – Homeworking, however for the reasons set out earlier in this report those policies have been superseded by the PS. In any event the advice that was provided in PPS4 Annex A Homeworking is similarly provided in the Supplementary Planning Guidance (SPG) to the PS.
13. Conditions should only be imposed which are necessary, relevant to planning, relevant to the development being permitted, precise, enforceable and reasonable. The Appellant raised matters which fall to be considered under a number of these requirements. He contested the reason given for Condition 2 was questionable

given that there are no neighbours within 300m of the appeal site. He stated that as there are no amenity impacts from the proposal in terms of traffic, noise, omissions or overlooking there is no requirement for the condition. He also stated that there was no evidence that the rural character would be damaged. He referred to other dwellings in the surrounding rural area that advertise business use. He also contested the wording of the condition.

14. The Appellant stated that the wording of the condition would impose restrictions on potential future use of the building. Whilst he would use a gym regularly now, that might not always be the case, and he considered the condition would restrict him from using it, in the event it is no longer required, for other purposes such as an additional bedroom. He also stated that whilst the family's current work from home situation is that of employees that he was concerned that the wording of the condition would preclude any self-employment as that would be a business. The Appellant considered that the condition precludes 'residential accommodation' and 'business activity of any description'.
15. Furthermore, he considered there was ambiguity as to whether working from home differentiated between an employee and a self-employed person who had their own business. He referred to Homeworking guidance and ambiguity as to whether a separate building such as the appeal building is considered as equivalent to a room in a house. He considered that the wording of the condition removes the rights of the occupant, preventing the family from using the refurbished building to suit their domestic needs and that it is unwarranted.
16. The Council considered that the proposed development was compliant with policy requirements on the basis of the information that was presented to them, in that it was proposed to use the appeal building as a home gym for personal use and a home office to serve existing family members to work from home. It stated that Condition 2 was imposed to control how the development would be managed long term, to ensure it is acceptable in perpetuity and not just on the date it was approved. Furthermore, it stated that any level of activity beyond the domestic nature of what has been applied for would be outwith the scope of Policy HOU7 with potential negative impact on the amenity of others.
17. The Council deemed Condition 2 necessary to bind the domestic use of the appeal building to the dwelling and to control the level of domestic activity, with its removal potentially creating a separate unit that could be independently used as freestanding accommodation or used in association with the secondary equestrian use adjacent to the appeal site. It considered that the Condition meets all the legal tests and is not unduly restrictive.
18. The Justification and Amplification (J&A) text to Policy HOU7 Residential Extensions and Alterations of the PS states that *where an extension to the existing house is not practicable and it is proposed to convert an existing outbuilding, planning permission will be dependent on the development being of a modest scale. It further states that in all cases the Council must be satisfied that the proposed accommodation will remain ancillary to the main residential property and that where permission is granted it will be subject to a condition that the extension will only be used for ancillary residential purposes in connection with the main dwelling and not as a separate unit of accommodation.* The SPG of the PS states that an extension or alteration to a residential property to provide an ancillary use,



should be designed to demonstrate dependency on the existing residential property and that ancillary uses that could practically and viably operate on their own will not be acceptable.

19. The SPG to the PS contains guidance on Homeworking. It recognises that many small businesses are started by people working in their own homes. It advises that homeworking does not necessarily require planning permission and that permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall character of the property's use as a single dwelling. It gives as examples, the use by a householder of a room as an office or the provision of a child-minding service. It states that homeworking is likely to be ancillary to the residential use if the work is carried out primarily by persons living in the residential unit; the business use is clearly secondary to the main use of the property as a dwelling house; the use is carried out totally within the building; there will be no loss of amenity for neighbouring residents, for example, from noise, advertising, impact on visual amenity or traffic generation; and the use is not one which by its nature would attract more than occasional visitors. It further states that where the business activity increases and the non-residential use of the property ceases to be ancillary to its use as a single dwelling, a material change of use for which planning permission is required is likely to have taken place.
20. Whilst the absence of any demonstrable impact from the appeal development on amenity or character of the area contributed to its policy compliance and the Council's decision to grant permission, it is not an indication that an attached planning condition is not required or that it is unreasonable. The appeal building is separate to the existing dwelling house and I agree with the Council that a condition is required to ensure that it will only be used for ancillary residential purposes in connection with the main dwelling and not as a separate unit of accommodation. Given it is for a home gym and home office I consider it reasonable that the condition specifies that no industry, trade or business activity take place at any time in order to control the nature and level of activity at the appeal site.
21. With respect to the Appellant's concern that there is ambiguity in policy and guidance on homeworking, whilst the SPG refers to the use of a room, that is an example of homeworking, but not the sole example of what constitutes homeworking. Furthermore, I do not agree that there is ambiguity in policy and guidance as to homeworking allowing for self-employment. The SPG specifically refers to small businesses. The relevant consideration is whether the homeworking, employed or self employed, is ancillary to the main use of the dwelling. It is a matter of fact and degree as to whether a use is ancillary. The Appellant's concerns in this regard are hypothetical in any event, however, if in the future, the nature of his homeworking alters to an extent that it is no longer ancillary to the main residential use of the dwelling then a new planning application for the introduction of a commercial use would be required whereupon any impact could be measured. Similarly, if any residential use became separate and self-contained an application for a single dwelling would be required. However, for the purposes of this appeal and on the basis of the information before me I am content that the drawings and description of development indicate personal use of the appeal building by the Appellant.

22. The proposed floorplan shows a domestic home gym on one side of the appeal building and a domestic home office with three workstations detailed on the other with a small bathroom in between. I was told that both are for the private use of the residents of 30 Dunlady Road, ancillary to the main use of the property as a dwelling house and as such there are no amenity impacts. Whilst the uses are in an outhouse as opposed to within the main house, it will be an ancillary residential building within the newly defined residential curtilage of the dwelling. Given these specific circumstances homeworking is acceptable in the appeal building.
23. Notwithstanding the Council's position that the condition meets the legal tests, it accepted that the wording '*residential accommodation*' could be omitted as the domestic gym and domestic office are both considered to be domestic accommodation. It considered the wording '*used solely for domestic purposes*' would be sufficient to ensure that the condition remained enforceable and met the other legal tests. Furthermore, at the hearing, it suggested the words '*of any description*' after the words '*business activity*' could be removed to address the Appellant's concern with respect to self-employment. It stated that, with the exception of these two omissions, the condition should not be removed. At the hearing the Appellant indicated that they would be content with the revision to the condition as suggested by the Council.
24. I agree that the words '*residential accommodation*' should be omitted from the condition as the purpose of the converted building is to provide ancillary domestic accommodation and the permission subsumes the building within the residential curtilage. The condition is clear that it is to be used solely for domestic purposes ancillary to the existing dwelling.
25. Notwithstanding my above conclusion that homeworking does not preclude self-employment, the reference in the condition to '*business activity of any description*' presents some uncertainty as self-employment, in itself, would be a business of some description and therefore could be considered contrary to the condition. I agree that the words '*of any description*' should be omitted in recognition that the home office itself could, if the Appellant is self-employed, be in use as a business of some description. The overall wording of the condition requires that it be ancillary to the main use of the dwelling. However, I agree that the remainder of the second part of the condition is necessary to ensure that the appeal building is not used independently for industry, trade or business.
26. For the reasons given above I consider that Condition 2, as amended, would meet all the legal tests for a planning condition. Accordingly, the appeal shall succeed and Condition 2 of permission LA05/2022/0977/F is amended as follows:
  - (2) The office and gym hereby permitted shall be used solely for domestic purposes ancillary to the existing dwelling at No. 30 Dunlady Road, Dundonald and for no other purposes. In particular at no time shall the building be used for; industrial, trade or business activity.

The decision is based on the following drawings:

<b>DRAWING No.</b>	<b>TITLE</b>	<b>SCALE</b>
01B (PL/00 C)	Site Location	1:2500
03B (PL/03 B)	Proposed Drawings	1:100

**COMMISSIONER TRUDY HARBINSON**

**List of Appearances**

Planning Authority:- Laura McCausland, Lisburn & Castlereagh City Council

Appellant:- Samuel Wilson (Samuel Wilson Consulting)  
Michael Robinson  
Alix Robinson

**List of Documents**

Planning Authority:- Statement of Case (Lisburn & Castlereagh City Council)

Appellant: - Statement of Case (Samuel Wilson Consulting)

<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 5 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>The Council is notified by three operators, Cornerstone, Openreach and Dot surveying of their intention to utilise permitted development rights to install fixed telecommunications apparatus at five different locations within the Council area.</li> <li>The installations are presented in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>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.</li> <li>Only the schedule of location where the works are proposed has been appended to the report (<b>see Appendix</b>). However, the content of notification detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works.</li> <li>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.</li> </ol>		
2.0	<p><b><u>Recommendation</u></b></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>		
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no finance or resource implications.</p>		
4.0	<p><b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b></p>		
4.1	<table border="1"> <tr> <td>Has an equality and good relations screening been carried out?</td> <td>No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.</p>	

<b>Appendices:</b>	Appendix 5 – Notification 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 October 2024 Planning Committee

	Applicant/Agents	Operator	Location	Summary of details	Date received
1	Dot surveying	EE Limited and Hutchison 3G UK Limited	KNOCKADONEY, OLD KILMORE ROAD, TULLYLOOB, MOIRA, CO. DOWN	Removal of 3No. existing Antenna - Installation of 3No. new Antenna - Installation of 6No. ERS Units - Installation of 1No. GPS Node - Removal of EE 3900 Cabinet - Installation of RBS6130 Cabinet - Installation of 6No. BoBs - Removal of 3No. MHA's - Installation of other ancillary kit	12.08.2024
2	Cornerstone	02, Virgin & vodafone	BT Exchange, Railway St, Lisburn	Removal of existing 1no. 5.5m tower. • Proposed installation of 1no. 6m stub tower. • Removal of 3no existing antennas and proposed installation of 6no. Antennas onto proposed tower. • Removal of 3no. existing RRUs and proposed installation of 12no. RRUs onto proposed tower. • Installation of 6no. filters onto proposed tower. • Installation of 2no. Dishes onto proposed tower. • Internal refreshment of equipment cabinet(s). • Associated ancillary upgrades thereto.	21.08.2024
3	Cornerstone	Clarke Telecom Ltd	Lisburn Rugby Club, 17 Eglantine Road, Lisburn	The proposed installation of 2no 300mm dishes and proposed installation of 6 ERS's all on the existing mast. To add and refresh ancillary equipment. All other works within the existing cabin(ets).	27.08.2024
4	Openreach	BT	1 Cumberland Gate, Dundonald	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	27.08.2024
5	Cornerstone	WHP Telecoms Ltd	Millmount pumping station, near Ballybean estate, Dundonald	Removal of existing 17.5m Lattice Tower. • Removal of existing 6no. Antennas. • Installation of proposed new 25m Lattice Tower with Headframe on 5.4m x 5.4m x 1.0m concrete base.	27.08.2024

				<ul style="list-style-type: none"><li>• Proposed removal of trees to accommodate new Tower Base.</li><li>• Installation of 12no. proposed new Antennas and 30no. ERS onto new Tower Headframe.</li><li>• Internal refreshment of existing Cabin.</li><li>• All ancillary works therein.</li></ul>	





<b>Committee:</b>	Planning Committee
<b>Date:</b>	14 October 2024
<b>Report from:</b>	Head of Planning and Capital Development

<b>Item for:</b>	Noting
<b>Subject:</b>	Item 6 – Correspondence from Department for Communities – Guidance on Historic Windows

1.0	<p><b><u>Background</u></b></p> <ol style="list-style-type: none"> <li>In an email dated 16 September 2024, an official from the Historic Environment Division within the Department for Communities provided the Council with a copy of recently published guidance for Historic Windows.</li> <li>This publication is also available to download from the Departments website via the following link <a href="https://communities-ni.gov.uk">Guidance for Historic Windows (communities-ni.gov.uk)</a>.</li> </ol> <p><b><u>Key Issues</u></b></p> <ol style="list-style-type: none"> <li>This guidance provides a brief history and background to explain the part played by historic windows, how they are significant, how they can be retained, and, where necessary, how they can be best upgraded to perform and meet our current needs.</li> <li>In addition, it provides advice in relation to frequently asked questions for improving the performance of existing windows and for improving the thermal performance of existing windows.</li> <li>Advice is also provided on replacing windows, the use of environmental protective glazing and other regulatory controls.</li> <li>The guidance is of assistance for proposals for development in conservation areas and for listed buildings. Officers will highlight the guidance on the planning section of the Council website to assist applicants and agents in adopting good practice for replacing and upgrading windows in historic buildings.</li> </ol>		
2.0	It is recommended that Members note the update provided by the Department for Historic Windows.		
3.0	<p><b><u>Finance and Resource Implications</u></b></p> <p>No finance or resource implications are identified.</p>		
4.0	<b><u>Equality/Good Relations and Rural Needs Impact Assessments</u></b>		
4.1	<table border="1" style="width: 100%;"> <tr> <td style="width: 80%;">Has an equality and good relations screening been carried out?</td> <td style="text-align: center;">No</td> </tr> </table>	Has an equality and good relations screening been carried out?	No
Has an equality and good relations screening been carried out?	No		

4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out</p> <p>This is a report is guidance from the Department for Communities. EQIA not required.</p>	
4.3	<p>Has a Rural Needs Impact Assessment (RNIA) been completed?</p>	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <b>or</b> rationale why the screening was not carried out.</p> <p>This is a report is guidance from the Department for Communities. RNIA not required.</p>	

**Appendices:**