



January 4th, 2023

Chairman : Alderman J Tinsley

Vice Chairman : Councillor John Palmer

Aldermen : W J Dillon MBE, D Drysdale, O Gawith and A Grehan

Councillors : J Craig, M Gregg, U Mackin, J McCarthy and A Swan

Notice of Meeting

A special meeting of the Planning Committee will be held on **Monday, 9th January 2023** at **2:00 pm**, in the **Council Chamber** for the transaction of business on the undernoted Agenda.

David Burns

Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

3.0 Report from the Head of Planning and Capital Development

3.1 Pre-Determination Hearing in respect of Planning Application LA05/2021/0033/F

 *Report - Predetermination Hearing Rolls Royce.pdf*

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Planning Committee

Special Meeting

09 January 2023

Report from:

Head of Planning and Capital Development

Item

TITLE: Pre-Determination Hearing in respect of Planning Application LA05/2021/0033/F

Background and Key Issues:

Background

1. Section 30 (4) of the Planning Act, allows a Council to give an applicant or other specified persons an opportunity to be heard by the Committee for applications not provided for in regulations or a development order.
2. Given the scale and nature of the mix of uses proposed and the material considerations raised by the applicant in respect of the viability of continuing to retain land zoned for employment, the Council has decided to hold a pre-determination hearing for the following major application:
 - Proposed mixed use development comprising 153 residential dwellings comprised of a mix of apartments, semi-detached and detached units with associated private amenity provision and public open spaces; 28 Class B2 and B4 industrial/employment units (4,272 square metres in total); a petrol filling station with associated convenience store; 4 retail units (2 Class A1 and 2 Sui-Generis hot food bars); associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development.

3. The site is located on lands formerly occupied by the Rolls Royce factory north of the Upper Newtownards Road, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald.
4. The Chair of the Planning Committee has been consulted in respect of the date of the pre-determination hearing and it is agreed that it will take place on the same day as the Planning Committee meeting.
5. The need for a procedural meeting in advance of the hearing has been considered. Whilst the proposal has generated significant public interest the procedure as set out in the attached appendix is sufficiently clear to remove the need for a meeting in advance.

Key Issues

1. The arrangements and procedures for the pre-determination hearing meeting are attached.
2. Planning Committee Members may ask any speaker questions or seek clarification on any issue arising in the course of the hearing through the Chair in the normal way. Other speakers, including non-committee Members of the Council, are not entitled to ask any questions or cross examine any other person.
3. No decision on the application will be made at the pre-determination hearing. It will be presented before the Committee in its entirety in due course and decision making will be subject to the normal Planning Committee process.
4. A minute of the meeting will be kept and appended to the officer's report when the application comes in front of the Committee for decision.

Recommendation:

No recommendation is presented for the reasons set out above. The purpose of the hearing is to allow a full exploration of the proposal by committee members without impacting upon the scheduled meetings of the planning committee that will determine other applications.

Finance and Resource Implications:

There are no finance and resource implications.

Screening and Impact Assessment

1. Equality and Good Relations

Has an equality and good relations screening been carried out on the proposal/project/policy?

No

If no, please provide explanation/rationale

This is a report linked to the processing of a planning application. Pre-determination hearing are provided for under Section 30 (4) of the Planning Act (Northern Ireland) 2011 and is prepared in accordance to guidance prepared by the Department and subject to a separate equality and good relations screening process.

If yes, what was the outcome?:

Option 1 Screen out without mitigation	N/A	Option 2 Screen out with mitigation	N/A	Option 3 Screen in for a full EQIA	N/A
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Rationale for outcome/decision (give a brief explanation of any issues identified including mitigation and/or plans for full EQIA or further consultation)

Insert link to completed Equality and Good Relations report:

2. Rural Needs Impact Assessment:

Has consideration been given to Rural Needs?	No	Has a Rural Needs Impact Assessment (RNIA) template been completed?	No
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If no, please given explanation/rationale for why it was not considered necessary:

This is a report linked to the processing of a planning application. Pre-determination hearing are provided for under Section 30 (4) of the Planning Act (Northern Ireland) 2011 and is prepared in accordance to guidance prepared by the Department and subject to a separate RNIA screening process.

If yes, give brief summary of the key rural issues identified, any proposed actions to address or mitigate and include the link to the completed RNIA template:

SUBJECT TO PLANNING APPROVAL: No

If Yes, "This is a decision of this Committee only. Members of the Planning Committee are not bound by the decision of this Committee. Members of the Planning Committee shall consider any related planning application in

accordance with the applicable legislation and with an open mind, taking into account all relevant matters and leaving out irrelevant consideration”.

APPENDICES:

Appendix 1 – Pre-determination Hearing Procedure
Appendix 2 – Planning Officer Report

HAS IT BEEN SUBJECT TO CALL IN TO DATE?

No

If Yes, please insert date:

Procedure for Pre-determination Hearings

Section 30 (4) of the Planning Act, allows a Council to give an applicant or other specified persons an opportunity to be heard by the Committee for applications not provided for in regulations or a development order. If a Council chooses to hold a pre determination hearing in these circumstances the Council in line with Section 30 (3) can allow those it considers appropriate to attend and participate.

The Council has decided to hold a pre-determination hearing in respect of the following major application:

- LA05/2021/0033/F – Lands formerly occupied by the Rolls Royce Factory, north of Upper Newtownards Road, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald.

The arrangements and procedures for the pre-determination hearing meeting are set out below.

Arrangements

The Pre-Determination Hearing will be held on Monday 9th January 2023 @ 2.00pm.

Akin to a normal procedure followed for a planning committee meeting, arrangements will be communicated via the Council Website and the following detail will be specified:

- Application Reference;
- Description of proposed development;
- Location of the proposed development;
- Committee Interest; and
- Date of Hearing.

The date of the hearing will be posted to the Councils website 5 days prior to the hearing.

Procedure

The Pre-Determination Hearing will follow a similar format to that associated with the Operation of the Planning Committee. The hearing will be led by the Chair of the Planning Committee.

Requests to speak at the hearing **must** be registered with the Council before noon on 6th January 2023. Requests should be made by contacting the Planning Unit at planning@lisburncastlereagh.gov.uk

Procedure for Pre-determination Hearings

The speaking arrangements will be as follows:

1. The planning officer will present the detail of the application
2. The applicant will have a maximum 15 minutes to present their proposals
3. The third party objectors will have a combined speaking time of 15 minutes to outline their position in relation to the proposal
4. The parties in support will have a combined speaking time of 15 minutes to outline their position in relation to the proposal

The Statutory and Non-Statutory consultees notified will be advised of the hearing and invited to attend and be given an opportunity to present the advice offered in respect of the proposals (if necessary). However it should be noted that they cannot be required by the Council to attend.

Members of the Planning Committee may also ask those consultees attending the hearing questions or seek clarification on any issue raised by the parties in attendance and registered to speak.

Format of Hearing

With the aid of a power point presentation, a Planning Officer will provide Members with an overview of the site context and surroundings, the policy context and other material planning considerations that are presented as part of the proposals. No recommendation will be provided in this instance.

Individuals that have registered to speak will be invited by the Chair to address the Committee in the following order

- Objectors
- Supporters
- Applicant/Agent
- Consultees

These individuals will be permitted to use power point presentations. Information not associated with the planning application will not normally be accepted. The Planning Unit must be advised in advance of the hearing of your intention in this regard

Planning Committee Members may ask any speaker questions or seek clarification on any issue arising through the Chair in the normal way. Other speakers, including non-committee Members of the Council are not entitled to ask any questions or cross examine any other person.

No decision on the application(s) will be made at the Pre-determination Hearing.

The application(s) will be presented before the Committee in its entirety in due course and decision making will be subject to the normal Planning Committee Process.

A minute of the meeting will be kept and appended to the officer's report(s) when the application(s) comes in front of the committee for decision.

Lisburn & Castlereagh City Council

Planning Committee Special Meeting	
Date of Committee Meeting	09 January 2023
Committee Interest	Major Application
Application Reference	LA05/2021/0033/F
Date of Application	15 January 2021
District Electoral Area	Castlereagh East
Proposal Description	Proposed mixed use development comprising 153 residential dwellings in a mix of apartments, semi-detached and detached units with associated private amenity provision and public open spaces; 28 Class B2 and B4 industrial/employment units (4,272 square metres in total); a petrol filling station with associated convenience store, 4 retail units (2 Class A1 and 2 Sui Generis hot food bars); associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development
Location	Lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald
Representations	81 comprised of 39 letters of objections and 42 letters of support
Case Officer	Rachel Taylor

Background to need for pre-determination hearing

1. This applications are categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the development comprises 50 units or more on land more than two hectares.
2. Section 30 (4) of the Planning Act, allows a council to give an applicant or other specified persons an opportunity to be heard by the committee for applications not provided for in regulations or a development order.

3. The Council has decided to hold a pre-determination hearing in respect of this application given the scale and nature of the mix of uses proposed and the material considerations raised by the applicant in respect of the viability of continuing to retain land zoned for employment.
4. This report provides detail on the site context and surroundings, a summary of consultation advice received to date, detail on the policy and other material considerations to be weighed as part of the decision making process in due course.
5. No recommendation is provided at this stage and no decision on the application(s) will be made at the Pre-determination Hearing.
6. The application will be presented to the Committee in due course and decision making will be subject to the normal Planning Committee Process.

Description of Site and Surroundings

Site

7. The proposed site is located at the junction of the Upper Newtownards Road and the Carrowreagh Road, Dundonald approximately 6.5 miles from Belfast and 5 miles from Newtownards.
8. The site is currently vacant but was previously used for general industry. The majority of the buildings been demolished and the rubble removed from the land.
9. The boundaries of the site are defined by a belt of mature trees to the south with the Upper Newtownards Road and continuing in part along the Carrowreagh Road to the east. The remainder of the boundaries are mostly defined by a 2 metre chain-link fencing and concrete posts.
10. The land within is predominantly flat towards the boundary with the Upper Newtownards Road rising steeply towards the rear of the site where the land has a common boundary with the Inspire Business Park. The site is also comprised of a tarmacked car park at the higher level with an individual access onto the Carrowreagh Road.

Surroundings

11. The surrounding area is mainly urban in character and built up on three sides and the land uses are mainly industrial and commercial in nature to the west and north consisting primarily of small to medium sized units at Carrowreagh Business Park and Dundonald Enterprise Park.

12. To the east and on the opposite side of the Carrowreagh Road is housing at Millreagh Avenue and Millreagh Drive. To the south is the Upper Newtownards Road which is the main arterial route connecting Belfast to Newtownards.

Proposed Development

13. This application for full planning permission is for mixed use development comprising 153 residential dwellings in a mix of apartments, semi-detached and detached dwellings with associated private amenity provision and public open spaces; 28 Class B2 and B4 industrial/employment units (4,272 square metres in total); a petrol filling station with associated convenience store and 4 retail units (2 Class A1 shops and 2 Sui Generis hot food bars); associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development.
14. In accordance with Section 29 of the Planning Act (Northern Ireland) 2011, a Pre-Application Community Consultation (PACC) report submitted with the application as the threshold for a Pre-application Notice and community consultation was reached.
15. The application is also supported by a number of documents: including a:
- Design and Access Statement;
 - Supporting Planning Statement;
 - Landscape Management and Maintenance Plan;
 - Generic Quantitative Risk assessment Report and Remedial Strategy Report;
 - Sequential Assessment;
 - Economic Impact Statement;
 - Air Quality Impact Statement (AQIA);
 - Employment Land Assessment;
 - Noise Impact Assessment and addendum;
 - Transportation Assessment (and TAF);
 - Stage 1 Safety Audit;
 - Drainage Assessment and addendum;

Environmental Impact Assessment (EIA)

16. 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.
17. An EIA determination was carried out and it was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the

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

Pre-Application Community Consultation

18. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
19. In this case the PACC process was held virtually with a dedicated website and number of webinars used to provide opportunity for consultation with the local community. The website replicated, as closely as possible, the level of information and engagement normally available at a public exhibition event. The consultation material was available online from 28 October 2020 to the 19 November 2020, in an accessible format. The method used enabled broad participation across both mobile and desktop devices. The webinars took place on 4 and 5th November in morning, afternoon and a lunchtime slot.
20. The content of the website included illustrative plans and designs of the proposed development, key dates for the consultation, indicative visualisations and an online feedback facility and questionnaire.
21. Webinars were carried out via Zoom on 4 November 2020 10-11am and 6-7pm, and 5 November 1-2pm. This included the project team presenting the proposed development followed by a Q&A session. This format allowed the public to engage with the project team and ask questions, similar to an in-person consultation event.
22. A dedicated consultation phone number and email address was available for those wishing to make comment or seek more information on the proposed development. There was a social media advertising campaign run through Facebook from 30 October 2020 until 5 November 2020.
23. A public advert notice providing details of the consultation website, online consultation sessions and how to access further information was published in the Belfast Telegraph on 29 September 2020.
24. An information leaflet was distributed to 900 properties in the surrounding site.
25. Hard copy information packs were provided to those who requested them.
26. In conclusion there is a mixed view of respondents who support and oppose the proposed development. Concerns raised during the PACC process and which were within the scope of the application description were addressed wherever possible in the final design process before the application was submitted.

Relevant Planning History

27. The relevant planning history associated with the application site includes the following:

Application Reference	Description of Proposal	Decision
Y/2005/0392/O	Site for mixed use development comprising petrol station with convenience store, 5 no. retail units with 10 no. apartments over, pub/restaurant & 4 no. own door offices @770 Upper Newtownards Road & Carrowreagh Road.	Withdrawn 30.05.2007
Y/2005/0412/F	Change of use from offices ancillary to industrial complex to Own Door Offices plus erection of 3 no. access towers.	Withdrawn 30.05.2007
Y/2010/0087/O	Demolition of existing buildings and structures and the construction of a retail store (Class A1); Petrol Filling Station (sui generis); industrial units (Class B2 and B4); and associated highway, footpaths, landscaping and other works and improvements	Approved 28.06.2013
Y/2008/0227/F	Erection of a mixed use development consisting of 72 no. residential units, 6 no. retail units, 48 no. offices, 12 no. industrial units and the erection of a 91 bed hotel all with associated car parking and landscaping, (demolition of all buildings on site) Additional Information-Transport Assessment received.	Withdrawn 11.03.2010
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
Y/2013/0225/RM	Engineering works to the existing highway and other lands pursuant to application reference Y/2010/0087/O	Invalid
Y/2013/0230/RM	Engineering works to the existing highway and other land pursuant to application reference Y/2010/0087/O (Amended Plans)	Withdrawn 20.03.2015
LA05/2015/0444/PAD	5,903 SQ metres of employment space (Class B1 (B) & (C) AND B2) ; 5,809 SQ metres of retail space (Class A1); 900 SQ metres of sui generis uses - restaurants/takeaway and petrol filling	Concluded

Application Reference	Description of Proposal	Decision
	station; 23 residential units and a 371 SQ metre medical centre (Class D1).	
LA05/2015/0457/PAN	Construction of 5903 sq metres of employment space; 5809 sq metres of retail space; 900 sq metres of restaurants/takeaway use and petrol filling station; 23 residential units and a 371 sq metres medical centre	Accepted 04.08.2015
LA05/2017/0771/PAN	Proposed mixed use development comprising 162 residential units in a mix of dwellings and apartments, a neighbourhood centre comprised of five units (approx. 790 sqm in total), open space, landscaping, access arrangements from Carrowreagh Road and associated site works.	Accepted 02.08.2017
LA05/2017/0976/PAD	Proposed mix use development comprising 157 residential units in a mix of dwellings and apartments. a neighbourhood centre comprised of five units (approx. 790sqm in total). Open space, landscaping, access arrangements from Carrowreagh Road and associated siteworks	Concluded
LA05/2017/1206/O	Proposed residential development comprising a mix of apartments, townhouses, semi-detached and detached properties with integral open space including an equipped children's play park; a neighbourhood centre comprising a mix of uses including a local convenience store together with 3 smaller retail units (Class A1), a coffee shop (Sui Generis) at ground floor, and provision of floor space for community and cultural uses (Class D1) at first floor level with associated car parking; improvements to site access from Carrowreagh Road and works to the public road including provision of a right turn lane; landscaping; and other ancillary works	Withdrawn 11.01.2019
LA05/2020/0854/PAN	Proposed mixed use development comprising residential development(mix of apartments, terraced, semi-detached and detached units) and associated open spaces; employment space; a neighbourhood centre (retail units, PFS and designated car parking) landscaping; creation of new accesses from	Accepted 16.12.2020

Application Reference	Description of Proposal	Decision
	Carrowreagh Road and Ballyoran Lane; and associated site works	
LA05/2020/0884/PAD	Proposed mix use development comprising residential development (mix of apartments, terraced, semi-detached and detached units) and associated open spaces; employment space; a neighbourhood centre (retail units, PFS and designated car parking), landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane; and associated siteworks	Concluded

28. Particular attention is drawn to the approval of a proposal for a mixed use development in 2013 for a food store, petrol filling station and employment use. Whilst the scheme was never implemented there is a history of approval for mixed use development on the site without any housing to facilitate the development.

29. The policy context is also changed in the intervening period with the introduction of the SPPS and the implementation of a plan led system of planning.

Consultations

30. The following consultations were carried out.

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

Representations

31. A total of thirty-nine letters of objection have been received from around 25 households in respect of the proposal. These households are across the wider Dundonald Area including Grangewood Heights/Manor/Lane/Road, Grahamsbridge Road, Kings Road, Dunlady Manor, Millar's Forge, Brodick Way, Cumberland Drive, Enler Park, Coopers Mill Court, Branff Park and Wanstream Crescent. There were also two letters from Dundonald Greenbelt Residents Association. The following broad issues have been raised.
- Only piece of zoned land left in Dundonald and is in the middle of 5 successful business parks, some of whom have waiting lists for premises.
 - There is no housing need in this area
 - Objection to hot food bars and petrol filling station elements as there is a petrol station less than 1 mile down the road with all these facilities and numerous such stations across Ards
 - Increasing demand for electric cars so demand for petrol is falling
 - Eye sore former petrol station across the road now a car wash
 - Hot food bars less than 1 mile away cause noise and light pollution, increased litter and vermin, late opening and anti social behaviours, detrimental impact on human health with fast foods
 - Units will negatively impact the area and profit the developer
 - Will create traffic issues around Carrowreagh Road especially at peak times
 - Dundonald needs more jobs, not more houses
 - Contrary to the RDS that seeks to protect employment land
 - Rezones the land which should have been a job for the LDP process
 - There are also a surplus of housing as well
 - Will undermine and threaten the viability of the forthcoming Millmount Village Centre
 - NIW recommend no more connections
 - Contrary to the RDS (5 key policies) which seeks to protect employment land
 - Reports are paid for by the agent and have differing purposes

- Post covid warehouse requirement has not been quantified
 - Litchfield assessment was done by the Council and rated it at the top of the average rating.
 - Carrowreagh business park is fully occupied
 - Suggest that this is a prime site, flat, uncontaminated and surrounded by successful business parks. Blame the owner who is a house builder as they paid a high price
 - Contrary to three area plans including BUAP, d BMAP and unlawful BMAP zonings
 - SPPS is a higher test under the transitional arrangements and does not include residential as an option. The 'flexibility; in approach only applies to unzoned lands in the SPPS
 - No market interest is wrong, Sainsbury's nearly went here in 2014. Little evidence of what was marketed and how.
 - Increased investment in NI anticipated post Brexit
 - Wrights have successfully refurbished at Ballyoan Business Park over the last 10 years
 - Range and choice of sites which is to be protected has now gone as the Comber Road mixed use application was approved and this is the only site left in the locality.
 - Quantification of the 'economic benefits' is misleading as it doesn't quantify development that it displaces from other zoned housing sites nor deduct costs to the economy of additional residents nor servicing the site.
 - The site should be yielding round 800 jobs as that's what Rolls Royce employed. Sainsbury's promised 500 and yet this will only net 100 jobs, one eighth of its potential.
 - Existing amenities already under pressure e.g schools
 - The argument that the site is not on the motorway network applies to all the employment zonings containing undeveloped land in Castlereagh.
32. A total of forty-two letters of support have been received from individuals in around 25 households, all within in Millreagh and 2 MP's in respect of the proposal. There are multiple duplicated submissions and several from the same households. The following broad issues have been raised.

- Concerns with NI Water have now been addressed
- Acknowledges no interest in industry and failed supermarket application
- Welcomes the petrol station and retail units for local residents which is considered to be needed
- Best mix for the site which is a blight on the landscape
- Laid unused for 15 years so good to be reused
- Removes health and safety hazard form the area
- Variety and mixture of houses proposed

Council has sufficient land for employment – reference to flexibility within the SPPS to go against PPS4

Planning Policy Context & Other Material Consideration

33. The following planning policies relate to this proposal:

- Regional Development Strategy (RDS) 2035
- Belfast Urban Area Plan 2001
- Draft Belfast Metropolitan Area Plan (BMAP) 2015;
- Strategic Planning Policy Statement for Northern Ireland (SPPS) - Planning for Sustainable Development
- Planning Policy Statement (PPS) 2 - Natural Heritage
- Planning Policy Statement (PPS) 3 - Access, Movement and Parking
- Planning Policy Statement (PPS) 4 – Planning Economic Development
- Planning Policy Statement (PPS) 7 - Quality Residential Environments
- Planning Policy Statement (PPS) 8 - Open Space, Sport and Outdoor Recreation
- Planning Policy Statement 12 (PPS 12): Housing in Settlements
- Planning Policy Statement 15 (PPS) 15 – Planning and Flood Risk
- Creating Places: Achieving quality in residential environments
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 4 - Restaurants, Cafés and Fast Food Outlets
- DCAN 15 - Vehicular Access Standards
- Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses

34. This report is provided to alert the members to the matters to be weighed in the application process and provides opportunity to explore the facts. Further reports will be brought to the planning committee for decision detailing the

officer's recommendation taking into account all the evidence presented to the planning authority for consideration.

35. The main issues for the members to consider as part of this Pre Determination Hearing are as follows:

- Regional Strategic Direction
- Local Development Plan context
- Principle of Development
- Other Material Considerations to be weighed

36. The technical reports which inform the proposal and advice of the consultees is detailed to assist the members in understanding the proposal in respect of the following matters:

- Natural Heritage
- Access, Movement and Parking
- The Creation of a Quality Residential Environment
- Open Space
- Housing in Settlements
- Flooding and Drainage
- Noise and Air Pollution
- Contaminated Land

Regional Development Strategy

37. The Revised Regional Development Strategy (RDS) 2035 was published in 2010. It is the spatial strategy of the Stormont Executive and it seeks to deliver the spatial aspects of the Programme for Government (PfG).

38. Policy RG1 of the RDS requires there to be an adequate and available supply of employment lands to ensure sustainable economic growth. This policy requires the protection of land zoned for economic use as it provides a valuable resource for local and external investment.

39. Regional policy directs that the protection of such zonings should ensure that a variety of suitable sites exists across Northern Ireland to facilitate economic growth. It looks to development plans to provide an adequate and continuous supply of land for employment purposes. The Spatial Framework Guidance SFG 1 seeks to promote urban economic development at key locations throughout the Belfast metropolitan urban area and ensure sufficient land is available for jobs. There is no specific reference to Castlereagh District or Dundonald with the RDS 2035.

Local Development Plan Context

40. 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.
41. On 18 May 2017, the Court of Appeal ruled that the purportedly adopted Belfast Metropolitan Plan 2015 had not been lawfully adopted.
42. As a consequence, the Belfast Urban Area Plan (BUAP) is the statutory development plan however the draft Belfast Metropolitan Plan (BMAP) 2015 remains a material consideration.
43. The BUAP indicates that the proposed site is within the development limit and is unzoned.
44. Within draft BMAP the site is located within the settlement limit as zoned employment land MCH09 – Existing Employment / Industry Land at Upper Newtownards Road / Carrowreagh Road.
45. A total of 34.98 hectares of land are zoned as Existing Employment / Industry at Upper Newtownards Road. A number of key site requirements are listed as:
 - *Development shall only include light industrial uses currently specified in Use Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended; general industrial uses currently specified in Use Class 5 of the same Order; and storage or distribution uses currently specified in Use Class 11 of the same Order. Only light industrial uses shall be acceptable in the northern/undeveloped portion of the site adjacent to existing housing in order to protect the amenity of the residential premises;*
 - *Access arrangements to be agreed with Roads Service DRD;*
 - *A Transport Assessment (TA), agreed with Roads Service DRD shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area. In addition to the need for a TA and the requirements identified therein, this proposal shall seek to reduce the number of accesses from the existing industrial development onto the Carrowreagh Road and capacity improvements to the junction with the A20 Upper Newtownards Road.*
 - *Buildings shall exhibit variety in their elevations treatment and heights, with consideration given to views into the site and in particular to all buildings on the upper part of the site which is currently undeveloped. A maximum height of two stories shall be allowed in the area;*

- *A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all the following:-*
 - *The existing vegetation along the northern and eastern boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with an additional 5-10m of buffer planting consisting of trees and planting of native species to help integrate the development into the surrounding countryside. Planting along the northern boundary shall take account of the nature consideration interests of Craigantlet Woods SLNCI (Ref MCH 32/05) and Dunlady Glen LLPA (Ref MCH 37);*
 - *The western boundary of the site along the undeveloped portion of the site (which separated the site from the adjoining housing development) shall be landscaped with a 5-10m buffer of indigenous trees and planting to provide screening for the development and protect the amenity of adjacent residential properties;*
 - *A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and provision of high quality landscaping within the site; and*
- *Positive long term landscape management proposals shall be required to mitigate and integrate any development and protect and maintain landscaping on the site.*

At the Public Inquiry into BMAP an objections was considered for Existing Employment Sites under MCH 09 : Land at Upper Newtownards Road/Carrowreagh Road (Objections 525, 3824/16, 1742, 3442). Objectors sought Designation MCH 09 as a Major Employment Location. The RDS provides specific guidance for the location of MELs. MELs are zoned in the plan and represent employment sites strategically located throughout the BMA at Regional Gateways and along major transportation routes as directed by the RDS. Within the Castlereagh District the Purdysburn area is specified in the RDS as a strategic location for employment growth and is consequently zoned as a MEL in the plan to reflect RDS guidance. The RDS does not indicate a strategic location for employment growth on the Upper Newtownards Road. This zoning is for existing employment and there is no justification for designation as a MEL. The PAC recommended no change in respect of this.

46. In unlawful BMAP the site is zoned as land zoned for existing employment under MCH 06.

47. Zoning MCH 06 Existing Employment Land at Upper Newtownards Road/ Carrowreagh Road consists of 34.93 hectares of land are zoned as existing Employment at Upper Newtownards Road as identified on Map No. 2/001 – Metropolitan Castlereagh.

48. The zoning still commanded a number of Key Site Requirements which included:

- *Development shall only include the following uses:*
 - *Industrial and Business, Use Classes B1(b), B1(c), B2, B3 and B4 as currently specified in the Planning (Use Classes) Order (Northern Ireland) 2004;*
- *Only Industrial and Business, Use Classes B1(b), B1(c) and B2 shall be acceptable in the northern / undeveloped portion of the site adjacent to existing housing in order to protect the amenity of the residential dwellings;*
- *Development of the site shall only be permitted in accordance with a masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site;*
- *A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network/public transport/ transportation facilities in the area. In addition to the need for a TA and the requirements identified therein, this proposal shall seek to reduce the number of accesses from the existing employment development onto the Carrowreagh Road and provide capacity improvements to the junction with the A20 Upper Newtownards Road; and*
- *A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-*
 - *The existing vegetation along the northern and eastern boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with an additional 5-10 metres of buffer planting consisting of trees and planting of native species to help integrate the development into the surrounding countryside. Planting along the northern boundary shall take account of the nature conservation interests of Craigantlet Woods SLNCI (Ref MCH 28/05) and Dunlady Glen LLPA (Ref MCH 33); and*
 - *The western boundary of the site along the undeveloped portion of the site (which separates the site from the adjoining housing development) shall be landscaped with a 5-10 metre buffer of trees and planting of native species to provide screening for the development and protect the amenity of adjacent residential properties.*

Regional Policy Context

49. The SPPS states that

Until the Council adopts the Plan Strategy for its new Local Development Plan, there will be a transitional period in operation.

The local development plan is at Stage 1, and there is no Stage 2 draft. No weight can be given to the emerging plan.

During this transitional period, planning policy within existing retained documents and guidance will apply. Any conflict between the SPPS and policy retained under transitional arrangements must be resolved in favour of the provisions of the SPPS.

50. 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.

51. 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.

52. As the statutory plan and draft BMAP are silent on the regional policy issue, no determining weight can be given to the policies contained in the plan documents.

53. Paragraph 4.11 of the SPPS states that

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

54. Paragraph 4.12 of the SPPS states that

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

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

56. Paragraph 6.81 of the SPPS states that

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

57. Paragraph 6.84 of the SPPS states that

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

58. Paragraph 6.89 of the SPPS states that

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

59. Paragraph 6.91 of the SPPS states that

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

60. Paragraph 6.97 of the SPPS states that

61. Planning authorities should generally adopt a positive and constructive approach to determining applications for appropriate sustainable economic development informed by the provisions of the LDP, the SPPS and all other material planning considerations. Where proposals come forward on land not identified for economic development through the LDP, the planning authority must consider and assess the proposal against a wide range of policy

considerations relevant to sustainable development, such as integration with transportation systems (particularly public transport), synergy with existing economic development uses, and use of previously developed land or buildings.

62. With regard to housing, the SPPS states at Paragraph 6.136 that

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

63. With regards to retailing, the SPPS at Paragraph 2.273 states that *Planning authorities must adopt a town centre first approach for retail and main town centre uses.*

64. Paragraph 6.279 – 6.283 advises that

Retailing will be directed to town centres, and the development of inappropriate retail facilities in the countryside must be resisted. However, as a general exception to the overall policy approach some retail facilities which may be considered appropriate outside of settlement limits include farm shops, craft shops and shops serving tourist or recreational facilities. Such retail facilities should be required to be located within existing buildings. All policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet the requirements of policy elsewhere in the SPPS.

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

- primary retail core;*
- town centres;*
- edge of centre; and*
- out of centre locations, only where sites are accessible by a choice of good public transport modes.*

In the absence of a current and up-to-date LDP, councils should require applicants to prepare an assessment of need which is proportionate to

support their application. This may incorporate a quantitative and qualitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.

All applications for retail or town centre type developments above a threshold of 1000 square metres gross external area which are not proposed in a town centre location and are not in accordance with the LDP should be required to undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000 square metre gross external area. Where appropriate the planning authority may choose to apply a lower threshold taking into account local circumstances such as the size, role and function of their town centres. In preparing a LDP councils will have flexibility to set an appropriate threshold for their area, above which all applications for such development should be accompanied by an assessment of retail impact and need. This threshold can be up to, but must not exceed 2500 square metres gross external area.

65. With regards to open space, Paragraph 6.200 of the SPPS states that

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

66. Paragraph 6.206 states that

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

67. In terms of access, movement and parking, the SPPS states at Paragraphs 6.302 – 6.305 that

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

In assessing development proposals planning authorities must apply the Department's published guidance. In determining a development proposal likely to generate a significant volume of traffic, planning authorities should require the developer to submit a Transport Assessment so as to facilitate assessment of the transport impacts; this should include mitigation measures where appropriate⁵⁹. The Transport Assessment may include a travel plan, agreed with DRD Transport NI, or the relevant transport authority, that sets out a package of complementary measures to secure the overall delivery of more sustainable travel patterns and which reduces the level of private car traffic generated.

In assessing the appropriate amount of car parking, account should be taken of the specific characteristics of the development and its location, having regard to 59 See draft guide to Transport Assessment (published by DOE and DRD, 2006). 110 the Department's published standards and any reduction in standards provided for through a LDP or Transport Assessment.

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

68. With regards to Natural Heritage Paragraph 6.174 of the SPPS states that

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

69. Paragraph 6.182 of the SPPS states that

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

70. Paragraph 6.198 of the SPPS states that

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

71. With regards to flood risk, Paragraph 6.103 of the SPPS states that

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

72. Paragraph 6.132 of the SPPS states that

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

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

74. Having considered the content of the SPPS against the retained policies set out in PPS 4 Economic Development, PPS 7 Quality Residential Environments, PPS8 Open Space, Sport and Outdoor Recreation, PPS3 Access, Movement and Parking, (in so far as these relate to the principle of developing this land) no distinguishable differences are found that should be reconciled in favour of the SPPS. The application therefore falls to be assessed against prevailing policy tests.

75. Acknowledging that a general policy presumption against the loss of this employment land in the SPPS and the retained policies in PPS4 the appropriateness of the development of approximately 80% of the lands zoned for employment use for housing and sui generis retail is discussed in further into the report.

Planning and Economic Development

76. Planning Policy Statement 4 'Planning and Economic Development' sets out planning policy for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans. It seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development.

77. For the purposes of this PPS, economic development uses comprise industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of The Planning (Use Classes) Order (Northern Ireland) 2015:

Class B1: Business Use –

- (a) as an office other than a use within Class A2 (Financial, professional and other services);
- (b) as a call centre; or
- (c) for research and development which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2: Light Industrial

Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B3: General Industrial

Use for the carrying on of any industrial process other than one falling within Class B2.

Class B4: Storage or distribution

Use for storage or as a distribution centre.

78. Policy PED 1 Economic Development in Settlements states that

Cities and Towns

Class B2 Light Industrial Use and Class B3 General Industrial Use

A development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. Elsewhere in cities and towns such proposals will be determined on their individual merits.

Class B4 Storage or Distribution Use

A development proposal for a Class B4 storage or distribution use will be permitted in an area specifically allocated for such purposes in a development plan. 16 In addition a Class B4 development will also be permitted in an existing or proposed industrial/employment area where it can be demonstrated:

that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally. Elsewhere in cities and towns such proposals will be determined on their individual merits.

79. Policy PED 7 Retention of Zoned Land and Economic Development Uses states that

Zoned Land in all Locations Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) 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 sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

80. Policy PED 8 Development incompatible with Economic Development Uses states that

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

81. Policy PED 9 General Criteria for Economic Development states that

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all 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 built heritage;*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*
- (e) it does not create a noise nuisance;*
- (f) it is capable of dealing satisfactorily with any emission or effluent;*
- (g) 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;*

(h) adequate access arrangements, parking and manoeuvring areas are provided;

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;

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

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

(l) is designed to deter crime and promote personal safety; and

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

82. Planning Advice Note on the Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses states at Paragraphs 6 – 17 that

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) was published on the 28th September 2015. The SPPS applies to the whole of Northern Ireland and its provisions must be taken into account in the preparation of local development plans, and it is material to all decisions on individual planning applications and appeals.

The SPPS provides the core planning principles which underpin the two-tier planning system with the aim of furthering sustainable development. It sets the strategic direction for councils to bring forward detailed operational policies tailored to their individual areas within local development plans. It also sets out subject planning policies on a range of land use planning matters.

A transitional period will operate from 1 April 2015 until such times as a Plan Strategy for the whole of a council area has been adopted. During this period planning authorities will apply existing policies contained within extant planning policy statements together with the SPPS.

Planning Policy Statement 4 (PPS 4) 'Planning and Economic Development': Policy PED 7 'Retention of Zoned Land and Economic Development Uses' is of particular relevance when considering planning applications on land zoned for economic development use in a local development plan, and applications on unzoned land that is currently used (or was last used) for economic development purposes.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. However, where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

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

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

The Department is keen to support the diversity of the local economy and encourage employment generation. It is therefore necessary to retain existing sites for economic development and safeguard the supply of future economic development land to achieve this aim.

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

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

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

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

particular case outweigh the preferred option of retaining the land or buildings for economic development use.

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

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

84. It is further highlighted that:

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

85. The advice note further indicates that:

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

86. The Department identify in the note that:

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

Quality Residential Environments

87. PPS 7 – Quality Residential Environments sets out the Department’s planning policies for achieving quality in new residential development and advises on the treatment of this issue in development plans. It embodies the Government’s commitment to sustainable development and the Quality Initiative.

88. Policy QD 1 Quality in New Residential Development states that:

Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

89. Within Policy QD 1 all proposals for residential development will be expected to conform to all of the following criteria:

- (a) *the development respects the surrounding context 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) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
- (c) *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
- (d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
- (e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
- (f) *adequate and appropriate provision is made for parking;*
- (g) *the design of the development draws upon the best local traditions of form, materials and detailing;*
- (h) *the design and layout will 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; and*
- (i) *the development is designed to deter crime and promote personal safety.*

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

90. Policy QD2 requires Design Concept Statements, Concept Master Plans and Comprehensive Planning. It states that:

The Department will require the submission of a Design Concept Statement, or where appropriate a Concept Master Plan, to accompany all planning applications for residential development.

A Concept Master Plan will be required for planning applications involving:

- (a) 300 dwellings or more; or*
- (b) the development, in part or full, of sites of 15 hectares or more zoned for housing in development plans; or*
- (c) housing development on any other site of 15 hectares or more.*

In the case of proposals for the partial development of a site zoned for housing the Concept Master Plan will be expected to demonstrate how the comprehensive planning of the entire zoned area is to be undertaken. Any proposal for housing that would result in unsatisfactory piecemeal development will not be permitted, even on land identified for residential use in a development plan.

Creating Places

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

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

Open Space, Sport and Outdoor Recreation

92. PPS 8 – Open Space, Sport and Outdoor Recreation sets out the Department's planning policies for the protection of open space, in association with residential development and the use of land for sport and outdoor recreation, and advises on the treatment of these issues in development plans.

The Council will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. In smaller residential schemes the need to provide public open space will be considered on its individual merits.

An exception to the requirement of providing public open space will be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided. An exception will also be considered in cases where residential development is designed to integrate with and make use of adjoining public open space.

Where the provision of public open space is required under this policy, the precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to the following

- (i) A normal expectation will be at least 10% of the total site area;*
- (ii) (ii) For residential development of 300 units or more, or for development sites of 15 hectares or more, a normal expectation will be around 15% of the total site area; and*
- (iii) Provision at a rate less than 10% of the total site area may be acceptable where the residential development:*
 - Is located within a town or city centre; or is close to and would benefit from ease of access to areas of existing public open space; or*
 - Provides accommodation for special groups, such as the elderly or people with disabilities; or*
 - Incorporates the 'Home Zone' concept.*

For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.

The Council will consider an exception to this requirement where an equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme.

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

- It is designed in a comprehensive and linked way as an integral part of the development;*
- It is of demonstrable recreational or amenity value;*
- It is designed, wherever possible, to be multi-functional;*

- *It provides easy and safe access for the residents of the dwellings that it is designed to serve;*
- *Its design, location and appearance takes into account the amenity of nearby residents and the needs of people with disabilities; and*
- *It retains important landscape and heritage features and incorporates and protects these in an appropriate fashion.*

Planning permission will not be granted until the developer has satisfied the Council that suitable arrangements will be put in place for the future management and maintenance in perpetuity of areas of public open space required under this policy.

Arrangements acceptable to the Council in line with the policy include:

- (a) *a legal agreement transferring ownership of and responsibility for the open space to the local district council; or*
- (b) *a legal agreement transferring ownership of and responsibility for the open space to a charitable trust registered by the Charity Commission or a management company supported by such a trust; or*
- (c) *a legal agreement transferring ownership of and responsibility for the open space to a properly constituted residents' association with associated management arrangements.*

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

Natural Heritage

94. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

95. Policy NH 1 – European and Ramsar Sites states:

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

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

96. The policy also states that:

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the planning authority shall make an appropriate assessment of the implications for the site in view of the site's conservation objectives.

Appropriate mitigation measures in the form of planning conditions may be imposed. In light of the conclusions of the assessment, the Department shall agree to the development only after having ascertained that it will not adversely affect the integrity of the site.

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

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

97. Policy NH 2 – 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:-

- *there are no alternative solutions; and*
- *it is required for imperative reasons of overriding public interest; and*
- *there is no detriment to the maintenance of the population of the species at a favourable conservation status; and*
- *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.

98. 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:

- *priority habitats;*
- *priority species;*
- *active peatland;*
- *ancient and long-established woodland;*
- *features of earth science conservation importance;*
- *features of the landscape which are of major importance for wild flora and fauna;*

- *rare or threatened native species;*
- *wetlands (includes river corridors); or*
- *other natural heritage features worthy of protection.*

99. The policy also states that:

a development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features 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, Movement and Parking

100. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), set out the policies for vehicular access and pedestrian access, transport assessments, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning and it embodies the Government's commitment to the provision of a modern, safe, sustainable transport system.

101. Policy AMP 2 – Access to Public Roads 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) *such access will not prejudice road safety or significantly inconvenience the flow of traffic; and*
- b) *the proposal does not conflict with Policy AMP 3 Access to Protected Routes.*

102. Policy AMP7 states that

Development proposals will be required to 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 the Department's published standards⁹ or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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

- *where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or*
- *where the development is in a highly accessible location well served by public transport; or*

- *where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or*
- *where shared car parking is a viable option; or*
- *where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building.*

103. The policy also states that

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Development Control Advice Note 15 – Vehicular Access Standards

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

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

PPS 15 – Planning and Flood Risk

105. Policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains states that:

Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to

the policy.

106. Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

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

- *A residential development comprising of 10 or more dwelling units*
- *A development site in excess of 1 hectare*
- *A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.*

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

- *The proposed development is located in an area where there is evidence of a history of surface water flooding.*
- *Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.*

Such development will be permitted where it is demonstrated through the Drainage Assessment 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.

Where a Drainage Assessment is not required but there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

Where the proposed development is also located within a fluvial or coastal plan, then Policy FLD 1 will take precedence.

Planning and Economic Development

107. The application proposes a mixed use development and the land is developed in five sub-sections:

- Section 1 – light industrial units 3.25 acres (1.32 ha)
- Section 2 – 20 dwellings 2.20 acres (0.89 ha)
- Section 3 – 75 dwellings 6.73 acres (2.72 ha)
- Section 4 – PFS and convenience stores 1.55 acres (0.63 ha)
- Section 5 – 58 apartments 2.42 acres (0.99 ha)

108. Within the total site comprised of 6.55 hectares of land, 20.15% is given over to economic uses consistent with the definition specified in the preamble to PPS4, 70.23% is given over to residential use and 9.62% will be given to retail and sui generis retail use.

109. Invest NI provided comment on the application stating that they are generally opposed to the loss of land either currently or last used for economic development to alternative uses.
110. It states that Invest NI is opposed to the loss of this employment land to an alternative use; the application would appear to be contrary to the Executive's Regional Development Strategy, the zoning allocated within BMAP (draft) and guidance within the SPPS and at odds with elements of the Council's emerging Local Development Plan.

Other Material Considerations

111. As indicated above, Section 6(4) of the Planning Act (NI) 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.
112. In the supporting documentation provided with the application, the agent advances the following material considerations by way of a planning statement and associated addendum, a separate economic land assessment and the submission of a commercial in confidence viability assessment.
113. The PAN describes nine matters against which development proposals should be assessed and the other material considerations offered by the applicant are detailed under each matter heading.

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

114. With regards to this element, the agent states that over the course of the last decade that the applicant has brought forward a number of proposals and sought feedback from the 'local residential and business communities' which they have used to inform this mix of application.
115. The supporting planning statement highlights that the PACC undertaken quantified a 'high level of support' for the application.

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

116. The supporting statement confirms that the site is an accessible location and is well served by a number of modes of transport which connect the site with the surrounding area and Belfast City Centre including roads, bus service and cycle paths.

117. The statement contends however that this site does not have accessibility to the regional strategic transport network such as motorway, rail, airports and seaports.
118. The supporting statement quotes the Employment Land Review carried out in October 2019 for the emerging Local Development Plan which marks the site 3 out of 5 and is silent with regards connectivity to the wider region.
119. The statement explains that whilst the site is not necessarily well connected to the regional transport network which is a key driver in the current demand for employment/industrial space and is therefore more suitable for small businesses opportunities, consistent with the profile in the immediate area.

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

120. The supporting statement highlights that the site has been marketed without meaningful expression of interest as employment space for over 16 years.
121. It references a BTW Shiells report from March 2010 which provides an assessment of land supply and industrial space demand in relation to the application site and its location. The report confirms there was no demand for the site and sufficient employment space was available on other sites within the area to satisfy any likely future demand.
122. The report also included marketing activities by commercial agents Colliers CRE and Campbell Cairns between September 2004 to March 2010, detailing the lack of interest received since the site was occupied.
123. The supporting statement emphasises that the BTW Shiells report was the report accepted by the granting of approval in 2013 for the retail led development and when the anchor tenant pulled out, the scheme became unviable. They state that the market demand and supply for industrial land remains unchanged in the intervening period.
124. The supporting statement advises that 30% of the land will be developed for economic development uses and the balance for housing. The 30% encompasses the retail and sui generis retail uses and this accounts for 10% of the 30% proposed employment use.
125. A total of 185 jobs are created as a consequence of the mixed use development and with a £25 million of investment.
126. A phased approach is offered within the supporting statement to assist with the regeneration of the site in terms of:
- Phase 1 – construction of the petrol filling station, convenience store and two retail units, the internal road and hardstanding for the employment units are

constructed prior to the 51st house and that Phase 1 (6) of the employment units are constructed to industrial operation standard within that timescale.

- Phase 2 – completion of the remaining 2 hot food outlets, prior to occupation of 101st residential unit the remaining 9 employment units will be constructed to industrial operation standard.
- Phase 3 – prior to occupation of 153rd residential unit the remaining 13 employment units will be constructed to industrial operation standard.

It is proposed to secure the phasing of the development through the use of a Section 76 planning agreement.

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

127. The application is locally accessible by a range of modes of transport. The supporting statement acknowledges that the proposal provides opportunity for low skilled workers to gain employment in particular in the local neighbourhood centre comprised of the petrol filling station and retail units.
128. The supporting statement says that the applicant has offered to enter into Local Employment Partnership with local community groups to provide information on local job opportunities, assistance with CV writing and interview skills.

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

129. The supporting statement confirms that the site was last used in 2004 and since then has lay vacant and unused. The buildings have been demolished.
130. The applicant highlights an employment land assessment carried out on behalf of the Council and used to inform the emerging Local Development Plan. The report indicates there are 212 hectares of employment land yet to be developed, and that on average 2.99 hectares of employment land is being developed each year and there is an estimated 71 year supply of land within the Council Area.
131. The supporting statement confirms that due to a number of factors, the nature of the demand for industrial space has seen a significant shift moving away from the historic arrangement of large footprint buildings with single operators to smaller units with industrial or enterprise centres occupied by multiple operators.
132. The statement then refers back to the marketing exercises carried out which failed to attract meaningful interest from industrial or economic operators.

133. It explains that CBRE has acknowledged the flexibility of the proposed design noting that the units could be combined into larger units however acknowledging that there is still a low level of uptake in such accommodation.
134. The supporting statement explains that the planning applicant reached out but that no agreement could be reached with Inspire Business Park for a partnership working arrangement.
135. The supporting statement concludes - *'notwithstanding the outcome of the discussion with Inspire', it is our opinion that the cost of construction significantly outweighs the market value of any new build economic/industrial floor space and as such financial viability cannot be reached by any part or potential developer'.*

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

136. The agent submitted an Employment Land Assessment in support of the application which seeks to demonstrate that the granting of permission for a mixed use development proposal will not prejudice the supply of employment land within the Council Area.
137. The supporting statement points to the prime locations in the Greater Belfast Area being the Harbour Estate, Mallusk and Blaris/Knockmore and states that the trend is unlikely to change as the focus remains on regional accessibility.
138. The supporting statement alludes to the level of attractiveness of the site being restricted to local businesses who operate from East Belfast and Dundonald serving dominantly a local market.
139. It is also notes that this is only portion of a wider zoning which will not prejudice the delivery of industrial development on the undeveloped land further to the north.

Matter 7 - Compatibility with neighbouring land uses;

140. The supporting statement explains the site is bounded on three sides by roads, it states that the layout has been considered to provide uses the most appropriate locations and that the location of the economic uses have been positioned to relate to the existing industrial uses. Reference is made to boundary treatments ensuring adequate screening and mitigation measures supported by the Noise Impact Assessment.

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

141. The agent confirms in the supporting statement that none of the consultees have any in principle objection to the proposal with the exception of Invest Northern Ireland who, as detailed above continue to object to the loss of land for economic use.

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

142. The supporting statement confirms that the site was previously development land in Dundonald urban area. Whilst there is a regional capacity issue in terms of drainage and sewage infrastructure, a solution has been found and agreed with NI Water. No other site specific infrastructure issues are identified.

Employment Land Assessment

143. An Employment Land Assessment (ELA) is submitted with the application which notes that the site is not specifically mentioned within the key locations for economic growth within the Spatial Framework Guidance policy 1 (SFG1) of the RDS.
144. It also notes at paragraph 2.10 that one of the exceptions for PED 7 is for mixed use regeneration initiatives which contain a *significant* element of economic development use and may also include residential or community use, and which bring *substantial community benefits* that outweigh the loss of land for economic development use.
145. From a demand and market interest review, the ELA states that Dundonald is at the lowest demand in the hierarchy of locations for employment land/business space.
146. It compares the businesses in close proximity at Ballyoran Business Park, Dundonald Industrial Estate, Carrowreagh Business Park and Inspire Business Centre and based on its analysis the location typically attracts businesses and services that are primarily serving a local need.
147. The report highlights Industrial rents ranging from £2.75 - £3.50 per square foot. It further highlights that larger industrial demand tends to be located with better regional transport links such as Belfast and Lisburn.
148. The ELA states that the site has a prominent location fronting the Upper Newtownards Road but can experience congestion in peak times. It acknowledges the history of the manufacturing sector and its decline and change in market and concludes that whilst the M1 is 10 miles away, this is at least a 35 minute drive time away from the site in the off peak and unsuitable for new logistics manufacturers.
149. The 'substantial community benefits' which are cited are in terms of job creation and the generation of an additional rate base to the Council as detailed in the Economic Benefits section below.

150. It also states that a proportion of the residential units will be for older persons and essential local workers complemented by a range of public open spaces.

Economic Benefits

151. An Economic Benefits Statement is submitted with the application which sets out the potential economic benefits of the proposed development.

152. It advises that the proposed development would have positive economic benefits in the construction and operational phases and it is estimated during the construction phase that the proposal will generate:

- £25m investment in construction;
- 50 Full Time Equivalent (FTE) temporary jobs during 3.5 years construction;
- 40 FTE direct jobs created in Northern Ireland of which 15 could be local to the LCCC area;
- 20 FTE indirect and/or induced jobs generated within the supply chain and from onward employee expenditure within Northern Ireland of which 5 could be local to the LCCC area;
- Additional £19.6m uplift in productivity within Northern Ireland inclusive of £16.1m generated locally within the LCCC area.

153. The benefits post implementation of the development are estimated to be:

- Additional 385 people, of which 200 could be in employment;
 - These residents would expect to earn £5.1m per annum a significant portion which could be spend in local businesses;
 - Household expenditure on convenience and comparison retail goods of £2.6m per annum and £1.4m of leisure goods and services per annum, supporting and maintaining 50 retail and leisure jobs
 - Additional on-off expenditure of £760,000 as new residents make their house 'feel like home';
 - £200,000 on domestic rates.
-
- Providing 100 direct FTE jobs within the neighbourhood centre and light industrial units;
 - 85 direct FTE jobs within the NI economy of which 35 could be local to LCCC;
 - Further 40 FTE jobs generated and supported via indirect and induced effects, including contracts within the supply chain, salaries and onward expenditure across NI, of which up to 10 FTE would be local to LCCC;
 - £8.4m net additional annual contribution to economic productivity within NI economy once fully operational, of which £6.4m could be local to LCCC; and
 - £130,000 per annum in non domestic rates to LCCC.

154. By way of comparison to the approved application Y/2010/0087/O for Sainsburys. An Economic Impact Study undertaken by Oxford Economics outlining the economic benefits of the proposed development with a 50:50 split which are summarised below:
- It is estimated that the project would create a net employment benefit of 492 direct additional jobs resulting in additional wages of £8.7m, 224 indirect jobs worth £4.9m in wages and 139 induced jobs worth £2m in wages. The total of 855 jobs and £15.55m in wages are on the basis that the industrial and storage units are fully utilised;
 - The Sainsbury's element alone would generate a net employment benefit of 328 (67%) direct additional jobs resulting in additional wages of £5.32m (61%), 138 (62%) indirect jobs worth £3.1m (63%) in wages and 86 (62%) induced jobs worth £1.23m (61%) in wages. The percentages of the benefits of the entire project are given in brackets.
 - The 552 jobs and £9.65m in wages equated to approximately two thirds of the total potential benefits of the project;
 - It was estimated that the project will generate 210 direct construction job years of employment and a further 200 indirect or induced construction job years was worth a total of £7.7 million in wages;
 - The total employment created could produce a further £3.15m in tax receipts per annum during the construction phase and ongoing tax benefits of £6.22 per annum with an associated saving of £2.19m on welfare benefits during construction and £4.6 per annum ongoing thereafter plus more income in commercial rates;
155. The Councils Economic Development Unit were consulted with regards the economic information submitted and acknowledge that the scale of jobs proposed for such a site must be a key consideration. It concludes that the scale of the new jobs proposed for the site is limited by the inclusion of proposed residential element, and is not reflective of the potential of the site to deliver more employment options were it to be exclusively zoned for industrial development.

Development incompatible with Economic Development Uses

156. . A remediation strategy report is submitted requiring ground works to be undertaken with regards ground contamination given the former use on site. A Generic Quantitative Risk Assessment was also carried out, both of which were commented on by NIEA and Environmental Health who had no objections subject to conditions.
157. An Air Quality Impact Assessment Report was also submitted to demonstrate the assessment of any impact of the proposed development on sensitive air quality receptors during construction and operational phases of the proposal.

158. NIEA and Environmental Health were consulted and had no objections subject to the hours of operation being daytime only in the business units and the mitigation measures proposed.
159. The dwellings and apartments fronting the Upper Newtownards Road are to have a glazing rating of 35 dB (road traffic noise reduction). The NIA states that the building structure, together with the proposed glazing and alternative ventilation to the habitable rooms of the proposed residential development will ensure that internal noise levels will not exceed 30 dB in bedrooms or 35 dB in living area accordance with WHO design criteria and BS 8233.

Town Centre Use

160. The total neighbourhood centre comprises 964.8 square metres of external gross floor space (excluding the canopy over the petrol pumps) with 51 dedicated parking spaces.
161. The centre sits in the south eastern corner of the site adjacent to the Upper Newtownards and Carrowreagh Road, with access from Carrowreagh Road.
162. The site is located outside of Dundonald Local Centre but within the settlement limits for Dundonald in an area zoned for employment use.
163. The SPPS directs such development to town centres first and states that all proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment.
164. The Sequential Assessment states that the neighbourhood centre is primarily intended to provide a locally accessible offer for the residents living in the proposed development the adjacent housing area. It states given the nature and scale, it defined a catchment area based on a 10 minute walk time (equating to 0.6 mile radius) around the site and for robustness included Dundonald Local Centre as well.
165. The SPPS requires the applicant to establish if there is a sequentially preferable site within the catchment area. In this case the Sequential Assessment identifies and discounts the following:
- Sites 1 - Lands at the former Moat Inn 933 Upper Newtownards Road and also outside of the local centre. The Sequential Assessments discounts this site on availability and suitability as it is constrained by the Enlar River.
 - Site 2 – Gap site at junction of Ballyregan Road/Upper Newtownards Road 0.1ha. This site was discounted as too constrained in size and already in use as parking for neighbouring retail and services.

- Site 3 – 9-17 Church Road. The assessment discounts this site as being constrained by the size and the surrounding uses. It says it's highly unlikely to be able to accommodate any meaningful development whilst achieving the necessary servicing arrangements.
- Site 4 – 1037 Upper Newtownards Road opposite Lidl – This site is discounted for being restricted in size and unlikely to be able to accommodate any meaningful development whilst achieving the necessary servicing arrangements.
- Site 5 – 1937 Upper Newtownards Road at the junction with Robbs Road. This site is discounted as being restricted in size and unlikely to be able to accommodate any meaningful development whilst achieving the necessary servicing arrangements.

166. The overall conclusion of the Sequential Assessment is that there are no suitable, available sites within a policy protected centre or in a more sequentially preferable location which could accommodate the proposal. It states that the proposal will serve a defined catchment area which does not currently benefit from a locally accessible retail facilities.

167. There is a hot food takeaway and a hair salon located 0.2 kilometres from the site off the Brooklands Road, Lidl is within 0.8 kilometres of the site along Upper Newtownards Road, and Maxol Service Station with accompanying neighbourhood centre including Eurospar, hot food take aways, café and off license is 0.9 kilometres away along the Upper Newtownards Road..

168. Planning permission is also granted for a neighbourhood facility at Millmount Village Centre to serve the residential neighbourhood still under construction. .

Quality Residential Environments

169. The proposal is for 153 residential units in total consisting of 95 dwellings in a mixture of detached and semi-detached and 58 apartments. The only other residential development in close proximity is the eastern side of Carrowreagh Road which consists of Millreagh Drive (2 storey detached dwellings) with a few two-storey semi-detached dwellings along Carrowreagh Road.

170. Boundary treatments are mostly hard with the use of retaining walls and acoustic fencing used throughout. There are some tree planting along the southern boundary to be retained with some further interspersed planting dividing the discrete pockets between sites mainly the business units and the neighbourhood centre.

171. A density of 13.3 dwellings per hectare is proposed. These are not dissimilar when compared to some of the smaller dwellings in Millreagh or the residential areas on the opposite side of the Upper Newtownards Road.

Layout/Design/Material and Impact on Residential Amenity

172. There are number of different house types and apartment types proposed and a sample description of some of the dwellings are outlined below.
173. The apartment developments are in three large blocks in the south western corner of the development. These present a frontage to the Upper Newtownards Road. There is a mix of one and two beds and the Design and Access statement claims that these are aimed and the over 55's and key workers from the Ulster Hospital.
174. The business units are accessed off Ballyoran Lane as a discrete element from the rest of the site. They are single storey monopitched small business units with roller shutter and own door access. They are portal framed buildings with corrugated metal cladding.

Provision of Open Space / Landscaping

175. The level of private amenity space varies from plot to plot throughout the development. It ranges from a minimum 40.65 square metres to the higher end of around 145 square metres and an average of 92 square metres per unit.
176. The landscaping plan provided demonstrates planting along the Newtownards Road and along Ballyoran Lane. There is also planting proposed around the pockets for the local neighbourhood centre and the business park with some further planting dotted throughout the site to help with softening the development.
177. A landscape Management Plan could be conditioned as part of any approval.

Housing in Settlements

178. Paragraph 6.133 of the SPPS states that good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities.
179. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing needs of society, within the wider framework of sustainable development

180. Strategic Policy also advises that achieving balanced communities and strengthening community cohesion is one of the major themes underpinning the RDS and that the provision of good quality housing offering a variety of house types, sizes and tenures to meet different needs, and development that provides opportunities for the community to share in local employment, shopping, leisure and social facilities, is fundamental to the building of more balanced communities.
181. The Northern Ireland Housing Executive in a response received on in February 2021 indicate that up to 24 residential units are needed for social renting.

Open Space

182. Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation sets out planning policies for the protection of open space, the provision of new areas of open space in association with residential development and the use of land for sport and outdoor recreation.
183. Policy OS 2 – Public Open Space in New Residential Development states that planning authorities will only permit proposals for new residential developments of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development.
184. It advises that for residential development of more than 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development.
185. Detail submitted with this application demonstrates that areas of open space are provided in one central area. This area measures 0.26 hectares in size and there was no equipped children play area offered. Amended plans received on 20 December 2022 indicate the location of an equipped children's play area within the area of open space within the site. No further detail is provided.
186. Taking the site as a whole and encompassing all the missed use elements 10% of land equates to a space provision of 0.655 hectares.

Access, Movement and Parking

187. The site fronts onto the Upper Newtownards Road which is a protected route however, it has three separate accesses, none of which are onto the Upper Newtownards Road directly.

188. The Design and Access Statement confirms that the primary vehicular access is via the Carrowreagh Road as per the existing location and is proposed to serve the majority of the residential dwellings and the neighbourhood centre.
189. A separate access is proposed from Ballyoran Lane and is intended to serve only the proposed light industrial units.
190. Secondary Shared surfaces are proposed off the main spine road in order to assist in creating a hierarchy of streets within the site.
191. Pedestrian access is proposed to be taken from the Upper Newtownards Road to provide direct access to the neighbourhood centre from the public road.
192. The site is located in close proximity to a number of Bus Stops which offer a range of services connecting the site with Belfast City Centre to the west and Newtownards to the east.
193. In terms of access, the Design and Access Statement confirms both junctions with Newtownards Road will be improved.
194. It confirms that the improvement to Ballyoran Lane will see the extension of the crossing lane within the central reservation along Upper Newtownards Road to facilitate vehicles moving into this lane without impeding any vehicles waiting to turn right from Upper Newtownards Road onto Ballyoran Lane. This alteration will assist in easing the right turn exit from Ballyoran Lane for larger vehicles.
195. The Carrowreagh Road improvement proposes the widening of the two lanes towards the junction with Upper Newtownards Road to facilitate a left turn filter lane which will significantly increase the capacity of the junction.
196. The Statement confirms that the main vehicular access is from the Carrowreagh Road, and the site access roads are located at least 15m from the existing roads and are designed in accordance with the technical requirements of DfI Roads.
197. Vehicular access to the neighbourhood centre is proposed to be located close to the site entrance in order to minimise cars travelling through the residential area.
198. In terms of servicing, the Design and Access Statement confirms the proposed roads within the development will be designed and built to an adoptable standard, facilitating access for refuse/recycling vehicles.
199. The neighbourhood centre has been designed with a servicing area to ensure all servicing for the units can be carried out within the site and that there are no restrictions to providing emergency access within the development.

200. In terms of pedestrian access, this is provided from the Upper Newtownards Road directly into to the neighbourhood centre. Footpaths and shared surfaces are proposed throughout the site thereby promoting the movement of pedestrians, whilst facilitating vehicular movement where required.
201. In terms of public transport the proposed development promotes and enhances the use of sustainable modes of transport. Users of the development have access to public transport routes along the Upper Newtownards Road passing the southern boundary of the site, with bus stops located in close proximity to Ballyoran Lane and Carrowreagh Road.
202. The site is also within 800 metres of the Glider Dundonald terminus, where rapid regular buses provide a direct link to and through Belfast. In addition to the glider option, Ulsterbus services connect the site to Newtownards and beyond (for example Portaferry, Ballywalter, Millisle).
203. A Transport Assessment and Transport Assessment Form were submitted for consideration with the application. This concluded that the network has adequate capacity to accommodate the traffic generated by the proposed development as long as the improvements mentioned above were completed.
204. A road safety audit and a number of consultations with DFI Roads resulted in the junction improvements at Barllyoran Lane being removed. The Transport Assessment modelling in its current form concluded that the geometry is satisfactory after issues were raised that the suggested improvements would compromise the safety of the junction.
205. All dwellings have two in curtilage parking spaces with a further 73 visitor parking spaces identified throughout the development.
206. The 58 apartments have 87 unassigned parking spaces, giving a rate of 1.5 spaces per apartment.
207. The business units have 121 assigned and unassigned parking spaces which provides the necessary standards.
208. The local neighbourhood centre includes 51 parking spaces and a further 12 spaces at the pumps. Within these spaces are 4 disables spaces. There are three electric charging points and 10 cycle spaces.

Natural Heritage

209. The site is not located in an area of sensitivity and was not submitted with any ecological information. From inspection there does not seem to be any indication of ecological importance on the site being inner urban and

already having been developed. The only vegetation is along the boundaries much of which is to be retained.

210. A consultation with Natural Heritage was undertaken and referred only to standing advices.
211. A consultation with Shared Environmental services indicted the need for an HRA given the sites connection to Strangford Lough.
212. SES have undertaken an HRA on behalf of the council and have not raised any objection.

Flooding and Drainage

213. In relation to drainage, a drainage assessment and addendum were submitted with the application and a number of consultations undertaken with Rivers Agency.
214. In the final response rivers agency commented that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. There is an undesignated watercourse at the north-west corner of the site. The site may be affected by undesignated watercourses of which they have no record.
215. Rivers Agency advised that in relation to policy FLD1 Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that western boundary of the development lies within the 1 in 100 year strategic flood plain. As there is a significant bank elevation at the area of the western boundary a Flood Risk Assessment is not required on this occasion.
216. In relation to FLD 2 Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973. There is an undesignated watercourse at the north-west corner of the site. The site may be affected by undesignated watercourses of which we have no record. Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times.
217. Rivers Agency comment in relation to FLD 3 Development and Surface Water –DfI Rivers, while not being responsible for the preparation of the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions. The Drainage Assessment states that the drainage design is preliminary, therefore DfI Rivers requests that the Planning Authority includes a final drainage assessment by way of condition as part of its planning permission if granted.

218. Rivers Agency granted Schedule 6 discharge consent at brownfield rate of 990.8l/s to the undesignated section of the Carrowreagh Stream and confirmed that they are satisfied that your proposals will not render the watercourse less effective for drainage purposes.
219. There is no documented evidence of flooding in the area, however a large portion of the site is estimated to be in an area of surface water, however this will be eradicated with adequately proposed site storm drainage post development. It is proposed to construct new storm sewers to serve the development. Using MicroDrainage modelling software, Marrac Design simulated the proposed storm sewer network and tested it to the requirements of Sewers for Adoption NI.
220. The Drainage Assessment stated that post development it is proposed to introduce landscaped amenity space into the overall development and increase the amount of landscaped areas in general. Therefore, post development run-off rates will reduce from existing. As such, no storm attenuation is proposed.
221. NI Water were also consulted extensively throughout the application process recommending refusal of the application. In January 2022 NI Water issued a Solution Engineer Report recommending high level storm off-setting options to allow the foul discharge from this proposal to connect to the existing public wastewater network. The Drainage Consultant carried out extensive on-site survey work and in discussions with NI Water has developed an acceptable solution which will enable NI Water to approve a foul connection.
222. NI Water confirmed that they were therefore content to amend its original response from a recommendation to refuse to a recommendation to approve with a negative condition that no properties shall be occupied until the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered and operational.
223. Water Management Unit were consulted and raised the following issues that the additional sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Kinnegar waste water treatment works (WWTW).
224. Water Management Unit recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW and associated sewer network will be able to cope with the additional load or whether the existing WWTW or network would need to be upgraded.
225. WMU states that if NIW indicate that the WWTW and network is able to accept the additional load, with no adverse effect on the operation of the WWTW and network or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to this aspect of the proposal.

226. Furthermore WMU recommended a condition that the drainage for the Petrol Filling Station must be constructed in accordance with the agreed drainage plan.
227. As detailed above, NIW have subsequently confirmed that they are content.

Contaminated Land

228. The Design and Access Statement advises that the site was previously used as an industrial factory site. A Generic Quantitative Risk assessment Report and Remedial Strategy Report were submitted with the application.
229. The Councils Environmental Health and NIEA Regulation Unit were consulted and commented that the The GQRA is informed by two phases of site investigations and environmental monitoring from 2010 and 2017. The risk assessment identifies a hotspot of soil contamination which may also be impacting the shallow groundwater in a localised area of the site. An area of nickel impacted soil/made ground is also identified which could be a risk to human health receptors. A remedial strategy has been provided for the potential risks identified which includes provisions to remove the hotspot area, use clean cover soils for the nickel impacted soils and provides provisions for ground gas protection to the development.
230. Regulation Unit Land and Groundwater Team offer no objections to the development provided the remedial strategy provided by RPS is implemented fully and verified subject to conditions.
231. EHO final comments have also confirmed that they have no objections subject to condition.

Conclusions

232. This report is provided to alert the members to the matters to be weighed in the application process and provides opportunity to explore the facts.
233. Drawn to the members attention is:
- the need to reconcile the policy position against the other material considerations raised in terms of the viability of retaining this land solely for the purpose of economic use; and
 - to consider how the environmental information, other reports and advice of the consultees informed the application process.

234. Further reports will be brought to the planning committee for decision detailing the officer's recommendation taking account of all the evidence presented to the planning authority for consideration.

Site Location Plan – LA05/2021/0033/F

