



February 26th, 2025

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, 3rd March 2025 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

📎 *Disclosure of Interests form Sept 24.doc*

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3.0 Minutes of the Planning Committee Meeting held on 3 February 2025

📎 *PC 03.02.2025 - 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:

📎 *Item 1 - Schedule of Applications final.pdf*

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- (i) LA05/2024/0780/F - Proposal to vary Condition 8 of planning approval S/2014/0884/F to allow the Construction Management and Environmental Plan to be provided in phases on land east of Knockmore Road, south of 68-80 Addison Park and 8-10 Knockmore Road and North of Flush Park, Lisburn

📎 *Appendix 1.1 - DM Officers Report LA05.2024.0780.F Knockmore Rd.pdf*

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- (ii) LA05/2024/0734/F – Proposal to vary condition 12 of planning approval LA05/2022/0830/F, from no more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1-W6 on the proposed site plan bearing council date stamp 16 March 2022

📎 *Appendix 1.2 - DM Officers report LA05 2024 0734 F 160 Moira Rd final.pdf*

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- (iii) LA05/2022/0562/F – Proposed residential development comprising of 14 apartments (1 one bed and 13 two bed) with private and communal amenity space, bin and bicycle storage, landscaping, car parking and all associated site works on lands at 933 Upper Newtownards Road, Dundonald

📎 *Appendix 1.3 - DM Officer report LA05.2022.0562F Upper Newtownards Rd Final .pdf*

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- (iv) LA05/2021/1064/F – Dwelling and garage on lands approximately 110 metres south of 76 Carnbane Road (formerly 81 Carnbane Road) Hillsborough, Lisburn

	▢ <i>Appendix 1.4a Addendum LA05.2021.1064 F Carnbane Road - final.pdf</i>	<i>Page 104</i>
	▢ <i>Appendix 1.4b - DM Officer Report LA05.2021.1064.F Carnbane Road Final.pdf</i>	<i>Page 107</i>
(v)	LA05/2021/0360/F – Proposed infill dwelling and garage on lands between 11 and 13 Crossan Road, Lisburn	
	▢ <i>Appendix 1.5 - DM Officers report LA05.2021.0360.F Crossan Rd.pdf</i>	<i>Page 130</i>
(vi)	LA05/2020/0991/O – Site for a replacement dwelling, garage and associated siteworks on land 120 metres west of St Patricks RC Church, 23a Barnfield Road, Lisburn	
	▢ <i>Appendix 1.6 - DM Officers report LA05.2020.0991.O Barnfield Rd (003).pdf</i>	<i>Page 153</i>
4.2	Appeal Decision – LA05/2021/0168/F	
	<i>For Noting</i>	
	▢ <i>Item 2 - Appeal Decision -LA052021 0168f.pdf</i>	<i>Page 175</i>
	▢ <i>Appendix 2 Appeal decision LA05 2021 0168F.pdf</i>	<i>Page 177</i>
4.3	Appeal Decision – LA05/2021/1305/F	
	<i>For Noting</i>	
	▢ <i>Item 3 - Appeal Decision -LA05 2021 1305f.pdf</i>	<i>Page 184</i>
	▢ <i>Appendix 3 Appeal Decision LA05 2021 1305F.pdf</i>	<i>Page 187</i>
4.4	Statutory Performance Indicators – January 2025	
	<i>For Noting</i>	
	▢ <i>Item 4 - Statutory Performance Indicators - January 2025.pdf</i>	<i>Page 194</i>
	▢ <i>Appendix 4 Lisburn_Castlereagh_January_Monthly_ML.pdf</i>	<i>Page 196</i>
4.5	Proposed abandonment at Comber Road, Dundonald	
	<i>For Noting</i>	
	▢ <i>Item 5 - Proposed Abandonment at Comber Road Dundonald.pdf</i>	<i>Page 197</i>
	▢ <i>Appendix 5 Proposed Abandonment at Comber Road Dundonald LA05 2017 1153.pdf</i>	<i>Page 199</i>
4.6	Letter from Department of Communities HED	
	<i>For Noting</i>	
	▢ <i>Item 6 - Department for Communities HED Letter to Councils - Proposals to list.pdf</i>	<i>Page 201</i>

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

For Noting

5.0 Any Other Business

LISBURN & CASTLEREAGH CITY COUNCIL

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MEMBERS DISCLOSURE OF INTERESTS

1. Pecuniary Interests

The Northern Ireland Local Government Code of Conduct for Councillors under Section 6 requires you to declare at the relevant meeting any pecuniary interest that you may have in any matter coming before any meeting of your Council.

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

This information will be recorded in a Statutory Register. On such matters **you must not speak or vote**. Subject to the provisions of Sections 6.5 to 6.11 of the Code, if such a matter is to be discussed by your Council, **you must withdraw from the meeting whilst that matter is being discussed**.

2. Private or Personal Non-Pecuniary Interests

In addition you must also declare any significant private or personal non-pecuniary interest in a matter arising at a Council meeting (please see also Sections 5.2 and 5.6 and 5.8 of the Code).

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

Subject to the provisions of Sections 6.5 to 6.11 of the Code, you must declare this interest as soon as it becomes apparent and **you must withdraw from any Council meeting (including committee or sub-committee meetings) when this matter is being discussed**.

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

Pecuniary Interests

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

Date of Meeting: _____

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

Nature of Pecuniary Interest:

Private or Personal Non-Pecuniary Interests

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

Date of Meeting: _____

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

Nature of Private or Personal Non-Pecuniary Interest:

Name:

Address:

Signed:

Date:

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

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 3 February, 2025 at 10.04 am**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
Senior Planning Officers (PMcF and GM)
Member Services Officers (CR and CH)

Mr S Masterson (Cleaver Fulton Rankin)

Ms L Agnew (Cleaver Fulton Rankin) – observing in chamber

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**

There were no apologies.

2. **Declarations of Interest**

There were no declarations of interest made at this point.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2024/0268/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

During the meeting, the following declarations of interest were made:

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2. Declarations of Interest (Contd)

- Councillor U Mackin in respect of planning application LA05/2024/0268/F, as he was a Council representative on the Lagan Valley Regional Park Board. He confirmed that this application had never been discussed at, or reported to, any meeting he had attended and he had no knowledge of the application at all; and
- Councillor A Martin in respect of planning application LA05/2024/0268/F, as he was a Council representative on the Lagan Valley Regional Park Board. This application had not been raised at any meeting he had attended and he was not aware of it.

3. Minutes of Meeting of Planning Committee held on 6 January, 2025

It was proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 6 January, 2025 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 5 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined

The Legal Advisor, Mr S Masterson, 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) LA05/2022/0447/F – Erection of 19 dwellings, consisting of 14 detached dwellings and 5 apartments (including change of house type to sites 17-21, 26-30 & 37 of previous approval LA05/2018/0196/F), landscaping and all other associated site works on lands 62 metres southeast of 11 Woodfort Gardens and approx. 47 metres southeast of 48 Fairfields Meadow, Lisburn

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

No-one was registered to speak on this application.

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) LA05/2022/0447/F – Erection of 19 dwellings, consisting of 14 detached dwellings and 5 apartments (including change of house type to sites 17-21, 26-30 & 37 of previous approval LA05/2018/0196/F), landscaping and all other associated site works on lands 62 metres southeast of 11 Woodfort Gardens and approx. 47 metres southeast of 48 Fairfields Meadow, Lisburn (Contd)

Vote

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

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble and Chair, Alderman M Gregg (10)

Against: (0)

Abstain: Councillor D J Craig (1)

- (ii) LA05/2022/0831/F – Proposed retention of recently constructed agricultural building on land adjacent to 112 Back Road, Drumbo

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

The Committee received Mr N Reid and Alderman J Baird to speak in support of the application and a number of Members' queries were addressed.

Reference had been made by the Senior Planning Officer that in a consultation reply dated 19 January, 2025 the Northern Ireland Environment Agency (NIEA) had requested further information before it could provide its full assessment of the application but that had not been provided. Councillor N Trimble stated that, in his view, there could be a reasoned argument made to overturn the recommendation of the Planning Officer to refuse planning permission; however, he considered it prudent to seek legal advice in this regard, given the fact that there was information not provided by the applicant that could address the outstanding matters raised by the NIEA.

“In Committee”

It was proposed by Councillor N Trimble, seconded by Councillor A Martin and agreed to go 'into committee' to consider this matter. Those members of the public and press in attendance left the meeting (11.39 am).

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

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Resumption of Normal Business

It was proposed by Councillor D J Craig, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (11.53 am).

Having been provided with legal advice, it was proposed by Councillor N Trimble and seconded by Alderman J Tinsley that this application be deferred to allow the applicant to submit the information identified in the last NIEA consultation response. On a vote being taken, this was proposal was agreed, the voting being 10 in favour and 1 against.

Following discussion around the period of time for which the application would be deferred, it was agreed that Officers write to the applicant detailing the information required and advising that it should be submitted within 28 days.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.04 pm).

Resumption of Meeting

The meeting was resumed at 12.13 pm.

- (iii) LA05/2023/0107/F – Dwelling and garage on a site between 35 and 37 Glebe Road, Annahilt

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

The Committee received Mr Wm Wallace 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 he had tremendous sympathy with the applicant. There had been approval for a dwelling on the site since permission of an application in 2009. That approval had been renewed several times but expired a number of months prior to submission of this current application. Whilst Councillor Trimble considered this application could have been approved under policy CTY8, that policy no longer applied. Having listened to the argument about clustering, he did not find that terribly compelling. He did not accept that this was a rounding off of a cluster; rather it was infill development in a ribbon. The Council's new policy required 2 dwellings, not up to 2 which was the case in the old policy. In light of the current policy, Councillor Trimble could not support approval of this application. He did suggest that the current infill policy may require to be reviewed;

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(iii) LA05/2023/0107/F – Dwelling and garage on a site between 35 and 37 Glebe Road, Annahilt (Contd)

- Alderman J Tinsley concurred with the comments made by Councillor Trimble. Being guided by policy, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith agreed that, under the new policy, this application could not be approved;
- Councillor U Mackin stated that, under new planning policy, he struggled to overturn the recommendation of refusal. There was clearly a gap at the site that could be developed. When standing at the site, it felt part of a place. At one side of the site, there was Carricknadarriff Road and a new road on the other side of the road. Those were visual entities just as much as a crossroads. It felt part of the cluster of development. The agent had stated that he could clearly see the Church; however, Councillor Mackin could not agree with that. At the site visit, he had stood in the middle of the road and there were a considerable number of trees to his right towards the Church and those prevented him from seeing it. Councillor Mackin felt sorry for the applicant but, under the current policy, he was reluctantly in support of the recommendation of the Planning Officer to refuse planning permission. He commented similar to Councillor Trimble that the current policy may require to be addressed for the future.

Vote

On a vote being taken, it was agreed that planning permission for this application be refused, the voting being as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Alderman J Tinsley, Councillor G Thompson, Councillor N Trimble and Chair, Alderman M Gregg (10)

Against: Councillor D J Craig (1)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (12.57 pm).

Resumption of Meeting

The meeting was resumed at 1.38 pm.

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- (iv) LA05/2024/0268/F – Widening of the Lagan Towpath, Lisburn where the River Lagan runs adjacent to the Laganbank Road. Works will include Construction of new concrete retaining walls on lands adjacent to Laganbank Retail Park, Lisburn

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

No-one was registered to speak on this application.

There were no questions put to Planning Officers.

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 approve this application.

- (v) LA05/2021/1064/F – Dwelling and garage on lands approximately 110 metres south of 78 Carnbane Road (formerly 81 Carnbane Road), Hillsborough

Prior to presentation of this application by the Planning Officer, Councillor P Catney asked if there was a current application for a Certificate of Lawful Existing Use or Development (CLEUD) for this site. The Head of Planning & Capital Development confirmed that an application had been received the previous week, but it would be necessary to get clarification in respect of payment.

It was agreed that, whilst clarification was sought, the other report items on the agenda would be considered.

4.2 Appeal Decision – LA05/2020/0771/O

It was proposed by Councillor P Catney, seconded by Councillor D Bassett and agreed that the report and decision of the Planning Appeals Commission in respect of the above appeal be noted.

4.3 Appeal Decisions – LA05/2021/0947/O & LA05/2021/0948/O

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

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4.4 Quarter 2 Statistical Bulletin – July to September 2024/25

Members were provided with information in relation to Quarter 2 planning statistics. The Head of Planning & Capital Development having answered several queries raised by Members, it was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that the information be noted.

4.5 Statutory Performance Indicators – November & December 2024

Members were provided with information in relation to statutory performance indicators for November and December 2024. It was proposed by Councillor G Thompson, seconded by Councillor D Bassett and agreed that this information be noted.

It was agreed that consideration of planning application LA05/2021/1064/F would be resumed at this point.

- (v) LA05/2021/1064/F – Dwelling and garage on lands approximately 110 metres south of 78 Carnbane Road (formerly 81 Carnbane Road), Hillsborough

Clarification having been sought, the Head of Planning & Capital Development confirmed that the CLEUD application, together with full payment, had been received the previous Wednesday. The application had not been yet validated as the payment had not cleared through the system.

Given that the CLEUD would be a material consideration in relation to the above planning application, it was proposed by Councillor P Catney, seconded by Alderman J Tinsley and agreed that this application be deferred for one month to allow assessment of the CLEUD to take place.

- 4.6 Proposed amalgamation of units including minor amendments, reconfiguration and extension to mezzanine floor, associated plant and all other site works at Units 3 and 4 (former Argos and former Next Home), adjacent to Sainsbury's Superstore, Sprucefield Park

It was proposed by Alderman J Tinsley, seconded by Councillor D Bassett and agreed to note the information on the content of the Pre-application Notice and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.7 Proposed development of 80 dwelling units, including new access, car parking, landscaping, open space and all associated site works on lands at 70 Belfast Road, Lisburn

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

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- 4.7 Proposed development of 80 dwelling units, including new access, car parking, landscaping, open space and all associated site works on lands at 70 Belfast Road, Lisburn (Contd)

At a Member's request, the Head of Planning & Capital Development agreed to write to all Planning Committee Members this week, as well as Members of the Lisburn North District Electoral Area, to confirm what this land was zoned for in the Local Development Plan.

- 4.8 Access to Justice in Relation to the Aarhus Convention (a call for evidence)

It was proposed by Councillor P Catney, seconded by Councillor D Bassett and agreed to (a) note the update provided by the Department of Justice; and (b) note that a report was to be presented to the February meeting of the Regeneration and Growth Committee with a draft response recommended.

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

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

Discussion arose around there being some level of back-up electricity supply being built in when telecommunications masts were installed and then, as had happened recently during Storm Eowyn, mobile signal was lost when electricity supplies were lost. Members asked if there were any rules or regulations on what should happen in this instance. This was a matter of concern, given that in most households mobile phones were the only means of communication. The Head of Planning & Capital Development stated that it was a matter for OFCOM to ensure continuity of service, particularly in times of adverse weather conditions. He suggested that this could be a general matter, not for this Committee, but for consideration by another Committee or full Council, to contact OFCOM to seek clarification on the resilience of the mobile system, given recent experience of the severe storm.

In response to comments regarding the number of poles brought down during the storm by fallen trees and the possibility of reviewing the location of poles in the future, the Head of Planning & Capital Development explained that consideration had been given to undergrounding electricity supplies but, as well as having environmental, landscaping and other constraints, this was found to be cost prohibitive.

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5. Any Other Business

5.1 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee would be held on Monday, 3 March and, in his absence, would be chaired by the Vice-Chair, Councillor S Burns.

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 2.34 pm.

Chair/Mayor

Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Decision
Subject:	Schedule of Planning Applications to be Determined
1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The following applications have been made to the Council as the Local Planning Authority for determination. 2. In arriving at a decision (for each application) the Committee should have regard to the guiding principle in the SPPS (paragraph 3.8) that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. 3. Members are also reminded about Part 9 of the Northern Ireland Local Government Code of Conduct and the advice contained therein in respect of the development management process with particular reference to conflicts of interest, lobbying and expressing views for or against proposals in advance of the meeting. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The applications are presented in accordance with the current scheme of delegation. There are two Major applications and four local applications. Three of the applications are called in by agreement with the Chair of the Committee One of the applications is subject to a Section 76 planning agreement and presented as an exception applies. <ol style="list-style-type: none"> a) LA05/2024/0780/F - Proposal to vary Condition 8 of planning approval S/2014/0884/F to allow the Construction Management and Environmental Plan to be provided in phases on land east of Knockmore Road, south of 68-80 Addison Park and 8-10 Knockmore Road and North of Flush Park, Lisburn Recommendation: Approval b) LA05/2024/0734/F –Proposal to vary condition 12 of planning approval LA05/2022/0830/F, from no more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1-W6 on the proposed site plan bearing council date stamp 16 March 2022 are fully constructed to no more than 66 dwellings shall be built until all of the infrastructure necessary to deliver commercial/industrial units indicated as W1-W6 on the proposed site plan bearing the council date stamp 16 March 2022 is in place and prior to the occupation of the 91st dwelling units W1 and W2 shall be fully constructed and the foundations associated with units W3, W4, W5 and W6 complete on Lands at 160 Moira Road, Lisburn Recommendation: Approval

- c) LA05/2022/0562/F – Proposed residential development comprising of 14 apartments (1 one bed and 13 two bed) with private and communal amenity space, bin and bicycle storage, landscaping, car parking and all associated site works on lands at 933 Upper Newtownards Road, Dundonald.
Recommendation: Approval
- d) LA05/2021/1064/F – Dwelling and garage on lands approximately 110 metres south of 76 Carnbane Road (formerly 81 Carnbane Road) Hillsborough, Lisburn
Recommendation: Refusal
- e) LA05/2021/0360/F – Proposed infill dwelling and garage on lands between 11 and 13 Crossan Road, Lisburn
Recommendation: Refusal
- f) LA05/2020/0991/O – Site for a replacement dwelling, garage and associated siteworks on land 120 metres west of St Patricks RC Church, 23a Barnfield Road, Lisburn.
Recommendation: Refusal

2. The applications will be decided having regard to paragraphs 47 to 64 of the Protocol of the Operation of the Planning Committee.

Recommendation

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

3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

Applicants have the right to appeal against a decision to refuse planning permission. Where the Council has been deemed to have acted unreasonably the applicant may apply for an award of costs against the Council. This must be made at the time of the appeal. The Protocol for the Operation of the Planning Committee provides options for how appeals should be resourced.

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

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1 Has an equality and good relations screening been carried out?

No

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

<p>Appendices:</p>	<p>Appendix 1.1 – LA05/2024/0780/F Appendix 1.2 – LA05/2024/0734/F Appendix 1.3 – LA05/2022/0562/F Appendix 1.4a – LA05/2021/1064/F- addendum Appendix 1.4b – LA05/2021/1064/F Appendix 1.5 – LA05/2021/0360/F Appendix 1.6 – LA05/2020/0991/O</p>

Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	03 March 2025
Committee Interest	Major Application
Application Reference	LA05/2024/0780/F
Date of Application	28 October 2024
District Electoral Area	Lisburn South
Proposal Description	Application under Section 54 of the 2011 Planning Act to vary Condition 8 of planning approval S/2014/0884/F to allow for phased submissions of a Construction Management Engineering Plan (CMEP) for the development of the Knockmore Rail Halt
Location	Land east of Knockmore Road, south of nos. 68-80 Addison Park and nos. 8-10 Knockmore Road and North of Flush Park, Lisburn
Representations	2
Case Officer	Joseph Billham
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee and the Development Management Regulations 2015 as the development is over one hectare in size and seeks to vary condition of a previously approved to an extant planning permission referenced S/2014/0884/F.
2. The application is presented to the Planning Committee with a recommendation to approve. The variation of condition 8 of S/2014/0884/F will allow for a phased approach to the submission of Construction Management Engineering Plans (CMEP) for the development of the Knockmore Rail Halt.

Description of Site and Surroundings

3. This 4.52-hectare site is located at lands east of Knockmore Road and north of Flush Park Lisburn and is comprised in two parts of land formerly used as a further education campus and a section of the main Belfast to Dublin rail line.
4. It is accessed from the Knockmore Road via an existing private road leading to a large area of hardstanding with a number of machines, materials and large railway sleepers present on site. There is heavy duty machinery stored on the site.
5. The topography of the site falls away from the principal access point at Knockmore Road to a relatively flat area throughout the balance of the site.
6. The site is bounded by high paladin fence enclosing the main Dublin to Belfast Railway line to the south, Knockmore Road to the west and by residential housing to the north and east.
7. There is a variety of mature vegetation adjacent to the railway that includes matures treeline. There is also scattered trees along the west boundary with Knockmore Road.

Surroundings

8. The site is located adjacent to areas of existing industry and employment that include Flush Park Industrial Estate to the south, Knockmore Industrial Estate to the west and Knockmore Hill Industrial Park to the north-west. The housing development of Addison Park is situated north of the site and Mornington residential development is east.

Proposed Development

9. The application under Section 54 of the 2011 Planning Act is seeking to vary Condition 8 of planning approval S/2014/0884/F to allow for phased submissions of a Construction Management Engineering Plan (CMEP) for the development of the Knockmore Rail Halt.

Relevant Planning History

Reference Number	Description	Location	Decision
S/2014/0884/F	Proposed new rail halt and park and ride facility (incorporating track realignment platforms footbridge ticket office staff facility on footbridge, 350 standard car parking spaces 22 disabled parking spaces, 2 electric car charging points and bus turning area) including associated ancillary works	Land East of Knockmore Road South of Nos. 68-80 Addison Park and Nos 8-10 Knockmore Road and North of Flush Park Lisburn	Approval 22 July 2022

Consultations

10. The following consultations were carried out:

Consultee	Response
Environmental Health	No objection
NIEA	No comment

Representations

11. There have been two letters of representation received during the processing of the planning application one of which is letter of objection and the other a letter seeking clarification as to how the points of objection will be addressed.

12. These representations are available to view on the Planning Portal via the following link:
13. [Northern Ireland Public Register \(planningsystemni.gov.uk\)](https://planningsystemni.gov.uk)
14. The issues raised in these representations have been considered as part of the assessment of this application.
15. The issues within the representations received included:
 - How will a business be affected by walkway adjacent to the site.
 - Contamination to manufacturing process.
 - Impact from vermin
 - Noise and pollution concerns
 - Expose staff to hazardous issues during construction
16. The issues raised in these representations have been considered as part of the assessment of this application.

Environmental Impact Assessment

17. The development falls within Category 13(a) of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017. The previous history of approval for a rail halt was determined without the need for the submission of an environmental statement.
18. The main issue is whether the submission of CMEP on a phased based during the construction phase of the project will give rise to any new or additional environmental impacts that would now require environmental impact assessment. A detailed supporting statement sets out the reasons for taking a phased approach and explains how alternative strategies are used to minimise the need for night-time working. A noise impact assessment is provided in support of the application. I am satisfied that the issues arising can be dealt with through the normal planning consultation process without the need for an environmental statement.

Pre-Application Community Consultation

19. In accordance with legislative requirements, the application is accompanied by a Pre-Application Community Consultation Report.
20. A public event was held at the T3 Conference Centre, House of Vic-Ryn, Moira Road, Lisburn on 22 August 2024 and 3 September 2024. The events allowed local residents, business people, elected representatives and other stakeholders to view consultation boards, discuss the plans with the consultation team, to receive information about the proposed development and provide feedback.

21. The statutory requirement to advertise in the local press was carried out in accordance with legislative requirements. The event was published in the Ulster Star and Belfast Telegraph on 09 August 2024. A consultation website was also provided to allow the proposal to be viewed online.
22. A total number of 53 responses were received in response to the public consultation. The PACC report concluded the responses had been generally positive regarding the development of the halt and park and ride and highlighted the significant need for this infrastructure to be developed in this part of Lisburn. There were no concerns raised in relation to the phased CMEP or the removal or variation of conditions 9 and 10 (albeit this is not part of the planning application).
23. Officers are satisfied that the legislative requirement to consult the community has been satisfied, exceeding the minimum statutory requirements in terms of the breadth of consultation and the additional publicity arranged.

Planning Policy Context

Local Development Plan Context

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

Plan Strategy 2032

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

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

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

BMAP in its post-inquiry form was at an advanced stage and therefore remains a material consideration. Draft BMAP (November 2004) in its pre-inquiry form also

remains a material consideration in conjunction with recommendations of the Planning Appeals Commission Public Local Inquiry Reports.

26. In accordance with the transitional arrangements the existing Local Development Plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
27. The site is located in the settlement limit of Lisburn City and falls within the designation LC 18 and LC 19. Each designation is described in the last revision to draft dBMAP as:
 - Proposal LC 18 – Relocation of Rail Halt/Station Lisburn City – A scheme of relocate Knockmore Station to West Lisburn is identified on Map No. 2/001 – Lisburn City.
 - Proposal LC 19 – Park and Ride Site Lisburn City – The following Park and Ride Site is identified on Map No 2/001 – Lisburn City West Lisburn.
28. The proposal to develop these lands as a rail halt and park and ride facility was not objected to during the Public Inquiry process into draft BMAP. Significant weight is attached to both designations as a consequence.
29. This application is for section 54 to vary condition 8 of S/2014/0884/F for delivery of necessary transportation infrastructure. Strategic Policy 01 — Sustainable Development states:

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

30. The strategic policy for transportation infrastructure [Strategic Policy 20] states:

The Plan will support development proposals that:

- a) provide or improve an integrated transport network servicing the needs of our community and future growth*
- b) deliver sustainable patterns of development, including safe and accessible environments*
- c) encourage a modal shift from private car dependency through integration of transport and land use*
- d) facilitate Park & Ride, active travel (public transport, cycling and walking) and strategic greenways to move towards more sustainable modes of travel both within the Council area and linking to wider regional networks.*

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

32. Policy TRA1- Creating an Accessible Environment states:

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.

33. The proposed development involves improvements to an access on 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.

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.

35. The proposed development including new car parking for a park and ride facility. Policy TRA9 Park and Ride/Park and Share Car Parks states:

Planning permission will be granted for new, or an extension to an existing Park and Ride/ Park and Share car park, where they meet an identified need agreed by the Department. Justification and Amplification Park and Ride and Park and Share facilities make an important contribution to integrated transport and will be appropriate in locations where they reduce travel by car, reducing levels of congestion and pollution.

Park and Ride/Park and Share car parks should be sited close to junctions on the motorway and along the trunk road network, ideally within settlement development limits, and at public transport interchanges. There may be occasions where a countryside location is needed for such development.

The layout, design and landscaping of all car parking sites should integrate with, and protect local character and visual amenity. Where appropriate parking surfaces should make use of permeable materials and sustainable drainage solutions.

The security of users should be demonstrated in all development proposals, including safe and secure cycle parking.

Regional Policy and Guidance

36. 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.

37. 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.

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

Development Management Practice Note 24 — Section 54 Applications

39. The Department published Development Management Practice Note 24 — Section 54 Applications in December 2017. This Practice Note provides guidance. It is not intended to replace the need for judgement by planning officers and those making planning applications. Nor is it intended to be a source of definitive legal advice (preamble).

40. Paragraph 3.5 of the Practice Note states that:

In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the questions of the conditions subject to which planning permission should have been granted [section 54(3)]. In essence, section 54 allows for different conditions to be attached to a new planning permission but does not allow for the amendment of the description of the development of the previous (original) permission. A successful section 54 application results in a new planning permission for the same description of development previously approved but with different conditions attached. Consequently, the scope of the planning authority is, in principle, more limited when dealing with a section 54 application, although it is also entitled to consider the circumstances that led to the previous (original) conditional grant of planning permission.

Assessment

41. Section 54 of the 2011 Planning Act applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. On receipt of such an application the authority must only question of the conditions subject to which planning permission should be granted.

42. The principle of development for a rail halt and park and ride facility has already been established under application reference S/2014/0884/F. The permission remains extant until 22nd July 2025 and the Section 54 application was received 28 October 2024. It is not considered prudent to revisit the principle of development. The Council will assess the variation of condition below.

43. The Section 54 application is seeking to vary condition 8 of planning approval S/2014/0884/F.

44. Application S/2014/0884/F received approval for:

Proposed new rail halt and park and ride facility (incorporating track realignment platforms footbridge ticket office staff facility on footbridge , 350 standard car parking spaces, 22 disabled parking spaces, 2 electric car charging points and bus turning area including associated ancillary works

45. Condition 8 of application S/2014/0884/F reads:

Prior to the commencement of any works hereby approved, the developer shall submit and agree with the Council a Construction Management and Environmental Plan (CMEP). The CMEP shall detail the equipment to be used, duration of work, hours of work, and predicted noise and vibration levels. The CMEP shall also include a noise and vibration management plan which will include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure.

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

46. The application sought to amend condition 8 to read:
47. *No site works associated with any particular phase of the development hereby permitted shall commence until a Construction Management and Environmental Plan (CMEP) for works within that phase is submitted and agreed in writing with the Planning Authority. The CMEP shall detail the equipment to be used, duration of work, hours of work, and predicted noise and vibration levels. The CMEP shall also include a noise and vibration management plan which will include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure. Any revisions to the CMEP shall be agreed in writing by the Planning Authority.*
48. The Section 54 seeks to amend condition 8 of S/2014/0884/F to allow for a phased approach to the development of the site. The CMEP will be updated throughout each phase of construction. This allows Translink to plan the contract more effectively with the appointed contractor.
49. On review and in consultation with the applicant the wording of condition 8 was amended to read:

Prior to the commencement of any works hereby approved the developer shall submit a programme of works to be agreed in writing with the Council.

Subsequently no site works associated with any particular phase as identified in the agreed programme of works hereby permitted shall commence until a Construction Management and Environmental Plan (CMEP) for that phase is submitted and agreed in writing with the Planning Authority. The CMEP shall include detail of the equipment to be used, duration of work, hours of work and a Noise and Vibration Assessment for that particular phase of the construction. The CMEP shall also include a noise and vibration management plan which will also include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure.

Any revisions to the agreed programme of works and CMEP agreed for each phase shall be agreed in writing by the Planning Authority.

50. The purpose of amending the condition was to ensure that the impact of noise of night-time working was mitigated for residents living close to the proposed halt. The condition as amended requires the developer to provide a programme of works that will detail each phase of construction. Each phase of the proposed works will be accompanied with an updated Construction Management and Environmental Plan (CMEP) that will allow the noise impacts of each phase of construction to be measured and mitigated at each stage of the programme.
51. This Section 54 application has been accompanied with a draft Construction Environmental Management Plan (CMEP), Noise Assessment and Pre-Application Community Consultation Report to allow the planning authority to understand what the plan will address.
52. The information within the CMEP report includes:
 - Ecology and Biodiversity Management Plan
 - Land Management Plan
 - Water Management Plan
 - Dust and Air Quality Management Plan
 - Noise and Vibration Management Plan
 - Energy and Carbon: Management and Reduction Plan
 - Site Waste and Resource Management Plan
 - Invasive Species
 - Archaeology and Cultural Heritage
 - Emergency Response
53. The information provided within the draft CMEP demonstrates the steps to safeguard the site and manage the construction process.
54. The developer has advised that reviewing and exploring the development programme, construction methods and working practices on a phased basis will minimise the impact of the work on the surrounding residents.
55. Officers have sought advice on the content of the draft CMEP from the Environmental Health Unit of the Council. They have no objection to the approach of updating the CMAP at each phase of the construction. It still provides control in mitigating the impact of noise through the construction phase of the project. Officers have no reason to disagree with the advice.
56. The proposed condition as varied is still necessary; relevant to the planning permission granted in July 2020; relevant to the development being permitted; precise in terms of providing an understanding of what is required; enforceable; and reasonable. The requirements of paragraph 5.65 of the SPPS are still met.

Other Matters

57. Natural Environment

Division and Water Management Unit advised the Council on 14 November 2024 that:

NED acknowledge the reason for consultation however did not recommend Condition 8 as noted in the S/2014/0884/F decision notice and therefore have no comment to make regarding the variation of this condition.

This application relates to variation of condition 8 of Decision Notice S/2014/0884/F regarding the submission of a Construction Environmental Management Plan (CEMP). The reason for the condition on the decision notice is “to protect the amenity of neighbouring dwellings with respect to noise.”

Since Water Management Unit did not request a condition relating to the submission of a CEMP in our responses to S/2014/0884/F and both residential amenity and noise do not fall within our remit, Water Management Unit therefore has no comment to make on the variation of this condition.

58. While it is noted that neither NED and WMU consider the condition relevant to the natural or water environment it is normal practice to seek their advice on the content of a CMEP. Clarification was sought on whether the structure and content of the draft CMEP was acceptable and they have not replied. There is no need to wait on the outcome of the consultation response based on the advice received in November 2024. The outstanding consultation will be closed.

Consideration of Representations

74. The issues raised in the two representations are considered below:

- How will business be affected by walkway adjacent to the site.
- Contamination to manufacturing process.
- Impact from vermin
- Noise and pollution concerns
- Expose staff to hazardous issues during construction

75. The concerns raised are not material consideration to this Section 54 application. The third-party objector seeks to revisit the principle of development and raise new issues. As advised above the principle of development has already been established under S/2014/0884/F. The noise impact of the construction process is controlled through the submission of CMEP's through each construction phase of the project. No weight is attached to the points of objection raised.

Conclusions

59. In conclusion the Section 54 application is recommended to approve and condition 8 of application S/2014/0884/F shall now read:

Prior to the commencement of any works hereby approved the developer shall submit a programme of works to be agreed in writing with the Council.

Subsequently no site works associated with any particular phase as identified in the agreed programme of works hereby permitted shall commence until a Construction Management and Environmental Plan (CMEP) for that phase is submitted and agreed in writing with the Planning Authority. The CMEP shall include detail of the equipment to be used, duration of work, hours of work and a Noise and Vibration Assessment for that particular phase of the construction. The CMEP shall also include a noise and vibration management plan which will also include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure.

Any revisions to the agreed programme of works and CMEP agreed for each phase shall be agreed in writing by the Planning Authority.

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

Recommendations

60. It is recommended that the Section 54 application is granted and that condition 8 is varied as below.

Conditions

61. The effect of section 54 is to grant a new planning permission. It is therefore essential that all relevant conditions from the extant permission S/2014/0884/F are imposed on the permission arising because of the section 54 approval.
62. The following conditions are recommended:
1. Prior to the commencement of any works hereby approved the developer shall submit a programme of works to be agreed in writing with the Council.

Subsequently no site works associated with any particular phase as identified in the agreed programme of works hereby permitted shall commence until a Construction Management and Environmental Plan (CMEP) for that phase is submitted and agreed in writing with the Planning Authority. The CMEP shall include detail of the equipment to be used, duration of work, hours of work and a Noise and Vibration Assessment for that particular phase of the construction. The CMEP shall also include a noise and vibration management plan which will also include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure.

Any revisions to the agreed programme of works and CMEP agreed for each phase shall be agreed in writing by the Planning Authority.

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

All previous conditions with the varied condition 8 will be attached as listed below.

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

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

2. The development shall not become operational until the vehicle access, including, including visibility splays of 4.5 m x 160 m, and right turn facility, are provided in accordance with Drawing No. C61, Proposed Right Hand Turn Lane, bearing the Lisburn and Castlereagh City Council Planning Office date stamp 27 May 2015. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the following approved Drawing No. C-55, Proposed Site Layout, bearing the Lisburn and Castlereagh City Council date stamp 13 November 2018 to provide adequate facilities for controlled parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that provision has been made for the control of parking on the site.

4. A minimum of 12 cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and commuters to the station.

Reason: To encourage the use of alternative modes of transport for development.

5. All hard and soft landscape works shall be carried out in accordance with the approved details as indicated on drawing no 10 date bearing the Lisburn and Castlereagh City Council 13 November 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of that phase of the development.

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

6. 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.

7. The proposed landscaping should be carried out in accordance with the Landscape Management and Maintenance plan submitted to the Council and bearing the Lisburn and Castlereagh City Council date stamp 14 November 2018.

Reason: To ensure the sustainability and successful establishment and development of all landscape works within the site.

8. Prior to the commencement of any works hereby approved the developer shall submit a programme of works to be agreed in writing with the Council.

Subsequently no site works associated with any particular phase as identified in the agreed programme of works hereby permitted shall commence until a Construction Management and Environmental Plan (CMEP) for that phase is

submitted and agreed in writing with the Planning Authority. The CMEP shall include detail of the equipment to be used, duration of work, hours of work and a Noise and Vibration Assessment for that particular phase of the construction. The CMEP shall also include a noise and vibration management plan which will also include details of the mitigation measures to be employed (adopting best practicable means) and the complaints procedure.

Any revisions to the agreed programme of works and CMEP agreed for each phase shall be agreed in writing by the Planning Authority.

9. Prior to the commencement of any works hereby approved, the developer shall submit and agree a scheme for noise insulation with the Council. The scheme will include details of the assessment methodology, eligibility criteria and noise insulation measures to be offered

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

10. Prior to the commencement of any works hereby approved the developer shall submit and agree with the Council details of residential properties to be offered noise insulation in accordance with Appendix E.4 of BS5228: 2009 Code of practice for noise and vibration control on construction and open sites and the justification for this. Evidence of offers made and responses received to the offers shall be provided to the Council two months prior to any works commencing.

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

11. Within 6 months of the development becoming operational the developer shall submit and agree with the Council a further noise assessment. The noise assessment shall be completed at any eligible property, which did not have noise insulation measures installed as part of the construction phase, by monitoring the operational noise levels and comparing these to the pre-construction levels at the relevant facades. Results of the assessment shall determine eligibility for noise insulation in accordance with the approved methodology set out in condition 9. Evidence of offers made and responses received to the offer shall be provided to the Council

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

12. A 2.2m high acoustic barrier shall be erected along the side of the tracks as presented on approved drawing C 55H. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of 25 kg/m² and so retained thereafter.

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

13. Prior to the installation of the permanent acoustic barrier, temporary acoustic screening shall be provided for all night time construction work. The temporary acoustic screening shall be positioned as close as reasonably practicable to the construction activity, be at least 1.8 metres in height, constructed of a suitable material (with no gaps) and should have a minimum self-weight of 6 kg/m².

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

14. The noise level from the PA system at the proposed development shall not exceed 47dB LAeq at the boundary of Mornington Avenue and Mornington Way.

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

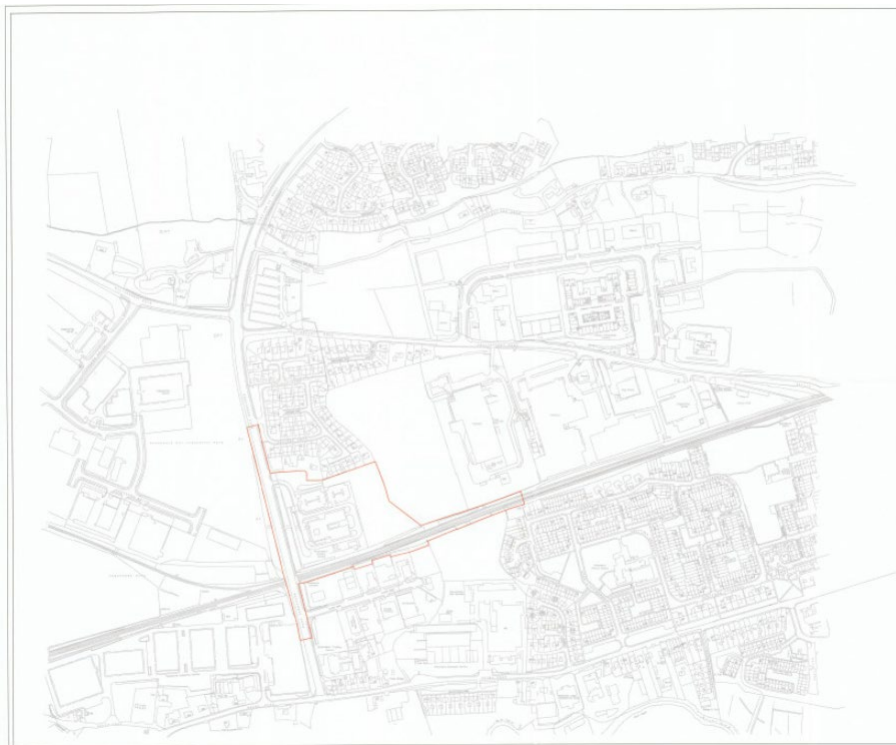
15. In the event that previously unknown contamination is discovered, falling outside the scope of the remediation scheme, development on the site shall cease. The Council should be advised and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination CLR11) that details the nature of the risks and any necessary mitigation measures should be submitted for approval by the Council.

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

16. Any artificial lighting to the development during the construction works or when operational must minimise obtrusive light and conform to the requirements of the light intrusion levels within the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 (Suburban) contained within Table 2 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011.

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

Site Location Plan – LA05/2024/0780/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 March 2025
Committee Interest	Major Application
Application Reference	LA05/2024/0734/F
District Electoral Area	Lisburn South
Proposal Description	<p>Section 54 application to vary condition 12 of planning approval LA05/2022/0830/F, from:</p> <p>No more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1-W6 on the proposed site plan bearing Council date stamp 16 March 2022 are fully constructed.</p> <p>To:</p> <p>No more than 66 dwellings shall be built until all of the infrastructure necessary to deliver commercial/industrial units indicated as W1-W6 on the proposed site plan bearing the Council date stamp 16 March 2022 is in place and prior to the occupation of the 91st dwelling, units W1 and W2 shall be fully constructed and the foundations associated with units W3, W4, W5 and W6 complete.</p>
Location	Lands at 160 Moira Road, Lisburn
Representations	None
Case Officer	Louise O'Reilly
Recommendation	Approval

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 because the development is over one hectare in size and seeks to vary a condition of a previously approved and extant planning permission.

2. The application is presented with a recommendation to approve as it is considered that the proposed amendment to the phasing still secures the delivery of the employment element of the proposed mixed use development whilst allowing the affordable housing element to progress as one phase of development.

Description of Site and Surroundings

3. The site is located at 160 Moira Road Lisburn and comprised the former buildings and curtilage of an animal feed mill which ceased operation in or around 2013. The site is cleared and building works are commenced on site.
4. The site measures approximately 3.5 hectares in size. It is irregular in shape and the topography of the site is relatively flat throughout.
5. The area to the north of the site is mainly scrubland and the boundary with the Belfast to Dublin railway line is defined by metal fencing and mature vegetation.
6. The boundaries to the west and east are defined by fencing and vegetation which separates the site from the existing residential properties and industrial units respectively.
7. The southern boundary of the site is formed by the Moira Road and the existing site entrance which is defined by a two-metre metal fence.
8. The surrounding area is a mix of residential, business and industrial uses. The Knockmore Business Centre lies to the west of the site as does Flush Park Industrial Estate which are both assessed from Knockmore Road.
9. The land to the east, south and southwest of the site are mainly residential in character along Tirowen Drive, Rosevale Meadows and Beechfield Mews.

Proposed Development

10. Planning application LA05/2022/0830/F was approved on 12th December 2023 for the demolition of existing buildings/structures and erection of mixed use development comprising 38 dwelling houses and 53 apartments (91 units in total), 6 Class B2 industrial/employment units (total 1,098 sq. metres) with service yard; 3 flexible work spaces/ Wi-Fi hubs (total 300 sq. metres); 2 take away coffee pod units; private, communal and public space, landscaping, cycle and car parking, ramped access and stairs to proposed rail halt, NIE substations, associated site works and infrastructure and access arrangements from Moira Road.

11. Condition 12 of the LA05/2022/0830/F planning permission stated:

No more than 47 dwellings shall be built and occupied until the commercial/industrial units indicated as W1-W6 on the proposed site plan bearing the Council date stamp 16 March 2022 are fully constructed.

Reason: To ensure the delivery of the commercial/industrial units and comprehensive development of the site

12. This is a full application under Section 54 of The Planning Act (Northern Ireland) 2011 (hereafter "the Planning Act") to vary Planning Approval LA05/2022/0830/F to:

No more than 66 dwellings shall be built until all of the infrastructure necessary to deliver commercial/industrial units indicated as W1-W6 on the proposed site plan bearing the Council date stamp 16 March 2022 shall be in place and prior to the occupation of the 91st dwelling units. W1 and W2 shall be fully constructed and the foundations associated with units W5 and W6 complete.

13. The following documents have been provided in support of this proposal:

- Supporting Statement
- Viability Report
- Pre-Application Community Consultation Report

Environmental Impact Assessment

14. The thresholds set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 have been considered as part of this assessment as the site area exceeds the thresholds set out in Section 10(b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
15. The previous application was screened for EIA and it accepted that this was previously developed land within a settlement and the scale and nature of the proposed development did not give rise to any significant environmental impact. Any environmental issues could be dealt with through the submission of discrete reports without the need for an environmental statement.
16. An further EIA determination was carried out and it was concluded that this is previously developed land within the settlement of the Lisburn and the proposed mix of uses are compatible with the established mix of uses adjacent to and opposite the site.
17. It was considered that there was not likely to be any additional unacceptable adverse environmental impacts created by the proposed development as varied

by the proposed condition and as such, an Environmental Statement was not required to inform the assessment of this application.

Pre-Application Community Consultation

18. In accordance with legislative requirements, the application is accompanied by a Pre-Application Community Consultation Report.
19. The statutory requirement to advertise in the local press was carried out in accordance with legislative requirements. The event was published in the Ulster Star on 26th July 2024.
20. A public event was held in at Laganview Enterprise Centre, Lisburn on 8th August 2022. An exhibition board explaining the proposed amendments along with feedback forms were provided. Members from the project team were in attendance to engage with members of the public and answer questions raised in relation to the amendments. Six people attended the event.
21. A download pack with all of the displayed information was available via the online consultation website. Hard copy format was made available for those unable to access digital format.
22. Information leaflets with free-post feedback form were distributed to 400 properties within 300m of the proposal site on Wednesday 15th June 2022. A free phone consultation line was also provided.
23. Two people responded completing feedback forms and one person utilised the consultation telephone number. A voicemail response was received in response to the public engagement. The PACC report concludes the respondent supported the amendment to condition 12 to enhance the deliverability of the scheme, the benefits of the mixed-use development for regeneration, employment and connectivity. No responses opposing this amendment to condition 12 were received.
24. The legislative requirement to consult the community has been satisfied, exceeding the minimum statutory requirements in terms of the breadth of consultation and the additional publicity arranged.

Relevant Planning History

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

Application Reference	Description of Proposal	Decision
LA05/2022/0830/F	Demolition of existing buildings/structures and erection of mixed-use development comprising 38 dwelling houses and 53 apartments (91 units in total), 6 Class B2 industrial/employment units (total 1,098 sq. metres) with service yard; 3 flexible work spaces/ Wi-Fi hubs (total 300 sq. metres); 2 take away coffee pod units; private, communal and public space, landscaping, cycle and car parking, ramped access and stairs to proposed rail halt, NIE substations, associated site works and infrastructure and access arrangements from Moira Road	Granted subject to conditions and Section 75 Agreement – 12 th December 2023

Consultations

26. Having regard to the nature of the proposed amendments to the condition and that the changes related only to the phasing of the construction, consultations were not issued.

Representations

27. No representations have been received either in support of or objection to the proposed development.

Planning Policy Context

Local Development Plan

28. Section 6(4) of the Planning Act 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.

LCCC Plan Strategy 2032

29. In respect of transitional arrangements, it is stated at page 16 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.

30. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan 2001. Draft BMAP remains a material consideration.
31. The land is zoned as existing employment land in the last revision to draft BMAP. The designation is LC13. The employment designation was not objected to during the Public Inquiry process into draft BMAP. Significant weight is attached to the designation as a consequence.

Plan Strategy 2032 – Strategic Policies

32. Part 1 of the Lisburn and Castlereagh Plan Strategy 2023 sets out a range of strategic policies that have been developed to support the implementation of the operational policies contained in Part 2 of the Plan Strategy. At page 35, it is stated that:

These strategic policies underpin the Spatial Strategy of the Plan and must be read together and in conjunction with other planning policy, including the RDS 2035, SPPS, and Operational Policy in Part 2 of this Plan Strategy.

33. The Strategic policies are therefore a material consideration to which weight is afforded.
34. The proposal involves the redevelopment of existing employment land for mixed use development. Strategic Policy 01 – Sustainable Development states:

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

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

35. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states:

The Plan will support the 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.

36. Strategic Policy 04 – Supporting Sustainable Economic Growth states:

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

37. In respect of the operational policies of LCCC Plan 2032, the following Economic policies apply.

38. As highlighted above this is existing employment land. Policy ED1 Economic Development in Cities and Towns states:

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

a) in a designated city or town centre or in other locations identified in the Local Development Plan for such uses such as a district or local centre or business park

b) elsewhere in city or towns, where there is a definite proposal and it is demonstrated that no suitable site exists under part

(a) applicants will be expected to demonstrate that an edge of city/town centre location is not available before a location elsewhere within the settlement limits is considered

c) on zoned employment land identified in the Local Development Plan, where it is demonstrated that no suitable site exists under parts (a) and (b). Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution.

A development proposal for Class B2, B3 and B4 use will be permitted:

a) on zoned employment land identified in the Local Development Plan where it is demonstrated that the proposed use is compatible with adjacent or nearby uses and is of a scale, nature and form appropriate to the existing area. Elsewhere in cities and towns such proposals will be determined on their individual merits.

39. Part of the site is to be redeveloped for housing. Policy ED7 Retention of Zoned Land and Economic Development states:

Zoned Land in all Locations

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

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

a) the proposal is compatible with the predominant economic use

b) it is of a scale, nature and form appropriate to the location

c) the proposal will not lead to a significant diminution of the economic/employment land resource in the locality and the plan area generally.

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

Un-zoned Land in Settlements

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

a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy

b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use

c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location

d) the present use has a significant adverse impact on the character or amenities of the surrounding area

e) the site is unsuitable for modern employment/economic, storage or distribution purposes

f) an alternative use would secure the longterm future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not

g) there is a definite proposal to replicate existing economic benefits on an alternative site in the vicinity.

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

40. Part of the site is redeveloped for employment. Policy ED9 General Criteria for Economic Development states:

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

a) it is compatible with surrounding land uses

b) it does not harm the amenities of nearby residents

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

d) it is not located in an area of flood risk and will not cause or exacerbate flooding

e) it does not harm the water environment f) it does not create a noise nuisance

g) it is capable of dealing satisfactorily with any emission or effluent

h) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified

i) adequate access arrangements, parking and manoeuvring areas are provided

j) a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal

k) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity

l) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view

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

n) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape

o) it meets the requirements of Policy NH1.

Regional Policy and Guidance

Regional Policy

41. The SPPS (September 2015) states ((paragraph 1.5):

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.

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

43. It states that:

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

44. Paragraph 3.6 of the SPPS states:

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

45. 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.

46. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.
47. As previously outlined this is a mixed use proposal and part of the employment designation will be developed for housing. At paragraph 6.89 of the SPSS it is stated that:

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

48. It is further stated at paragraph 6.90 that:

Some proposed developments may be incompatible with nearby economic development enterprises, either already operating, or approved. For example, activities giving rise to emissions such as dust, odour or micro-organisms may be incompatible with industrial enterprises requiring a particularly clean and contaminant free environment. Examples of the latter include pharmaceuticals, medical products, food products and research and development. Often, an individual enterprise engaged in one of these sectors will offer employment in specialised jobs and of significant importance to the local or regional economy. Accordingly, it is in the public interest to ensure that their operations are not unduly compromised through incompatible development. In other cases, incompatibility could arise when new residential development is approved in proximity to an existing economic development use that would be likely to cause nuisance, for example through noise, pollution or traffic disturbance. Where it is clearly demonstrated that a proposal for new or expanded development would prejudice the future operation of an established or approved economic development use, then it will normally be appropriate to refuse the application. However, it is incumbent on the planning authority to explore all reasonable means of mitigation with the developer and the established enterprise prior to determining the application.

49. At paragraph 6.91 it is also stated that:

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

50. The site is also proposed to be developed for housing as part of a mixed-use development. It is stated at paragraph 6.136 that:

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

51. Paragraph 3.8 of the SPPS states that:

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

In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

Development Management Practice Note 24 – Section 54 Applications

52. The Department published Development Management Practice Note 24 – Section 54 Applications in December 2017. This Practice Note provides guidance. It is not intended to replace the need for judgement by planning officers and those making planning applications. Nor is it intended to be a source of definitive legal advice (preamble).

53. Paragraph 3.5 of the Practice Note states that:

In considering an application made under section 54, the planning authority which granted the previous planning permission must consider only the questions of the conditions subject to which planning permission should have been granted [section 54(3)]. In essence, section 54 allows for different conditions to be attached to a new planning permission but does not allow for the amendment of the description of the development of the previous (original) permission. A successful section 54 application results in a new planning permission for the same description of development previously approved but with different conditions attached. Consequently, the scope of the planning authority is, in principle, more limited when dealing with a section 54 application, although it is also entitled to consider the circumstances that led to the previous (original) conditional grant of planning permission.

Assessment

54. Planning application LA05/2022/0830/F was granted subject to conditions and a Section 76 Agreement. This application seeks to amend condition 12 of that approval.
55. The principle of the development has been established under planning permission LA05/2022/0830/F and will not be re-visited under the application under consideration.
56. The application before the Council will solely deal with the variation of condition 12 in respect of the phasing of the development. However, as per Development Management Practice Note 24 – Section 54 Applications, the authority is also entitled to consider the circumstances that led to the original grant of planning permission, which in this instance is crucial to the understanding of the importance of the phasing and delivery of the scheme as a whole.
57. The report and decision notice of the original permission, LA05/2022/0830/F are taken as read.
58. In assessing the amendment of the condition, officers have been mindful of the issues set out above and below, including the updated policy context.
59. The original approval LA05/2022/0830/F was granted on the basis of the proposal being a mixed-use scheme. Paragraph 156 of the planning committee report of the original approval specifically stated,

‘The application in so far as it comprises a residential component is contrary to the plan zoning... in that it will result in the loss of land zoned for employment use’.
60. The employment element was at the heart of the proposal, given that the lands within the application site were designated as employment. Approximately 2.78 hectares of the site will be lost to non-economic development equating to 78% of the application site.
61. The applicant requested several other material considerations be weighted in the assessment of the LA05/2022/0830/F against the loss of employment land.
62. It was stated by the applicant that:
 - significant weight should be afforded to the benefits that the mixed-use development of the site will bring;
 - the scheme is a sustainable means of securing an alternative employment use for part of the land adjacent to existing and proposed housing that offers opportunity for future residents to live close to their place of work as part of the comprehensive development and regeneration of the site;

- it offers enhanced connectivity between the City Centre and the strategic rail network arising from the developer providing a link to the strategic rail halt at Knockmore via a new ramped access and steps.
 - the wider community and social benefits of linking a sustainable transport node to new development has been found elsewhere in the United Kingdom to be a driver for future investment and the mixed-use proposal has the potential to leverage further growth at the employment zoning adjacent to this site.
63. The applicant has provided an independent report outlining the current viability of the proposed development. The report states that the requirement for the employment element, the construction of six commercial/industrial units (known as W1-W6 inclusive) is adversely impacting of the delivery of the whole development, making the scheme financially unviable and would deliver the development at a loss.
64. The viability report states that the proposed amendment would have the following benefits to the scheme and the wider council objectives as follows:
- Ensures the redevelopment of a currently redundant industrial site
 - Secures the viability of the entire consent
 - Reduces unmet housing demand / need in the area
 - Establishes principle of employment use within the scheme
 - Reduces the development risk of the employment use by delivering infrastructure and the principle of employment use demand
65. The viability report has been based on the assumption that:
- No more than 66 dwellings are constructed until the necessary infrastructure required to deliver the six commercial/industrial units is in place.
 - Prior to the occupation of the 91st unit two of the commercial/industrial units (W1&W2) fronting onto the internal spine road will be complete.
 - Prior to the occupation of the 91st unit the foundations associated with W5&W6 will be laid
66. From October 2024 to February 2025, the applicant has stated that the cost of delivery of the scheme has increased by £50K and thus reducing the profit before finance further.
67. The applicant has stated that the commercial units will be built will be at a loss. The costings provided for the construction of the commercial units is approximately 40% more than the expected Commercial Capital Value. These costings were determined, on the basis of the scenario set out at paragraph 65 above and does not account for the additional foundations for commercial units W3 and W4.

68. The viability report states that the Housing Association will not commit beyond 47 units. Whilst this is stated no evidence is provided to demonstrate this is the case.
69. Choice Housing Association which has been appointed for the delivery of the affordable housing, has submitted a letter of support stating that the variation of condition 12 would allow the progression of the social/affordable housing to progress in advance of the employment related uses that also form part of the permission. Choice has stated that this variation would enable the financial risk to the association to be reduced and would allow the association to house more residents within a shorter timescale. It is noted that this letter of support from Choice housing association makes no reference to not commit beyond 47 units as stated in the applicant's viability report, discussed above at paragraph 64.
70. The initial amendment to condition 12 referenced the commercial/industrial units W1, W2, W5 and W6 but failed to reference units W3 and W4. Clarification was sought and amendment to proposed variation of condition to include reference to units W3 and W4. The delivery of these units is crucial and delivery of all of the commercial/industrial units underpinned the original permission. The intention to deliver all of these commercial/industrial units must be secured through this Section 54 application.
71. The amended description ensures that the foundations for W3, W4, W5 and W6 will be implemented and demonstrates the intent to deliver the commercial/employment element of the scheme which carried significant weight in the decision to approve the original application and justified the loss of designated employment land for this mixed-use development.
72. The amendment of condition 12 would allow the progression of the delivery of the affordable housing, secures the delivery of commercial/industrial units W1 and W2 built to completion and the foundations in their entirety of units W3, W4, W5 and W6. The amendment enables delivery of the affordable housing to the wider community benefit and the economic element in accordance with prevailing Development Plan policies and designations.

Conclusions

73. For the reasons outlined above, it is considered that the proposed amendment to condition 12 of the permission associated with planning application LA05/2022/0830/F is acceptable in that it does not fundamentally alter the nature of the permission granted within the context of the original permission.

Recommendations

74. It is recommended that planning permission is granted subject to amendments to conditions 12 as applied.

Conditions

75. The effect of section 54 is to grant a new planning permission. It is therefore essential that all relevant conditions from the extant permission LA05/2022/0830/F are imposed on the permission arising as a result of the section 54 approval.

76. The following conditions are recommended:

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

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

2. The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. RPS-HGN-XX-DR-HE-100-00008 & RPS-HGN-XX-DR-HE-100-00008A, bearing the Council date stamp 03 July 2023 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. 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. RPS-HGN-XX-DR-HE-100-00008 & RPS-HGN-XX-DR HE-100-00008A, bearing the DFI determination date stamp 04th July 2023.

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

5. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. RPS-HGN-XX-DR-HE-100-00008 & RPS-HGN-XX-DR-HE-100-00008A, bearing Council date stamp 3rd July 2023, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

6. Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, be removed, relocated or adjusted at the applicant's expense.

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

7. 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 of the development.

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

8. All hard and soft landscape works shall be carried out in accordance with Drawing 01K bearing the Council date stamped 16th March 2023 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.

9. Prior to the occupation of the first dwelling! a phasing plan for the landscaping works shall be submitted to and agreed in writing with the Council.

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

10. Prior to the occupation of the first dwelling the hard and soft landscaping works as agreed shall be carried out in accordance with the agreed phasing plan and maintained and managed thereafter, in accordance with the approved Plan by a suitably constituted management company.

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

11. 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.

12. No more than 66 dwellings shall be built until all of the infrastructure necessary to deliver commercial/industrial units indicated as W1-W6 on the proposed site plan bearing the Council date stamp 16 March 2022 is in place and prior to the occupation of the 91st dwelling, units W1 and W2 shall be fully constructed and the foundations associated with units W3, W4, W5 and W6 complete.

Reason: To ensure the delivery of the commercial/industrial units and comprehensive development of the site

13. The development hereby permitted shall not be occupied until the remediation measures as described in the Fortitude Environmental Remediation Strategy dated 21 February 2022 has been implemented and agreed in writing with the Council.

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

14. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/landandcontamination-how-to-manage-the-risks>

In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

15. After completing the remediation works under Conditions 13 & 14 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landandcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

16. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Council. The methodology is available at:

<http://webarchive.nationalarchives.gov.uk/20140329082415>
<http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

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

17. All fuel storage tanks (and associated infra-structure) must be fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) and the quality of surrounding soils and groundwater verified.

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

18. Operating hours of the commercial units, industrial units, employment units and take away coffee pod units shall not exceed 0700-2300 hours.

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

19. During the operational phase of the commercial units, industrial units, employment units and take away coffee pod units no activity which is likely to generate excessive noise e.g. delivery, shall be undertaken outside 0800-2100 hours.

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

20. Prior to occupation of Blocks B, C and D hereby approved, a window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed! of at least 38dB(A) RTRA, shall be installed to all habitable rooms on the north, east and west facades of blocks C and D all habitable rooms to block B. A window system (glazing and frame) capable of providing a sound reduction index, when the windows are closed, of at least 33dB(A) RTRA, shall be installed to all other habitable rooms within the development.

Reason: To achieve internal noise level in line with BS8233.

21. Prior to occupation of Blocks B, C and D hereby approved, passive and mechanical ventilation, in addition to that provided by open windows, capable

of achieving a sound reduction of at least 38dB(A) RTRA when in the open position (with respect to noise transmission from the exterior to the interior of the building), shall be installed to all dwellings in blocks B, C and D. Mechanical ventilators shall not have an inherent sound pressure level (measured at 1 metre) in excess of 30dB(A), whilst providing a flow rate of at least 15 litres per second.

Reason: To achieve internal noise level in line with BS8233.

22. Prior to occupancy of the dwellings a 1.8m high acoustic barrier shall be erected along the northern boundary of the site as presented on approved drawing 2646-DR-16-0004. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 10 kg/m² and so retained thereafter.

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

23. The development hereby approved shall be undertaken in strict accordance with the Outline Construction Environmental Management Plan dated March 2023 including the noise and dust mitigation measures contained therein.

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

24. Construction hours for the development shall be limited to 0700-1800 hours Monday to Friday, 0800-1300 hours Saturdays with no construction works on Sundays or Bank Holidays.

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

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

Reason: To protect the amenity of neighbouring dwellings with respect to air quality.

26. The rated sound pressure level (LAR,15mins) of any plant or equipment associated with the commercial units, industrial units, employment units and take away coffee pod units measured at 1m shall not exceed the background noise level of 43dB (0700-2300 hours) or 37dB (2300-0700 hours).

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

27. The development hereby approved shall be undertaken in strict accordance with the Noise Impact Assessment dated March 2023 and specifically the noise mitigation measures contained therein.

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

28. The development hereby approved shall be undertaken in strict accordance with the Dust Management Plan submitted as part of the Air Quality Impact Assessment dated March 2023 and specifically the dust mitigation measures contained therein.

Reason: To protect the amenity of neighbouring dwellings with respect to air quality.

29. Prior to occupancy of sites 24, 25, and 26 a clean cover system shall be installed to the garden areas as recommended in the GQRA and The OCEMP. The clean cover system shall form an encapsulation layer above the contaminated soils.

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

30. Prior to occupancy of sites 24, 25 and 26 a validation report containing full details of the selected cover system, the sampling methodology and results shall be submitted to the Council for approval. The clean cover system shall be validated in accordance with Liverpool City Council Guidance — Verification Requirements for the remediation of Contaminated Land Cover Systems. Installation of the clean cover system must be overseen and validated by a suitably qualified environmental consultant.

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

31. Prior to the commencement of Block D hereby approved, an internal vibration assessment in relation to Block D shall be submitted to the Council for approval in writing. The assessment shall include details of the proposed design of the foundation and floors.

Reason: To ensure development is compliance with BS6472-2:2008.

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

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

33. Prior to the construction of development hereby approved, a construction and demolition noise assessment shall be submitted to the Council for approval. The assessment shall include details of the predicted noise level at adjacent noise sensitive properties and any proposed noise mitigation measures.

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

34. The appointed contractor must submit a Final Construction Environmental Management Plan (CEMP) for agreement and approval by the Council before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as contained within the Outline CEMP and Shadow HRA both by RPS Consulting August 2022 and as advised by NIEA WMU and NIEA NED in their responses to the consultation dated 06/12/2022. CEMP mitigation to be implemented in full unless agreed in further consultation with Council.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate effects on hydrologically connected European Site features.

35. During demolition and construction of the development hereby approved if there are any signs of rodent activity on site, or at the request of the Council, a pest control management plan shall be submitted to the Council. The pest control management plan should include details of a survey, treatment and ongoing measures to control pests.

Reason: To ensure adequate control of pests

Informatives

1. This permission is subject to a Section 76 Planning Agreement under which the Developer has entered into a covenant with Lisburn and Castlereagh City Council.
2. This decision relates to planning control only. The Council would advise that if the proposed works require Building Regulations approval this should be obtained from the Council before the works commence. The Council would also advise that this planning decision does not cover any other approval which may be necessary under other legislation.
3. The applicant must apply to DFI - Roads for a license indemnifying the Department against any claims arising from the implementation of the proposal.
4. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.

5. Separate approval must be received from DFI - Roads in respect of the detailed standards required for the construction of streets in accordance with the private streets construction regulations.
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site; any mud, refuse etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
7. Provision shall be made to the satisfaction of DFI - Roads, to ensure that surface water does not flow from the site onto the public road.
8. Private Streets Order (Northern Ireland) 1980.

Before any work is commenced on the construction of adoptable roads and sewers, the Developer must notify the Private Streets Officer at DFI - Roads, 40A Benson Street, Lisburn, BT28 2BG, Tel: (028) 9025 3000.

9. Developers should be aware of the Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001 which came into effect on 01 May 2001. Design for any Street Lighting schemes will require approval from DFI - Roads, Network Lighting Section, Marlborough House (Level 5), Central Way, Craigavon, BT64 1AD, Tel no, 02838 320 023.
10. Any person who wishes to place or retain apparatus in a street, and thereafter inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it, unless that person has a statutory right to do so, is required to be in possession of a Streets Works License. This License can be obtained on personal application to the DFI - Roads Section Engineer whose address is Lisburn & Castlereagh Section Office, 40A Benson Street, Lisburn BT28 2BG.
11. Pedestrians crossing points to be provided at road junctions in accordance with the DETR / Scottish Office Publication "Guidance on the use of Tactile Paving Surfaces".
12. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Multiple Dwellings and Commercial or Industrial Developments.

Care will need to be taken to ensure that polluting discharges do not occur during the demolition, construction and operational phases of the development.

The applicant must refer and adhere to the relevant precepts in DAERA Standing Advice on Pollution Prevention Guidance, paying particular attention to where further information can be found regarding oil storage, incident response (dealing with spills), safe storage – drums and intermediate bulk containers, and the use of oil separators in surface water systems (including the restrictions due to use of detergents).

Care should be taken to ensure that only clean surface water is discharged to the nearby water environment.

Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems for brownfield sites or contaminated land in order to minimise the polluting effects of storm water on waterways.

NIEA discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges of potentially contaminated water to the aquatic environment and may be required for site drainage during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.

All DAERA Standing Advice is available at:

<https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>

It should be noted that all commercial kitchens associated with this development should have a suitable, properly maintained grease trap on their effluent pipes.

The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata.

Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

The applicant should ensure that measures are in place to prevent pollution of surface or groundwater, as a result of the activities on site, both during construction and thereafter.

13. Any site risk assessment and remediation work undertaken should be to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming

Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.

14. The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.
15. Regulation Unit recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
16. Prior to disposing waste materials to a suitable facility, waste classification needs to be completed of the materials either in-situ or of excavated materials in accordance with the EWC codes. Details of this classification can be found in the Northern Ireland Waste Classification Technical Guidance WM3 vl.1.N(at: <http://www.daera-ni.gov.uk/publications/waste-classification-technicalguidance>

Should the materials be classified as Hazardous waste then this material will need to be consigned off site as hazardous waste. NIEA should receive the waste consignment notices 72 hours in advance of any movements off site and waste materials moved off site only by a registered carrier (i.e. ROC permitted).

Also, if the material is hazardous, it should be WAC tested to determine a suitable landfill for disposal. Note there are no landfills in Northern Ireland licensed to take non- asbestos hazardous wastes, so this material would need to be disposed at a suitable site in England or Scotland.

17. Certain types of work with asbestos in soils and construction and demolition (C&D) materials can only be done by those who have been issued with a licence by HSENI. This is work which meets the definition of 'licensed work with asbestos' in Regulation 2(1) of the Control of Asbestos Regulations (Northern Ireland) (2012) (the Regulations).

These Regulations can be viewed at:

http://www.legislation.gov.uk/nisr/2012/179/pdfs/nisr_2012_179_en.pdf.

The Regulations and the accompanying Approved Code of Practice and guidance (The Control of Asbestos Regulations 2012: Managing and working with asbestos (L143)) apply to all work with asbestos, including managing the risks related to exposure to asbestos from work with asbestos contaminated soil or C&D materials in addition to CL:AIRE's Industry Guidance entitled: Control of Asbestos Regulations 2012, Interpretation for managing and working with asbestos in soils and C&D materials 2016 that can be viewed at:

<https://www.claire.co.uk/projects-and-initiatives/asbestos-in-soil>.

All works associated with asbestos contaminated land must be carried out by competent persons so that the site reports can be relied upon and works completed in compliance with the Regulations and in a manner likely to be minimise consequential risks.

18. A Pre-demolition Asbestos Survey should be undertaken prior to demolition and site redevelopment works in compliance with The Control of Asbestos Regulations 2012 and more specifically Regulation 4—The Duty to Manage Asbestos to ensure any risk to those tasked with site development and future site users is appropriately managed.
19. Prior to the installation of any relevant combustion system(s), which are subject to control by The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) (Amended) 2018, an application should be made to Environmental Health.
20. All installed mechanical ventilators shall meet the requirements contained within, “The Building Control Technical Booklet K — Ventilation 1998”.
21. The proposed development should take into account the position of any NIE Networks’ equipment in the area to ensure safety. The developer should maintain statutory clearance from NIE Networks’ equipment during the construction and operational phases of the project and also during future maintenance programmes in accordance with HSE Guidance Note GS6 “Avoidance of Danger from Overhead Electric Lines” and HSE Booklet HS(G)47 “Avoiding danger from underground services”.

Further information is also available at:

www.nienetworks.co.uk/Safety-Environment

Should information be required at this stage regarding the location of NIE Networks’ equipment adjacent to the development, please contact NIE Networks with the location details of your proposed development at:

- Northern Ireland Electricity Networks Ltd, Distribution Service Centre, Request for Markup, Cam Industrial Estate, Craigavon, BT63 5QJ.
- markups@nienetworks.co.uk

22. Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc. requires the written consent of DFI Rivers.

This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn, BT27 5QB.

23. Upon receipt of this statutory consultation and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or waterline@niwater.com. Alternatively, guidance notes and application forms are available to download from NI Water website at <https://fwww.niwater.com>
24. If during the course of developing the site the developer uncovers a pipe not previously evident, NI Water should be contacted immediately via Waterline 03457 440088. NI Water will carry out an investigation, and, provide guidance and direction in respect of any necessary measures to deal with this issue.
25. Translink to be contacted and approval sought prior to any undertaking of any works which are subject to and shall be in accordance with the Translink Third Party Works Procedure. Translink third party works team can be contacted by Telephone: 028 9035 4075 | 028 9066 6630 or Email: thirdpartyworks@translink.co.uk

For further information on the Third Party Works procedure please see webpage link.

www.translink.co.uk/thirdpartyworks

Translink Construction Minimum Requirements apply to third party works where a party, other than Translink, engages a Contractor to carry out work on or near Translink Infrastructure. This can be found on our above webpage under Construction Minimum Requirements
26. Translink propose to have a shared access agreement, the agreement will cover security solutions at the interface between platform and direct access, which should be a combination of CCTV and a secure gate with locking mechanism. The agreement will also include management of this interface such as daily closure times, to coincide with first train and last train movements.
27. The developer will be required to provide an adequate lighting scheme to ensure that footpaths are provided with sufficient light at all times this may be developed through design integration with the Translink designer. However, management of the access paths are solely the responsibility of the Management Company of the development.
28. Drawing No. 2646-DR-16-004 shows the Site Boundary to have Type B 1.8m high Timber Hit and Miss Fencing. The developer is to ensure that any future maintenance of boundary fencing can be carried out within the lands of the development. Translink will not permit access onto the railway side of the fencing unless a safe system of work is in place. Any access to the track will be viewed by Translink as trespass.
29. All works to Translink boundaries must be carried out under the conditions of the Translink Rule Book with regard to safety of workers and railway passengers. If necessary, Translink will provide safety critical staff to ensure that a safe method of work is established and maintained. Costs incurred by Translink must be borne by the developer.

30. Drawing No. 2646-DR-16-003 shows Apartment Block B, any crane activity required to construct must be within the site boundary. Construction plant or equipment must not slew over Translink property at anytime. Any works involving cranes (or other lifting equipment which has potential to foul the line) must have control measures in place to prevent movement of loads into the path of trains and avoid any unforeseen collapse on or near the line. Translink will need to be informed if it is proposed that a crane will be erected during the installation work. All crane lifting plans and certificates must be forwarded to Translink for approval. NITHC may require an air rights agreement if crane activity is to over sail NITHC property when out of use.
31. The developer is to reduce the risk of a parallel incursion, any vehicles perpendicular to the railway track must be prevented from fouling trackside. Developer is to demonstrate how this risk will be prevented in accordance with Department for Transport Managing the accidental obstruction of the railway by vehicles.
32. Where the existing boundary is to be replaced or is not satisfactory to Translink to protect the railway property from trespass or debris from works;
- The developer at their own cost and to the satisfaction of Translink erects a temporary security fence/hoarding to protect the railway property from trespass or debris from works before any construction work starts. Fencing must be maintained [or the duration of the works.
- The developer erects a suitable boundary fence in positions decided by Translink with a minimum specification of 1800mm weld/rigid mesh, Palisade? Paladin or equal approved.
33. Demolitions of existing building/buildings adjacent to Translink boundary are to be confirmed along with a demolition plan and activity schedule. This information must be supported with a site plan showing the exclusion zone with reference to the railway lines clearance distances and include protection methods proposed.
34. During construction and following completion, no storm or foul water is permitted to be discharged on to Translink property. Please supply Translink with proposed drainage design details prior to works commencing for our comment.
35. If driven piles are to be used in the construction process, Translink will require information on the affect that this process may have on Translink Infrastructure. Translink will require that monitoring stations are set up at agreed locations to record vibration and any settlement. All vibration limits are to be within current guidelines and monitored throughout the process.
36. NIR to be provided with a completed Project Risk Assessment (Insurance) document which is available upon request, for Translink review of insurance requirements. The contractor provides Translink with the insurance details / provision that is required for the duration of the project.

37. The contractor provides Translink with their insurance details/provision that will be in place for the duration of the project.

The developer will indemnify Translink against any claims for noise and vibration caused by Translink at any stage.

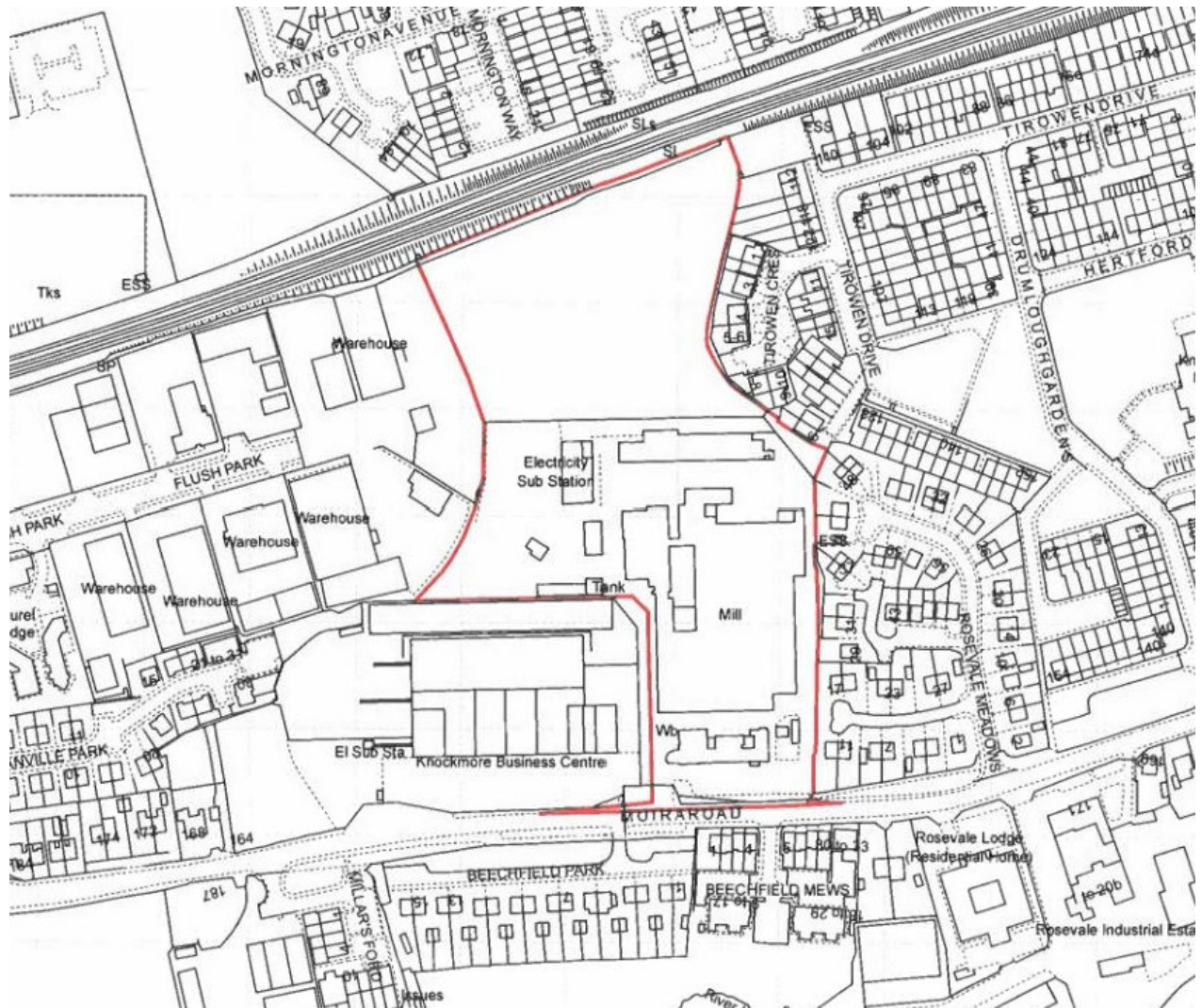
38. The developer/contractor gives Translink prior notice (4 weeks) for any works commencing on or near Translink property, coupled with an agreed Method Statement and Risk Assessment.

39. Northern Ireland Railways Co. Ltd. reserve the right to carry out any works to the company's property by any machinery at any time of the day or night as deemed necessary by Translink Engineers.

40. The developer/contractor provides Translink with a programme prior to construction works commencing on or near Translink property. Provide Translink with agreed Method Statement and Risk Assessment 6 weeks prior to any works commencing.

41. Any scaffold or working platform which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The developer/contractor provides Translink with details for approval in advance of works commencing.

Site Location Plan – LA05/2024/0734/F (Map from original approval LA05/2022/0830/F)



Lisburn & Castlereagh City Council

Council/Committee	Planning Committee
Date of Committee Meeting	03 March 2024
Committee Interest	Local Application
Application Reference	LA05/2022/0562/F
Date of Application	07 June 2022
District Electoral Area	Castlereagh East
Proposal Description	Proposed residential development comprising of 14 apartments (1 one-bed and 13 two--bed) with private and communal amenity space, bin and bicycle storage, landscaping, car parking and all associated site works
Location	Lands at 933 Upper Newtownards Road Dundonald
Representations	Five
Case Officer	Sinead McCloskey
Recommendation	APPROVAL

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee as the application is subject to a Section 76 planning agreement.
2. It is recommended that planning permission is granted as the proposal is in accordance with the requirements of policies HOU1, HOU3 and HOU4 and of Part 2: Operational Policies of the Lisburn and Castlereagh City Council Plan Strategy 2032 (subsequently referred to as the Plan Strategy) in that the detailed layout and design of the proposed building creates a quality residential environment and when the building is constructed, it will not adversely impact on the character of the area. The development will also not have a detrimental impact on the amenity of existing residents in properties adjoining the site by reason of overlooking or dominance/ loss of light.

3. Furthermore, the density 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 established residential area.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the Plan Strategy in that adequate provision is made for affordable housing as an integral part of the development. This provision will be subject to a Section 76 Planning Agreement.
5. The proposal complies with Policies NH2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.
6. A listed structure and its setting at Cleland Mausoleum (Grade B+), St. Elizabeth Parish Church of Ireland are taken account of in the design of the proposal. Officers have no reason to disagree with the advice of the statutory consultee and it is considered that the proposed development complies with policy HE9 of the Plan Strategy.
7. The proposed complies with Policy of TRA1 the Plan Strategy in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian paths.
8. It is also considered that the development complies with Policies TRA2 and TRA3 of the Plan Strategy in that the detail submitted demonstrates that the access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
9. 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.
10. The proposed development complies with policy tests set out in policies FLD 1 and FLD 3 of the Plan Strategy in that although part of the site lies within the 1 in 100 year fluvial flood plain, it has been demonstrated that the proposed built development is located out of the floodplain and as such can be deemed an appropriate exception to policy. It has also been shown that the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste water treatment works to service the development.

Description of Site and Surroundings

Site

11. The site is located at No. 933 Upper Newtownards Road, Dundonald. The site was formerly occupied by a public house, The Lewis Tavern. It is stated in the P1 Form that the site was cleared in 2019 following a fire at the premises in 2018.
12. It was observed on site that there were no remains of the building left, with the site consisting of pockets of hardstanding with some low level vegetation dispersed throughout. The site is at a lower level than the road, but is relatively flat, with a slight dip in levels to the south.
13. The site is enclosed on all sides, with a 2.5 metre to 3 metre high boarded fence located along the northern boundary (adjacent to the road) and part of the western boundary. The remainder of this boundary consists of the gable wall of an adjacent office premises. Beyond this there is a 2.5 metre high wall. The rear boundary of the site, to the south, consists of a 1 to– 2 metre high wall. There is some semi-mature vegetation located on the other side of this wall, where there is a watercourse running adjacent to this boundary.
14. Beyond this stream, there is a public walkway within an area of open space within the grounds of Dundonald Motte, Moat Park. The eastern boundary consists of a 2 metre high wall, forming the common boundary with the adjacent dwelling at No. 937 Upper Newtownards Road. It was noted that there is a supporting structure against the gable of this property which once was attached to the previous building on the site, with the now exposed gable lined for protection.

Surroundings

15. The site is located along one of the main routes into Belfast City, the Upper Newtownards Road which is protected route and a rapid transit route.
16. The surrounding area comprises a mix of uses including, residential, McDonalds restaurant, Ulster Hospital, shops and a church.

Proposed Development

17. The application is for full planning permission for the erection of a two and a half storey building comprising 14 apartments with private and communal

amenity space, bin and bicycle storage, landscaping, car parking and all associated site works.

18. The following documents are submitted in support of the application:

- Design and Access Statement
- Biodiversity Checklist
- Transport Assessment Form
- Residential Travel Plan
- Service Management Plan
- Flood Risk Assessment
- Drainage Assessment
- Addendum to Drainage Assessment
- Storm Drainage Strategy
- Preliminary Risk Assessment and Generic Quantitative Risk Assessment
- Archaeological Impact Assessment
- Architectural Heritage Impact Assessment

Relevant Planning History

19. The following planning history is relevant to the site:

Reference Number	Description	Location	Decision
Y/1981/0087	Erection of restaurant with ancillary car parking	937-949 Upper Newtownards Road	Permission Granted 23 rd April 1981
Y/1981/0169	Proposed demolition of existing dwelling, construction of new 100 bed hotel with function rooms, health suite, free-standing interpretative centre, new road access with right hand turning pocket, car parking & site works.	Old Moat Inn, Dundonald	Permission Granted 9 th September 1981
Y/1990/0166	Alterations to premises with first floor kitchen / store extension at rear and change of use of off licence to public bar.	The Old Moat Inn, 933 Upper Newtownards Road, Dundonald.	Permission Granted 23 rd June 1990.
Y/2014/0041/F	Single storey extension (30m ²) and conversion of existing ground floor smokers area to wine shop and off-sales with internal store and new external ground floor smokers area (65m ²) to rear (Amended Plans and Additional Information)	The Lewis Pub and Eatery 933 Upper Newtownards Road Dundonald	Permission Granted 30 th September 2014

Consultations

20. 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
NIEA Natural Heritage	No objection
NIEA Water Management Unit	No objection
Historic Environment Division	No objection
Northern Ireland Housing Executive	No objection

Representations

21. Five representations have been submitted in opposition to the proposal. The main issues raised included the following:

- Removal of community establishment
- Remove character of the centrepiece of the Village
- No additional housing required
- Not in keeping with the style of what was previously on the site
- Small amount of parking
- Overflow of residents parking in adjacent office

Local Development Plan

22. 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

23. 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.

24. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Belfast Urban Area Plan 2001 (BUAP). Within BUAP the land is white land.
25. Draft BMAP remains a material consideration. Within draft BMAP 2015, the site also lies within the settlement limits of Metropolitan Castlereagh and is also white land. Upper Newtownards Road is a Protected Route.
26. The site was previously developed as a public house. Although the site is cleared it would still be categorised as brownfield land. It is stated within the glossary of Part 2 of the Plan Strategy that brownfield land is sometimes referred to as previously developed land being land that is, or was occupied by a permanent structure within a defined settlement limit. The term may encompass vacant or derelict lands, infill sites, land occupied by redundant or underused buildings, a piece of industrial or commercial property that is abandoned or underused and often environmentally contaminated. The following are excluded from the definition of previously developed land:
- open space of public value as defined in Supplementary Planning Guidance, Part D: Definition of Open Space
 - the gardens of dwellings and apartments (broadly defined as those areas within the curtilage of a dwelling not containing buildings).

27. The strategic policy for Sustainable Development is set out in Part 1 of the Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

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

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

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

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

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

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

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

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

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

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

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

The Plan will support development proposals that:

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

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

Housing in Settlements

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

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

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

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

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

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

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

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

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

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

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

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

37. The Justification and Amplification states that :

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

38. It also states that:

Accessible Accommodation

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

39. Given the scale of residential development public open space is not required as part of the proposed development.

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

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

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

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

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

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

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

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

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

41. The Justification and Amplification states that:

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

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

Affordable Housing – affordable housing is:

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

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

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

Natural Heritage

43. Given that the site is adjacent to a watercourse at the rear, the potential impact on the natural environment is considered.
44. 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.

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

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

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

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

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

Access and Transport

46. The P1 Form indicates that access arrangements for this development involve the use of an existing unaltered access to a public road. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

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

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

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

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

48. The justification and amplification states that:

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

49. The Upper Newtownards Road is a protected route within a settlement. Policy TRA 3 – Access to Protected Routes states for other protected routes in settlements:

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

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

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

51. Policy TRA8 - Active Travel Networks and Infrastructure Provision states that:

Planning permission will only be granted for proposals where public transport, walking and cycling provision forms part of the development proposal.

A Transport Assessment/Travel Plan or, if not required, a supporting statement should indicate the following provisions:

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

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

Flooding

52. Part of the site lies within the 1 in 100 year fluvial flood plain. Policy FLD1 – Development in Fluvial (River) Flood Plains states that:

New development will not be permitted within the 1 in 100 year fluvial flood plain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy in the following cases:

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event. Proposals that fall into any of the following categories will not be permitted by this exception:

- a) *essential infrastructure such as power supply and emergency services*
- b) *development for the storage of hazardous substances*
- c) *bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- d) *any development located close to flood defences.*

Proposals involving significant intensification of use will be considered on their individual merits and will be informed by a Flood Risk Assessment.

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) *replacement of an existing building*

b) development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain

c) water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain

d) the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children

e) the extraction of mineral deposits and necessary ancillary development.

Proposals that fall into any of the following categories will not be permitted by this exception:

a) bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing

b) essential infrastructure

c) development for the storage of hazardous substances.

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

A development proposal within the flood plain that does not constitute an exception to the policy may be permitted where it is deemed to be of overriding regional or sub-regional economic importance and meets both of the following criteria

a) demonstration of exceptional benefit to the regional or sub-regional economy

b) demonstration that the proposal requires a location within the flood plain and justification of why possible alternative sites outside the flood plain are unsuitable.

Where the principle of development is established through meeting the above criteria, the Council will steer the development to those sites at lowest flood risk.

Minor Development

Minor development will be acceptable within defended and undefended flood plains subject to a satisfactory flood risk assessment.

Where the principle of development is accepted by the Council through meeting any of the above 'Exceptions Tests', the applicant is required to submit a Flood Risk Assessment (FRA) to demonstrate that all sources of flood risk to and from the proposed development have been identified; and there are adequate

measures to manage and mitigate any increase in flood risk arising from the development.

Flood Protection/Management Measures

In flood plains the following flood protection and management measures proposed as part of a planning application, unless carried out by DfI Rivers or other statutory body, will not be acceptable:

- a) new hard engineered or earthen bank flood defences*
- b) flood compensation storage works*
- c) land raising (infilling) to elevate a site above the flood level within the undefended fluvial flood plain*

53. Drainage must be designed to take account of the impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that:

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

54. More than 10 residential units are proposed. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states:

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

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

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

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

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

surface water layout of DfI Flood Maps NI, it remains the responsibility of the developer to mitigate the effects of flooding and drainage as a result of the development.

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

Historic Environment and Archaeology

55. There is a listed asset in close proximity to the site known as Cleland Mausoleum which is a Grade B+ listed building at St. Elizabeth Parish Church, and is noted as being of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.
56. Policy HE9 – Development affecting the Setting of a Listed Building states that:

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

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

Regional Policy and Guidance

Regional Policy

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

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

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

59. It states that:

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

60. Paragraph 3.6 of the SPPS states:

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

61. 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.

62. In practice this means that development which accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

63. The site is proposed to be developed for housing development. It is stated at paragraph 6.136 that:

The policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. This

approach to housing will support the need to maximise the use of existing infrastructure and services, and the creation of more balanced sustainable communities.

Retained Regional Guidance

64. Whilst not policy, the following guidance documents remain a material consideration.

Creating Places

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

66. 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.

67. Paragraph 7.16 provides guidance on separation distances stating:

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

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

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

Development Control Advice Note 8 - Housing in Existing Urban Areas

69. Paragraph 4.10 states that:

Planning Service will expect applicants and designers to carry out an appraisal of the local context, which takes into account the character of the

surrounding area; and new development should respect the architectural, streetscape and landscape character of the area.

Assessment

Housing in Settlements

Policy HOU 1 – New Residential Development

70. This application is for 14 residential units within the settlement limit of Metropolitan Castlereagh. The site is a brown field site within a settlement. The application therefore complies with two of the criterion in Policy HOU1, namely criteria (b) and (c) and as such, the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

71. The application site once was a public house/restaurant, but the building has since been removed and the site cleared. There are patches of hard standing seen throughout the site with some low-level vegetation dotted between.
72. The site fronts onto the Upper Newtownards Road, with a public footway abutting the northern boundary. The surrounding area is characterised with a mix of uses including residential, restaurant, offices, hospital and a church. The existing residential development is quite high density with a row of two storey terraced dwellings to the east along the main road and a more modern apartment development to the northeast, opposite the site provided in two and two and a half storey buildings.
73. This apartment development (the Habinteg Housing Association scheme) fronts onto the Upper Newtownards Road, with two large buildings either side of the access, extending further back from the road with several other buildings and parking areas behind. Further along the Upper Newtownards Road to the east there are semi-detached dwellings.
74. To the northwest of the site there is The Ulster Hospital which covers a large area of ground occupied with buildings and car parks. There is a small retail shop immediately adjacent to the site, to the west. This is a small flat roofed building set back from the road with an area of hardstanding to the front. The adjacent Dundonald Baptist Church is similarly positioned. This is a larger pitched roof building surrounded by hard standing for parking. Beyond this is a McDonalds restaurant which straddles both the Upper Newtownards Road and E Link Road.

75. To the south of the site, immediately adjacent to this boundary there is a watercourse which is known to DFI Rivers as the Dunleady Stream Overflow. Beyond this there is a hilly area of open space around Dundonald Motte called Moat Park, with various pedestrian pathways running through it.
76. The dwellings noted along this part of the Upper Newtownards Road are of varying age, design, scale and mass. There is no predominant form of housing found in the immediate area.
77. The Design and Access statement indicates that the design of the proposal has taken account of the adjacent row of terraced dwellings at Nos. 937 – 949 Upper Newtownards Road through the introduction of a stepped ridge height. However, the proposal has since been amended and now the entire building is flat roofed and of almost uniform height, with a reduction in ridge height from the initial submission. The adjacent dwelling at No. 937 has a ridge height of 7.5 metres and that part of the proposed development adjacent to this dwelling has a ridge height of 8.4 metres. The apartments opposite the site would appear to have a similar bulk and mass as they have a pitched roof with three floors of accommodation, thus the apartment development proposed here is comparable to adjacent residential properties.
78. In this context I am satisfied that the proposed development will not appear incongruous within its surrounds but is instead reflective of the development within the immediate context of the site.
79. Taking into account the mixed residential character exhibited within the area in general it is accepted that the proposed development will not result in unacceptable damage to the local character of this established residential area.
80. In relation to criteria (a), it will respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of the 14 apartments, landscaped and hard surfaced areas.
81. Following an earlier PAD meeting for this site, HED Historic Monuments and Historic Buildings Branch both raised concerns about the site's proximity to Dundonald Parish Church and Cleland Mausoleum which is a listed building. A Visual Impact Assessment was submitted in support of the application and sent to Historic Environment Division, as well as an Archaeological Impact Assessment.
82. No archaeological mitigation was stated as being required as the proposed development is in a previously disturbed brownfield site outside the Area of Archaeological Potential. Further information had been submitted to assist Historic Building in their assessment. This is dealt with in more detail later in the report but for completeness HED Historic Buildings Branch had no objection to the proposed development and I agree with the advice that the requirements

of policy HOU3 in relation to the impact on the setting of the above referenced historic buildings is dealt with.

83. The site was identified as being partly within the 1 in 100 year fluvial flood plain. The proposal was deemed an exception under FLD 1 as it is the replacement of an existing building, and the building is in that part of the site outside the floodplain. As the land will be utilised as amenity open space this could still be in the flood plain. It is not proposed to adjust the site levels in this part of the site. As such a Flood Risk Assessment and Drainage Assessment was submitted and assessed by Dfl Rivers.
84. The matter of the exception was clarified with Dfl Rivers by the Planning Authority, whereby it was confirmed that in accordance with Policy FLD1, the Planning Authority considers the proposal falls within category (d) of exceptions to the policy in undefended areas. This category of development refers to the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. It is demonstrated that through the present day fluvial flooding map, the presence of flooding over a proportion of the site is in an area of the proposed site designated as garden/communal amenity space, and is therefore deemed as an acceptable category of development permitted by exception. It can also be said that the proposal falls within exception a) of this policy in that the proposal involves the replacement of an existing building.
85. It is considered that the policy criteria (b) within Policy HOU3 has been met.

Policy HOU4 - Design in New Residential Development

86. The layout of the apartments on proposed drawing 03/5 published to the Planning Portal on the 2 January 2024 demonstrates that the apartments are to be contained within one building. The building will occupy the footprint of the former public house and, as it is a larger building, it will encroach into the wider site.
87. The building is largely of linear form, with the front section occupying almost the entire width of the site. Further back, the rear of the building is smaller in scale, and stepped further away from western boundary, but within close proximity of the eastern boundary.
88. The building is three-storey. Whilst there is fenestration on all four elevations, it is principally on the front and rear elevations. The building is flat roofed with a ridge height of mostly 8.6 metres, it is stepped slightly to 8.4 metres towards the east of the site.

89. There are two apartments provided on the ground floor, six at first floor and a further six at the second floor. All apartments have two-bedrooms, with the exception of Unit 1 on the ground floor which has one bedroom.
90. There is a pend vehiclular access on the front elevation from the Upper Newtownards Road. The access leads to an area of hardstanding to the western part of the site for the parking of vehicles and a turning area. There are 14 parking spaces provided under the first floor, within the building envelop. The remainder of the site around the building and the parking areas, consist of communal amenity space, which is mostly grassed. This area is accessed via steps and a ramp from the parking area. A perimeter path is shown along the eastern boundary of the building, leading from the front of the site to the rear. The bin store is enclosed within the fabric of the building on the ground floor with a secondary entrance/scooter charging store also at this level.
91. To the front of the site between the building and the northern boundary adjacent to the public footway, there is a grassed area to the west and a central paved area on to the east. There is a private amenity area associated with unit 1 also seen along the frontage. To the northeast there is a pedestrian access point leading to the main entrance of the building. It is noted that all existing boundary structures are to be retained and repaired.
92. Within the context of the site, at present the only common boundary with existing residential properties is located to the east, adjacent to No. 937 Upper Newtownards Road. The western boundary is adjacent to an office unit, the northern boundary abuts the Upper Newtownards Road and the southern boundary is next to Moat Park area of open space.
93. There are two apartments shown to be located within that part of the building located closest to the eastern boundary and the adjacent dwelling at No. 937 Upper Newtownards Road. This is a two storey, end of terrace dwelling, with a pitched roof and a ridge height of 7.5 metres. There is a two-storey rear return and a long narrow garden extending to the rear. The dwelling is located roadside, following the same building line as the building that formerly occupied the site.
94. There are no concerns with regard to overlooking from the ground floor apartments on this eastern side of the building as there are no gable windows in unit 1 and the only window in unit 2 faces directly towards the common boundary wall.
95. The second floor of the building is comprised of units 5 and 6, and 11 and 12 respectively. Units 5 and 11 are front facing apartments and set back from the common boundary with the adjacent dwelling by 5.3 metres. The only side window in these units is from a bathroom and are noted as opaque on the plans. Units 6 and 12 are located in that part of the building that projects closer to the eastern boundary, being between 1.3 metres and 1.8 metres away. There is a further small projection seen from these apartments along this gable,

where a bedroom wall projects further to allow for windows to be located on either side to prevent overlooking towards the adjacent dwelling. Each of the respective units, has two-bedroom windows in the single bedroom in each apartment along this side gable. However, due to the projection these windows face north and south, not towards the east, to eliminate the potential for overlooking towards the adjacent dwelling and its private rear amenity. There are also windows in the double bedroom and the dining area of these apartment units, but as before, they are north and south facing, directing potential views away from the adjacent dwelling.

96. In light of the above, I am content that there will be no overlooking from the respective apartments in the current proposal towards the adjacent dwelling. Those rooms with windows in the proposed apartments are either obscured or will face towards the north and south of the site and not towards the dwelling to the east.
97. The finished floor levels of the proposed apartments and the adjacent dwelling at No.937 Upper Newtownards Road are almost same as shown on the plans, with the FFL of the dwelling being 24.16 and that of the nearest part of the apartment building shown to be 24.450. The ridge height of the dwelling is 7.5m, and the ridge of this part of the apartment block is 8.4 metres, rising to 8.6 metres from FFL. It is noted that the roof is flat reducing the overall massing of the building. Noting the similar FFLs and the flat roof, it is thought that the apartment building will not cause adverse effects towards the adjacent dwelling in terms of overshadowing or over dominance. Whilst the proposed building is slightly higher than the building previously on the site and the adjacent dwelling, the set back of the front part of the building will reduce the visual impact along the streetscape.
98. The increase in height of the apartment building is not significant with the plans showing the front elevation within the context of the buildings on either side, where it can be seen that the building will not detrimentally overshadow or over-dominate these buildings, especially the dwelling to the east of the site.
99. Whilst the building to the west is not a dwelling, the relationship of the proposed building with this office premises is still considered in terms of the visual impact along the streetscape. The proposed apartment building replicates the form of the adjacent unit in that both have flat roofs. Although the proposed building is bigger in that it is three storeys compared to the single storey adjacent unit, the front elevational details shown on the plans would indicate that the apartment building will not sit incongruous along this part of the Upper Newtownards Road as a mix of building types and heights are shown all the road, with the Baptist Church to the east of the retail unit shown to be a larger building.
100. In consideration of the above, I am satisfied that the scale and massing of the proposal within the site context and also the streetscape is acceptable, and it will not cause adverse effects towards adjacent buildings in terms of overshadowing or overdominance.

101. The proposed finishes are deemed acceptable with a mix of brickwork, cladding and render proposed for the walls. The roof will consist of single ply roofing membrane in charcoal. The building will have a modern design which complements the surrounding built form, the variation of material finishes of brick and render adds to streetscape. The proposed design and finishes are considered to draw upon the materials and detailing exhibited within the surrounding area and will ensure that the units are as energy efficient as possible.
102. The detail associated with this layout show the access is located at the existing entrance point, enlarging it to meet the required standards. The footprint of the new building replicates the footprint of the previous building on the site, however encompassing a larger overall area. Also similar to the before, the hardstanding area for the parking is largely located along the western part of the site. Beyond this, and at a lower level, is the communal amenity space. Fourteen parking spaces are provided, with the ratio of one space per unit.
103. The building, albeit larger than the previous building on the site, is read within the context of the mix of development see along this part of the Upper Newtownards Road. The building contains a mixed palette of materials. The mix of materials of render, cladding and brick help break up the massing of the development, taking its design and finishing hues from neighbouring buildings. The ridge height is comparable to the apartment buildings seen opposite the site dwelling at Nos. 720 - 728 Upper Newtownards Road.
104. The detail of the proposed layout demonstrates that there is an appropriate separation distance between the proposed apartment building and the existing dwelling at No. 937 Upper Newtownards Road, as it is a side-to-side relationship with no upper floor windows from habitable rooms on the gable causing an adverse impact on residential amenity.
105. 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.
106. For the reasons outlined above, criteria (a), (e) and (f) are considered to be met.
107. With regard to criteria (b) detail submitted with the application demonstrates that communal amenity space and private individual patio areas represents 17.5% of the total site area. The bulk of this is made up of a large, grassed area to the rear of the site that is usable for amenity. Tree planting is proposed

along the southern boundary of this area, adjacent to the rear wall. There is no vegetation of note on the site worthy of retention. It is stated that each apartment has a minimum of 27square metres of amenity space provided. As such I am satisfied that there is adequate amenity provision for the occupants of the 14 apartments associated with this proposal.

108. There is no requirement for public open space due to the scale of the development. Likewise, there is no requirement for the provision of a local community or neighbourhood facility.
109. With regard to criteria (d) the proposed density 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 established residential area. The average unit size exceeds space standards set out in supplementary planning guidance.
110. The internal road layout provides for safe and convenient access around the site which will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for parking which meets the required parking standards. Criteria (g) and (h) are considered to be met.
111. The design integrates informal surveillance of the parking areas with strategic locations for reception rooms to the rear of the apartment blocks and circulation spaces to the front of the apartment block to ensure pedestrian movement. Criteria (l) is considered to be met.
112. A bin collection compound is provided centrally within the site, so safe collection can be facilitated without impairment to the access manoeuvrability of waste service vehicles.
113. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the Plan Strategy.
114. 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 properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

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

115. The design of the building draws upon the characteristics of and is broadly in line with the existing built fabric in terms of height, scale and massing and the site layout plan demonstrates a density and ratio of built form to open space

that is appropriate to planning policies and is consistent with that found in the immediate vicinity.

116. The separation distance between the proposed building and its relationship with the adjacent residential dwelling and its existing boundaries is adequately addressed and respected by this proposal. Therefore, it will not create conflict or unacceptable adverse effects in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
117. In consideration of the above, I am satisfied that the proposal complies with Policy HOU8.

Policy HOU10 – Affordable housing in settlement

Policy HOU10 requires a 20% affordable housing provision. In the context of the proposed scheme, this equates to three units. However, a supporting statement submitted with the application states that the proposed residential development is an over 55's and will be social housing (Category 1). Notwithstanding this, a Section 76 Agreement is still required to ensure the delivery of these units as per the planning approval.

118. No threshold is applied for the construction phase of the development as this is one building but no more than six apartments should be occupied until the affordable housing requirement of three units is met.
119. The affordable housing tests associated with Policy HOU10 of the Plan Strategy are therefore capable of being met subject to this provision being secured and agreed through a Section 76 Planning Agreement.

Access and Transport

TRA1 – Creating an Accessible Environment

120. Detail associated with the P1 Form indicates that the development involves the use of an existing unaltered access to a public road for both vehicular and pedestrian use. The existing access position from the previous property on this site onto the carriageway is to be maintained but enlarged so as to provide a wider dimension of a 6.0m shared access.
121. 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 SPPS and Policy TRA1 of the Plan Strategy in that the detail demonstrates that an accessible and safe environment will be created through the provision of footways and dropped kerbs.

TRA2 – Access to Public Roads

122. It is also considered that the development complies with Policy TRA2 of the Plan Strategy as modified in that the detail submitted demonstrates that the proposed altered access for 14 apartments will not prejudice road safety or significantly inconvenience the flow of traffic.
123. The proposal involves accessing the Upper Newtownards Road, which is a Protected Route. A Transport Assessment Form (TAF) is submitted in support of the application. It provides detail of Travel Characteristics, Transport Impacts and Measures to mitigate impacts/influence travel to the site.
124. The detail contained within the TAF illustrates that the proposed site access can accommodate the proposed traffic movements associated with the development proposals. It is stated that the proposed development is predicated to generate significantly less daily trips than the previous bar/restaurant use.
125. Accordingly, the vehicle movements associated with the proposed development are not anticipated to cause any noticeable impact on the surrounding area. Pedestrian and cyclist access to the site will be via the exiting footway provision along the Upper Newtownards Road.
126. 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.
127. Advice received from DfI Roads confirms that they have no objection, endorsing the site layout drawings.

TRA3 – Access onto Protected Route

128. As explained above, the proposal involves the use of an existing unaltered access to a public road, the Upper Newtownards Road which is a protected route. The site is inside a settlement and in this case, there is no opportunity for access to be taken from an adjacent road and the detail submitted in terms of access arrangements will assist with the creation of a quality environment without compromising road safety or resulting in an unacceptable proliferation of access points.
129. Advice received from DfI Roads confirms that they have no objection on the grounds of road safety or traffic impact and as such, it is accepted that the tests for access onto a protected route associated with Policy TRA3 have been met.

TRA7 – Carparking and servicing arrangements in new developments

130. The proposal is required to provide 21 parking spaces to fully comply with parking standards. The proposed site layout will include 14 parking spaces and this has been deemed acceptable for the reasons outlined below.

131. Policy TRA7 does permit a reduction in parking provision where certain circumstances arise. It states that reduced parking may be acceptable in locations which are highly accessible and well served by public transport. It also includes situations where it forms part of a package of measures to promote alternative transport modes. The agent provided evidence that both these scenarios are applicable in this instance.
132. As set out in the TAF, the site is well serviced with proximity to bus and glider service routes, with bus stops existing a short distance from the site in both directions. These stops are serviced by Glider, Metro and Ulsterbus via a range of services. There is a footpath provided on both sides of the Carriageway and controlled pedestrian crossings approximately 2 minutes walk from the site.
133. A submitted travel plan notes the development will benefit from a number of green travel measures to promote the use of sustainable modes of transport including a free Residential Travel Card to one occupier of each dwelling for a period of 3 no. years to encourage the use of public transport and reduce the reliance on private vehicles, and a car club scheme where the developer will offer 50% subsidy for membership of a car club scheme for 3 years at a rate of 1 per dwelling.
134. DfI were insistent that a minimum of 1:1 parking ratio was provided throughout the site, resulting in several amendments of the proposal throughout the processing, with the final scheme for 14 units and 14 associated parking spaces agreed. The reduced parking standard is acceptable to the planning authority for the reasons outline above and this ratio is consistent with other applications for apartment development with access to the Upper Newtownards Road.
135. The site layout shows bicycle storage sufficient to supply the apartments or those visiting with 8 secure cycle parking spaces provided.
136. The internal design has allowed adequate turning space for those using the site so as ensure safe use of the site and access to it.
137. Based on a review of the information and the advice received it is considered that the proposal satisfies the policy tests associated with policies TRA1, TRA2, TRA3 and TRA7 of the Plan Strategy.

Historic Environment and Archaeology

138. There is a listed asset in close proximity to the site, Cleland Mausoleum (Grade B+) at St. Elizabeth Parish Church of Ireland and it is noted as being of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. Dundonald Motte is also close to the site.
139. Historic Environment Division were consulted on the application. Historic Monuments responded stating that they agreed with the Visual Impact

Assessment which accompanied the application and that the proposed development will not have an adverse impact upon Dundonald Motte. They also state that as the proposal is in a previously disturbed brownfield site outside the Area of Archaeological Potential, archaeological mitigation is not required as suggested in the supporting documents. Historic Monuments therefore concluded that on the basis of the information provided they are content that the proposal is satisfactory to the relevant archaeological policy requirements.

140. Historic Buildings had requested further information at the outset of the process. This was in relation to the views of the Mausoleum, stating that a development predominantly of similar height to the existing terrace would allow the visual connection from the Upper Newtownards Road to the Mausoleum to be maintained.
141. Historic Buildings met with the agent and discussed the required changes to the design to take account of the view of the Mausoleum behind. Amended plans were received and sent for review to HB, culminating in a response stating that they were now content with the proposal without conditions.
142. Officers have no reason to disagree with the advice of the statutory consultees.
143. It is therefore contended that the proposed development complies with policies HE4 and HE9 of the Plan Strategy.

Natural Heritage

144. A biodiversity checklist with an accompanying Ecological Statement has been submitted in support of the application.
145. A high-level survey was carried out to assess the ecological potential of the site. It was found that there are no designated sites within 100 metres, however there is a small stream to the rear of the site which is directly linked to Strangford Lough. No priority habitats were present within the site other than the stream to the rear.
146. It is stated that within the site is an area of hardcore yard, previously the site of a public house which was burned down. The yard is scattered with Buddleia and Grey Willow. The stream to the rear is separated from the site by an existing wall, effectively acting as a barrier between the site and the stream, and the wall will remain in situ.
147. No impact on protected sites is predicted as long as the mitigation set out is implemented. No priority habitats are present and no impact on priority habitats

is predicted. No protected species are present and no impact on protected species is predicted. No further survey work is necessary.

148. Precautionary mitigation included establishing and maintaining a buffer of at least 10 metres between the stream and the location of all refuelling, storage of oil/fuel, concrete, mixing and washing area, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.
149. Natural Environment Division were consulted with the above supporting information and responded stating that they had no concerns provided the recommendations made within the Biodiversity Checklist are adhered to and appropriate pollution prevention measures are implemented during the construction and operational phases of the development. It is also advised that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season.
150. For the reasons outlined above, it is considered that the proposal complies with Policy NH 2 and NH 5 of the Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.

Flooding and Drainage

151. Following consultation with DfI Rivers, it was confirmed that there is a designated watercourse located along the southern boundary of the site, Dunleady Stream Overflow. It is stated that the site may be affected by undesignated watercourses of which they have no record.
152. DfI Rivers also state that The Flood Hazard Map (NI) indicates that a portion of the sites lies within the 1 in 100 year fluvial flood plain. As such development within these areas is contrary to PPS 15, Planning and Flood Risk, FLD 1 and but for it being deemed an exception or overriding regional importance by the Planning Authority, DfI Rivers would object to any such development taking place.
153. They continued, stating that if the Planning Authority deems this application to be an exception or overriding regional importance, then the applicant is required to submit a Flood Risk Assessment (FRA) to allow proper consideration of flood risk. They acknowledge that a FRA has been submitted but are only willing to appraise it if the application is deemed to be an exception by the Planning Authority.
154. This matter was clarified with DfI Rivers from the Planning Authority, whereby it was confirmed that in accordance with Policy FLD1, the Planning Authority considers the proposal falls within category (d) of exceptions to the policy in undefended areas. This category of development refers to the use of land for

sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. It is demonstrated that through the present day fluvial flooding map, the presence of flooding over a proportion of the site is in an area of the proposed site designated as garden/communal amenity space, and is therefore deemed as an acceptable category of development permitted by exception. It can also be said that the proposal falls within exception a) of this policy in that the proposal involves the replacement of an existing building.

155. Following amendments to the FRA, a further review of this document was sought from Dfl Rivers. They responded stating that while not being responsible for the preparation of this Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.
156. Further amendments were required to the Drainage Assessment and a working strip was requested to be shown on a site layout drawing. A final response from Dfl Rivers was received on the 26 April 2024 where no further issues had to be addressed, and a condition was provided to be attached to a decision notice relating to the safe management of sewer flooding.
157. Water Management Unit were also consulted and responding stating that the proposal has the potential to adversely affect the surface water environment. As such they have provided a condition to be attached to a decision notice stating that no development should take place on-site until the method of sewage disposal has been agreed in writing with NIW. DAERA standing advice has also been provided to be included in any decision notice.
158. Following the completion of a Waste Water Impact Assessment, NIW advise that there is available capacity at the Waste Water Treatment Works. They also were able to confirm that there is a public water main and a public foul sewer within 20 metres of the site. They have requested that no properties are occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity has been delivered. This is recommended as a negative planning condition.
159. Officers have no reason to disagree with the advice of the consultees. Based on a review of the information and advice received from Dfl Rivers, Water Management Unit and NI Water, it is accepted that the proposal complies with policies FLD1, FLD2 and FLD3 of the Plan Strategy.

Contamination

160. A Preliminary Risk Assessment and Generic Quantitative Risk Assessment was provided in support of the application. The potential contaminant sources were identified as The Lewis Public House which was damaged by a fire in 2019, noting that the building was subsequently demolished. One historic off-site source of contamination has been identified within c.250m of the site, and a cemetery is located c.100m south east of the site.

161. An intrusive investigation was undertaken, followed by a period for groundwater and ground gas monitoring to reduce uncertainty and confirm the potential pollutant linkages.
162. Following a series of investigations, it was concluded that the underlying soils and groundwater do not pose an unacceptable risk to human health. It is also stated that no special gas measures are required within the proposed building, and the site does not pose an unacceptable risk to controlled water receptors. In the event that any previously unidentified contamination is encountered during any future redevelopment works, which has not previously been identified, works should cease, and the regulator should be notified immediately.
163. The Regulation Unit in NIEA were consulted with this and responded stating that they had no objections, providing conditions to be attached to a decision. They considered the report and support its conclusions that the site is unlikely to pose any unacceptable risks to the water environment.
164. In light of the recommendations made by NIEA Regulation Unit, I am content that there will be no adverse contamination effects as a result of this proposal.

Consideration of Representations

165. 5 representations were received in respect of this application. The issues raised were as follows:

Turning this land in to more "box" design apartments will remove another large part of the Village's soul. It will remove a community facility and character from Dundonald. It is not in keeping with the style of what was there historically.

Within both the BUAP and draft BMAP the site is white land within the development limit, so there is a presumption of favour of development on this land. It has not been zoned for any particular use and as such an application for housing was submitted and found to be acceptable under the relevant policies and for the reasons set out above the redevelopment of this land for housing is appropriate.

With the popularity of Dundonald and the ever increasing population, it would be unforgivable to give this site up for additional housing.

This is dealt with in the preceding paragraph.

As Dundonald becomes more of a "commuter town", I understand there is the need for more private housing, but this cannot come at the cost of the Village's character and I ask that this application, which is in no way in keeping of the style of what previously occupied the site, be refused.

The impact of the new building on the character of the area has been assessed to be appropriate for the reasons specified in preceding paragraphs.

Parking - Insufficient parking for the amount of proposed units. There should be at least one parking space per unit due to the little available on street parking along this stretch of road. There is a bus lane in front of the site so residents would be parking in our small amount of parking next door. We also have people visiting or working in the hospital or other businesses parking in our spaces so this will only exacerbate the situation.

Parking has been provided on the site at a ratio of 1:1, with each apartment having one parking space. Whilst the full standard for parking is not met given this site is on a protected route and there is good provision for public transport the reduced standard was assessed to be appropriate.

Parking - A similar scheme has been completed at 1027 Upper Newtownards Road, with inadequate parking provision - when residents of that accommodation have visitors (or more than one car) the footpath to the front of the building is used as overflow, not ideal when adjacent to a busy road. The proposed for this site would ultimately result in the same outcome of what is already a congested part of Dundonald.

This is dealt with in the preceding paragraph.

Recommendations

166. The application is presented with a recommendation to approve subject to conditions and deed of variation to the Section 76 planning agreement to ensure that the developer fulfils his obligations with regards to the delivery of affordable housing in accordance with the requirements of policy HOU10 of the Plan Strategy.
167. No threshold is applied for the delivery of the affordable units at the construction phase of the development as this is one building but no more than six apartments should be occupied until the affordable housing requirement of three units is met.

Conditions

168. The following conditions are recommended:

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

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

- No dwelling in or from any development hereby permitted shall be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the drawing No. 03/5, which was published on the Planning Portal 20th February 2025, to provide adequate facilities for parking, servicing, and turning 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, servicing, and turning within the site.

- The vehicular access shall be provided in accordance with the drawing No. 03/5, which was published on the Planning Portal 20th February 2025. The area within the visibility splays and the forward sight line shall be clear to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

- Covered and secure cycle parking shall be provided in accordance with drawing No. 03/5, which was published on the Planning Portal 20th February 2025.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

- The redundant accesses from the site to the public road shall be permanently closed off and the footway reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points onto the public road and in the interests of road safety and the convenience of road users.

- The development hereby permitted shall operate in accordance with the Service Management Plan published on the Planning Portal 22nd December 2023.

Reason: To ensure that adequate provision has been made for servicing and in the interests of road safety and the convenience of road users.

- The Residential Travel Plan (identified as “PA0981149_Technical Specification_002”) published on the Planning Portal 26th November 2022, shall be implemented on completion of the development.

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

- No development shall take place on-site until the method of sewage disposal has been agreed in writing with the Council.

Reason: To ensure a practical solution to sewage disposal from this site.

- No properties shall be occupied until the approved method of sewage disposal has been implemented along with any wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered.

Reason: To ensure a practical solution to sewage disposal from this site.

- Prior to the construction of the drainage network, the applicant shall submit a further Drainage Assessment, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%).

Reason: In order to safeguard against surface water flood risk.

- In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, is undertaken. in full accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”, has been submitted in writing and agreed with the Planning Authority. The methodology is available at:
<https://webarchive.nationalarchives.gov.uk/ukgwa/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>

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

- If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. In the event of unacceptable risks being identified, a

remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

- After completing any remediation works required and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the site clearance, remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

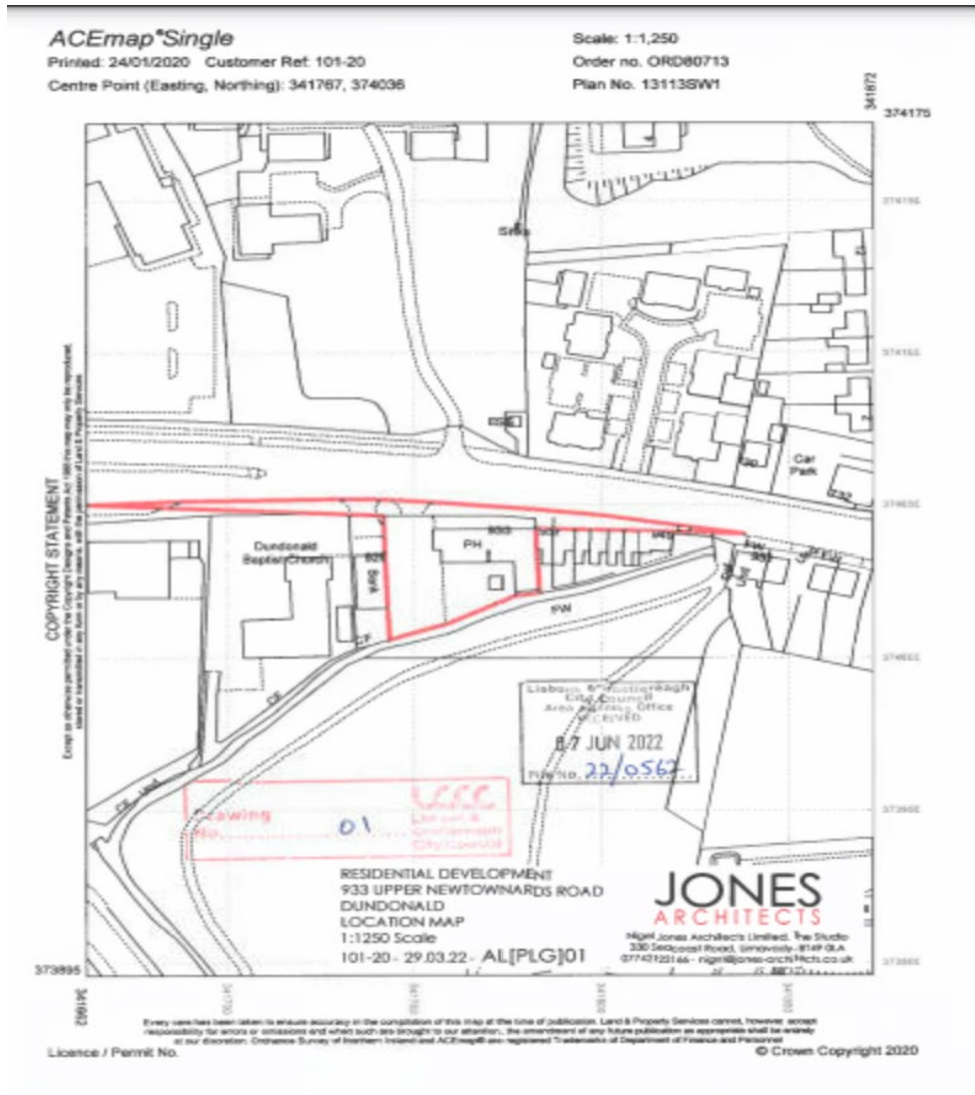
- All hard and soft landscape works shall be carried out in accordance with Drawing No. 03/5 published to the planning portal on the 20th February 2025. The works shall be carried out no later than the first available planting season after occupation of the first apartment.

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

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

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

Site location Plan – LA05/2022/0562/F



Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee Meeting	03 March 2025
Committee Interest	Local Application (Called In) – Addendum
Application Reference	LA05/2021/1064/F
Proposal Description	Dwelling and garage
Location	Approximately 110 metres south of 76 Carnbane Road (formerly 81 Carnbane Road) Hillsborough Lisburn
Representations	None
Case Officer	Cara Breen
Recommendation	Refusal

Background

1. This application was included on the Schedule of Applications for consideration by the Planning Committee at the meeting on 3 February 2025.
2. Before the presentation by officers, one Member brought to the attention of the Committee meeting that a CLUED had recently been submitted to demonstrate that an earlier planning permission had been implemented, and the construction of a dwelling had commenced. The applicant had highlighted in their speaking request that this was a material consideration which officers should have taken account of. Members agreed to defer consideration of the planning application to allow the CLEUD to be processed.

Further Consideration

3. A Certificate of Lawfulness for an Existing Use or Development (CLEUD) referenced LA05/2025/0080/CLUED was received by the Council on 29 January 2025.
4. The Council was being asked to certify that construction of a dwelling granted approval of reserved matters on 08 March 2021 had been commenced prior to 07 March 2023 by the pouring of foundations at 81 Carnbane Road, Hillsborough, Lisburn.
5. Limited evidence was supplied with the application to determine what building works were carried out within the time specified by the planning permission. An invoice for concrete was supplied which had a hand-written note stating that it was for 'founds @ 81 Carnbane Road'. This note is not dated or signed. The

- company supplying the goods specify the delivery address on the invoice as 12 The New Road Hillsborough. There is no way to verify the accuracy of the hand-written note and confirm that concrete was delivered to Carnbane Road on the date specified.
6. A second invoice from a building firm suggests that the concrete was collected from the supplier on this date and brought to the site by them. The invoice is produced on the same date that the works are purported to have been carried out. There was no other supporting evidence to state who carried out the works and when. There were no drawings to locate the part of the foundation that had been purported to have been poured. The photographs supplied with the CLEUD were not time stamped 12 September 2022. An aerial photograph from October 2022 does not show any freshly disturbed ground in the area of the approved dwelling and garage.
 7. The Council has no record on the application file of any correspondence from this date alerting officers to the commencement of development at this location.
 8. Although not a requirement to commence development, to assist officers with their assessment of the CLEUD an internal consultation process was carried out with the Building Control Unit. It was confirmed that only a record of an application (FP/2005/1733) for a veterinary hospital (shell only) was held for this site from 2005 and there were no records any later applications for a dwelling.
 9. The planning officer also carried out a site inspection on 31 January 2025 and confirmed the presence of part of a foundation. It was his assessment that the poured concrete was not in the same position as either the dwelling or the garage approved under application LA05/2020/0439/RM. No evidence was supplied by the applicant through his agent to confirm otherwise that the purported building works were commenced in time at the correct location.
 10. It was further noted that condition 2 of LA05/2020/0439/RM required the vehicular access, including any visibility splays and any forward sight distance to be provided in accordance with Drawing No.02, bearing the date stamp 08 June 2020, prior to the commencement of any other works or other development hereby permitted. The case officer noted at the time of his site visit that it is clear that the access and sightlines were located in a different place to that which had been approved in the Reserved Matters application. No evidence was provided in support of the CLEUD to demonstrate how the pre-commencement condition had been complied with.
 11. There is no record of planning permission for an access on to the Carnbane Road at the location identified during the site visit. This matter has been referred to Planning Enforcement for further investigation.
 12. LA05/2025/0080/CLUED was not certified and the decision issued on 6 February 2025. There is no fallback position to demonstrate commencement of a previous approval for a dwelling. The advice at paragraphs 46 to 100 of the main DM officer's report is not changed. No weight is given to the earlier planning permissions. This proposal is considered afresh on its own merits.

Conclusion and Recommendation

13. The proposal for a dwelling on the site (LA05/2021/1064/F) was recommended for refusal. Following the determination of the CLUED the recommendation is not changed and the refusal reasons recommended before still apply.
14. The information contained in this addendum should be read in conjunction with the main DM officer's report.

Lisburn & Castlereagh City Council

Planning Committee	
Date of Committee	03 February 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2021/1064/F
Date of Application	29 th September 2021
District Electoral Area	Downshire East
Proposal Description	Dwelling and garage
Location	Approximately 110 metres south of 76 Carnbane Road (formerly 81 Carnbane Road) Hillsborough Lisburn
Representations	None
Case Officer	Cara Breen
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a Local application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been 'called-in.'
2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would add to a ribbon of development along Carnbane Road.
4. The proposal is contrary to Criteria (f) and (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the design of the proposed dwelling and garage is inappropriate for the site and its locality and the proposed ancillary works do not integrate with their surroundings.
5. Lastly, the proposal is contrary to Criteria (c), (e) and (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development, if permitted, would not respect the traditional pattern of settlement exhibited in that area, result in an adverse impact on the rural character of the

area and the impact of ancillary works would have an adverse impact on rural character.

Description of Site and Surroundings

Site

6. The application site is located circa 110 metres south of No. 76 Carnbane Road, Hillsborough, Lisburn. It is 1.52 hectare in size, irregular in shape and formerly used as a paddock area.
7. There were no buildings on the site at the time of site inspection. It is accessed via an existing access from Carnbane Road.
8. The northern (roadside) boundary is defined by a post and wire fence set behind a maintained grass verge. The north eastern boundary is demarcated by mature mixed species hedgerow, as is the south eastern boundary. The south western boundary is defined by a post and wire fence.
9. In relation to topography, the application site is relatively flat throughout, with some parts moderately undulating.

Surroundings

10. The site is in the open countryside. The area is rural in character and the land predominantly agricultural in use, characterised by drumlin topography.

Proposed Development

11. Full Planning permission is sought for a dwelling and garage.
12. The application was accompanied by the following supporting documentation:
 - Remediation Strategy
 - Drainage Assessment and revised assessment (Revision A)
 - Schedule 6 Application

Relevant Planning History

13. The Planning history associated with the application site is set out in the table below:

Reference Number	Description	Location	Decision
LA05/2020/0439/RM	Dwelling and garage	81 Carnbane Road Hillsborough	Permission Granted 8 th March 2021
LA05/2015/0853/O	Proposed dwelling	81 Carnbane Road Hillsborough	Permission Granted 23 rd May 2017
S/2011/0218/F	Proposed new build cat adoption centre incorporating rehoming, administrative, education and veterinary facilities	81 Carnbane Road Hillsborough	Permission Refused
S/2000/0491/F	Mixed animal veterinary clinic with associated on site residential accommodation	77a Carnbane Road, Hillsborough	Permission Granted

Consultations

14. The following consultations were carried out:

Consultee	Response
Dfl Roads	No Objection
NI Water	No Objection
LCCC Environmental Health	No Objection
Dfl Rivers PAMU	No Objection

Representations

15. No representations have been received.

Local Development Plan

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

Plan Strategy 2032

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

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

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

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

18. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
19. The site is located within the Green Belt in the Lisburn Area Plan (2001). In draft BMAP (2015), the application site is located in the open countryside, out with any defined settlement limit. Significant weight is attached to the last revision of draft BMAP which shows the application site located in the open countryside.

20. 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.
21. 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

22. This is a proposal for a new single dwelling in the open countryside. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

Infill/Ribbon Development

23. A new dwelling is proposed along the road frontage. Policy COU8 – Infill/Ribbon Development states:

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

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

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

Integration and Design of Buildings in the Countryside

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.'*

Waste Management

Treatment of Waste Water

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

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

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

Access and Transport

Access to Public Roads

27. A new access is proposed onto the Carnbane Road. Policy TRA2 – Access to Public Roads states:

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

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

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

Natural Heritage

Species Protected by Law

28. The site is large and hedgerow is removed as part of the proposed development. 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

29. 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.'

Flooding

Protection of Flood Defence and Drainage Infrastructure

30. Policy FL2 – Protection of Flood Defence and Drainage Infrastructure states;

'Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.'

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

31. A drainage assessment is submitted with the application. 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.

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

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

33. Paragraph 3.8 of the SPPS states:

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

34. Paragraph 6.78 of the SPPS states:

'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.'

35. 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.
36. The following retained regional guidance documents remain material considerations.

Building on Tradition

Development Control Advice Note 15 – Vehicular Access Standards

37. 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

As set out at paragraph 9 above, there is a complex planning history associated with this site.

38. An application (S/2000/0491/F) for a mixed animal veterinary clinic with associated on site residential accommodation was approved in January 2001. It is understood from building control records (FP/2005/1733) that an application for a veterinary hospital (shell only) was commenced on 17th January 2006. However, it is acknowledged that no CLOPUD was ever submitted to confirm that the development had been lawfully commenced.
39. A subsequent application in 2011(S/2011/0218/F) for a new build cat adoption centre incorporating rehoming, administrative, education and veterinary facilities for the Cats Protection League was approved in September 2013. However, this decision was challenged at the High Court (2013 No. 126032/01) and quashed on the basis that PED 2 of PPS 4 was not considered and that the 'exceptional circumstances' provided for economic development in the countryside which is similar to the 'overriding reasons' as per policy CTY 1 of PPS21 were disregarded as part of the assessment. The remitted application was subsequently refused.
40. An outline application for a single dwelling on the application site was submitted under application reference LA05/2015/0853/O. Whilst it was noted in the Case Officers report that the proposal did not meet any of the criteria for residential development in the open countryside in PPS 21 to justify a dwelling on the application site, it did note that foundations were observed on the site and it would appear that S/2000/0491/F had commenced on the ground and therefore constituted a substantial 'fall-back' position.
41. The planning report notes that if the veterinary clinic were to be fully implemented the site would have a substantial rural building with a substantial amount of activity in terms of vehicles etc. It is also noted that the former application also included a residential use. Material weight is given in the case officer's report to the site being utilised in a manner which would be fully compatible with the rural environment. In light of this planning permission for a dwelling was approved on 23rd May 2017.
42. An associated Reserved Matters application was submitted to the Council (LA05/2020/0439/RM) and approved on 8th March 2021. The development was not commenced and the history is no longer a material consideration.
43. The agent was made aware on 20th February 2024 that in order for this application to be considered as a change of house type a CLOPUD would need to be submitted and approved by the Council confirming that the permission for the

dwelling had been lawfully commenced. To date no COPUD has been forthcoming.

44. There is no evidence of any intent to continue with the previous history of approval for a veterinary clinic irrespective of whether it was commenced. Again, no CLOPUD is submitted as described above. No weight is attached to this earlier history and the Council is not bound by the earlier decision given the considerable amount of time that has elapsed between the period this application was first approved and now.
45. Therefore, the principle of development is revisited in line with the adopted Lisburn and Castlereagh City Council Plan Strategy 2032 which has replaced the former retained planning policy.

Development in the Countryside

Policy COU1 – Development in the Countryside

46. Policy COU1 identifies a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It states that the details of operational policies relating to acceptable residential development are set out in policies COU2 to COU10.
47. The proposal description refers only to a dwelling and garage and does not specify under which policy the application is to be assessed. No other supporting justification is provided to demonstrate how the requirements of policy COU1 are met.
48. It is not considered that the proposed scheme would fall for assessment under any of the policies as described in policies COU2 to COU10 and no supporting information has been submitted to address how other material considerations are to be weighed in the decision making process.
49. The requirements of policy COU1 are not met. It further states that any proposal for development in the countryside will also be required to meet all of the general criteria set out in policies COU15 – COU16. For completeness these are assessed.

Policy COU15 - Integration and Design of Buildings in the Countryside

50. The proposed dwelling would be architecturally complex in design, composed of a number of internally linked blocks of various ridge heights. The main block is a

large full two-storey Georgian style dwelling with a centrally positioned portico to the front elevation with a symmetrical appearance. The proposed dwelling would have an overall maximum ridge height of circa 10 metres above finished floor level (FFL) and it would occupy a footprint of approximately 348 metres squared. The proposed window units would primarily be of vertical emphasis. Two chimney stacks would project from the ridgeline at each gable end of the main block and a chimney stack would project from the block which would accommodate the proposed lounge.

51. The proposed schedule of external finishes includes; white render and stone (where indicated) for the external walls, natural slated roof, aluminum/PVC window units and doors and PVC rainwater goods.
52. The proposed scheme also includes a large detached garage block which would accommodate a three bay parking area, a section for bins/logs, a part for the storage of garden equipment, a boiler room, an area for storage and a home gym/office on the ground floor. The first floor of the proposed garage would accommodate a games room. The proposed garage would occupy a footprint of circa 221 metres squared and it would present a ridge height of approximately 8.2 metres above FFL.
53. Taking the siting of the proposed dwelling/garage within the application site (set back from Carnbane Road) into account in the context of the siting/orientation of neighbouring buildings, the existing road trajectory, the surrounding rising topography which tends to rise in gradient to the east and west of the application site and the existing mature vegetation in the immediate vicinity, it is not considered that the proposed dwelling/garage would be a prominent feature in the landscape.
54. It is accepted that the proposed dwelling/garage would cluster with the existing buildings directly to the east of the application site.
55. It is considered that the proposed dwelling/garage would blend with the existing buildings directly to the east of the application site.
56. The application site benefits from existing natural boundaries which are in situ to the north eastern boundary and the south eastern boundary of the application site. These are to be retained as per the detail on the submitted Proposed Site Layout plan.
57. It is noted that Building on Tradition guidance advises that 2-3 natural boundaries should be in place for the purposes of integration. The application site would benefit from 2 in situ natural boundaries which is considered to be acceptable. A degree of enclosure would also be provided by the existing buildings in situ in close proximity to the north eastern boundary of the application site.

58. Whilst it is acknowledged that new landscaping would be required to the northern and south western boundaries of the application site, taking the above into account, it is not perceived that the development proposal would rely primarily on the use of new landscaping for the purposes of integration.
59. The design of the proposed dwelling and associated detached domestic garage has been detailed above. The design is considered to be architecturally complex and with a footprint of circa 348 metres squared (and combined garage and house footprint of approximately 569 metres squared) and a ridge height of circa 10 metres above FFL (dwelling), it is considered to be inappropriate in terms of scale and mass for the site and its locality.
60. In terms of proposed ancillary works, the proposed vehicular access/driveway to the site was amended during the processing of the application. The proposed access was amended to allow it to run adjacent to the south western boundary of the application site and therefore it would not be sweeping and suburban in nature. Furthermore, additional landscaping is proposed to either side of the driveway to assist with integration. Taking the existing and proposed ground levels and FFL's into account, it is not perceived that an unacceptable degree of cut and fill would be required to accommodate the proposed scheme. No large retaining walls have been proposed.
61. It is however considered that the proposed large garden area to the front of the proposed dwelling would be unacceptable. It is noted that the Justification and Amplification text of Policy COU15 states;

'Large formal areas between a new building and the public road can result in a prominent and unnatural feature in the countryside and are considered to be unacceptable.'

62. It is therefore considered that the proposed ancillary works would not integrate with their surroundings.
63. Taking all of the above into account, it is considered that criteria (f) and (g) of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy are not met, in that the design of the buildings is inappropriate for the site and its locality and ancillary works do not integrate with their surroundings.

Policy COU16 - Rural Character

64. It is not considered that the proposed dwelling/garage would be unduly prominent in the surrounding landscape for the same reasons as described above.

65. It is further considered that the proposed development would cluster with the established group of existing buildings which are in situ in the immediate vicinity for the same reasons as described above.
66. It is considered that the proposed scheme would add to a ribbon of development to the southern side of Carnbane Road and this is further explained in the context of policy COU8 below. For these reasons, it is considered that it would not respect the traditional pattern of settlement exhibited in that area.
67. The application site falls wholly within the open countryside, out with defined settlement limits. Taking the location of the application site into account, it is not considered that it would mar the distinction between a settlement and the surrounding countryside, or otherwise result in urban sprawl.
68. As noted previously, it is considered that the proposed scheme would add to a ribbon of development to the southern side of Carnbane Road. The design of the proposed dwelling/garage is also considered to be unacceptable in the locality. For these reasons, it is considered that the development would have an adverse impact on the rural character of the area.
69. The proposed dwelling would be located circa 26.5 metres from the boundary (north eastern facing) at its nearest point. The north eastern boundary is bound by a private laneway. The proposed garage would be located circa 12.5 metres away from the closest boundary (north eastern). These separation distances are considered to be acceptable and therefore there are no concerns in relation to overlooking/overshadowing of any neighbouring property to an unreasonable degree.
70. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, they acknowledge receipt of the revised Remediation Strategy report with regards to contaminated material on site and note they have no objection. They offer no objection in respect to the proposed septic tank either. Taking the above into account, there are no concerns in relation to the impact of the proposed scheme on residential amenity.
71. LCCC Environmental Health, DfI Rivers, DfI Roads and NI Water were all consulted as part of the processing of the application. In their final consultation responses they offer no objection to the proposed scheme. In light of this, there are no concerns in respect to the provision of necessary services.
72. For the reasons outlined above, it is considered that the proposed ancillary works would have an adverse impact on rural character.

73. The proposed development would incorporate the installation of a new vehicular access from Carnbane Road which would be located where the northern boundary joins the south western facing boundary. DfI Roads were consulted as part of the processing of the application.
74. In their final consultation response, DfI Roads offer no objection to the proposed scheme, subject to the inclusion of stipulated conditions and informatives with any approval. Taking this into account, it is accepted that an access to the public road could be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
75. Taking all of the above into account, it is contended that the proposed scheme is contrary to Criteria (c), (e) and (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that, if permitted, the proposed development would not respect the traditional pattern of settlement exhibited in that area, it would have an adverse impact on the rural character of the area and the impact of ancillary works would have an adverse impact on rural character.

Policy COU8 – Infill/Ribbon Development

76. Policy COU8 states that Planning permission will be refused for a building which creates or adds to a ribbon of development.
77. The Justification and Amplification text of Policy COU8 describes a ribbon as:

‘A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.’
78. It is contended that the proposed scheme would engage ribbon development by virtue of the fact that there is an existing dwelling at No. 65 Carnbane Road to the north east of the application site and an agricultural shed directly neighbouring this to the north east again. Both of these buildings are fronting Carnbane Road. A dwelling on the application site would therefore add to a ribbon of development along Carnbane Road.
79. Whilst it is acknowledged that Policy COU8 provides for exceptions to this, it is noted that the proposed scheme would not satisfy the exceptions test as the application site is not a gap in a substantial or continuously built-up frontage. There are no other buildings on the western boundary of the application site.

Access and Transport

Policy TRA2 - Access to Public Roads

80. A new vehicular access has been proposed as part of the development scheme. The proposed vehicular access point would be installed along the northern boundary of the application site, close to where it joins the south western facing boundary.
81. The proposed site layout plan depicts in-curtilage parking and turning to the front of the proposed dwelling, in addition to in-curtilage parking/turning for at least four private vehicles to the rear of the application site to the front of the proposed detached garage. The three bay garage would also facilitate in-curtilage parking.
82. It is noted that Carnbane Road is not a designated Protected Route.
83. DfI Roads were consulted as part of the processing of the application. In their final consultation response, dated 3rd August 2022, DfI Roads responded with no objection.
84. Taking the above into account, there are no concerns in relation to the proposed scheme insofar as it relates to Policy TRA2 of the Lisburn and Castlereagh City Council Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

85. The detail submitted with the application (Application Form/Plans) indicates that the source of water supply is to be from Mains sources. Surface water is to be disposed of by soakaways and foul sewage is to be disposed of via a septic tank.
86. LCCC Environmental Health were consulted as part of the processing of the application. In their final consultation response, dated 1st March 2022, they confirm that they have no objection to the proposed development.
87. NI Water were also consulted as part of the processing of the application. In their final consultation response of 17th November 2021, they offer no objection to the proposal. Informatives would be included with any approval.

88. DfI Rivers were consulted as part of the processing of the application, in addition to the above. They offer no concerns in relation to the proposed scheme.
89. Based on a review of the information and advice received from consultees, there are no concerns with regards to the proposal insofar as it relates to Policy WM2 – Treatment of Waste Water.

Natural Heritage

Policy NH2 – Species Protected by Law

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

90. As per the Proposed Site Layout plan, the existing vegetated boundaries to the north east and south east are to be retained and these would be conditioned as such with any approval. The boundaries to the north (roadside) and south west are currently not demarcated by vegetation. It is therefore considered that the proposed scheme would not involve significant vegetation clearance.
91. Additional planting has also been proposed.
92. With the above in mind, and with the aid of standard Wildlife/Conservation informatives which draw the applicant's/developer's attention to applicable Wildlife/Conservation legislation, it is considered that the proposed development could be accommodated without any adverse impact on natural heritage.
93. Taking all of the above into account, there are no concerns with regards to the proposal and Policies NH2 and NH5 of the Lisburn and Castlereagh City Council Plan Strategy.

Flooding

Protection of Flood Defence and Drainage Infrastructure

94. With regards to FLD2 of the Lisburn and Castlereagh City Council Plan Strategy, in their consultation response of 18th November 2022, DfI Rivers note that the applicant has demonstrated that they are leaving a minimum working strip of 5

metres along the watercourse to facilitate future maintenance. In light of this, officers are satisfied that the requirement of policy FLD2 are met.

Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

95. In their final consultation response, dated 28th February 2023, DfI Rivers states that the applicant has submitted adequate drainage drawings and calculations to support their proposals.
96. Furthermore, DfI Rivers notes that the applicant has also provided evidence from DfI Rivers area office consenting to a discharge of total maximum greenfield run-off rate of 4.8 l/s to the undesignated watercourse at the north western boundary of the site (as indicated in the DA).
97. DfI Rivers there note that whilst not being responsible for the submitted DA, they accept the applicant's logic and have no reason to disagree with the conclusions reached.
98. They do however note that it should be brought to the applicant's attention that the responsibility for justifying the DA and implementation of the proposed flood risk measures rests with the developer and his/hers professional advisors.
99. Taking this into account, there are no concerns in relation to Policy FLD3 of the Lisburn and Castlereagh City Council Plan Strategy.
100. Taking all of the above into account, there are no concerns in relation to the proposed scheme insofar as it pertains to Policy FLD2 and Policy FLD3 of the Lisburn and Castlereagh City Council Plan Strategy. DfI Rivers provide a series of informatives to be included with any approval.

Conclusions and Recommendation

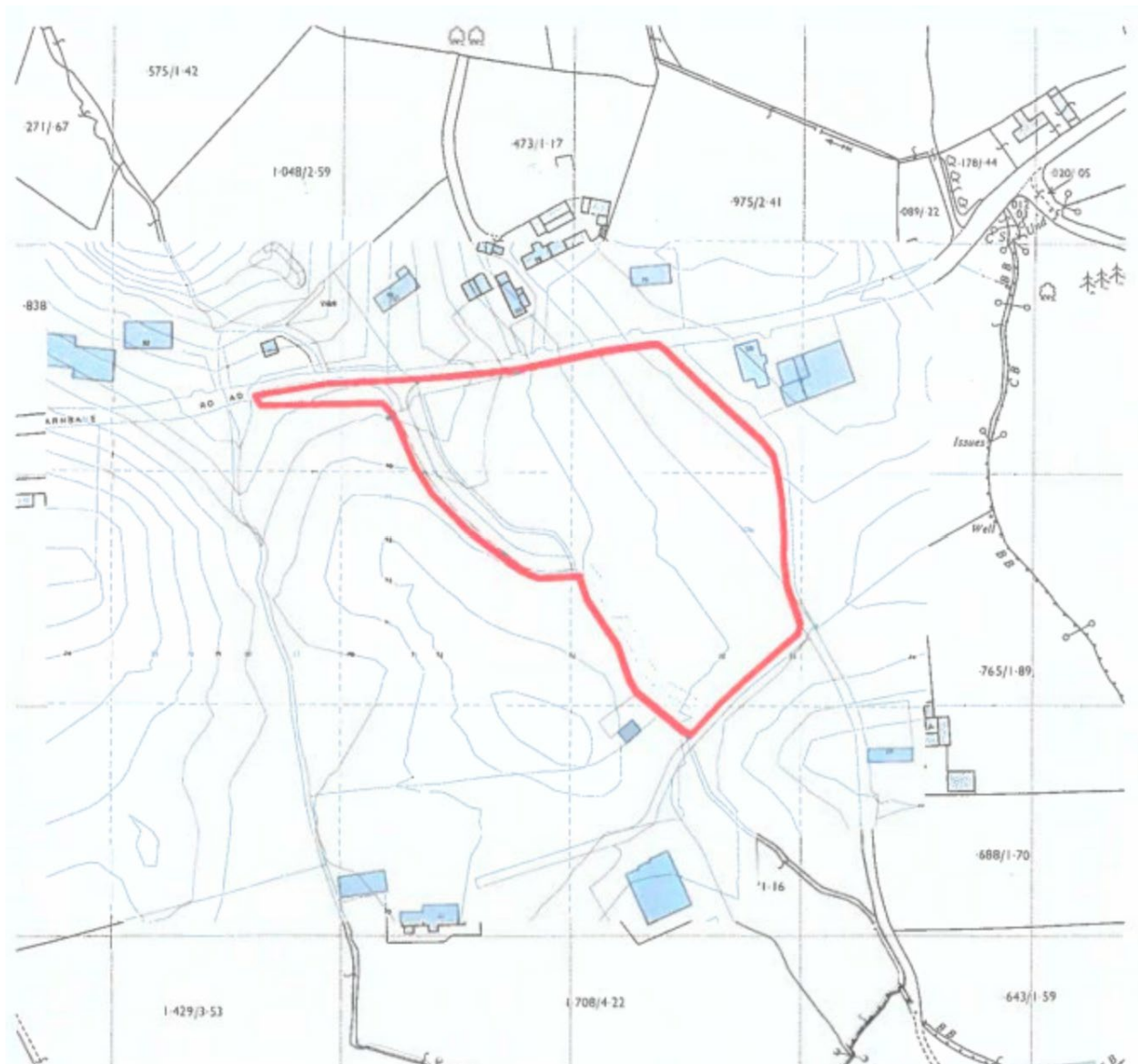
101. The recommendation is to refuse Planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU8, COU15 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

102. The following reasons for refusal are proposed:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development would add to a ribbon of development along Carnbane Road.
- The proposal is contrary to Criteria (f) and (g) of Policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy, in that the design of the proposed dwelling and garage is inappropriate for the site and its locality and the proposed ancillary works do not integrate with their surroundings.
- The proposal is contrary to Criteria (c), (e) and (h) of Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development, if permitted, would not respect the traditional pattern of settlement exhibited in that area, result in an adverse impact on the rural character of the area and the impact of ancillary works would have an adverse impact on rural character.

Site Location Plan – LA05/2021/1064/F



Lisburn & Castlereagh City Council

Planning Committee Report	
Date of Committee	03 March 2025
Committee Interest	Local Application (Called-In)
Application Reference	LA05/2021/0360/F
Date of Application	31 March 2021
District Electoral Area	Downshire East
Proposal Description	Proposed infill dwelling and garage
Location	Lands between 11 & 13 Crossan Road, Lisburn
Representations	None
Case Officer	Kevin Maguire
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a Local Application. It is presented to the Planning Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been Called-In.
2. The application is recommended for refusal as it is considered that the proposed development is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development is not a type of development which in principle is acceptable in the countryside.
3. The proposal is 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 section of Crossan Road. There is not a small gap sufficient to accommodate two dwellings within a substantial and continuously built-up frontage and the proposed development would fail to respect the existing pattern of development in terms of plot size and width of neighboring buildings.
4. The development 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 would, if permitted, not respect the traditional pattern of settlement and would have an adverse impact on the rural character of the area.

Description of Site and Surroundings

Site

5. The application site is located at lands between 11 and 13 Crossan Road, Lisburn. The site is a large irregular parcel of land measuring approximately 0.46 hectares in size and which is currently in agricultural use.
6. Crossan Road abuts the eastern boundary of the site consisting of a section of post and rail wooden fencing to the southeastern corner adjacent to an existing agricultural gate with mature mixed species hedging approximately 1.3 metres high further to the north. The northern and northwestern boundary is defined by a strong mature hedgerow between 1.5 and 2.5 metres in height. The southwestern boundary follows the edge of a hard surfaced tennis court which is separated from the site by a line of high conifer hedging. The southern portion of site runs along an existing agricultural laneway and is separated from the adjoining existing dwelling at No. 11 Crossan Road by a mixed species hedge approximately 1.8 to 2 metres in height.
7. In relation to the topography, the application site is relatively flat along its southern edge but rises gently towards the north.

Surroundings

8. There is a dwelling to the south of the site at No. 11 Crossan Road which is a large detached two storey dwelling. There is a dwelling directly to the north which is currently under construction.
9. The site is located adjacent to an existing tennis court located at the southwest corner of the site and which has a single metal agricultural building located to the rear.

Proposed Development

10. Full planning permission is sought for a proposed infill dwelling and garage on the site.

11. The proposed dwelling is a two-storey detached dwelling with a footprint of 152 square metres and a total floorspace of 273 square metres. The proposed building has a pitched roof and the following finishes are proposed:
 - Walls – Smooth sand/cement render
 - Windows – Double glazed uPVC white
 - Fascia – uPVC black
 - Gutters and downpipes – uPVC black
 - Roof – Blue/black slate
12. The application also proposes a 1.5 storey detached double bay garage with external staircase to access an upper floor.
13. The application also proposes upgrading of an existing agricultural access which currently provides access to the tennis court and agricultural building. If approved the laneway will serve the dwelling, tennis court and associated agricultural building.

Relevant Planning History

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

Reference Number	Description	Location	Decision
LA05/2012/0251/F	Proposed two storey farm dwelling and detached garage	Adjacent to 11 Crossan Road Lisburn BT27 6XH	Permission Granted 27/02/2013

15. There are a series of relevant planning histories located to the north of this site which relate to a dwelling that was under construction at the time of inspection, and which has since been completed. The applications are set out in the table below:

Ref Number	Description	Location	Decision
LA05/2018/0528/F	Proposed single dwelling and detached domestic garage in compliance with PPS 21 CTY 8 - infill	Lands south of 13 Crossan Road Lisburn	Permission Granted 1/09/18
LA05/2024/0408/CLEUD	Proposed dwelling under construction - planning	Lands between 11 and 13	Certified 10/7/24

	reference LA05/2018/0528/F	Crossan Road, Lisburn	
LA05/2024/0311/F	Proposed change of house type from dwelling approved under LA05/2018/0528F	Lands south of 13 Crossan Road Lisburn	Permission Granted 17/10/24

16. These histories are relevant as the planning applicant relies on them to justify there are sufficient buildings to make up a substantial and continuous built-up frontage.

Consultations

17. The following consultations were carried out:

Consultee	Response
Dfl Roads	No Objection
DAERA Water Management Unit	No objection
NI Water	No Objection
LCCC Environmental Health	No Objection
Northern Ireland Electricity	No Objection

Representations

18. One representation has been received in support of this application.

Local Development Plan

19. 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

20. 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.'

21. In accordance with the transitional arrangements, the development plan is the Plan Strategy and the Lisburn Area Plan. Draft BMAP remains a material consideration.
22. The site is located within Green Belt in the Lisburn Area Plan (2001). In draft BMAP (2015), the application site is in the open countryside, out with any defined settlement limit. No other designation applies.
23. 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.
24. 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

25. The proposal is for a dwelling in the open countryside. Policy COU1 – Development in the Countryside states:

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

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

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

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

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

Infill/Ribbon Development

26. It is proposed to infill a gap in a road frontage. Policy COU8 – Infill/Ribbon Development states:

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

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

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

Integration and Design of Buildings in the Countryside

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.'*

Rural Character and other Criteria

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.'*

Waste Management

Treatment of Wastewater

29. A septic tank and soak away are proposed to serve the dwelling. 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

30. A new access has been proposed to Crossan Road for the dwelling. 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

31. Hedgerow is proposed to be removed from the frontage to facilitate the access and the visibility splays. Policy NH2- Species Protected by Law states:

European Protected Species

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

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

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

National Protected Species

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

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

Habitats, Species or Features of Natural Heritage Importance

32. Policy NH5 – Habitats, Species or Features of Natural Heritage Importance states:

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

- a) priority habitats*
- b) priority species*
- c) active peatland*
- d) ancient and long-established woodland*
- e) features of earth science conservation importance*

f) features of the landscape which are of major importance for wild flora and fauna

g) rare or threatened native species

h) wetlands (includes river corridors)

i) other natural heritage features worthy of protection including trees and woodland.

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

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

Regional Policy and Guidance

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.'

34. 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.'

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

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

36. 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.'

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

Building on Tradition

38. 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.*

39. 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.’

40. 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

41. 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

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

Policy COU8 – Infill/Ribbon Development

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

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

46. The proposed development engages ribbon development as the application site is located beside an existing dwelling No.11 Crossan Road and the recently constructed dwelling to the north. There are sufficient buildings along the road frontage to meet the description of what a ribbon is.

The issue of exception

47. Whilst the premise of Policy COU8 is that planning permission will be refused for a building which creates or adds to a ribbon of development, it does however advise that there may be exceptions whereby the development of a small gap, sufficient to accommodate two dwellings within an otherwise substantial and continuously built-up frontage, may be acceptable. The exceptions test also requires that the proposed dwellings must respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings and the buildings forming the substantial and continuously built-up frontage must be visually linked.
48. The first step in determining if an exception exists is whether an 'infill' opportunity exists in an otherwise substantial and continuously built-up frontage is present on the ground. Policy COU8 states that for the purposes of this policy, a substantial and continuously built-up frontage is a line of four or more buildings, of which at least two must be dwellings (excluding domestic ancillary buildings such as garages, sheds and greenhouses) adjacent to a public road or private laneway.
49. The Justification and Amplification of Policy COU8 states:
For the purposes of this policy a building's frontage must extend to the edge of the public road or private laneway and not be separated from it by land or development outside of its curtilage.
50. No. 11 Crossan Road is a two-storey detached residential dwelling and considered part of the frontage. It is counted. The agricultural building to the rear of the tennis courts is not considered to have a frontage to the road as the tennis courts separate this building from the road frontage and it is discounted.
51. Travelling further north, a newly constructed dwelling set slightly back from Crossan Road does have frontage and is counted as a second building. The single storey detached dwelling at No. 13 Crossan Road beyond this is also counted as part of the frontage but the detached garage to rear is discounted as an ancillary building.
52. While there is another dwelling located a substantial distance further north at No. 17 Crossan Road it does not present a frontage to the road apart from an access point. It is also discounted.
53. For the reason explained in the preceding paragraphs there are only three buildings counted in the road frontage. As a consequence the policy test is not met as there is not a substantial and continuously built-up frontage which is comprised of at least four or more buildings of which two must be dwellings.

54. Even though the first test of the policy is not met and the proposal fails to meet the requirements of COU8 on this basis all the other criteria are assessed for completeness.
55. The second step is determining whether an infill opportunity exists is to identify if the small gap site is '*sufficient to accommodate two dwellings.*'
56. Policy COU8 relates to the gap between road frontage buildings. The gap width is measured between the two buildings either side of the application site.
57. In this instance, the gap is between the dwelling at No. 11 Crossan Road and the newly constructed dwelling adjacent to No.13 Crossan Road. This gap measures approximately 89 metres.
58. No. 11 has a plot width of approximately 51 metres, the newly constructed dwelling has a plot width of 54 metres, and No. 13 a plot width of approximately 55 metres. This equates to an average plot width of around 53 metres.
59. A gap sufficient to accommodate two dwellings in accordance with policy would require a frontage of approximately 106 metres. Taking this into account, and the fact that the proposal is for a single dwelling and garage, it is considered that the gap of 89 metres does not constitute a small gap sufficient to accommodate two dwellings.
60. Turning to the third test the proposed development is required to be accordance with 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.
61. In terms of assessing whether the existing pattern of development would be respected, the Justification and Amplification text associated with COU8 states:

'Assessment of what constitutes an existing pattern of development must take account and have regard to the size and scale of buildings, their siting and position in relation to each other and the size and width of individual plots upon which they are situated.'
62. As demonstrated in the submitted site plan, the proposed dwelling would largely follow a similar building line to the neighbouring buildings to the north and south and therefore it is considered that the pattern of development would be respected in terms of being set back from the public road.
63. In relation to design, the dwelling is a two storey, linear fronted dwelling which has a traditional dual pitched roof. The house type is of simple rural form and includes two integral chimney breasts to each gable end with chimney stacks positioned to

each end of the ridgeline. The proposed schedule of external finishes includes smooth render at walls, blue/black natural slate roof, white UPVC double glazing window units and black rainwater goods.

64. The proposed 1.5 storey detached domestic garage is proposed to have a rectangular shaped footprint and would be of simple form with a dual pitched roof and external finishes to match the host dwelling. The upper floor will be accessed through an external staircase
65. It is acknowledged that the existing dwellings at No. 11 and the new dwelling to the north are both two-storey and the proposed dwelling would not be out of keeping with these other buildings in terms of scale, form, design or materials. The size of the garage and its position set back into the site would reduce views from public vantage points. As a whole, the size and scale are considered to be acceptable.
66. With regards to plot size No. 11, the new dwelling to the north and No. 13 Crossan Road are approximately; 0.5 hectares, 0.38 hectares and 0.48 hectares respectively. This equates to an average plot size of circa 0.45 hectares. The plot size of the proposed dwelling is approximately 0.48 hectares, and this is consistent with the average plot size of other dwellings in the general area. However, if this was a proposal for two dwellings in accordance with the requirements of the policy the plots would be 0.24 hectares in size and this would be at odds with the neighbouring plots and not in keeping with the existing pattern of development.
67. It is therefore considered that the proposal would not meet the third component of the exceptions test, in that the proposal would not respect the existing pattern of development in terms of plot size and width.
68. The fourth and final element of the exceptions test of Policy COU8 is that the buildings forming the substantial and continuously built-up frontage must be visually linked.
69. Standing facing the application site there is a visual awareness of the dwelling at No.11; the newly constructed dwelling adjacent; and dwelling to the north. It is therefore accepted that the buildings are visually linked.
70. The Council received a supporting email from a third-party agent on behalf of the applicant which outlined an approach of how he intended to meet policy. It was suggested that the applicant would submit a CLOPUD (Proposed Certificate of Lawfulness) for an agricultural building in front of the tennis court with curtilage extending to the public road to provide frontage.

71. To date no submission has not been made to the Council. It is also unclear what the intended outcome of the CLOPUD was. There would still be no building to count in the road frontage for the purpose of assessing the policy and the gap would still be too small to accommodate two dwellings. The application is assessed on the basis of the current submission and officers cannot engage in speculation on what may happen in the future.
72. The supporting statement also noted that '*Policy COU8 does not place an embargo on single dwellings and Building on Tradition remains a material consideration, with the diagrams on Page(s) 70 & 71 of BoT, visually demonstrating what is acceptable*'. While it is agreed that Building on Tradition is a material consideration it is recognised that it is a guidance document which pre-dates the publication of the Lisburn Planning Strategy. Policy COU8 is explicitly clear and includes the reference to 'a small gap, sufficient to accommodate two dwellings'. This proposal is for a single dwelling. The guidance in Building on Tradition and the worked examples on page 71 are of limited material weight in the assessment of this proposal as most of the examples are for single dwellings and the gap needs to be large enough to accommodate two.
73. Reference is made to the adjoining recently constructed dwelling originally approved under LA05/2018/0528/F. This was approved in a different policy context. It is only relevant in so far as it is a building to be counted as having frontage to Crossan Road. It is not implicit that it is one half of a much larger gap. Officers are concerned only with the size of the gap that exists now.
74. There has also been reference made in the submission to two applications at Gregorlough Road (LA05/2020/0420/O and LA05/2020/0421/O) and the agent has commented that they '*see little discernible difference in the overall approach*'. The application is distinguishable for the reasons outlined at paragraph 73. The proposal currently being assessed is for a single dwelling with no concurrent application and cannot rely on that approval under LA05/2018/0528/F as evidence of the gap sufficient to accommodate two dwellings. There is no planning history for two infill dwellings. An earlier planning permission is implemented, and officers are only concerned with the size of gap which exists now.
75. The submission also makes reference to the '*public law principles of legitimate expectation and administrative fairness*' and the basis of the submission date of the application. It is contended that no determination can be made on any application until a full assessment has been made by the Council. The applicant was advised in July 2023 that officers would assess all live applications against the policies contained within the draft Plan Strategy which was formally adopted in September 2023. The draft Plan was published and the Independent Examination a live issue when the application was submitted. The applicant had the right of non-determination appeal and did not take up the opportunity.

76. This proposal does not satisfy the exceptions test of Policy COU8 for the reasons set out above. It is considered that a substantial and continuously built-up frontage does not exist at this location; that the gap is not sufficient to accommodate two dwellings and that two dwellings could not be accommodated consistent with the established pattern of development. The proposal would add to a ribbon of development along Crossan Road.

Policy COU15 - Integration and Design of Buildings in the Countryside

77. The design of the proposed dwelling and garage has been described in paragraph 53 above.
78. The siting of the proposal, sitting back from the road with the land rising when travelling in a northerly direction along Crossan Road which would, along with the new dwelling to the north, likely limit views when travelling in a southerly direction would assist in reducing any prominence that the proposal would have. The relatively low topography of the site in general also reduce any longer-range views of the site and it is therefore contended that the proposed dwellings would not be prominent features in the landscape.
79. It is considered that the proposed scheme would cluster with the existing buildings in situ at No. 11 and the new dwelling under construction to the north along Crossan Road.
80. It is considered that the proposed dwelling and garage would blend with the existing boundary vegetation along the northern and western boundaries in particular.
81. A natural boundary is in situ along the eastern (roadside) boundary of the application site with a small section of post and rail fence close to the proposed access point. The landscape plan submitted notes that the existing boundary planting is to be retained unless necessary to prevent danger to the public. Based on this and the presence of a section of post and rail fence measuring approximately 29 metres along the northern visibility splay it is envisaged that there will be no requirement to remove existing vegetation along the frontage. On this basis it is contended that the proximity of the neighbouring buildings would also provide a degree of enclosure to assist with the integration of the buildings into the landscape.
82. Whilst new landscaping is proposed, primarily within the interior of the site, taking the above into account, it is not perceived that the proposal would rely primarily on new landscaping for the purposes of integration.
83. The design of the proposed dwellings/garages has been detailed above. The house type proposed is of simple traditional rural form and it is acknowledged that the proposed design and scale is akin to the existing dwellings adjacent to the site.

The design has been assessed against Building on Tradition guidance and is found to be acceptable.

84. In terms of proposed ancillary works, the proposal is to utilize an existing agricultural access point with the existing laneway dividing further into the site with one branch leading to the proposed dwelling and garage and the other around the tennis courts and providing access to the rear of the agricultural shed. The driveway proposed to the dwelling in particular is slightly sweeping in nature however it is acknowledged that using an existing opening and not removing further roadside hedging would be an acceptable solution. No suburban style entrance features have been proposed. Taking the existing levels into account in the context of the proposed finished floor levels (it is not considered that the proposed scheme would require an unacceptable degree of cut and fill (excavation) and no large retaining type walls/structures have been proposed. The proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable.
85. Taking all of the above into account, all of the criteria of policy COU15 of the Lisburn and Castlereagh City Council Plan Strategy are met.

Policy COU16 - Rural Character

86. For the reasons outlined in paragraph 62 above, it is considered that the proposed scheme would not be unduly prominent in the surrounding landscape.
87. As noted under paragraph 63 above, it is considered that the proposed development would cluster with the established group of existing buildings which are in situ in the immediate vicinity.
88. As per the assessment of Policy COU8 above, it is considered that the proposed scheme would not respect the traditional pattern of settlement exhibited in the area, in that the proposal would not respect the existing pattern of development in terms of plot size and width and the proposed development would add to a ribbon of development.
89. The application site is located wholly within the open countryside, out with any designated settlement limit, as are the neighbouring buildings directly to the north and south. It is considered that the proposed scheme would not mar the distinction between a settlement and the surrounding countryside, nor would it result in urban sprawl.
90. It is considered that the proposed development would have an adverse impact on the rural character of the area, as the proposal would add to a ribbon of development along Crossan Road.

91. Taking the existing/proposed boundary treatments, the distance from/siting of neighbouring residential properties and the positioning of the buildings, there are no concerns in relation to potential overlooking/loss of privacy or overshadowing/loss of light to any neighbouring property to an unreasonable degree.
92. There are also no concerns in relation to any potential overhang to a neighbouring property. LCCC Environmental Health were consulted as part of the processing of the application and note no concerns in relation to impact on amenity, either on the proposed or existing dwellings subject to an appropriate method for the disposal of effluent.
93. DAERA Water Management Unit and NI Water were also consulted as part of the processing of the application. No objections were raised by said consultees, subject to the inclusion of conditions/informatives with any approval. Therefore, there are no concerns with regards to the provision of necessary services.
94. In terms of proposed ancillary works, similar to the consideration of ancillary works relating to integration as detailed in Paragraph 68, the proposed use of an existing agricultural access point with spur off the existing laneway would negate the need to remove substantial hedging along the site boundaries and this would also reduce any impact on the rural character of the immediate area. As noted, the proposed ancillary works have been assessed against Building on Tradition guidance and are found to be largely acceptable in relation to rural character.
95. As noted, a new access to serve the proposed dwelling is located in the approximate location of a current agricultural access and laneway. Visibility splays of 2 metres by 48 metres have been proposed in each direction. DfI Roads were consulted as part of the processing of the application and subsequently responded with no objection subject to conditions linking any approval to the details as submitted.
96. Taking all of the above into account, it is contended that the proposed scheme would not respect the traditional pattern of settlement exhibited in that area, and it would, if permitted, have an adverse impact on the rural character of the area. The requirements of criterion c) and criterion e) of policy COU16 are not met.

Access and Transport

Policy TRA2 - Access to Public Roads

97. A new altered vehicular access has been proposed at the point of the existing agricultural access and laneway which would provide access to the dwelling and land/agricultural building to rear of the site. The proposed vehicular access point

would be installed at the south-eastern boundary of the application site, providing access/egress to/from Crossan Road.

98. It is acknowledged that the double garage would accommodate the parking of two private vehicles, in addition to an area for the in-curtilage parking/turning of private vehicles to the front of the this which would allow vehicles to exit the site in forward gear.
99. DfI Roads were consulted as part of the processing of the application and in their final consultation response, dated 9th March 2022, they responded with no objection.
100. Taking the above advice into account, there are no concerns in relation to the proposed scheme insofar as it relates to Policy TRA2 and TRA7 of the Lisburn and Castlereagh City Council Plan Strategy.

Waste Management

Policy WM2 – Treatment of Waste Water

101. The detail submitted with the application (Application Form/Plans) indicates that the source of water supply is to be from the public main. Surface water is to be disposed of by soak aways and foul sewage is to be disposed of via a treatment plant with soak away.
102. LCCC Environmental Health were consulted as part of the processing of the application. In their consultation response they state:

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

Proposed conditions:

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

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

103. Whilst it is noted that LCCC Environmental Health suggest a condition, it is considered that this does not meet the test for a condition and would not be included as a condition if the recommendation to refuse planning permission for this proposal was not agreed with.
104. NI Water were also consulted as part of the processing of the application. In their consultation response of 12 January 2023, they have offered a generic response and have not put forward any objection to the proposal.

105. DAERA Water Management Unit were also consulted as part of the processing of the application. In their consultation response of 14 April 2021, it provided standing advice however offered no objections to the proposal.
106. Based on a review of the information and having regard to the advice received from consultees, the requirements of Policy WM2 – Treatment of Wastewater are met.

Natural Heritage

Policy NH2 – Species Protected by Law

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

107. The application was not supported by a Biodiversity Checklist or any other ecological information. The submitted site plan indicates that the proposed development site would retain all of the existing vegetation along the boundaries. As noted above, the presence of post and rail fence to the northern visibility splay would mean that this access is unlikely to require removal of any vegetation. The site relates to an agricultural field and there are no trees or hedging within the interior of the site. The garage is close to the northern boundary which is a mixed species hedge however given the expected limited roots system is unlikely to have an impact on the integrity of the planting.
108. The site does not contain or is close to any known watercourses and does not contain any other buildings that could have the potential to be a roosting feature for bats. There was no evidence at the time of site visit of any protected species on the site. The site is also not in close proximity to any protected habitats as identified on the NIEA Natural Environment Map Viewer.
109. While no ecological information was submitted in support of the application, given the proposal and retention of boundaries within the site there is no clear basis for refusal in terms of Policy NH2. Equally, as the site is not close to any protected areas and given its scale would be unlikely to have any wider impacts, it is contended that the proposal also would not be contrary to Policy NH5 of the LCCC Plan Strategy.

Conclusion and Recommendation

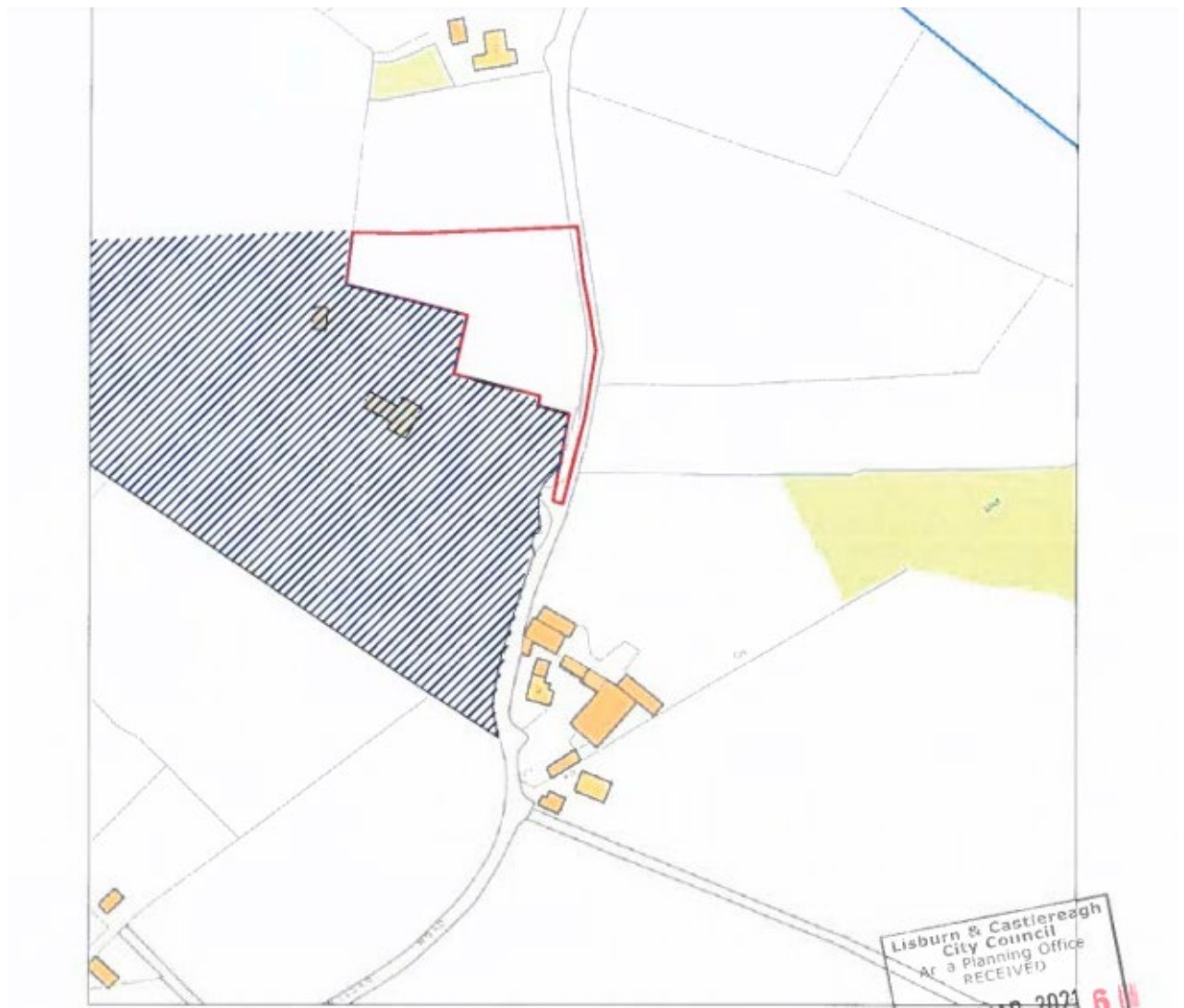
110. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of Policies COU1, COU8 and COU16 of the Lisburn and Castlereagh City Council Plan Strategy.

Refusal Reasons

111. The following reasons for refusal are proposed:

- The proposal is contrary to Policy COU1 of the Lisburn and Castlereagh City Council Plan Strategy, in that it is not a type of development which in principle is considered to be acceptable in the countryside.
- The proposal is contrary to Policy COU8 of the Lisburn and Castlereagh City Council Plan Strategy, in that the development, if approved, would add to a ribbon of development along this section of Crossan Road. There is not a small gap sufficient to accommodate two-dwellings within a substantial and continuously built-up frontage and would fail to respect the existing pattern of development in terms of plot size and width of neighboring buildings along Crossan Road.
- The proposal is contrary to Policy COU16 of the Lisburn and Castlereagh City Council Plan Strategy, in that the proposed development does not respect the traditional pattern of settlement exhibited in that area and it would, if permitted, result in an adverse impact on the rural character of the area.

Site Location Plan – LA05/2021/0360/F



Lisburn & Castlereagh
City Council
At a Planning Office
RECEIVED
31 MAR 2021
21/0360/F
File No.

Drawing No. 01
Lisburn & Castlereagh City Council



PROJECT
Proposed infill dwelling and garage
to be erected between 11 & 13 Crossan
Road, Lisburn BT27 6XH
PROJECT No.
bardcrrd2-sam baird
DRAWING TITLE
Site Location Map
CLIENT
Mr. Sam Baird
DRAWING No.
1



Lisburn & Castlereagh City Council

Planning Committee	
Date of Meeting	03 March 2025
Committee Interest	Local Application (Called In)
Application Reference	LA05/2020/0991/O
Date of Application	25 November 2020
District Electoral Area	Lisburn North
Proposal Description	Site for a replacement dwelling, garage and associated siteworks
Location	120m West of St Patricks RC Church 23a Barnfield Road Lisburn
Representations	0
Case Officer	Joseph Billham
Recommendation	Refusal

Summary of Recommendation

1. This application is categorised as a local planning application. The application is presented to the Committee in accordance with the Protocol for the Operation of the Planning Committee in that it has been called in.
2. The application is presented to the Planning Committee with a recommendation to refuse in that the proposal is contrary to Policy COU3 of the Lisburn and Castlereagh City Council Plan Strategy 2032, in that building to be replaced does not have four external structural walls that are substantially intact.

Description of Site and Surroundings

3. This site is located at the south side of Barnfield Road and lies 120 metres west of St. Patricks RC Church.
4. The site measures 0.9 hectares in size and is rectangular in shape. The site is accessed via a shared laneway running off the Barnfield Road.

5. On the site is a derelict single storey building running adjacent to the western boundary. The site includes the footprint and outline of previous buildings that had been located along the north boundary and centrally within the site.
6. The subject building is single storey with a rectangular footprint. It has no roof, and a number of walls have collapsed, and the overall building is in a derelict condition.
7. The remnants of a building are on the site made of a mix of natural stone and red brick building materials.
8. The access has parallel hedging running all either side on the lane. The northern boundary is defined by post and wire fencing. The south, west and eastern boundaries are comprised of mature trees and hedging.
9. The topography of the site has relatively flat with a backdrop of rising hills in a western direction.

Surroundings

10. The site is located within the open countryside and is bounded by open agricultural fields to the north, south and east. To the west of the site lies a cluster of mature trees.

Proposed Development

11. The application is for full planning permission for a replacement dwelling, garage and associated siteworks.

Relevant Planning History

Reference Number	Description	Location	Decision
LA05/2017/0632/O	Site for a replacement dwelling, garage and associated siteworks	120m west of St Patrick's RC Church 23a Barnfield Road Lisburn	Permission Refused
2020/A0110	Site for a replacement dwelling, garage and associated siteworks	120m west of St Patrick's RC Church 23a Barnfield Road Lisburn	Appeal Withdrawn

12. The LA05/2017/0632/O application was presented to Planning Committee on 2nd March 2020. The application had a series of refusal reasons and was considered under previous operational policies prior the adoption of the Plan Strategy.
13. The planning history indicates this decision was appealed but was subsequently withdrawn prior to any formal determination by the PAC. This allowed for a second application to be made but the circumstances are not changed and there is no new evidence submitted in support to justify a change of opinion. This is dealt with in more detail below.

Consultations

14. The following consultations were carried out:

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

Representations

15. There have been no representations received during the processing of the planning application.

Planning Policy Context

Local Development Plan Context

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 the Lisburn Area Plan (LAP). Draft BMAP remains material considerations.
19. The site is located in the countryside in the Lisburn Area Plan (LAP) and at page 49 it states:

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

20. In draft BMAP (2004) this site is also identified as being in the open countryside.
21. 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 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.

24. 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

25. The applicant asserts that there is a dwelling which is capable of being replaced. 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

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. As an 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.
- 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

- 30. A private package treatment plant 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

31. 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.

32. 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.

HE1 The Preservation of Archaeological Remains of Regional Importance and their Settings

33. *The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.*
34. The site is in the location of a recorded SMR monument (ANT064:011), a potential early Christian Rath.
35. *The Council will consult with the Department for Communities (DfC) Historic Environment Division, taking into account all material considerations in assessing development proposals affecting sites of regional importance. Exceptions to this policy are likely only to apply to proposals of overriding importance in the Northern Ireland context. In assessing proposals for development in the vicinity of monuments in state care the Council will pay particular attention to the impact of the proposal on:*

- *the critical views of, and from the site or monument including the protection of its setting*
- *the access and public approaches to the site or monument*
- *the experience, understanding and enjoyment of the site or monument by visitors.*

Scheduled monument consent is required from DfC for any works affecting the scheduled monument. Accordingly where applications for planning permission are submitted which involve works affecting a scheduled monument the Council will encourage the submission of an application for scheduled monument consent in order that these may be considered concurrently, having been subject to prior engagement with DfC Historic Environment Division.

In assessing development proposals affecting sites which would merit scheduling the Council will proceed as for State Care and scheduled monuments and only permit development in exceptional circumstances

HE9 Development affecting the Setting of a Listed Building

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

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

37. There are three listed buildings in the vicinity of the site. St Patrick's RC Church and Sextons House located to the north east and Fair Acre House locate some 200m Northwest of the site. There are no listed structures within the application site.

Flooding

38. *Policy FLD1 Development in Fluvial (River) Flood Plains states:*

New development will not be permitted within the 1 in 100 year fluvial floodplain (AEP of 1%) plus the latest mapped climate change allowance, unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

39. *Policy FLD2 Protection of Flood Defence and Drainage Infrastructure states that:*

Development will not be permitted that impedes the operational effectiveness of flood defence and drainage infrastructure or hinder access for maintenance, including building over the line of a culvert.

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

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

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

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

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

A development requiring a DA will be permitted where it is demonstrate 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.

Policy FLD4 Artificial Modification of Watercourses states:

Artificial modification of a watercourse, including culverting or canalisation, will only be permitted in the following exceptional circumstances:

- a) a short length of culverting necessary to provide access to a development site, or part thereof*
- b) where it can be demonstrated to the satisfaction of DfI Rivers that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

Regional Policy and Guidance

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

The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of Local Development Plans (LDP) and

are material to all decisions on individual planning applications and appeals. The Department intends to undertake a review of the SPPS within 5 years.

41. 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

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

Assessment

Replacement Dwelling

43. The initial test within Policy COU 3 is to consider whether the building to be replaced exhibits the essential characteristics of a dwelling. It is still accepted that the building has internal walls that define individual rooms and has some window and door openings of a domestic scale. The openings between rooms have been partially blocked up and are in a dilapidated condition. The building appears to have the remnants of a fireplace and hearth located centrally in the floorplan.
44. The building was previously accepted to exhibit the characteristics of a dwelling under application LA05/2017/0632/O. Further information using Griffiths Valuation online indicates the building on site has the description of a dwelling on the valuation of tenements. I am content the building meets the first test and exhibits the essential characteristics of a dwelling.
45. The second test requires as a minimum all external structural walls be substantially intact. The building on site is not considered to have all external structural walls substantially intact. Upon site inspection it is evident that several of its walls have partially collapsed.

East Elevation

46. The front elevation is densely vegetated along the left-hand side of the elevation. It is evident that a substantial section of wall has collapsed above the window and the entire section over the doorway is missing. The window opening has been partially blocked up with concrete block. A further even more substantial section of the wall passed the internal wall has collapsed this is almost to ground level. Continuing along the elevation the building steps in and again show sign of previous collapse. This is evident over the window and door

openings. It is contended that this elevation is not substantially complete as large sections of the elevation are collapsed.

West Elevation

47. The rear elevation has a large amount of vegetation growing over the northern end however it is clear some collapse has occurred as it is not possible to see any wall plate. To the southern end of the elevation there is again evidence of substantial collapse around the window and door openings. The full extent of the collapse is hard to ascertain as vegetation covers the upper part of the remaining walls. There is clear evidence of collapse, and it is contended this wall is not substantially intact.

South Elevation

48. The side gable facing the south boundary is again densely vegetated. The side elevation shows a stone gable exterior. The visual inspection shows a substantial amount of the wall remains intact. The top of the gable, chimney and roof have collapsed here.

North Elevation

49. The side elevation facing north similarly to the south elevation is densely vegetated over the majority of the gable. The visual inspection shows a substantial amount of the wall remains intact. The top of the gable, chimney and roof have collapsed here. This could be considered an internal wall as the building extends further north of this wall and the end gable wall is missing entirely as large sections of the elevation are collapsed.
50. The agent has provided elevational drawings showing the extent to which the four external walls remain by way of percentage. The agent estimated the front elevation has 84.6% of the walls remain, 85.6% of the rear elevation remain, 89% of the north elevation and 91.4 of the south elevation. This is not consistent in my opinion with the site observations as described above.
51. This issue of whether a building is substantially intact has been previously considered by the Planning Appeals Commission under Planning Appeal Decision 2015/A0030. The commissioner stated:

The building has no roof and is open to the elements. The configuration of the internal arrangement of the structure as demonstrated at the site visit leads me to accept the appellant's assertion that the dwelling element of the building consisted of two rooms. The two gable walls of that part of the building constituting the dwelling are in the best condition. Whilst the chimneys are missing, I accept that what remains of the gable walls are mostly intact. There is one window opening apparent on the rear elevation of the dwelling whilst on the front elevation a central door opening and two window openings can be

discerned. There are no lintels above any of the openings as a significant portion of the walls around each opening is missing. Consequently only part of the walls on both elevations extends up to the discernible height of the wall plate dictated by the evident profile of the gables. Policy CTY3 in requiring that "as a minimum, all external walls should be substantially intact" allows for some loss to the original built fabric. The dictionary definition of the word 'substantial' is of an ample or considerable amount and the word 'intact' is defined as complete or whole. There was dispute as to what percentage of the external walls is intact. Even if as much as 75% of the front elevation and 88.5% for the rear elevation remains (which I judge to be an overestimation by the agent), I do not consider that the external walls can be described as being substantially intact. The identified part of the building therefore does not satisfy one of the essential requirements of CTY3 and does not represent a replacement opportunity.

52. The appeal decision provides useful direction when considering the extent of all external structural walls being substantially intact. As advised above the dictionary definition of the word substantial is of an ample or considerable amount and intact is defined as complete of whole.
53. The front elevation is considered to be in the worst condition of the 4 walls. The front and rear elevation from visual inspection and taking into account the areas of stonework missing are not considered to be substantially in-tact. Policy states that as a minimum all external structural walls are substantially intact, and the building does not meet this criterion.
54. Looking at the previous history on the site application LA05/2017/0632/O for replacement of the same building the Council held the opinion the building was not substantially intact. Taking into consideration the information above and from site inspection the building to be replaced the condition of the building has deteriorated over time and it does not have all external structural walls substantially intact.
55. The proposal does not comply with this part of the policy and is contrary to COU3. The Council maintains its position from the time of accessing the previous proposal even though this was under the previous operation policy CTY3. The thrust of the new policy has not altered.
56. The proposal is contrary to Policy COU3 - Replacement Dwelling of the Lisburn and Castlereagh City Council Plan Strategy in that the building to be replaced does not have all external structural walls substantially intact.
57. The next step in the policy is considering if the building to be replaced is a non-listed vernacular dwelling. Policy COU3 refers to 'A Sense of Loss – The Survival of Rural Traditional Buildings in Northern Ireland' and its noted that

there are a number of other issues to be considered in relation to non-listed vernacular dwellings.

58. In relation to defining what constitutes the vernacular and in particular rural vernacular dwellings the document notes:

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.

59. No evidence has been provided as to when the existing dwelling has been constructed.
60. The retention and sympathetic refurbishment with adaption of necessary of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement in accordance with policies COU4 and HE13.
61. In terms of the primary characteristics of a vernacular dwelling, the dwelling does appear to have a formal plan and specification to the building. There is an internal room and layout. The depth of the house is 6m. The walls do appear to be mass load bearing walls. The doorway and window openings have been impacted by collapsed section of wall and there are no tops to any of the openings. There are no windows on the side elevations.
62. The secondary characteristic of the dwelling it has symmetry and regularity in the windows and doorway at the front and rear elevations. There is no roof present.
63. The dwelling would appear to have the majority of primary and secondary characteristics in this regard however over time the building has become derelict and not substantially intact. It is not considered to hold vernacular importance.
64. All replacements have three criteria to meet the first criteria relates to siting. The proposal is seeking permission for a replacement dwelling. The site is considered to be within the established curtilage of the former outbuildings. The siting does not overlap the existing building however is sited centrally on site. Criteria a) is met.
65. The application is seeking outline permission, and the size of the dwelling will be assessed at reserved matters stage. The curtilage and boundary treatments present shall allow a new dwelling to integrate into the surrounding landscape and will not have an impact significantly greater than the existing building.
66. A condition will be placed on a decision notice in event of approval for the dwelling to be designed in accordance with the Design Guide Building on Tradition – A sustainable Design Guide for the Northern Ireland Countryside. This will enable to ensure the dwelling of the replacement dwelling is to a high quality which is appropriate to the rural landscape.

67. It is considered that the proposal does not comply with all the requirements of policy COU 3 in that building on site does not have as a minimum all external structural walls substantially intact.

Integration and Design of Buildings in the Countryside

68. Turning then to policy COU 15 in terms of criteria (a), it is considered that the proposal would not be a prominent feature in the landscape. The site is screened from the Barnfield Road due to the mature vegetation surrounding the site and it has a separation distance of 155 metres from the Barnfield Road.
69. The proposal is to replace the original dwelling. It is considered the site is capable of accommodating a dwelling that will not have an adverse impact on the character of the area. Appropriate condition will be applied to this outline planning application to ensure the proposed dwelling integrates into the surrounding landscape.
70. In terms of criteria (b) The application is for outline permission for a replacement dwelling and an indicative layout had been provided. The dwelling is located with the curtilage of the overall site. A new dwelling is considered to cluster with the established group of buildings to the east.
71. The existing boundary treatments to the east, west and south comprise of mature trees and hedging which will be conditioned to be retained and a landscaping condition shall be included at the design stage. The site does not lack long established natural boundaries as the south and east boundary of the site comprise of mature treeline. The dwelling is not overly visible from Barnfield Road due to the dense vegetated boundaries and separation distance.
72. When viewed from the Barnfield Road while the landscape has a flat topography that site has a backdrop of high mature trees that will allow a new dwelling to blend with the landform. This will provide a suitable degree of enclosure for the new building to integrate into the landscape and not rely primarily on the use of new landscaping for integration. Criteria c), d) and e) are met.
73. In terms of criteria (f), the appropriate condition will be applied to ensure the design of the building is appropriate for the site and its locality and designed in accordance with the Design Guide Building on Tradition. Further details relating to design are to be submitted at reserved matters.
74. In terms of criteria (g), any ancillary works such as the access and land around the development should integrate into the surroundings. The application is at outline stage therefore full design details have not been provided for consideration. The proposal is seeking to use the existing access laneway.

Rural Character

75. In terms of policy COU16, in terms of criteria (a), it is considered that the proposal would not be unduly prominent in the landscape.
76. Criteria (b) has been explained in paragraph 69 above in relation to a cluster with an established group of buildings east of the site.
77. In terms of criteria (c), the proposal would respect the traditional pattern of settlement exhibited within the area. The proposal is for a replacement dwelling within an established curtilage. One building is being replaced by another here. The proposal would respect the pattern of settlement. Criteria c) is met.
78. In terms of criteria (d), the proposal does not mar distinction between a settlement and surrounding countryside.
79. While no design details have been provided at outline stage the proposal is for outline permission and the replacement dwelling shall not have an adverse impact on the rural character of the area.
80. The residential amenity shall not be adversely impacted by the new dwelling. Taking in consideration the mature boundary treatments separation distance here no adverse impact shall arise. EHO have been consulted and offered no concerns in relation to residential amenity.
81. The P1 form states that the proposed method of sewerage disposal is by existing septic tank and soakaway.
82. Environmental Health and Water Management Unit have both been consulted on the proposal and have raised no objections to the proposal. Further details of this shall be provided at reserved matters stage.
83. In terms of criteria (h), it is considered that the impact of any ancillary works would not damage rural character.
84. The existing access is to be utilised here. DfI Roads have been consulted and offered no objections. Criteria (i) is met here.

Policy WM2 - Waste Management

85. The P1 Form [question 18] indicates that the method of disposal of septic tank.
86. The Councils Environmental Health Unit confirmed that they had no objection in principle to this method of disposal.

87. The response recommended the connection to the existing sewage treatment.
88. Consultation with NIEA – Water Management Unit raised no concerns with drainage here.
89. Consideration of flood risk is included as a criteria for assessment in policy WM 2. The site is not located with an area of flood risk on the rivers agency mapping system.
90. Based on a review of the information and advice received from consultees, the requirements of Policy WM2 of the Plan Strategy are complied with.

Access, Movement and Parking

91. The site plan provides details showing the use of the existing access and laneway are being used from Barnfield Road.
92. DfI Roads offered no objection to the proposal, subject to conditions. The site shall be able to provide adequate provision for car parking and appropriate servicing arrangement.
93. It is therefore contented that Policy TRA 2 and section a) is complied with. No issues of concern shall arise with respect to road safety or the flow of traffic.

Natural Heritage

94. NH2 and NH5 makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
95. The application site is not within or adjacent to any designated areas such as ASSI's etc. and there are no watercourses or streams within or adjacent to the site.
96. The existing dwelling is proposed to be demolished. During the processing of the application a Bio-Diversity Checklist and Preliminary Ecological were submitted. The reports were sent to NED for consultation, and they replied stating:

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 subject to recommendations.

Using the information submitted, NED notes that Drawing Number 02 indicates that the existing trees within the site boundaries are to be retained, NED advises that a condition should be attached to the decision notice to ensure that the boundary vegetation is retained and shown on plans at Reserved Matters Stage.

NED notes that the buildings within the site have been assessment as having negligible bat roost potential, and NED is in agreement that these buildings are unlikely to support roosting bats.

97. Taking this into account the planning department would agree with the information submitted. It is accepted that the proposal would not result in demonstrable harm being caused to any European protected species and habitats, species and features of natural heritage importance. The policy requirements are met.

Planning and Flood Risk

98. Rivers agency offered no objection to the proposal for a replacement dwelling. Rivers Agency response stated that policies FLD 1 - FLD 5 were not applicable to the site.
99. It should be noted that NI Water, EHO and NIEA Water Management Unit have no objection to the proposal. NI Water have confirmed that there is public watermain available to serve the site.
100. It is considered that the proposal complies with policy for the reason outlined above.

Historic Environment and Archaeology - Policy HE1 - The Preservation of Archaeological Remains of Regional Importance and their Settings.

101. The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings.
102. The agent has submitted an Archaeological Evaluation Report for the site. The report concluded that the archaeological test trenching did not reveal evidence for monument ANT064:011 and the proposed development is considered not to have an archaeological impact. HED have been consulted on the report and did not raise any concerns.
103. The reason for the Archaeological Evaluation Report was it had been requested during the processing of the previous application and trenches had been dug to ensure the application would satisfy Policy HE1 for this application after consultation with HED.

HE9 Development affecting the Setting of a Listed Building

104. The proposal is not considered to adversely affect the setting of the listed building. The site is in close proximity to St Patrick's RC Church (Grade B1) and the Sexton's house at St Patrick's RC Church (Grade B2) which are listed buildings of special architectural and historic interest and are protected by Section 80 of the Planning Act (NI) 2011.

105. HED have been consulted on the application and replied stating:

HED (Historic Buildings) is content with the proposals, subject to the conditions below, under Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

HED (Historic Buildings) acknowledge that this is an outline application and limited information has been submitted. HED (Historic Buildings) note that the proposed dwelling and garage is currently shown well screened from the listed building by a band of trees – HED wish to be consulted if a full application is submitted to ensure the proposal remains well screened and the detail design is of an appropriate scale.

106. The Council would agree with the comments raised by HED. The application is seeking outline approval and no design details have been provided at this stage.

107. Taking into consideration the separation distance and mature boundaries between the site and St Patrick's RC Church in the event of approval the application can be appropriately conditioned relating to boundaries being retained and ridge height restrictions.

108. The proposal shall not have an adverse effect on the setting of the listed building and the policy requirement is met.

Conclusions

109. In conclusion the application is recommended to refuse in that the proposal is contrary to Policy COU3 - Replacement Dwelling of the Lisburn and Castlereagh City Council Plan Strategy in that the building to be replaced does not have all external structural walls substantially intact.

Recommendations

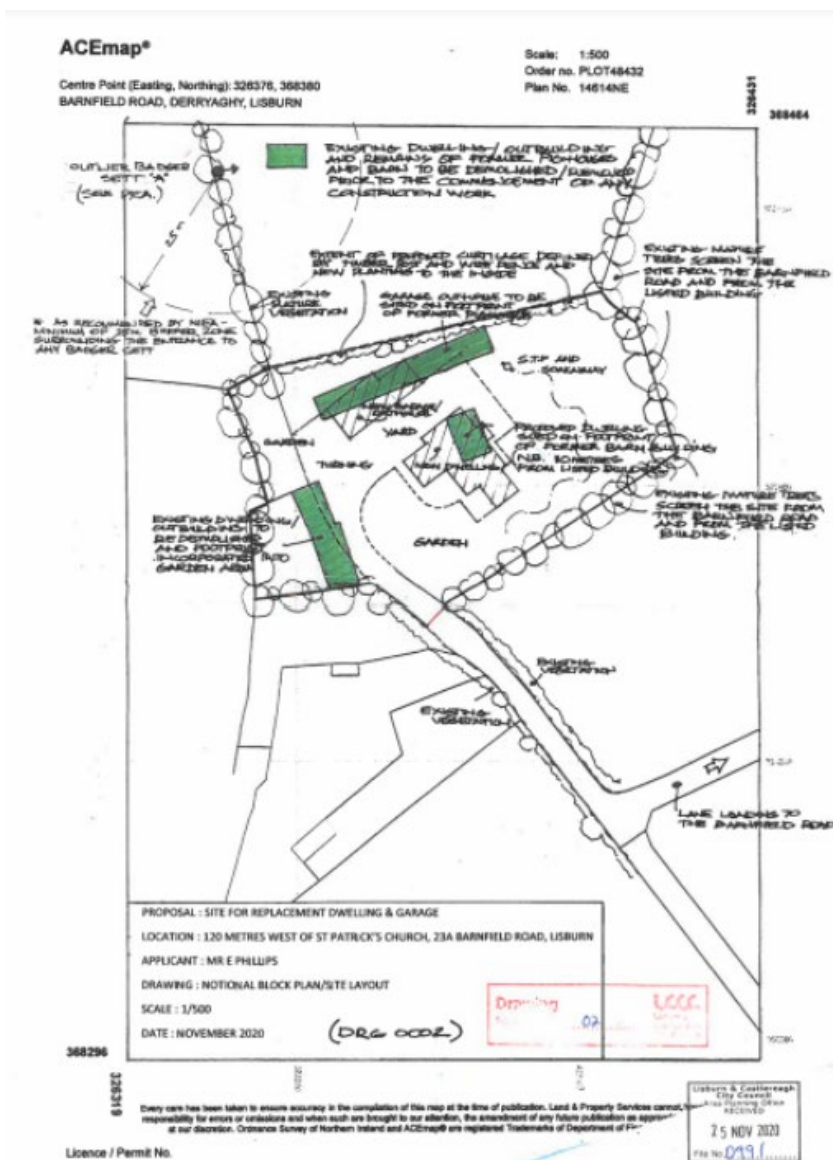
110. It is recommended that planning permission is refused.

Refusal Reasons

111. The following refusal reasons are recommended:

- The proposal is contrary to Policy COU3 - Replacement Dwelling of the Lisburn and Castlereagh City Council Plan Strategy in that the building

Site Layout Plan – LA05/2020/0991/O



Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Appeal Decision – LA05/2021/0168/F

1.0 **Background**

1. An application for a proposed infill dwelling between 8 and 8a Lough Road, Upper Ballinderry, Lisburn was refused planning permission on 31 October 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 12 December 2023.
3. The written representation procedure was followed with an accompanied site visit taking place on 23 January 2025.
4. The main issues in the appeal are whether the proposal would be acceptable in principle in the countryside and whether it would erode the rural character of the area.
5. A decision received on 30 January 2025 reported that the appeal was dismissed.

Key Issues

1. The main issues in this appeal were whether the proposal would be acceptable in principle in the countryside and further erode the rural character of the area.
2. The appeal site was described by the Commissioner as being located within the southern section of a roadside field on the northern side of Lough Road and identifies the buildings adjacent to the site as No. 8 Lough Road, a bungalow with integral garage and a shed to the rear. No. 8a comprises of a 1.5 storey dwelling with detached garage; and beyond to the northwest is a commercial yard and buildings at No. 8b Lough Road.
3. This appeal related to an application for full planning permission for a two-storey dwelling and garage. The proposed dwelling is positioned in the eastern side of the appeal site, with a similar set back to the neighbouring property at No. 8.
4. The Commissioner commented at paragraph 13 that policy COU8 requires four qualifying buildings to represent a substantial and continuously built-up frontage. She identified that only the two dwellings either side of the appeal site qualified and concluded there was not a substantial and continuously built-up frontage. She went on to explain that whilst the appeal site may constitute a small gap between the two dwellings, the appeal was for a single dwelling and that the policy exception was for a small gap, sufficient to accommodate two dwellings. It was also her opinion that

	<p>it would not be possible to fit two dwellings side by side on the appeal site whilst respecting the existing pattern of development.</p> <p>5. The Commissioner further concluded that as the proposed development would create a ribbon of three dwellings and not respect the established settlement pattern of development that it would also erode rural character.</p> <p>6. All three reasons for refusal were sustained, and the Commissioner concluded the appeal must fail.</p> <p>7. There is no new learning arising from this appeal as application for single infill dwellings are consistently being dismissed at appeal. Officers continue to keep the resource implications of dealing with this type of appeal under review. Fewer appeals are anticipated as the number of older applications in process continues to reduce.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>No cost claim was lodged by any party in this instance.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:

Appendix 2 – Appeal Decision – LA05/2021/0168/F



Lisburn & Castlereagh City Council
Local Planning Office

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Website: www.pacni.gov.uk

Our reference: 2023/A0084
Authority
reference: LA05/2021/0168/F
30 January 2025

Dear Sir/Madam

Re:

Appellant name: Mr. B Leckey

Description: Proposed 1no. infill dwelling in a small gap in a built up frontage under planning policy PPS21 CTY1 and CTY8

Location: Between 8 and 8a Lough Road, Upper Ballinderry, Lisburn, BT28 2PQ

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Robert Reilly
PACWAC Admin Team



Appeal Decision

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Appeal Reference:	2023/A0084
Appeal by:	B Leckey
Appeal against:	The refusal of full planning permission
Proposed Development:	Proposed 1 no. infill dwelling in a small gap in a built up frontage under planning policy PPS21 CTY1 and CTY8
Location:	Between 8 and 8a Lough Road, Upper Ballinderry, BT28
Planning Authority:	Lisburn & Castlereagh City Council
Application Reference:	LA05/2021/0168/F
Procedure:	Written representation with Commissioner's site visit on 23rd January 2025
Decision by:	Commissioner Carrie McDonagh, dated 30 th January 2025

Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are whether the proposal would be acceptable in principle in the countryside and whether it would further erode the rural character of the area.
3. Section 45(1) of the Planning Act (Northern Ireland) 2011 indicates that in dealing with an application, regard must be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that regard must be had to the LDP unless material considerations indicate otherwise.
4. The Council adopted the Lisburn and Castlereagh City Council Local Development Plan 2032 Plan Strategy (PS) on the 26th of September 2023. The PS sets out the strategic policy framework for the Council area. Pursuant to the transitional arrangements as set out in the Schedule to the Planning (Local Development Plan) Regulations (NI) 2015 (as amended), the Local Development Plan (LDP) now becomes a combination of the Departmental Development Plan (DDP), and the PS read together.
5. The Lisburn Area Plan 2001 (LAP) is the relevant DDP for this proposal. The draft Belfast Metropolitan Area Plan (2004) is not a DDP as it was never adopted. In both plans the appeal site is located outside any settlement in the countryside and zoned as green belt. However, as the green belt policy of the LDP is now outdated having been overtaken by regional policy, no determining weight can be attached to it. There are no other provisions in the LDP that are material to the

determination of the appeal. In accordance with the subject legislation, any conflict between a policy contained in the DDP and those of the PS must be resolved in favour of the latter.

6. Paragraph 1.11 of the Strategic Planning Policy Statement (SPPS) sets out that *“Where a council adopts its PS, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.”* As the Council has now adopted the PS, previously retained policies set out in the Planning Policy Statements (PPSs) have now ceased to have effect within this area.
7. Despite the argument advanced by the appellant, the matters relating to the expediency in processing their planning application and the procedures adopted by the Council, including the adherence to the Council’s Planning Committee Scheme of Delegation, inclusion of the planning application on its delegated list due to objections received and related call in request for decision by planning committee does not represent exceptional circumstances that outweigh the transitional arrangements outlined above. The detail of any discussions between the Council and the appellant in respect of the LDP process prior to the Council’s final decision are between these parties and not for the Commission. It falls to the Commission to now assess the proposal in accordance with these legislative provisions and the operational policies as set out in Part 2 of the PS, which are now in effect.
8. PS Policy COU1 titled ‘Development in the Countryside’ sets out a range of types of development, including residential development which, in principle, are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. It requires that any such proposal will also be required to meet all the general criteria set out in Policies COU15 “Integration and Design of Buildings in the Countryside” and COU16 “Rural Character and other Criteria”.
9. The appeal is predicated on the proposed site being situated between two residential properties and therefore representing an infill opportunity. In line with the relevant provisions of paragraph 6.73 of the SPPS, the applicable PS Policy COU8 “Infill/Ribbon Development” states that *“Planning permission will be refused for a building which creates or adds to a ribbon of development”*. Policy COU8 goes on to advise that *“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 policy further requires that buildings forming a substantial and continuously built up frontage must be visually linked.
10. The appeal site is located within the southern section of a roadside field on the northern side of Lough Road. The roadside boundary comprises of a hedge, interspersed with two trees and a telegraph pole supporting an overhead line. The site is accessed via an agricultural field gate located in the southeast corner. A band of mature leylandii trees form the eastern side boundary with No. 8 Lough Road, which is a bungalow with integral garage and a shed to the rear. The

northern boundary is undefined, with the remainder of the field behind. The western side boundary with No. 8 Lough Road, is defined by a mixed hedgerow and a post and wire fence in front of a wooden fence. No. 8 comprises of a 1.5 storey dwelling with detached garage and beyond to the northwest is a commercial yard and buildings at No. 8b Lough Road. The wider area is agricultural in character, with farm buildings and individual dwellings set back within fields.

11. The third party view is aligned with that of the Council that the proposal does not comply with the PS Policies COU1, COU8 and COU16. The appellant does not dispute that the proposal does not comply with the PS, but rather is of the view that the decision should be based on the former regional policy Planning Policy Statement 21 "Sustainable Development in the Countryside" (PPS 21), now superseded.
12. This appeal relates to an application for full planning permission for a two-storey dwelling and garage. The proposed dwelling is positioned in the eastern side of the appeal site, with a similar set back to the neighbouring property at No. 8. It's proposed access from the southeast corner leads to a proposed double garage and parking/turning area to the rear of the proposed dwelling. This layout superseded the two dwellings initially proposed based on the advice of the Council that two dwellings constituted overdevelopment whereas one was more reflective of the existing pattern of development. Notwithstanding, that advice was based on regional policy at that time within PPS 21. Whilst the implications of the adoption of the PS are that the recommended approval of the planning application has been overtaken by the adoption of the PS and subsequent refusal of planning permission, this appeal is based on the Council's final position to refuse planning permission.
13. Policy COU8 requires four qualifying buildings to represent a substantial and continuously built-up frontage. Under the policy only the two dwellings either side of the appeal site qualify. The gap between these dwelling amounts to 64.5m. The appeal site frontage of 48m is not significantly smaller than the 57m average existing dwelling frontage width (No. 8 has a frontage of 56m, and No.8 extends to 58m) and the proposed dwelling footprint is also smaller than the average of the existing dwellings (276m²) wither side. The appeal plot is also reflective of the neighbouring plots (0.3h) however, whilst the appeal site may constitute a small gap between the two dwellings, this appeal relates to a full application for a single dwelling. For the avoidance of doubt, the policy exception is for a small gap, sufficient to accommodate two dwellings. In this case it would not be possible to fit two dwellings side by side on the appeal site whilst respecting the existing pattern of development.
14. For completeness the Council considered whether two dwellings of a different design could be accommodated on the site in line with the policy. Whilst this is somewhat nugatory exercise given there is no substantial and continuously built-up frontage, the splitting of the appeal site equally, resulting in two plots of circa 0.15h, with a road frontage width of 24m and proposed dwellings in a similar linear form to the two existing dwellings, with an average 23.5m frontage does not reflect the existing pattern of development. The plot size would be approximately half the average for the two adjacent dwellings and if a similar building line to No. 8 was utilised, the site width of 49m would only allow for 2m

to remain. This would result in a cramming effect, with inadequate separation distances between dwellings. For the reasons set out above, two dwellings of a size and scale that would respect the existing pattern of development, could not be accommodated side by side within the appeal site. As such the site is not a small gap site capable of accommodating two dwellings within a substantial and continuously built-up frontage whilst respecting the existing pattern of development. The exceptions test within Policy COU 8 is not met. Accordingly, the Council's second reason for refusal and third party concerns are sustained.

15. Policy COU16 "Rural Character and other Criteria" states that "*in all circumstances proposals for development in the countryside must be in accordance with and must not cause a detrimental change to, or further erode the rural character of an area*". The third refusal reason relates to how the proposal would, if permitted, result in urban sprawl and fail to respect the traditional pattern of settlement resulting in an adverse impact on rural character of the area. Whilst not specifically referred to, these fall within Criterion (c) which advises that a new development proposal will be unacceptable where it does not respect the traditional pattern of settlement exhibited in that area. I agree with the third party that the immediate area is characterised by a dispersed settlement pattern, with the majority of dwellings separated from neighbouring properties by agricultural land. The proposed development on the appeal site will create a ribbon of three dwellings and therefore would not respect the established settlement pattern. Given there is no infill opportunity and the proposal will create ribbon development, which is an unacceptable form of development because it erodes rural character, the Council's third reason for refusal and third party concerns based on Policy COU 16 are sustained.
16. Parties are entitled to object to a planning application and to have the issues raised therein considered against planning policy as part of the application assessment process regardless of proximity to the appeal site. The matters raised by the appellant in respect of the purchase of land to accommodate the proposed entrance and visibility splays, or in respect of previous ownership, agreements or negotiations with other parties is not given material weighting in this appeal, which is based on an assessment against planning policy. The alleged commercial nature of the third party's interests including those within the yard to the north west of the appeal site and its claimed environmental impact and sub-standard entrance are not of significance to the issues now to be determined, which relate to the principal of development and rural character.
17. It is commonplace in a full planning application that supporting information, including a biodiversity assessment and planting scheme is provided to enable its full assessment. No prejudice arises due to the requisite timeframe for their preparation.
18. The Commission forwarded the Council's final committee report (19th October 2023), as soon as it was made available by the Council. As a consequence, an extended time for submission of statement of case was provided and no prejudice therefore arises.
19. The evolving nature of planning policy and rural designations in the Council area, including the appeals referred to where prematurity reasons were withdrawn are

not on all fours with this appeal, which is based on policy in an adopted PS compared to emerging planning policy.

20. As no other overriding reasons are advanced to demonstrate why the development is essential, the proposal is not acceptable in principle in the countryside, offending Policy COU1. The Council's first refusal reason is therefore sustained.

21. As the three reasons for refusal have been sustained, the appeal must fail.

This decision is based on:

Drawing 01A "Site Location Plan" at 1:2500 scale, stamped received by Council on 1st March 2022.

Drawing 04E "Site Layout with Entrance Details" at 1:500 scale, date stamped received by Council on 11th May 2023.

Drawing 05B "Proposed Elevations" at 1:100 scale, date stamped received by Council on 27th May 2021.

Drawing 06B "Proposed Floor Plans and Sections" at 1:100 scale, date stamped received by Council 27th May 2021.

Drawing 07 "Proposed Garage Details" at 1:100 scale, date stamped received by Council on 27th May 2021.

Drawing 08A "Site Block Plan – Planting Scheme" at 1:250 scale, date stamped received by Council on 11th May 2023.

COMMISSIONER CARRIE MCDONAGH

List of Documents

Planning Authority: - Lisburn & Castlereagh City Council

“A1” Statement of Case and Appendices
“A2” Rebuttal Comments and Appendices

Appellant: - Patrick Johnson Design on behalf of B Leckey

“B1” Statement of Case and Appendix
“B2” Rebuttal Comments

Third Party: - Turley Associates on behalf of Mr Tumulty

“C1” Statement of Case and Appendices
“C2” Rebuttal Comments

Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 2 – Appeal Decision – LA05/2021/1305/F

1.0 **Background**

1. An application for the retention of temporary accommodation for use during the construction of a proposed dwelling between 2 and 4 Lairds Road on lands to the rear and east of No. 95 Magheraconluce Road and south of No. 2 Lairds Road, Hillsborough was refused planning permission on 30 January 2023.
2. Notification that an appeal had been lodged with the Planning Appeals Commission was received on 05 May 2023.
3. The written representation procedure was followed with an accompanied site visit taking place on 15 November 2024.
4. A decision received on 06 February 2025 reported that the appeal was dismissed.

Key Issues

1. The main issue in this appeal was whether the appeal development prejudiced road safety.
2. During the appeal, the Department for Infrastructure (DfI) Roads changed its opinion and accepted there was adequate visibility for safe access to the public road. Based on the changed advice the Council withdrew its only reason for refusal. The Commissioner was still required to consider the third party representation that the appeal development prejudiced road safety.
3. The Commissioner explained that this was a retrospective application and that a mobile home occupied the appeal site which was accessed from the Magheraconluce Road. The access point was close to a corner in the road. There was no footpath.
4. Neither the Council nor any other party raised a concern in relation to the mobile home as it was required during the construction of a dwelling adjacent to the appeal development. .
5. In respect of the substantive issue, the Commissioner clarified that the appellant was seeking full planning permission for the retention of the temporary accommodation for use during the construction of an approved dwelling previously granted under planning permissions S/2013/0641/F and LA05/2021/0560/F. The approved access for the other development was on Lairds Road and the temporary access was from Magheraconluce. Irrespective of the changed position of the Council the

Commissioner was still required to consider whether the access was safe given the objections outlined by the third parties.

6. The Commissioner described the recorded speed on this section of Magheraconluce Road as 40mph. She further explained that these traffic speed figures were undisputed in each direction and that, based on her on-site observations, considered that visibility splays of 2m by 60m to the north-east (RHS) and 2.4m by 90m to the south-west (LHS) would be necessary to accord with published guidance in DCAN15.
7. The Commissioner accepted that the proposed splay of 2m by 65m to the north-east (RHS) on the stamped refused drawing numbered 01/1 was available but not the 2.4m by 90m to the south-west (LHS).
8. The Commissioner was not persuaded that access from Lairds Road could not have been achieved for the temporary accommodation, or that construction vehicles could not utilise the approved access from Lairds Road during the construction of the approved dwelling.
9. She further explained that DCAN15 indicated that reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control.
10. The Commissioner concluded, given the speed of traffic approaching the site on this straight side of Lairds Road, that any reduction in the splay in this direction would prejudice road safety. She was not persuaded that such a relaxation in the standard of visibility for a limited period of up to two years could be justified on road safety grounds.
11. The appellant indicated that there was no alternative home due to the size of the family and the need to ensure security of the construction of the permanent dwelling. These considerations did not outweigh the road safety concerns set out by the Commissioner.
12. This decision reinforces the importance of weighing all the evidence and that officers are not bound solely by DfI Roads advice. A precautionary approach was adopted by the Commission on the grounds of road safety. The Commissioner correctly identifies the need to properly engage with the facts of the case and not to depart from the guidance unless there is a proper reason to do so. In this case the temporary nature of the development was not a material consideration of sufficient weight to set aside the road safety concern.

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	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>This is a report updating the committee on a decision by the PAC and EQIA is not required.</p>	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report updating the committee on a decision by the PAC and RNIA is not required.</p>	

Appendices:	Appendix 2 – Appeal Decision – LA05/2021/1305/F
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187

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Lisburn & Castlereagh City Council

Our reference: 2023/A0004
Authority
reference: LA05/2021/1305/F
6 February 2025

Dear Sir/Madam

Re:

Appellant name: Mr. Julian Creighton

Description: Retention of temporary accommodation for use during the construction of proposed infill dwelling between 2 and 4 Lairds Road (approval S/2013/0641/F and application LA05/2021/0560/F)

Location: Lands to the rear and east of no 95 Magheraconluce Road and south of 2 Lairds Road, Hillsborough, BT26 6PP

Please find enclosed Commission decision on the above case. **This is for you information only.** No further comments will be accepted.

Yours Sincerely,

Padraig Dawson
PACWAC Admin Team

Appeal Decision

4th Floor
92 Ann Street
BELFAST
BT1 3HH
T: 028 9024 4710
E: info@pacni.gov.uk

Appeal Reference:	2023/A0004
Appeal by:	Mr Julian Creighton
Appeal against:	The refusal of full planning permission
Proposal:	Retention of temporary accommodation for use during the construction of a proposed infill dwelling between 2 and 4 Lairds Road (approval S/2013/0641/F and application LA05/2021/0560/F)
Location:	Lands to the rear and east of No. 95 Magheraconluce Road and south of No. 2 Lairds Road, Hillsborough
Planning Authority:	Lisburn and Castlereagh City Council
Application Reference:	LA05/2021/1305/F
Procedure:	Written Representations with Commissioner's site visit on 15 November 2024
Decision by:	Commissioner B Stevenson, dated 6 February 2025

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the appeal, the Department for Infrastructure (DfI) Roads changed its opinion and no longer expresses a concern with the proposed visibility splays. Accordingly, the Council withdrew its sole reason for refusal. However, given that the third parties contend that the appeal development prejudices road safety, their concerns remain outstanding and are considered in this appeal.

Reasons

3. The main issue in this appeal is whether the appeal development prejudices road safety.
4. Section 55 of the Planning Act (Northern Ireland) 2011 ("the Act") relates to planning permission for development already carried out. Section 55 (1) states that on an application made to a Council, the planning permission which may be granted includes planning permission for development carried out before the date of the application. In accordance with subsection (2), this includes development carried out without planning permission. Subsection (3) states that planning permission for such development may be granted as to have effect from the date on which the development was carried out.

5. Section 45(1) of the Planning Act (Northern Ireland) 2011 (“the Act”) requires the Commission when dealing with an appeal to have regard to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that where regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. As the Council recently adopted its Plan Strategy (PS), in accordance with the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (as amended), the LDP comprises the Departmental Development Plan (DDP) and the PS read together.
6. As the Council’s PS has been adopted post the exchange of the evidence, the Commission requested comments from the parties involved in this appeal on the adopted PS. In accordance with the Act, the appeal development is considered against the relevant operational policies within it that third parties contend it offends. I will come onto those PS policies later in this decision.
7. In this appeal, the Lisburn Area Plan 2001 (LAP) is the DDP. In the LAP, the appeal site is located in the countryside and is within the green belt. The Court of Appeal declared in May 2017 that the adoption of the 2014 version of the Belfast Metropolitan Area Plan (BMAP) is unlawful. However, the draft 2004 version of BMAP (dBMAP) remains a potential material consideration despite it not being a DDP. In the draft version of BMAP (2004), the site is also in the countryside and is within the green belt. Both the LAP and the dBMAP direct the reader to “A Planning Strategy for Rural Northern Ireland” (PSRNI) for the green belt policies. Accordingly, the appeal development does not offend the LAP.
8. The green belt designation in both plans and its policies in the PSRNI have been overtaken by a succession of regional policy for development in the countryside. The retained policy – Planning Policy Statement 21 ‘Sustainable Development in the Countryside’ (PPS21) – sets out planning policies for development in the countryside. PPS21 is listed in paragraph 1.13 of the Strategic Planning Policy Statement for Northern Ireland ‘Planning for Sustainable Development’ (SPPS) and no longer has effect. It therefore has no status in this appeal. In any case, the policies in the PS take precedence over the LAP and dBMAP.
9. The irregular-shaped appeal site is in the rural area on the southern side of the Magheraconluce Road on lands between a detached dwelling at No. 95 Magheraconluce Road and a detached dwelling at No. 2 Lairds Road. There are dwellings opposite the site also. A mobile home occupies the appeal site. It is accessed from the Magheraconluce Road. The access point is close to a corner in the road. There is no footpath. To the south-west (left-hand side (LHS)) of the access point, there is a low hedgerow and a 1m timber fence with a grass verge in front. To the north-east, on the right-hand side (RHS), there is an overgrown hedgerow, approximately 4m high. The overgrown hedgerow overhangs an unkempt grass verge.
10. The Council no longer has concerns that the appeal development offends the SPPS, and no other party raises a concern in relation to it either. Furthermore, whilst the appellant refers to Policies COU6 and COU9 of the PS that deal with personal circumstances and temporary caravans respectively, the appeal development in principle is not in dispute. The third-party concerns relate to the

access only. I will therefore focus on the relevant policies in the PS that relate to that outstanding issue.

11. The PS which takes precedence includes Policy TRA2 'Access to Public Roads'. It states that 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. As the Magheraconluce Road is not a Protected Route, Policy TRA3 is not engaged. I will therefore consider criterion (a) of Policy TRA2 only.
12. Policy TRA2 expands to say that "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."
13. The amplification text of Policy TRA2 states that development proposals involving a new access, or the use of an existing access must be in compliance with the requirements of Development Control Advice Note 15 'Vehicular Access Standards' (DCAN15). It also states that "exceptionally a relaxation in visibility splay standards may be acceptable in order to secure other important planning objectives. Such standards, however, will not be reduced to such a level that danger is likely to be caused."
14. The appellant is seeking full planning permission for the retention of the temporary accommodation for use during the construction of an approved dwelling previously granted under planning permissions S/2013/0641/F and LA05/2021/0560/F. The mobile home is the temporary accommodation. The appellant indicates on the planning application form that the accommodation is temporary and is intended to remain until the approved dwelling is occupied in approximately 1.5 years.
15. Whilst the access for the approved dwelling was granted permission from Lairds Road, the appellant wishes to access the mobile home from Magheraconluce Road. The third party contends that there is an inability to provide acceptable visibility splays from the proposed access onto the Magheraconluce Road without prejudicing the safety and convenience of road users. DfI Roads indicate that the current visibility splays are approximately 2m by 25m to the north-east (RHS) and 2m by 79m to the south-west (LHS).
16. The appellant presented a plan within the text of his rebuttal statement showing a visibility splay of 2m by 90m to the south-west (LHS) and a visibility splay of 2m by 65m to the north-east (RHS) as far as to the junction at Lairds Road. The appellant did not enclose those splays on a separate scaled drawing or provide an updated Certificate of Ownership, nor did he indicate if he has control over the lands to achieve and maintain those splays. Accordingly, given that the Certificate of Ownership that accompanied the application and the appeal relates to the red line of the appeal site as shown on the stamped refused drawing numbered 01/1 bearing the date stamp 4 August 2022, I will consider the visibility splays shown on it, which are 2m by 65m in both directions. Notwithstanding any potential third-

party prejudice, for completeness sake only, I will consider the splays presented in the appellant's rebuttal statement.

17. The third parties have concerns regarding the stamped refused drawing numbered 01/1 and contend that it indicates a verge of 1m despite there being no verge on the ground. From my on-site observations, I am satisfied that the drawing adequately depicts what is on the ground and provides sufficient detail to assess the appeal development.
18. The legal speed limit on this section of Magheraconluce Road is 40mph. Dfl Roads conducted its own follow on-car survey and calculate the speeds to be 31mph when approaching from the north-east (RHS) and 45mph when approaching from the south-west (LHS). These speeds are undisputed. I drove the road in either direction and followed cars in both directions. The speeds identified by Dfl Roads generally reflect the speeds I witnessed. I will therefore rely on those figures as the traffic speed to be used as a reasonable estimate of the 85%ile speed on the priority road.
19. Given the undisputed traffic speed figures in each direction and my on-site observations, I consider that visibility splays of 2m by 60m to the north-east (RHS) and 2.4m by 90m to the south-west (LHS) would be necessary to accord with DCAN15.
20. On approaching the site along the Magheraconluce Road from the north-east, the road significantly curves. The site and its access are not far from the curvature in the road. I emerged slowly out of the site's access and had to manoeuvre the nose of the car out onto the road in order to be able to see to the north-east (RHS). Notwithstanding that the access is close to the curvature in the road and at present, it is difficult to see in this direction due to the existing hedgerow, achieving the proposed splay of 2m by 65m to the north-east (RHS) would accord with DCAN15 for the undisputed speed of vehicles travelling in this direction. Given that this is offered up by the appellant and Dfl Roads on behalf of the Council has no concerns with this splay, I accept the proposed splay of 2m by 65m to the north-east (RHS) on the stamped refused drawing numbered 01/1.
21. In relation to the splay proposed to the south-west (LHS), the Magheraconluce Road is relatively straight in this direction. Whilst a relaxed splay of 2m by 65m is proposed in this direction, as mentioned earlier in this decision, to accord with DCAN15, a splay of 2.4m by 90m would be required in this direction. A below standard splay of 2m by 90m in this direction is also indicated on the plan in the appellant's rebuttal statement. I note that Dfl Roads now accept the proposed reduced splay of 2m by 65m and this is endorsed by the Council. Dfl Roads state that because of the temporary nature of the access, they are willing to accept the visibility splays as indicated on the stamped refused drawing numbered 01/1 dated 4 August 2022. In light of Dfl Roads change in position, the Council has recommended a condition limiting the temporary development to two years.
22. Bearing in mind that the approved dwelling's access was from Lairds Road, along with my on-site observations, I am not persuaded that access from Lairds Road could not have been achieved for the temporary accommodation, or that construction vehicles could not utilise the approved access from Lairds Road during the construction of the approved dwelling. Also, DCAN15 indicates that

reductions in visibility standards will not be permitted simply because the applicant does not control the required visibility area or does not have a reasonable prospect of bringing it under his control.

23. Given the speed of traffic approaching the site on this straight side of Lairds Road, I consider that any reduction in the splay in this direction would prejudice road safety. Whilst the suggested two year period is a limited period of time, it nevertheless remains a notable period under which to use an access with a substandard splay. The conditions on this section of Magheraconcluce Road, along with the above reasons, are such that I am not persuaded that such a relaxation in the standard of visibility for a limited period of up to two years can be justified on road safety grounds.
24. As a splay of 2.4m by 90m is required to the south-west (LHS) in order to comply with DCAN15 standards and I do not accept that a reduced splay in this direction would be acceptable, the appeal development would prejudice road safety and significantly inconvenience the flow of traffic, contrary to Policy TRA2 of the PS.
25. The appellant contends that the splays at the appeal site of the temporary building are as good as, if not better, than the majority of the neighbouring dwellings in the vicinity. The appellant does not specify exactly which accesses they are referring to or provide details of the splays that were approved in the vicinity. I therefore cannot comment further, other than state that each case must be considered on its site-specific circumstances and be assessed on its individual merits. The appellant indicates that there is no alternative home due to the size of the family and the need to ensure security of the construction of the permanent dwelling. These considerations do not outweigh the road safety concerns set out above.
27. The third parties indicate that applications for a dwelling on the appeal site were previously refused (S/1988/1277 and S/1993/0471) and that one of those refusals was later appealed and dismissed in and around November 1994. Whilst details of a property enquiry certificate are enclosed, no detailed documentary evidence was presented of the dismissed appeal itself or the refused planning applications. I therefore cannot comment on them apart from note that they were determined a considerable time ago. Furthermore, it is unknown from the evidence presented the proposed splays that were put forward in those cases. In any event, I have already concluded that the appeal development offends Policy TRA2 of the PS .
28. The third parties express other concerns including concern that the appellant does not have ownership or control of the lands required to implement the proposed splays. Nevertheless, I have already concluded that the appeal development offends Policy TRA2 of the PS. None of the other concerns warrant dismissal of the appeal and are determining in this appeal.
29. As the appeal development offends Policy TRA2 of the PS, the third parties' concerns are therefore upheld and the appeal must fail.

This decision relates to the drawing numbered 01/1 entitled 'Proposed Floor Plan, Elevations, Site Plan and Location Map' and that the Council received on 4 August 2022.

COMMISSIONER B STEVENSON

2023/A0004

5

List of Documents

- Planning Authority: -
- A Statement of Case and Appendices
Lisburn and Castlereagh City Council
 - A1 Rebuttal Statement
Lisburn and Castlereagh City Council
 - A2 LDP Comments
Lisburn and Castlereagh City Council
 - A3 LDP Rebuttal Comments
Lisburn and Castlereagh City Council
- Appellant: -
- B LDP Comments
Mr J Creighton
 - B1 LDP Rebuttal Comments
Pepper Architects on behalf of Mr J Creighton
- Third Parties: -
- C Statement of Case and Attached Photographs
B Armstrong
 - D Statement of Case and Appendices
P Hagan and A Keys
 - D1 LDP Comments
P Hagan
 - D2 LDP Rebuttal Comments
P Hagan

Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 4 – Statutory Performance Indicators – January 2025

1.0 **Background**

1. The Planning Act (Northern Ireland) 2011 sets out the legislative framework for development management in NI and provides that, from 1 April 2015, Councils now largely have responsibility for this planning function.
2. The Department continues to have responsibility for the provision and publication of official statistics relating to the overall development management function, including enforcement. The quarterly and annual reports provide the Northern Ireland headline results split by District Council. This data provides Councils with information on their own performance in order to meet their own reporting obligations under the Local Government Act (Northern Ireland) 2014.

Key Issues

1. The Department for Infrastructure has provided the Council with monthly monitoring information against the three statutory indicators. A sheet is attached (**see Appendix**) summarising the monthly position for each indicator for the month of January 2025.
2. This data is unvalidated 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 January 2025 was 39 weeks with performance year to date noted to be 36.9 weeks.
4. There was a significant focus again in this month on moving older applications out of the system to meet our key performance indicator for reducing the backlog of older applications. Good progress continues to be made in this area. More applications are being decided than are received. Our continued focus on reducing the number of older applications means it is unlikely that the Council will return to good performance aligned with the statutory target for local applications in the short term, but the implementation of a structural review and improvement plan should see an overall improvement against this target with a reduction in processing times of more than 15 weeks.
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.

6. The types of major applications that remain with the Unit are complex in nature and involve protracted consultation processes. These are being managed and it remains in the work programme a target to bring at least one major application forward to Committee each month.
7. Performance in relation to major applications for January 2025 was nil return. Performance year to date stayed at 61.2 weeks.
8. The challenge in achieving good performance consistently can depend on a number of unrelated factors all of which can mask good performance generally. One significant factor is the requirement for many of the applications in this category to be accompanied with legal agreements. Our practice for dealing with agreements is under review.

2.0 **Recommendation**

It is recommended that the Committee notes the information in relation to the January 2025 Statutory Performance Indicators.

3.0 **Finance and Resource Implications**

There are no finance or resource implications.

4.0 **Equality/Good Relations and Rural Needs Impact Assessments**

4.1	Has an equality and good relations screening been carried out?	No
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4.2	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report outlining progress against statutory targets and EQIA is not required.	
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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 <u>or</u> rationale why the screening was not carried out. This is a report outlining progress against statutory targets and RNIA is not required.	
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Appendices:

Appendix 4 – Statutory Performance Indicators – January 2025

Statutory targets monthly update - January 2025 (unvalidated management information)

Lisburn and Castlereagh

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	1	49.4	0.0%	60	49	32.6	12.2%	20	19	46.6	63.2%
May	2	1	59.2	0.0%	62	60	34.3	23.3%	33	42	33.6	81.0%
June	1	1	22.4	100.0%	44	73	32.0	31.5%	13	27	39.0	70.4%
July	1	1	197.8	0.0%	37	62	32.4	32.3%	14	21	50.0	61.9%
August	2	1	135.4	0.0%	50	62	27.7	32.3%	22	5	38.9	80.0%
September	0	2	64.2	0.0%	46	74	44.2	14.9%	21	28	59.6	60.7%
October	3	1	210.6	0.0%	45	49	29.4	28.6%	22	23	43.4	65.2%
November	1	2	53.7	0.0%	67	77	49.4	18.2%	26	23	26.0	87.0%
December	2	0	-	-	49	50	44.9	18.0%	12	31	88.6	61.3%
January	0	0	-	-	35	68	39.0	27.9%	21	9	65.8	44.4%
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
Year to date	13	10	61.2	10.0%	495	624	36.9	24.0%	204	228	39.8	68.9%

Source: NI Planning Portal

Notes:

1. DCs, CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures

2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".

3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.

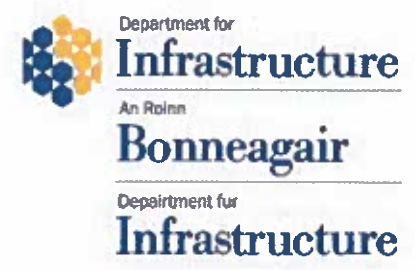
Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 5 – Proposed abandonment at Comber Road, Dundonald

1.0	<p><u>Background</u></p> <p>1. In a letter dated 13 January 2025, the Department for Infrastructure notifies the Council of a proposed abandonment at Comber Road, Dundonald.</p> <p><u>Key Issues</u></p> <p>1. The letter explains that an application has been received from Lagan Homes Limited to abandon and stop up a length of adopted road at Comber Road, Dundonald.</p> <p>2. The abandonment/stopping up is necessary to facilitate new development and will include a new access on to Comber Road, Dundonald for adjacent properties.</p> <p>3. Comments have been sought through the DEA. Members should note that these works to improve the Comber Road are a planning requirement for an adjacent mixed use development.</p>	
2.0	<p><u>Recommendation</u></p> <p>It is recommended that the Committee note the abandonment and stopping up at Comber Road, Dundonald.</p>	
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>	
4.0	<p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	<p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report for noting in relation to a proposed abandonment at Comber Road, Dundonald. The screening for EQIA is a matter for the Department for Infrastructure as part of their decision-making process.</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 for noting in relation to a proposed abandonment/stopping up at Comber Road, Dundonald. RNIA not required.</p>	

Appendices:	APPENDIX 5 – Letter from Dfl in relation to the proposed abandonment at Comber Road, Dundonald.
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Telephone: 0300 200 7899
 Textphone number: 028 9054 0022
 Being Dealt With By: Victor Clegg

Email: Victor.clegg@infrastructure-ni.gov.uk

Direct Line: 02890 526193
 Our Ref:MD2/Y/03/1094
 Date: 13 January 2025

Local Planning Office
 Lisburn & Castlereagh City Council
 Lagan Valley Island
 Island Civic Centre
 LISBURN
 BT27 4RL



DEAR SIR/ MADAM,

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT AT COMBER ROAD, DUNDONALD BT16 1XA.

Department for Infrastructure Roads has received an application from Lagan Homes Limited to abandon and stop up a length of adopted road at Comber Road, Dundonald shown hatched red on the enclosed plan, Drawing No IBH0784-RPS-HGN-J3- Rev.C1.

The abandonment / stopping-up is necessary to facilitate new development and will include a new access on to Comber Road for adjacent properties, as shown in Drawing No IBH0784-RPS-HGN-J3- Rev.P1 also enclosed.

The Abandonment is a requirement of the Planning Permission for the redevelopment of the adjacent site under Planning Ref: LA05/2017/1153/F.

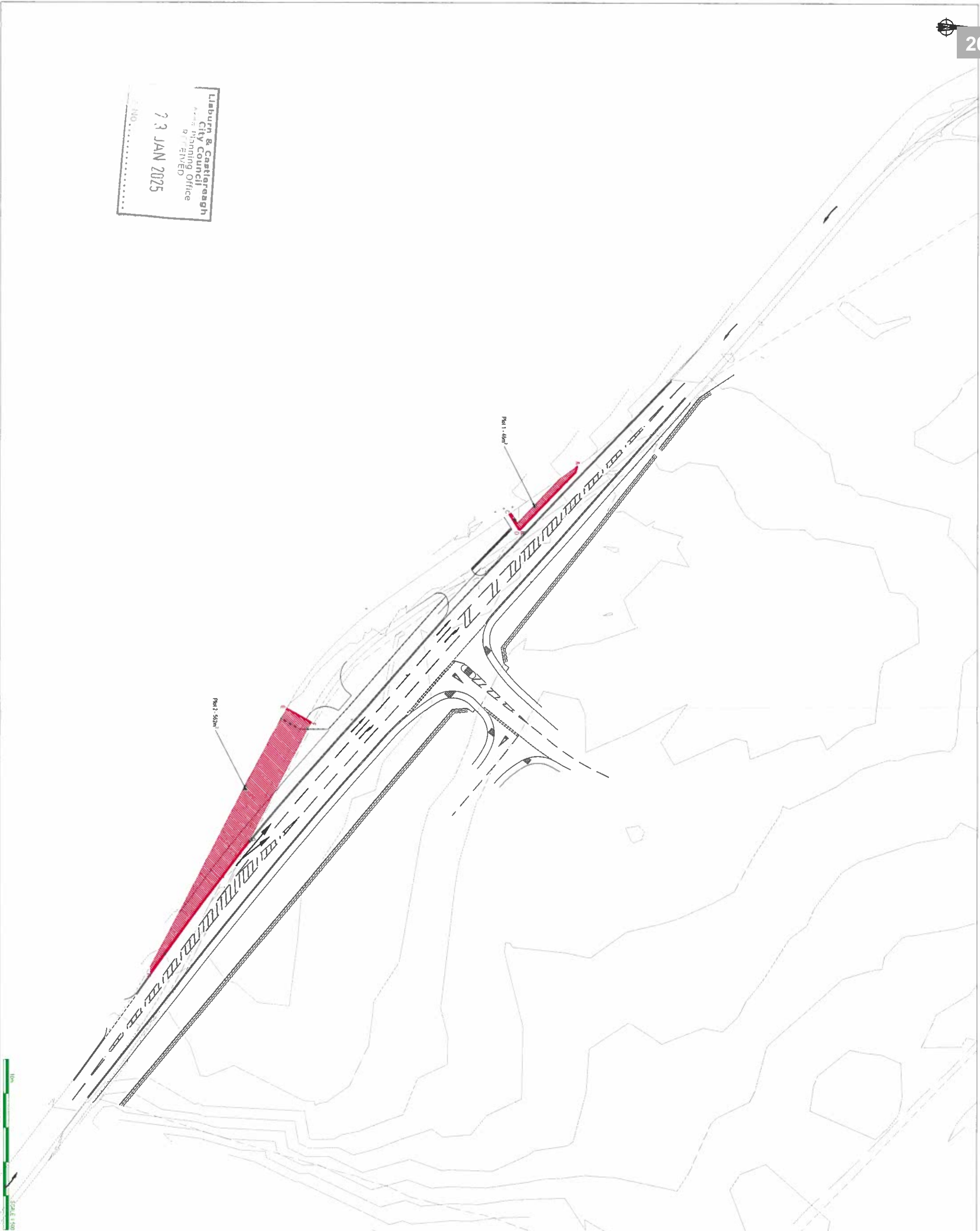
Could you please let me have your comments on the above proposal.

A prompt response would be appreciated, and I look forward to hearing from you. If I do not receive your reply, I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Victor Clegg
 Lands Section

ENC



Laburn & Castleareagh
 City Council
 Planning Office
 RECEIVED
 23 JAN 2025
 NO.

NOTES

1. Verifying Dimensions: The contractor shall verify dimensions against each other drawing or site conditions as per the part of the work.
2. Existing Services: The contractor shall be responsible for the location of existing services indicated on this drawing is intended for general guidance only. It shall be the responsibility of the contractor to determine and verify the exact horizontal and vertical alignment of all cables, pipes, etc. (over underground and overhead) before work commences.
3. Issue of Drawings: Hard copies of all drawings shall be provided to the contractor. All drawings shall be issued to the contractor in a timely manner. The contractor shall be responsible for any errors arising from the drawings. The contractor shall be responsible for any errors arising from the drawings. The contractor shall be responsible for any errors arising from the drawings.
4. Drawn:

Existing Survey	Proposed Layout
Stopping up commencing at the point shown on layout - Length - 26.5m	A
Stopping up commencing at the point shown on layout - Length - 5.5m	B
Stopping up commencing at the point shown on layout - Length - 5.5m	C
Stopping up commencing at the point shown on layout - Length - 5.5m	D
Stopping up commencing at the point shown on layout - Length - 46.5m	E
Stopping up commencing at the point shown on layout - Length - 46.5m	F
Area to be Abandoned - 600m²	G

rev	amendments	check	date
C1	Construction Issue	OW	June 24

RPS
 RPS
 1111 1111
 1111 1111
 1111 1111

Client: Lagan Homes Ltd
 Project: Millmount Externals - Comber Road
 Title: Realignment
 Proposed Abandonment

Project Number	Sheet Size	Drawing Scale
IBH0784	A1	1:500
Drawing Number	IBH0784-RPS-HGN-J3-DR-HE-100-00001	
Drawn By	Status	Revision
RD	A	C1
Checked By	Approved By	Date
MMSG	JB	July 24



Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 6 – Letter from Department of Communities HED

1.	<u>Background</u>	<p>1. In a letter dated 5 February 2025, the Assistant Director of Heritage Buildings Designation Branch advised that the NIEA Historic Environment Division has recently become aware of a number of press articles regarding proposals to list, in which images of the dwellings in private ownership have featured. This is causing distress to the owners of these properties.</p> <p><u>Key Issues</u></p> <p>1. The Department are requesting that proposals to list are kept confidential until the listing process has been completed and a decision made by the Department on whether the buildings should be added to the list of buildings of special architectural or historic interest.</p>
2	<u>Recommendation</u>	<p>1. It is recommended that Members are asked to note the update provided by the Heritage Buildings Designation Branch in terms of the importance of keeping the process of adding buildings to the list of buildings of special architectural or historic interest confidential.</p>
3	<u>Finance and Resource Implications</u>	<p>No finance or resource implications are identified.</p>
4	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
	Has an equality and good relations screening been carried out?	No
	Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out	
	This is a report regarding a letter from the assistant director Heritage Building Designation Branch EQIA not required.	
	Has a Rural Needs Impact Assessment (RNIA) been completed?	No

Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out.

This is a report in regarding a letter from the Head of Natural Science in relation to Freshwater SAC Conservation Objectives (Rivers) - Updated supplementary advice RNIA not required.

Appendices:

Appendix 6 – Letter from Department of Communities HED – Proposals to list



To Chief Executives and Heads of Planning

Historic Environment Division
Heritage Buildings Designation Branch
7th Floor
Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Direct Tel No: 9056 9281
Email: HEDListing.Enquiries@communities-ni.gov.uk

Date: 5th February 2025

Dear Sir/Madam

PROPOSALS TO LIST

There have been a number of recent press articles regarding proposals to list, in which a number of images of dwellings in private ownership have featured. This has upset owners and appeared during the consultation phase of the listing process when no decision on listing has been made. The Department would request that proposals to list, particularly those in private ownership are kept confidential until the listing process has been completed and a decision made by the Department on whether the buildings should be added to the list of buildings of special architectural or historic interest. This request will be added to the early warning email that is issued to all Council's to provide them time to schedule any proposed listings into Council meetings and will also be included within our advance notice of listing papers going forward.

I trust this is acceptable.

Kind Regards

ANNE MENARY

Assistant Director, Heritage Buildings Designation Branch

Committee:	Planning Committee
Date:	03 March 2025
Report from:	Head of Planning and Capital Development

Item for:	Noting
Subject:	Item 7 – Notification by telecommunication operator(s) of intention to utilise permitted development rights

1.0	<p><u>Background</u></p> <ol style="list-style-type: none"> 1. The Council is notified by two operators, Openreach & Avison Young of their intention to utilise permitted development rights at three locations within the Council area to install communications apparatus. 2. The works consist of the installation of broadband and telecommunication apparatus, upgrades to existing radio base stations and alteration or replacement of a mast or antenna in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> 1. The notification advises the Council of the location of where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. 2. Only the schedule of locations where the works are proposed has been appended to the report (see Appendix). However, the content of notifications detailed above are provided separately on decision time to assist Members in understanding the scope and nature of the proposed works. 3. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Unit. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator.
2.0	<p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the sites identified.</p>
3.0	<p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p>

4.0	<u>Equality/Good Relations and Rural Needs Impact Assessments</u>	
4.1	Has an equality and good relations screening been carried out?	No
4.2	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required.	
4.3	Has a Rural Needs Impact Assessment (RNIA) been completed?	No
4.4	Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required.	

Appendices:	Appendix 7 – Notifications from two Operators 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
March 2025 Planning Committee**

	Applicant/Agents	Operator	Location	Summary of details	Date received
1.	Avison Young	EE Ltd	Myle, 21 Comber Road, Hillsborough	Removal and replacement of 3no antennas and 1no cabinet with associated ancillary works thereto.	17/01/2025
2.	Avison Young	EE Ltd	Hewitts, 18 Cockhill Road, Maze	The proposed installation comprises: Installation of 3no new antennas, removal and replacement of 1no cabinet with associated ancillary works thereto.	22/01/2025
3.	Openreach	BT	290 Ballynahinch Road, Lisburn	Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus.	23/01/2025