



August 29th, 2023

Chairman : Alderman M Gregg

Vice Chairman : Councillor U Mackin

Aldermen : O Gawith and J Tinsley

Councillors : D Bassett, S Burns, P Catney, D J Craig, A Martin, G Thompson and N Trimble

Notice of Meeting

A meeting of the Planning Committee will be held on **Monday, 4th September 2023 at 10:00 am**, in the **Council Chamber and Remote Locations** for the transaction of business on the undernoted Agenda.

David Burns
Chief Executive

Agenda

1.0 Apologies

2.0 Declaration of Interests

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

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

3.0 Minutes of the Planning Committee Meeting held on 7 August, 2023 - FOR ADOPTION

📄 *PC 07.08.2023 - Draft Minutes for Adoption.pdf*

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4.0 Report from the Head of Planning and Capital Development

4.1 Schedule of Applications to be Determined - FOR DECISION

📄 *Item 1 - Schedule of Applications.pdf*

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- (i) LA05/2023/0161/F - Nine Industrial Units (Class B1b, B1c, B2, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works at Lands at Comber Road, Dundonald (North of Comber Road and South of the Comber Greenway)

📄 *Appendix 1.1 - DM Officer Report - LA0520230161F - FINAL.pdf*

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- (ii) LA05/2023/0252/F - Proposed industrial unit, associated storage yard, landscaping and ancillary site works at Lands approximately 130 metres northeast of 20 Glenavy Road, Moira

📄 *Appendix 1.2 - DM Officers Report - LA0520230252F - Fane Valley - FINAL....pdf*

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- (iii) LA05/2018/0862/F - Proposed infill site for two dwellings with detached garages between 26 & 30 Magheraconluce Road, Hillsborough

📄 *Appendix 1.3 - DM Officer Report - LA0520180862F - Magheraconluce Road -...pdf*

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- (iv) LA05/2022/0613/F - Proposed change of house type for application
LA05/2017/0814/F - Dwelling and detached garage to include stables and garden store 40 metres South-East of 3 Aghalee Road, Lower Ballinderry, Lisburn

📄 *Appendix 1.4 - DM Officer Report - LA0520220613F CoHT Aghalee Rd - FINAL...pdf*

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- (v) **LA05/2022/0033/F - Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road (amended proposal) at Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg**
 □ *Appendix 1.5 - DM Officer Report - LA0520220033F - Quarterlands - FINAL....pdf* Page 173
- (vi) **LA05/2020/0420/O and LA05/2020/0421/O - Site for dwellings, garages and associated site works due north of 68 Gregorlough Road, Dromore**
 □ *Appendix 1.6(a) - LA0520210421 and 0420 - Gregorlough Road - Addendum -...pdf* Page 221
- *Appendix 1.6(b) - Report of Site Meeting - 16 08 2023 - Gregorlough Road...pdf* Page 224
- *Appendix 1.6(c) - LA0520200420 Gregorlough Road Infill Dwelling - FINAL.PDF* Page 227
- *Appendix 1.6(d) - LA0520210421 - Gregorlough Road Infill Dwelling - FINA....pdf* Page 258
- (vii) **LA05/2022/0272/F - Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira**
 □ *Appendix 1.7 - DM Officer Report - LA05.2022.0272.F - Halfpenny Gospel H...pdf* Page 289

4.2 Submission of Pre-Application Notice (PAN) for proposed extension to Sprucefield Park, comprising new retail warehouse units, hotel, restaurant and cafe/restaurant pod, car parking, site accesses, landscaping and all associated site works - FOR NOTING

- *Item 2 - Submission of PAN LA0520230635 PAN.pdf* Page 320
- *Appendix 2(a) - Report in relation to LA0520230635PAN - FINAL.pdf* Page 322
- *Appendix 2(b) - LA05 2023 0635 PAN Form.pdf* Page 326
- *Appendix 2(c) - LA05 2023 0635PAN site location plan 01.pdf* Page 330

4.3 Appeal Decision - LA05/2020/0722/O - FOR NOTING

- *Item 3 - Appeal Decision - LA052020722O.pdf* Page 331
- *Appendix 3 - Appeal Decision - LA0520200722O.PDF* Page 333

4.4 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights - FOR NOTING

5.0 Any Other Business

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LISBURN & CASTLEREAGH CITY COUNCIL

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Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 7 August, 2023 at 10.11 am**PRESENT IN CHAMBER:**

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

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

IN ATTENDANCE:

Director of Regeneration and Growth
 Head of Planning & Capital Development
 Principal Planning Officer (RH)
 Senior Planning Officer (RT)
 Member Services Officers

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies** (00:02:14)

There were no apologies.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

2. **Declarations of Interest** (00:03:18)

The following declarations of interest were made:

- Alderman O Gawith in respect of planning application LA05/2022/0272/O, given that he had discussed some details of the application with the applicant and his agent and, therefore, could be viewed as having already formed an opinion; and
- Councillor S Burns in respect of item 4.3 “Submission of Pre-Application Notice (PAN) for a proposed change of house type for circa 88 dwellings previously granted planning permission under LA05/2017/1153/F and ancillary works including car parking, detached garages, landscaping, access arrangements and associated site works”, given that she had been contacted by the agent, although she had given neither comment nor opinion.

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2. Declarations of Interest (Contd)

Councillor D J Craig stated that he had been advised that an individual registered to speak on a number of applications at today's meeting worked on behalf of the Alliance Party in respect of elections and the bill for his work was paid by Party Members. He asked if this was an issue that Alliance Party Members who sat on the Planning Committee should declare an interest in.

The Chairman, Alderman M Gregg, stated that this was not something he was aware of. Other Members concurred.

"In Committee"

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett and agreed to go "into committee" in order that legal advice could be sought on this matter. Those members of the press and public in attendance left the meeting (10.17 am).

Advice was provided by the Legal Advisor on this matter. Advice in relation to interests and planning can be found at Part 9 of the NI Local Government Code of Conduct for Councillors.

Resumption of Normal Business

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett and agreed to come out of committee and normal business was resumed (10.26 am).

The Chairman, Alderman M Gregg, advised that the applications in question were scheduled for consideration after lunch. This would afford Members time to consider information that had been brought to light and declarations of interest could be made at that time, if necessary.

3. Minutes of Meeting of Planning Committee held on 17 July, 2023 (00:06:38)

It proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 17 July, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:06:59)

4.1 Schedule of Applications (00:07:07)

The Chairman, Alderman M Gregg, advised that there was one major application and five local applications on the schedule for consideration at the meeting.

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4.1.1 Applications to be Determined (00:07:55)

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

- (i) LA05/2022/0830/F – Demolition of existing buildings/structures and erection of mixed use development comprising mixed tenure residential development comprised of 36 dwelling houses, 55 apartments and 2 maisonettes; 6 Class B industrial/employment units (total 1,098 sq. metres) with service yard; 3 flexible work spaces/WiFi hubs (total 300 sq. metres); 2 take away coffee pod units; private, communal and public space, landscaping, cycle and car parking, associated site works and infrastructure and access arrangements from Moira Road at lands at 160 Moira Road, Lisburn (00:09:01)

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

The Committee received Mrs S Murphy, together with Messrs H McConnell, M McGuinness and A Best, in order to speak in support of the application. A number of Members' queries were addressed.

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

Debate

During debate, whilst Members were largely supportive of the application, a number expressed concerns in relation to car parking provision and the management of car parking, especially given the potential for railway users taking up residential spaces and park illegally on the roadside.

The Head of Planning & Capital Development stated that measures could be put in place to allow some control to be exercised over parking in the future in order to prevent a situation that would give rise to conflict between residents and other users. He further stated that the Department for Infrastructure (DfI) would only adopt those parts of the road which were public and could control and manage parking on those areas being adopted through the Private Streets Order. The balance of the parking will be managed by the developer via a management company.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve the application, the voting being 8 in favour and 3 against.

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Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (12.02 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (12.14 pm).

- (ii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (01:40:36)

Having declared an interest in this application, Alderman O Gawith did not return to the meeting at this point.

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

The Committee received Mr S Wilson in order to speak in support of the application. A number of Members' queries were addressed.

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

Debate

During debate, Councillor N Trimble stated that he was not in agreement with the recommendation of the Planning Officer to refuse this application and cited a number of reasons for this.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to not adopt the recommendation to refuse the application, the voting being 4 in favour and 6 against.

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble and seconded by Councillor U Mackin that the application be approved with the following reasons being offered:

- the distinction between urban and rural had already been marred at this location and this provided an opportunity to approve under CTY8 and COU8 as the gap did constitute an infill. Although it was implied, policy did not explicitly state that buildings had to be in the rural context and, in this case, the context had already been blurred and that would permit development at the site;
- the application complied with COU15 as the proposed buildings did not constitute a prominent feature on the landscape having regard to the nature and scale of the adjacent Gospel Hall;

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(ii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (Contd)

- reference was made to a paragraph within a statement by Mr Justice Scoffield in respect of an ongoing Judicial Review was that “Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage)”. Within this context, it was considered that, nothing would be lost in terms of open countryside or rural character.

The Head of Planning & Capital Development stated that the reasons cited were not sufficient in that all of the parts of the policy were not engaged by Councillor Trimble and that all the reasons for refusal must be considered if Members were to pursue an overturn. He pointed out that the Protocol for Operation of the Planning Committee stated that “Deferral of a decision to a later Committee meeting can however also be used to allow time for reflection, where the Committee is minded to pursue an opinion contrary to the Officer recommendation. This can allow time to reconsider, manage the risk associated with the action, seek legal advice and ensure that Planning Officers can provide additional reports and draft reasons for refusal”.

Councillor P Catney proposed that the application be deferred in line with the Protocol for the Operation of the Planning Committee, as outlined above. The Chairman, Alderman M Gregg, suggested that, at this stage, it may be prudent to go “into committee” in order to seek legal advice.

“In Committee”

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed to go “into committee” in order that legal advice could be sought on this matter. Those members of the press and public in attendance left the meeting (1.31 pm).

Advice was provided by the Legal Advisor on this matter as well as the Director of Regeneration and Growth and the Head of Planning & Capital Development.

Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed (2.00 pm).

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and unanimously agreed that the application be deferred in line with the paragraph 62 of the Protocol for the Operation of the Planning Committee to allow time to reflect and take advice if required.

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Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (2.05 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (2.36 pm).

Alderman O Gawith returned to the meeting at this point.

At this stage, the Chairman, Alderman M Gregg, referred to concerns raised earlier in the meeting regarding an individual registered to speak on a number of applications at today's meeting working on behalf of the Alliance Party in respect of elections. He confirmed that the individual in question was a contractor who erected posters for multiple political parties. The posters were party slogan posters and not related to individual candidates. He was not a member of the Alliance Party and had no formal relationship with the Party or its political representatives. As a contractor, Councillors had no relationship with the person in question. Alliance Party Members who sat on the Planning Committee consistently made planning decisions based on planning policy, not on Alliance Party policy, and Alderman Gregg therefore did not consider a need to declare an interest where applications arose concerning the individual referred to. Alderman O Gawith and Councillor G Thompson concurred with the comments made by the Chairman.

- (iii) LA05/2017/0633/O – Proposed two infill dwellings and garages adjacent to 11 Magheraconluce Lane (02:59:31)

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

There were no individuals registered to speak in respect of this application.

There were no questions to Planning Officers.

Vote

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

- (iv) LA05/2022/1023/O – Site for one detached dwelling with associated site works at lands 20 metres south east of 50 Back Road, Drumbo, Lisburn (03:09:50)

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

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- (iv) LA05/2022/1023/O – Site for one detached dwelling with associated site works at lands 20 metres south east of 50 Back Road, Drumbo, Lisburn (Contd)

The Committee received Mr J Forker in order to speak in support of the application. A number of Members' queries were addressed.

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

Vote

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

- (v) LA05/2020/0421/O – Site for a dwelling, garage and associated site works 65 metres due north of 68 Gregorlough Road, Dromore

and

- (vi) LA05/2020/0420/O – Site for a dwelling, garage and associated site works 35 metres due north of 68 Gregorlough Road, Dromore (03:37:10)

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

The Committee received the following:

- Mr G Duff and Mr M Turner to speak in opposition to the applications; and
- Mr N Coffey to speak in support of the applications.

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

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

In light of comments made in relation to vegetation and visual linkage at the proposed location, it was proposed by Alderman O Gawith, seconded by Councillor U Mackin and, on a vote being taken, agreed that these applications be deferred for a site visit, the voting being 9 in favour and 2 against.

- 4.2 Submission of Pre-Application Notice (PAN) for Proposed Cemetery and Ancillary Works including Landscaping, Internal Access Roads and Railway Underpass. Principal Site Access from Established Access Point on Lisburn Road, Emergency-Only Access onto Lisnabilla Road (04:32:32)

Members having been provided with a copy of the above PAN, it was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

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- 4.3 Submission of Pre-Application Notice (PAN) for a Proposed Change of House Type for Circa 88 Dwellings Previously Granted Planning Permission under Application LA05/2017/1153/F and Ancillary Works Including Car Parking, Detached Garages, Landscaping, Access Arrangements and Associated Site Works (04:34:45)

Members having been provided with a copy of the above PAN, it was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.4 Submission of Pre-Application Notice (PAN) for Application Under Section 55 of the Planning Act 2011 for Retrospective Planning Permission for the Retention of an Earthen Screening Bund and Associated Woodland Planting Located along the Western Extents of Temple Quarry, Ballycarnannon Road, Lisburn (04:37:18)

Members having been provided with a copy of the above PAN, it was proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.5 Submission of Pre-Application Notice (PAN) for Proposed Change of Use of Existing Building from Call Centre (B1) to General Industrial (B3) Including Alterations to Building Elevations at Ballyoran Lane, Dundonald (04:38:22)

Members having been provided with a copy of the above PAN, it was proposed by Councillor D Bassett, seconded by Councillor G Thompson and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.6 Appeal Decision – LA05/2020/0862/O (04:41:49)

It was proposed by Councillor N Trimble, seconded by Alderman O Gawith and agreed to note the information set out the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

- 4.7 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (04:41:49)

It was proposed by Councillor D Bassett, seconded by Alderman O Gawith and agreed to note from the report, information regarding notification by telecommunication operators to utilise Permitted Development Rights at a number of locations.

5. Any Other Business (04:43:49)

There was no other business.

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Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (4.22 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (4.30 pm).

6. Confidential Business (04:43:56)"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that the following matter be considered "in committee". Those members of the press and public in attendance left the meeting (4.30 pm).

- 6.1 Legal Advice in Respect of a Decision of the Planning Appeals Commission to Approve Planning Permission for Housing at Wallace High School (Appeal Ref: 2021/A0230)
(Report will not be made available)

Members having been provided with a copy of legal advice regarding the above matter, it was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that it be noted and that no further action be taken.

In response to comments made regarding Dfl policies, the Director of Regeneration and Growth agreed to raise this matter at his next meeting with the Eastern Division Roads Manager.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (4.53 pm).

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 4.53 pm.

Chairman/Mayor

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| Committee: | Planning Committee |
| Date: | 4 September 2023 |
| Report from: | Head of Planning and Capital Development |

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

1.0 **Background**

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

Key Issues

1. The applications are presented in accordance with the current scheme of delegation. There are two major applications and six local applications, two of which have been Called In, one which is referred by exception and three that are deferred from the previous committee meeting.
 - (a) LA05/2023/0161/F - Erection of 9 industrial units (Class B1b, B1c, B2, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works (alterations to planning permission LA05/2017/1153/F) on Lands at Comber Road Dundonald (north of Comber Road and south of the Comber Greenway).
Recommendation – Approval
 - (b) LA05/2023/0252/F – Proposed industrial unit, associated storage yard, landscaping and ancillary site works on Lands approximately 130 metres northeast of 20 Glenavy Road, Moira.
Recommendation – Approval
 - (c) LA05/2018/0862/F - Proposed infill site for 2 no dwellings with detached garages on lands Between 26 & 30 Magheraconluce Road, Hillsborough.
Recommendation – Refusal

- (d) LA05/2022/0613/F - Proposed change of house type in substitution for previously approved dwelling and detached garage to include stables and garden store on lands 40 metres South-East of 3 Aghalee Road, Lower Ballinderry, Lisburn.
Recommendation – Approval
- (e) LA05/2022/0033/F - Erection of 17 detached dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road, north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park Drumbeg.
Recommendation – Approval
- (f) (i) LA05/2020/0420/O – Site for a dwelling, garage and associated site works 35m due north of 68 Gregorlough Road Dromore.
Recommendation – Approval
- (f) (ii) LA05/2020/0421/O - Site for a dwelling, garage and associated site works 65m due north of 68 Gregorlough Road, Dromore.
Recommendation – Approval
- (g) LA05/2022/0272/F - Proposed two detached dwellings on lands between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira.
Recommendation – Refusal

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

2.0 **Recommendation**

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

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3.0 **Finance and Resource Implications**

Decisions may be subject to:

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

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

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

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| 4.0 | <u>Equality/Good Relations and Rural Needs Impact Assessments</u> | |
| 4.1 | Has an equality and good relations screening been carried out? | No |
| 4.2 | <p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p> | |
| 4.3 | Has a Rural Needs Impact Assessment (RNIA) been completed? | No |
| 4.4 | <p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>The policies against which each planning application is considered have been subject to a separate screening and/or assessment for each application. There is no requirement to repeat this for the advice that comes forward in each of the appended reports.</p> | |

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| Appendices: | <p>APPENDIX 1.1 – LA05/2023/0161/F</p> <p>APPENDIX 1.2 – LA05/2023/0252/F</p> <p>APPENDIX 1.3 – LA05/2018/0862/F</p> <p>APPENDIX 1.4 – LA05/2022/0613/F</p> <p>APPENDIX 1.5 – LA05/2022/0033/F</p> <p>APPENDIX 1.6 (a) – LA05/2020/0420/O and LA05/2020/0421/O</p> <p>APPENDIX 1.6 (b) – Site visit report</p> <p>APPENDIX 1.6 (c) – officer report 3/7/23</p> <p>APPENDIX 1.6 (d) – officer report 7/8/23</p> <p>APPENDIX 1.7 – LA05/2022/0272/F</p> |
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Lisburn & Castlereagh City Council

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|---------------------------|--|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 04 September 2023 |
| Committee Interest | Major |
| Application Reference | LA05/2023/0161/F |
| Date of Application | 31 January 2023 |
| District Electoral Area | Castlereagh East |
| Proposal Description | Nine Industrial Units (Class B1b, B1c, B2, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works |
| Location | Lands at Comber Road, Dundonald (North of Comber Road and South of the Comber Greenway) |
| Representations | None |
| Case Officer | Mark Burns |
| Recommendation | Approval |

Summary of Recommendation

1. This is a major application. It is presented to the Planning Committee with a recommendation to approve as it complies with Strategic Policy 04 and 11 and Policy ED1 of the draft plan Strategy as modified in that it involves a proposal for Class B1b, B1c, B2, B3 and B4 employment uses on land zoned for employment use in the local development plan.
2. The recommendation is also subject to a deed of variation to a Section 76 Agreement in relation to a previous history of approval [LA05/2017/1153/F] for a different mix of employment uses.
3. The proposal complies with policy ED9 of the draft Plan Strategy as modified as the detail submitted with the application demonstrates how the general criteria for economic development have been met to ensure that any adverse effects on the amenities of adjacent properties and the natural and historic environment are minimised.
4. The proposal complies with policy TRA2 of the draft Plan Strategy (as modified by the Direction of the Department) in that it is considered that adequate detail

has been provided to demonstrate that the creation of a new access onto a public road will assist with the movement of traffic into and out of the site without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

5. The proposal also complies with the requirements of policy TRA3 of the draft Plan Strategy (as modified by the Direction of the Department) in that the Comber Road is a protected route in a settlement and it is demonstrated the proposed access arrangements cannot be taken from a minor road which is through a proposed housing development. DfI Roads also previously agreed the exception on the basis of significant improvements to the Comber Road including the construction of a right turn pocket. This requirement still applies.
6. The proposal complies with policy TRA7 of the draft Plan Strategy (as modified by the Direction of the Department) in that the detail demonstrates that an acceptable level of car parking is provided and that there adequate servicing provision within each of the employment areas.
7. The proposal also complies with the SPPS and Strategic Policy 06 and Policy NH5 of draft Plan Strategy (as modified by the Direction of the Department) in that the Preliminary Ecological Appraisal report and outline Construction Environmental Management Plan demonstrates that appropriate mitigation and/or compensatory measures have been proposed to outweigh the impact on priority habitats and priority species.
8. The proposal also complies with Policy FLD3 of draft Plan Strategy (as modified by the Direction of the Department) in that development is capable of being carried out without impacting on existing surface water drainage infrastructure and causing flooding in the drainage network.
9. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 of the SPPS in that it will not present any significant impacts in respect of Noise and Contamination.

Description of Site and Surroundings

Site Context

10. The site is located to the north of the A22 Comber Road at the southern limits of Dundonald and comprises a 2.44 hectares of previously developed land. The site is scrapped in preparation for development.
11. Access to the site is from the Comber Road. The land within the site is relatively flat. The Millmount Road is located to the north west of the site with the Comber Greenway to the north east.

Surrounding Context

12. To the north and north east lands are in residential use or are being developed for housing. In the wider area, the lands to the south, south east and west of the

site fall outside of the settlement limit and are generally rural in character and in agricultural use.

Proposed Development

13. The proposed development is for the erection of 9 Industrial Units (Class B1b, B1c, B2, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works.
14. A deed of variation is submitted in support of the application as there is a previous history of planning permission subject to a Section 76 planning agreements and this proposal changes the number and mix of employment units associated with application LA05/2017/1153/F.
15. The application is also supported with the following documents:
 - Pre-Application Community Consultation Report
 - Design and Access Statement
 - Transport Assessment Form
 - Noise Impact Assessment
 - Drainage Assessment
 - Lighting Report
 - Updated Lighting Report
 - Outline Construction Environmental Management Plan
 - Preliminary Risk Assessment
 - Remediation Strategy
 - Preliminary Ecological Appraisal Report
 - Landscape Maintenance and Management Plan

Relevant Planning History

16. The relevant planning history associated with this application is set out in the table below

| Application Reference | Description of Proposal | Decision |
|-----------------------|--|--------------------------------|
| Y/2002/0297/O | Site for residential development and ancillary works | Withdrawn May 2004 |
| Y/2010/0081/O | Proposed key local employment site comprising light industry, storage/distribution call centre and research/development uses, formation of two new access points from Comber Road. | Deemed Refusal July 2014 |

| Application Reference | Description of Proposal | Decision |
|------------------------------|---|------------------------------------|
| Y/2010/0504/F | Access arrangements to proposed employment site | Application withdrawn October 2012 |
| LA05/2016/0002/O | Development of site for residential purposes (housing), public open space, street network to include pedestrian and cycle provision and access to Comber greenway and Billy Neill Soccer Centre, vehicular access onto Comber Road, landscaping and any other necessary works. | Application withdrawn July 2017 |
| LA05/2016/0985/F | Erection of 7 detached dwellings, with car-parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald. | Approved |
| LA05/2017/1153/F | Proposed mixed use development comprising housing (119 units) and 18 no. industrial units (Class B1b/B1c and B2 employment uses) with associated public open space, related access improvements, parking and ancillary site works on lands at Comber Road, Dundonald (North of Comber Road, East of Millmount Road and S of the Comber Greenway). | Approved |

17. The grant of planning permission for mixed use development under application reference LA05/2017/1153/F is an important material consideration. The planning permission is extant and subject to a Section 76 planning agreement that requires the developer to build 18 industrial units in parallel with the 119 dwellings.
18. This application is in effect an amendment to this application as the developer has an end user for part of the land for one much larger unit. Part of the justification is that the same economic benefits are derived even though a smaller number of units are proposed.

Consultations

19. The following consultations were carried out:

| Consultee | Response |
|------------------|-----------------|
| DfI Roads | No Objection |

| Consultee | Response |
|-------------------------------|-----------------|
| LCCC Environmental Health | No Objection |
| NI Water | No Objection |
| Natural Heritage | No Objection |
| Water Management Unit | No Objection |
| Regulation Unit | No Objection |
| Historic Environment Division | No Objection |
| DfI River Agency | No Objection |

Environmental Impact Assessment (EIA)

20. 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.
21. An EIA determination was carried out and it was concluded that given the location, scale and nature of the development 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- Community Consultation

22. The application exceeds the threshold for major development as set out in the Planning (Development Management) Regulations (Northern Ireland) 2015 in that the site is more than two-hectares in size.
23. As a consequence the applicant was required to engage in pre-application community consultation (PACC).
24. A Pre-Application Community Consultation report [January 2023] submitted in support of the application provides a record of the consultation that had taken place to inform interested parties of the details of the proposed development.
25. In this case a public exhibition was held on 24 November 2022 at the Enler Community Centre from 3pm to 7pm to engage interested individuals. The applicant also used online tools as well as remote feedback channels to gather comments on the proposal.

26. A dedicated email address was available for those wishing to make comment or seek more information on the proposed development with a live chat feature added to the consultation website.
27. A public advert notice providing details of the consultation website, online consultation session and how to access hard copies of the papers was published in the Belfast Telegraph on 17 November 2022.
28. An information leaflet was distributed to properties within 300 metres of the proposed development.
29. The format of the report that is submitted with the application in response to the consultation has been prepared in accordance with the Practice Note published by DfI Planning Group and contains the relevant information required. It advises that all feedback received during the consultation period has been recorded and considered as part of the evolution of the design of the proposed scheme.

Planning Policy Context

Local Development Plan

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

LCCC - Draft Plan Strategy 2032

31. On 28 June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
32. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
33. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
34. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
35. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

36. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
37. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.
38. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
39. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

41. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

42. The BUAP identifies the application site as being located outside the settlement limit.
43. Draft BMAP identifies the site [and adjacent lands to the North West] as being located within the settlement limit and zoned for employment uses within the context of designation MCH08.
44. During the course of the Public Inquiry into BMAP, the Commissioner noted that MCH 08 was the only new employment site allocated in Dundonald and that it, along with the existing employment site at Upper Newtownards Road/ Carrowregah Road provided choice and variety for businesses in this part of Castlereagh. The inquiry report also noted that the site allowed for light industrial uses which were not provided for in MCH 07 – Saintfield Road.
45. The Public Inquiry report made reference to a park and ride hub to serve the EWAY rapid transit scheme immediately to the north of the site beyond the Millmount Road.
46. It concluded that in order to facilitate economic growth in line with RDS objectives, the location of this employment site was appropriate as it would be accessed by public transport allowing it to capitalise on the benefits of the EWAY proposal.
47. The view was also expressed that the zoning, along with adjacent housing zonings facilitated a high level of integration between land uses and existing and proposed transport infrastructure.
48. The need for employment land outweighed alternatives put forward in representations for the land to be rezoned, added to a Local Landscape Policy Area or designated as a community woodland.
49. The Department accepted the recommendation of the Planning Appeals Commission in so far as it related to a reduction in size site and inclusion of key site requirements. The site was considered suitable for inclusion within the settlement limit as an employment zoning.
50. Given that draft BMAP and its formal amendment takes account of the recommendations of the PAC Public Inquiry report, significant material weight is given to the site being within the development limits and the being zoned for employment use.
51. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
52. As explained above, this application is for the proposed erection of nine industrial units and of the following strategic policies apply.
53. The strategic policy for Sustainable Development is set out at page 42 of the draft Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

54. The strategic policy for Creating and Enhancing Shared Space and Quality Places is set out at page 43 of the draft Plan Strategy. Strategic Policy 03 – Creating and Enhancing Shared Space and Quality Places states that:

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

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

55. The strategic policy for Supporting Sustainable Economic Growth is set out at page 43 of the draft Plan Strategy. Strategic Policy 04 – Supporting Sustainable Economic Growth states that:

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

56. The strategic policy for Protecting and Enhancing the Environment is set out at page 44 of the draft Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

57. The strategic policy for Economic Development in Settlement Limits is set out at page 76 of the draft Plan Strategy. Strategic Policy 11 Economic Development in Settlements states that:

The Plan will support development proposals that:

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

- d) *provide Class B1 Business within the strategic mixed use sites at West Lisburn/Blaris and Purdysburn/Knockbracken in accordance with key site requirements.*

Economic Development

58. As the proposal comprises development of the land for economic use Policy ED 1 - Economic Development in Cities and Towns of the draft plan strategy states that:

Class B1 Business

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

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

Class B2, Light Industrial, B3 General Industrial and B4 Storage or distribution

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

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

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

59. As part of the employment designation is proposed to be redeveloped for housing under a different planning permission referred to above Policy ED7 - Retention of Zoned Land and Economic Development states that:

Zoned Land in all Locations

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

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

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

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

Unzoned Land in Settlements

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

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

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

60. In consideration of the detail of the proposed employment uses policy ED9 - General Criteria for Economic Development states that:

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

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does **not harm** the water environment*
- f) *it does not create a noise nuisance*

- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
- j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
- k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
- l) *appropriate boundary treatments and means of enclosure are provided and any areas of outdoor storage proposed are adequately screened from public view;*
- m) *it is designed to deter crime and promote personal safety*
- n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;*
- o) **it meets the requirements of Policy NH 1.**

(text in bold is modified by the Direction)

Natural Heritage

- 61. Given this is a large site and demolition is proposed the impact on the natural environment is considered.
- 62. Policy NH 1 – European and Ramsar Sites – International states that:

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

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

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

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

- (a) *There are no alternative solutions.*
- (b) *The proposed development is required for imperative reasons of overriding*

public interest.

- (c) *Compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex 1 or 11 of the habitats directive, a development will only be permitted when:

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

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

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

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

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

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

Access and Transport

64. A new access is proposed to the Comber Road Policy TRA1 - Creating an Accessible Environment states that:

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

- a) *facilities to aid accessibility e.g. level access to buildings, provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions*
 b) *user friendly and convenient movement along pathways and an unhindered approach to buildings*
 c) *priority pedestrian **and cycling** movement within and between land uses*

- d) *ease of access to car parking reserved for disabled or other users, public transport facilities and taxi ranks.*

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

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

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

65. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.
66. Policy TRA 2 – Access to Public Roads states:

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

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

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

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

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

68. The Comber Road is a protected route inside a settlement. Policy TRA3 - Access to Protected Routes states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

*Planning permission will only be granted for a development proposal **in the following circumstances:***

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;***
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and***
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.***

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

(text in bold is modified by the Direction)

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map.

69. Policy TRA6 - Transport Assessment states that

In order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment.

70. The J&A is modified to include the following paragraph

Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximize use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.

(text in bold is modified by the Direction)

71. A car park is provided to service the proposed industrial units.. Policy TRA7 - Car Parking and Servicing Arrangements in New Developments states that:

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

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

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

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

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

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

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

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

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

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

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

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

Historic Environment and Archaeology

73. Policy HE1 The Preservation of Archaeological Remains of Regional Importance and their settings states that

The Council will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance and their settings. These comprise monuments in State Care, scheduled monuments and Areas of Significant Archaeological Interest (ASAs). Development which would adversely affect such sites of regional importance or the integrity of their settings must only be permitted in exceptional circumstances. This approach applies to such sites which, whilst not scheduled presently, would otherwise merit statutory protection.

74. Policy HE2 The Preservation of Archaeological Remains of Local Importance and their Settings states that

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

Flooding

75. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that

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

76. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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

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

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

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

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

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

(text in bold is modified by the Direction)

The approach to the Development Plan and Regional Policy

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

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

78. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

79. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
80. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
81. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.
82. It states that:
- planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. Planning authorities should therefore simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society*
83. Paragraph 3.6 of the SPPS states:
- planning authorities should make efficient use of existing capacities of land, buildings and infrastructure, including support for town centre and regeneration priorities in order to achieve sustainable communities where people want to live, work and play now and into the future. Identifying previously developed land within settlements including sites which may have environmental constraints (e.g. land contamination), can assist with the return to productive use of vacant or underused land. This can help deliver more attractive environments, assist with economic regeneration and renewal, and reduce the need for green field development.*
84. 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.*
85. 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.
86. As previously outlined this is a mixed use proposal and part of the employment designation will be developed for housing. At paragraph 6.89 of the SPPS it is stated that:

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

87. At paragraph 6.91 it is also stated that:

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

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

Regional Policy Context

89. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Planning and Economic Development

90. PPS 4 - Planning and Economic Development sets out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.

91. The PPS seeks to facilitate and accommodate economic growth in ways compatible with social and environmental objectives and sustainable development.

92. Paragraph 3.1 states that the objectives of the PPS are:

- *to promote sustainable economic development in an environmentally sensitive manner;*
- *to tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality, size and location;*
- *to sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;*
- *to support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;*

- *to promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and*
- *to ensure a high standard of quality and design for new economic development.*

93. As this site is located in a settlement Policy PED 1 – Economic Development in settlements is a consideration and it states:

Cities and Towns

Class B1 Business Use

A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

In addition, a development proposal for a Class B1(b) use as a call centre or B1(c) use for research and development proposals will be permitted within an existing or proposed industrial/employment area. Class B1(a) office use will only be permitted in an industrial/employment area when specified in a development plan.

Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

- (a) there is no suitable site within the city or town centre or other location specified for such use in the development plan;*
- (b) it is a firm rather than a speculative development proposal for business use; and*
- (c) the proposal would make a substantial contribution to the economy of the urban area.*

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

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.

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.

94. The site is also existing zoned employment land and 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.

Unzoned Land in Settlements

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

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

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

95. Policy PED 9 - General Criteria for Economic Development is considered and it 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.*

Natural Heritage

96. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.
97. Paragraph 3.1 of PPS 2 states:

The objectives of this Planning Policy Statement are:

- *to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- *to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;*
- *to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*

- *to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;*
- *to protect and enhance biodiversity, geodiversity and the environment; and*
- *to take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

98. Policy NH1- European and Ramsar Sites – International Importance 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*

Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department 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.²⁶ As part of the consideration of exceptional circumstances, where a European or Ramsar site hosts a priority habitat or priority species listed in Annex I or II of the Habitats Directive, a development proposal will only be permitted when:*
- *it is necessary for reasons of human health or public safety or there is a beneficial consequence of primary importance to the environment; or*
- *agreed in advance with the European Commission.*

Habitats, Species or Features of Natural Heritage Importance

99. Policy NH5 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.*

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 sets 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. Paragraph 3.1 of PPS 3 states that:

The main objectives of this Statement are to:

- *promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;*
- *restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes;*
- *make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;*
- *ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;*
- *ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;*
- *promote the provision of adequate facilities for cyclists in new development; promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and*
- *protect routes required for new transport schemes including disused transport routes with potential for future reuse.*

Creating an Accessible Environment

102. Policy AMP 1 – Creating an Accessible Environment states that:

The Department’s aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with

disabilities and others whose mobility is impaired in the design of new development. Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- *facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;*
- *convenient movement along pathways and an unhindered approach to buildings;*
- *pedestrian priority to facilitate pedestrian movement within and between land uses; and*
- *ease of access to reserved car parking, public transport facilities and taxi ranks.*

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Access to Public Roads

103. 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.*

104. The policy also states that:

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- *the nature and scale of the development;*
- *the character of existing development;*
- *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
- *the location and number of existing accesses; and*

- *the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.*

105. Policy AMP 3 – Access to Protected Routes states:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) *A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) *A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) *A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) *Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

Other Protected Routes – Within Settlement Limits

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

- (a) where access cannot reasonably be taken from an adjacent minor road; or
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points. The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

Access, Movement and Parking Clarification of Policy AMP 3: Access to Protected Routes

106. This document provides clarification to Policy AMP 3: Access to Protected Routes of PPS 3 'Access, Movement and Parking', published in February 2005, and must be read in conjunction with the policies contained within this PPS.

107. The policy as clarified states:

The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and ByPasses – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) *A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) *A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) *A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*

- (d) *Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

Other Protected Routes – Within Settlement Limits

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

- (a) *where access cannot reasonably be taken from an adjacent minor road; or*
 (b) *in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.*

The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

Transport Assessment

108. Policy AMP 6 Transport Assessment states that:

In order to evaluate the transport implications of a development proposal the Department will, where appropriate, require developers to submit a Transport Assessment.

Car Parking and Servicing Arrangements

109. Policy AMP 7 - Car Parking and Servicing Arrangements 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 standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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.*

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.

Cycle provision

110. Policy AMP 8 - Cycle Provision states that:

Planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- (a) *safe and convenient cycle access;*
- (b) *safe, convenient and secure cycle parking having regard to the Department's published standards; and*
- (c) *safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.*

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

Design of Car Parking

111. Policy AMP 9 Design of Car Parking states:

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) *it respects the character of the local townscape / landscape;*
- (b) *it will not adversely affect visual amenity; and*
- (c) *provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.*

Development Control Advice Note 15 – Vehicular Access Standards

112. The guidance for Vehicular Access Standards are set out in Development Control Advice Note 15 and it stated at paragraph 1.1 that:

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

Parking Standards

113. The Parking Standards document provides relevant guidance for the parking requirement for the non-residential component of the proposed development sets out the parking standards that the Department will have regard to in assessing proposals for new development.

114. Paragraph 3 of the document states that the:

The principle objective of the parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of wider government policy aimed at promoting modal shift to more sustainable forms of transport.

115. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to these standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Historic Environment and Archaeology

116. PPS 6 - Planning, Archaeology and the Built Heritage sets out policies for the protection of our archaeology and built heritage.

117. Policy BH 1– Preservation of Archaeological Remains of regional and local importance states that

planning authorities Department will operate a presumption in favour of the physical preservation in situ of archaeological remains of regional importance/local and their settings.

118. Policy BH2 - The Protection of Archaeological Remains of Local Importance and their Settings states that

Development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

Planning and Flooding Risk

119. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to

flooding is a material consideration in the determination of planning applications.

120. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that the

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

121. 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 hardsurfacing 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.

Assessment

ED1 Economic Development in Cities and Towns

122. The application is for nine industrial units within the settlement Limit of Metropolitan Castlereagh on land zoned for employment under zoning MCH 08.

123. The planning history is an important material consideration as the site currently has planning permission under an extant permission for eighteen industrial units with access onto the Comber Road that is part of a much larger mixed use development. The approved units are of equal size and would provide approximately 152 square metres of floor space each or 2736 square metres in total.
124. The applicant having marketed the site seeks to develop a scheme which is more reflective of demand in this part of the Council Area. The scheme is designed in respect to this advice and proposes a variety of unit sizes of which a number are larger in floor space than proposed in the extant permission.
125. The proposed scheme in effect seeks a revision of the approved element of the earlier grant of planning permission for mixed use development. A greater range of employment use classes are also proposed which include Class B1b [Call Centre], B1c [research and development], B2 [Light Industrial], B3 [General Industrial] and B4 [Storage and Distribution].
126. As industrial and business use are still proposed on zoned employment land and the site area is not changed from the earlier permission the policy requirements of ED1 are considered to be met.

ED9 General Criteria for Economic Development

127. Of the nine units proposed the largest unit 1 to the north of the site will provided 1986 square metres of floor space, split between two floors. It is 10.3 metres in height which is a modest increase when compared to the units approved. Units 2 and 3 are positioned centrally within the site and provided 645 square metres floor space each split between ground floor and mezzanine levels.
128. Along the Comber Road boundary to the site, to the south, there is a block of 6 units proposed of approximately 233 square metres of floor space each including mezzanine level. Overall, the proposed scheme represents an increase of over 1900 square metres in floor space (principally made up of the second floor accommodation).
129. As a consequence of the change in size and mix of the units the internal road layout and parking requirement is amended and this is discussed later in the report.
130. The remainder of the site is approved housing and whilst not yet developed, the proposal is designed to be compatible with surrounding this adjacent use. Criteria (a) is met.
131. Unit 1 is located approximately 25 metres from the closest residential unit at site 4 of the proposed housing scheme and some 100 metres from the established residential units on the other side of the Comber Greenway.
132. The proposed site plan shows a 10 metre planted earth berm to the west of the site with a 3 metre high acoustic fence extending along its length. A noise impact

assessment assumes that there will not be any Forklift Trucks [FLT's], the doors to the units will remain closed, the walls are block built, no external plant and that there is no character to the noise. The internal noise levels associated with the industrial units has also been assumed as 80dB. Without knowledge of the type of industry associated with the B3 uses, it is difficult to confirm if this noise level will be representative.

133. With regard to the light industrial unit (B1 and B2) which can be carried out without detriment to amenity by reasons of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit' advice from Environment health indicates that such uses may cause a loss in amenity. That said, and in the absence of information of end users at this stage, it is recommended that the applicant will need to demonstrate that these units can operate without any detriment to amenity by reasons of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit prior to them becoming operational.
134. Based on a review of the information, advice from statutory consultees and having regard to the planning history which allows for 18 units [B1b, B1c and B2] it is accepted that the proposed development will not harm the amenities of nearby residents nor is it likely to create a noise nuisance. Furthermore, the submitted Construction Environmental Management Plan (CEMP) demonstrates how emissions or effluent will be managed and how consent has been secured to allow for discharge of surface water to adjacent watercourse to the north. Criteria (b), (e), (f) and (g) are considered to be met.
135. With regard to criteria (c), the assessment below within the context of Natural Heritage and Historic Environment and Archaeology considerations demonstrates that the proposed development will not adversely affect features of the natural or historic built environment.
136. The site lies outside the 1 in 100 year fluvial flood plain and as such, criteria (d) is considered to be met.
137. For the reasons outlined within the context of Access and Transport considerations, criteria (h), (i) and (j) are met as the information demonstrates that that the existing road network has the capacity to accommodate the anticipated movement of traffic into and out of the site and that adequate access arrangements, parking and manoeuvring areas are provided. Furthermore and for the reasons outlined later in the report, a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, waling and cycling provision forms part of the development.
138. It is also demonstrated that the units have been designed to be sympathetic to the location of the site given its proximity to existing housing adjacent to the site residential areas on two sides and open countryside on the balance of the surrounding lands. The height of the buildings a maximum of two storeys but his will be obvious from the layout and arrangement of the buildings. The units that front onto the Comber Road have vertical glazing features along with a mix of high quality cladding, render and block finishes to provide visual interest and reduce visual impact when viewed from the public vantage point of Comber Road. Solar PV panels will make the development more sustainable. .

139. A landscape layout plan and maintenance and management plan have been provided in support of this application. The aim of these proposals is to create an attractive, high quality landscape setting for the development.
140. Existing trees and hedges to the northern boundary with the Comber Greenway and the eastern boundary to the countryside are to be retained providing appropriate enclosure and the boundary fencing to each pocket of employment serves to deter crime and promote personal safety.
141. New planting is shown along the roadside boundary and the boundary with the adjacent residential development to the west. The structure and boundary planting comprises native and ornamental shrub species with feathered trees to the boundaries to visually integrate the proposed built form with its setting whilst providing shelter and scale to the development. Areas of parking are also softened with planting.
142. For the reasons outlined above, the proposal is considered to comply with criteria (k), (l), (m) and (n) of Policy ED9 of the draft Plan Strategy as modified.
143. Criteria (n) is not engaged as the Preliminary Ecological Appraisal indicates that the site of the proposed project is not located within the boundary of statutory or non-statutory designated sites of international, national or local nature conservation importance.
144. Based on a review of the information and for the reasons set out above, the policy tests associated with ED9 are capable of being met in full.

Natural Heritage

145. A Preliminary Ecological Appraisal of the proposed development at Comber Road was carried out by RPS. The report confirms at paragraph 6.1 that the site of the proposed development is not located within any statutory or non-statutory designated sites. The Policy tests associated with Policy NH1 are not considered to be engaged.
146. The closest designates sites are at the Strangford Lough SAC, Strangford SPA and the Strangford Ramsar site which are located 5.7km east from the site and 6.2km hydrologically linked to the site via a drain that flows into the River Enler which flows north east approximately 45 metres north east of the site boundary.
147. The Ecological appraisal report explains that the development has been designed to retain existing tree group within the semi natural woodland in the east of the site with this woodland habitat identified as having the potential to offer habitat for common and widespread bird assemblages.
148. The appraisal report also indicates that the site has the potential to provide moderate habitat for foraging and commuting bats and recognises that construction and operational phases of the project have potential to cause disturbance for foraging and community bats through lighting and noise pollution.

149. The following surveys were carried out:

- Extended Phase 1 Habitat Survey
- Badger Survey
- Smooth Newt Habitat Suitability Index
- Ecological Survey for Newts
- Preliminary Roost Assessment of Trees
- Bat Activity Surveys

150. Section 5 of the appraisal report provides a summary of findings noting that the site showed a degradation in the main habitat across the site from semi-improved grassland to bare clay soil across the entirety of the site. The boundary habitat includes poor hedgerow and semi natural woodland of limited ecological value.

151. Paragraph 6.2 notes that a drain runs along the south eastern boundary of the site and that excavation works and vehicle access to the construction area will expose soils which have the potential to increase sediment loading in the River Enler during prolonged rainfall events. The report recommends that good practice be followed in relation to construction works to ensure relevant pollution prevention guidelines as outlined in CEMP report are adhered to.

152. Newt surveys led to the assessment of waterbodies as not being utilised by breeding or non-breeding populations of Smooth Newts. Bat surveys revealed key foraging areas along the Comber Greenway and semi natural woodland area to the south of the site. Paragraph 6.3.3 recommends that works stop immediately if any newts are discovered onsite during construction stage

153. A potential intermittently occupied otter holt located to the south east of the site in 2017 and 2018 surveys was not present in 2019 surveys. Surveys by RPS in 2022 showed no otter underground holts, above ground couches or evidence of otter within the site. Again, paragraph 6.3.1 recommends that works stop immediately if any otter holts are discovered onsite during construction stage

154. No invasive species were identified within the site.

155. With regard to bats, paragraph 4.4.3.1 indicates that no historical records of bat roosts within the site were identified. Some 73 records were returned highlighting bat roosts within 5km of the site. The report recommends that the lighting strategy be designed in accordance with standards to ensure that there will be no direct illumination of existing woodland or trees.

156. The report acknowledged that the site has potential to provide habitat for an assemblage of common and widespread breeding bird species associated with woodland and hedgerow. Paragraph 6.3.4 recommends that any removal of vegetation including trees and scrubs must take place outside the bird breeding season.

157. A confidential Badger report confirmed the presence of badger outside the site boundary. Two sets were recorded, one being a single entrance outlier set located within the back of a drain to the north east of the proposed development. The sett was not considered to be active. The second set again a single

- entrance outlier set is located at the base of a steep bank off the edge of the Comber Greenway footpath to the east of the site. This sett was considered to be active.
158. The report confirmed that the active set would not be directly impacted by the development and that a piling risk assessment would have regard to this sett in agreeing the piling method.
159. Advice from Natural Environment Division dated 12 May 2023 indicated that the site was hydrologically linked to identified European and International designated sites. Additional information in the form of a CEMP was sought in relation to the potential impact on designated sites.
160. An outline CEMP received on 18 May 2023 provides the basis for the management of the main environmental aspects of the construction of the development in order to prevent any adverse effect to Strangford Lough, retained trees and the end site users. Paragraph 6.70 confirms that CFA piling will be utilised with piling activities carried out in accordance with BS5228.
161. Paragraph 6.54 confirms the CFA piling is utilised as it causes less disturbance to badgers in terms of vibration when compared to driven piling methods. Paragraph 6.55 advises that currently all piling and construction activities are 50 m beyond the know setts as identified.
162. Section 6 provided detail on Environmental Management of Site Activities. Pollution Control is addressed at paragraphs 6.2 – 6.52 with specific reference made to the following
- Surface water run-off and silt mitigation
 - Spoil Management
 - Water Pumping
 - Storage of fuels and hazardous materials
 - Refuelling
 - Cement/Concrete
163. With regard to refuelling, paragraph 6.40 confirms that refuelling shall be undertaken at least 10 metres from any given watercourse with mobile plant pulled back from watercourses for refuelling to ensure protection of the water environment.
164. Arrangements for the Storage of fuels and hazardous materials is outlined at paragraph 6.33 – 6.38 with confirmation provided that best practice will apply to ensure pollution prevention. Concrete mixing and wash out areas will be more than 10 metres from any watercourse or surface water drain with confirmation provided that washing out of vehicles or equipment will only take place in a controlled areas.
165. Details of Spoil Management plan is provided for at paragraphs 6.19 to 6.25 with confirmation provided that earth moving operations will be undertaken in accordance with BS 6031 Code of Practice for Earthworks and that temporary

soil stockpiles will be located more than 10 metres from any watercourse of surface drains.

166. Emergency preparedness and response is provided for in section 8 of the oCEMP with measures outlined for dealing with spills, extreme weather, fire prevention and incident reporting and investigation.
167. Whilst the oCEMP is a live document and is subject to change throughout the project as and when required, such as any significant changes, it does address the concerns expressed by Natural Environment Division in their response dated 12 May 2023.
168. For the reasons outlined, the proposed development will not have significant adverse effects on habitats or species of ecological or nature conservation value, the proposed development is unlikely to result in any cumulative impact upon these features when considered alone or with other developments nearby and as such, Policy NH5 of the draft Plan Strategy (as modified by Direction of the Department) are capable of being met.

Access and Transport

169. The A22 Comber Road is a designated trunk road and a protected route. The P1 Form indicates that the proposal involves the use of a new access to a public road for both vehicular and pedestrian use.

TRA1 Creating an Accessible Environment

170. The TA submitted in support of the application provides detail on measures to mitigate impacts/influence travel to the site. Part D of the TA makes reference to the existing footway along the site side of the Comber Road which provides connectivity to the Comber Road/Millmount Road junction.
171. The view is also expressed that as part of the realignment of the Comber Road at this location, a new footway will also be provide and that this will ensure a safe waling environment for any pedestrians associated with the development. Internal pedestrian routes are shown to be designed in accordance with current standards to ensure that they are suitable for individuals with mobility impairments. Criteria (a) and (b) of TRA1 are considered to be met.
172. The design and access statement indicates that the internal access will be improved with vehicular and pedestrian access running along the western side of the site providing access to parking areas between respective units. The presence of a footway outside the site boundary allows for pedestrian movement within and between the land uses. Criteria (c) of TRA1 is considered to be met.
173. The TA also explains that there are bus stops on the Comber Road in close proximity to the approved site access which are serviced by Ulsterbus services. At the Millmount Road/Comber Road junction, there are additional bus stops which are services by Metro Service. The site layout plan shows the location of

19 disabled parking spaces in close proximity to the respective employment units. Criteria (d) of TRA1 is considered to be met.

TRA2 Access to Public Roads

174. Transport Impacts are considered in Part C of the TA where it is noted that the new access arrangements and realignment of the Comber Road as approved under planning application LA05/2017/1153/F are not changed and as such, it is accepted that the proposal is capable of being developed so as not to prejudice road safety or significantly inconvenience the flow of vehicles.
175. A Transport Assessment (TA) form prepared by RPS was submitted with the application. Travel Characteristics are outlined at Part B with comparisons drawn in relation to journeys to the site by transport mode for the site as currently approved.
176. The employment floor space proposed is increased from 2736 metres squared to 4674 metres squared and the detail indicates an increase in movements across all transport modes.
177. The TRICs database is an assessment tool which utilises surveyed vehicle generations of existing sites throughout the UK and Ireland to provide an anticipated vehicle generation for proposed sites yet to be constructed and represent recorded flows of existing sites.
178. Based on the information contained within the TRICs database, the peak times for vehicles at Industrial Estates coincides with the traditional AM and PM commuter peak times.
179. That said, the site benefits from an extant planning approval where the associated Transport Assessment indicated that the site access junction and surrounding highway network had capacity to accommodate additional traffic volumes from this site.
180. The TA indicates that during peak hour periods, the proposal will result in an increase of 10 total trips in the AM peak hour and 11 total trips in the PM peak hour and that this will not have a significant impact upon the surrounding highway network.
181. Consideration has also been given to the nature and scale of the development which provides for greater variety of unit sizes, the character of the existing development which is predominantly residential, the contribution of the proposal to the creation of a quality environment in terms of the scale, form and mass of buildings, the location and number of existing access and the standard of the existing road network together with the speed and volume increase of traffic using the adjacent public road and any expected increase.
182. For the reasons outlined above and in light of the consideration below criteria (a) and (b) are considered to be met.

Access to Protected Routes

183. As explained above, the A22 Comber Road is a designated trunk road and a protected route. The access arrangements and realignment of the Comber Road remain as approved under planning application LA05/2017/1153/F.
184. Whilst the new access proposed onto the protected route is unchanged, the Council has no evidence to support a refusal on permission on the grounds of Policy TRA3 where Roads raised no objection previously and it is accepted by them that the realignment of the carriageway will bring safety benefits at no expense to the roads authority.
185. Furthermore, given that the comprehensive development of the employment land continues to allow for connection through to Millmount Road albeit it is not practical to take traffic associated with the operation of the employment use through a residential area. It was always intended for the employment element of the mixed use development to be accessed from the Comber Road.
186. For the reasons outlined above, it is accepted that the policy tests associated with TRA3 is capable of being met.

TRA 7 Car Parking and Servicing Arrangements in New Developments

187. The detail submitted with the application demonstrates that the proposal will provide adequate parking and appropriate servicing arrangements.
188. Car parking is provided within the proposed development site in accordance with current standards with 187 spaces provided across the site, 19 of which are reserved for people with disabilities.
189. The proximity of the site to the Comber Greenway which connects Comber to Belfast offers a safe off road cycling link to the proposed development. Cycle parking is also proposed within the development to serve employees who wish to cycle to the site through the provision of bicycle shelters for 30 cycles. This is in excess of DfI Standards.
190. Detail submitted with the application indicates that the internal carriageway and associated service yards and parking allow for turning and manoeuvrability of commercial vehicles and that safe and efficient access is provided for commercial, staff and visitors.
191. DfI Roads have not identified any concerns in relation to the detailed layout, access and arrangement of the parking and requested that final PSD drawings be prepared.
192. Based on a review of the detail and having regard to the advice from DfI Roads it is considered that the proposed development will not prejudice the safety and convenience of road users and that it complies with the relevant policy tests set out in policies TRA1, TRA2, TRA3 and TRA7 of the draft Plan Strategy (as modified by Direction of the Department).

Historic Environment and Archaeology

193. The Design and Access Statement notes that Millmount House, a Grade B1 Listed building is located 250 metres northeast of the proposed site and that numerous dwellings have recently been constructed between the listed building and the application site.
194. The statement also advises that there are no scheduled monuments within the site context with reference made to testing that had been carried out under licence within the context of condition 12 and 13 of planning permission LA05/2017/1153/F.
195. Advice received from Historic Environment Division on 29 March 2023 acknowledges the testing done under licence and having regard to the results of the previous excavations, is content that the proposal complies with policy.
196. For the reasons outlined above, the policy tests associated with the policies HE1 and HE2 of the draft Plan Strategy as modified are met.

Flooding

197. Whilst the NI Flood maps indicated no fluvial or coastal flood plain within the proposed site there is marginal pluvial flooding estimated in lower lying areas. There is no record of historical flooding nor is the site within the inundation zone of a reservoir.
198. A Drainage Assessment dated January 2022 is submitted in support of the application. It acknowledges that the proposal involves buildings and hard surfacing which exceed 1000 metres squared in area.
199. The assessment indicates that the existing site is approximately 1.8 hectares in size and that by applying a surface water run off rate of 10 l/s/ha, the site currently generates 18 l/s.
200. Detail associated with the control of surface run off indicate that it is proposed to construct new storm sewers to serve the development. The assessment states that it is proposed to limit discharge to equivalent greenfield rate of 10 l/s/ha and that the site drainage has been designed to serve the wider development area [6.5 hectares], with attenuation and flow control provided as part of an overall drainage masterplan. This is achieved through the use of a flow control device and attenuation in the form of oversized infrastructure providing 1134 metres cubed of storage volume.
201. Advice received from DFI Rivers dated 22 August 2023 confirms that there are no designated watercourses within the site and that there is an undesignated watercourse located adjacent to the northern and eastern boundary of the site. Advice also confirms that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

202. In relation to Policy FLD3 - Development and Surface Water and whilst no objection is offered, DfI Rivers acknowledged that the drainage design requires further revisions to ensure that storm water runoff is restricted to 91.41 l/s consistent with Schedule 6 drainage consent.
203. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 12 May 2022 advise that they have no objection subject to conditions
204. NI Water in a response received on 09 March 2023 confirmed that there was available capacity at the Waste Water Treatment Works [Kinnegar WwTW] and that there was a public foul sewer within 20 metres of the proposed development boundary which can adequately service these proposals.
205. Based on a review of the information provided and the advice received from DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is capable of being carried out in accordance with the requirements of policies FLD3 of the draft Plan Strategy as modified by the Direction of the Department).

Contaminated Land Contaminated Land/Human Health

206. A Preliminary Risk Assessment [PRA], Generic Quantitative Risk Assessment [GQRA] and Remediation strategy dated December 2022 are submitted in support of the application.
207. The PRA & GQRA are undertaken to identify potential contamination sources on the site and to assist the client in identifying potential environmental liabilities that may be present which will have consequences for the future commercial development of the site
208. The report describes the ground conditions in relation to Geology, Ground Gas, and Radon, Hydrology in relation to aquifer characteristics and groundwater vulnerability and Groundwater abstractions and Hydrology in terms of surface watercourses and flooding.
209. A summary of potential contaminant sources is provided for in table 4 in relation to on site and off site sources. Sensitive receptors and plausible pathways where potential contamination could come into contact with receptors are outlined at paragraphs 4.2 and 4.3.
210. Section 8 makes reference to anecdotal information within historical reports identified the site and the lands to the west to have been used by a local contractor for infilling of construction and demolition type waste material and to the PRA identifying potential risks to future commercial site users.
211. With regard to Human Health considerations, exceedance for several PAH compounds were returned within proposed soft landscaping areas. Asbestos was also identified in two soil samples.

212. All ground water samples returned concentrations below the RSK derived GrAC for commercial end use in relation to inhalation of vapour phase contaminants.
213. Section 8.2 makes reference to Ground Gas and recommends gas protection measures within all proposed buildings.
214. Section 8.3 makes reference to Controlled Waters and confirms that the PRA identified potential risks to shallow groundwater and the controlled water receptors associated with potentially reduced quality made ground. No risk to River Enler was identified nor was any unacceptable risk to control water receptors.
215. By way of remediation, the following measures are recommended in the Remediation Strategy:
- A physical barrier in the form of a capping layer to the proposed gardens and landscaped areas due to localised reduced quality shallow soil identified in the soil samples across the site.
 - Works in relation to capping must be supervised by an appropriately qualified person to ensure capping layer is installed with appropriate material and works verified.
 - Gas protection measures should be incorporated into the commercial buildings and should comprise two or more of the following three types
 - structural barrier of the floor slab
 - ventilation measures
 - gas resistant membrane
216. Advice received from the Regulation Unit within the Department for Agriculture, Environment and Rural Affairs [DAERA] dated 12 May 2023 confirm that they have no objection to the proposal subject to conditions aimed at ensuring the protection of environmental receptors to ensure the site is suitable for us.
217. Advice is also received from the Councils Environmental Health Unit in relation to gas protection measures and soil capping layer that has been proposed. The unit note the information in relation to soil stabilisation work and an increase level of permeability. Advice received confirms that this information demonstrates that the stabilisation works negate the need to install a capillary break layout at the base of the clean cover system and that a 700mm clean cover system can be installed instead.

Noise

218. A Noise Impact Assessment dated April 2023 was submitted in support of the application. The objective of the report was to assess the reduction in number of industrial units from 18 – 9 and inclusion of Class B3 and B4 employment uses. Noise sensitive receptors are identified at section 1.3 of the assessment report.
219. Reference is made to conditions associated with the existing permission pertaining to noise from industrial units which included the erection of acoustic barriers, operating hours and external plant work.

220. The dominant noise source at the noise monitoring location was associated with road traffic noise on the Comber Road.
221. Section 4.1.3 of the assessment report makes reference to break out noise from industrial units with maximum sound pressure levels relied upon. The movement of other goods vehicles is identified as a potential significant noise source associated with the development. The predicted operation noise from the proposed development was not found to have an impact on daytime amenity or quality of daytime rest at the closest noise sensitive receptor.
222. Noise impact from car parking activity is also considered with the nearest car parking spaces being approximately 40 metres distant of the proposed residential property. This receptor will benefit from acoustic fencing which extends along the western boundary of the site.
223. Advice received from the Councils Environmental Health Unit on 14 August 2023 confirmed that they were content with the proposal subject to conditions aimed at protecting the amenity of neighbouring dwellings with respect to noise and odour.
224. Based on a review of the detail submitted in relation to Noise and the advice received from Environmental Health, it is accepted that the proposal subject to mitigation will not have an adverse impact on the amenity of residents. The requirements of paragraphs 4.11 and 4.12 of the SPPS are considered to be met.

Conclusion and Recommendation

- 327 The application is presented with a recommendation to approve subject to conditions and deed of variation to the Section 76 planning agreement to ensure that the employment uses are developed in parallel with the neighbouring housing.
- 328 The recommendation is therefore subject to the phasing of the proposed development linked to application LA05/2017/1153/F and execution of the deed of variation to the Section 76 planning agreement.

Conditions

- 329 The following conditions are recommended:
1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: Time limit
 2. The vehicular accesses, including visibility splays and any forward sight distance shall be provided in accordance with Drawing No. P262/R-20d,

bearing the LCCC Planning Office date stamp 27th July 2023 prior to the occupation of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. P262/R-20d, bearing the DFI determination date stamp 21st August 2023.

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

4. No building hereby approved shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing no. P262/R-20d, bearing the date stamp 21st August 2023, to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

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

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

6. The building hereby approved shall not become operational until that part of the service road, which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development).

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

7. Prior to occupation of any units hereby approved for a B3 industrial use, further information relating to the proposed operations should be submitted to the Council for approval. The information shall demonstrate that the proposed development will not impact on the amenity of nearby residential dwellings with respect to vibration, smell, fumes, smoke, soot, ash, dust and grit, and include details of any proposed mitigation measures as necessary.

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

8. The roller doors to the industrial units shall remain closed at all times other than for ingress and egress.

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

9. Operating hours of the industrial units shall not exceed 0700 - 2300 hours.

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

10. During the operational phase of the industrial unit no activity which is likely to generate excessive noise e.g. delivery and waste collection, should be undertaken between 2100 – 0800 hours.

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

11. A 3m high acoustic barrier shall be erected along the North-western boundary of the site as presented on drawing [insert number] prior to the commencement of any other substantial work on the site. The barrier should be constructed of a suitable material (with no gaps), should have a minimum self-weight of at least 12 kg/m² and so retained thereafter.

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

12. The Rating Level (dB LAr) of sound from the combined operation of equipment, fixed plant and moving plant, i.e. fork lift trucks, associated with the development shall not exceed 41dB between 0700 and 2300 hours measured or calculated at the site boundary. The limit shall be measured in accordance with the assessment methodology outlined in BS4142:2014+A1:2019 - Methods for rating sound and assessing industrial and commercial sound.

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

13. The Rating Level (dB LAr) of sound from the combined operation of equipment, fixed plant and moving plant, i.e. fork lift trucks, associated with

the development shall not exceed 27dB between 2300 and 0700 hours measured or calculated at the site boundary. The limit shall be measured in accordance with the assessment methodology outlined in BS4142:2014+A1:2019 - Methods for rating sound and assessing industrial and commercial sound.

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

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

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

15. Development shall be carried out in strict accordance with the Remediation Strategy published on the planning portal 9 March 2023 unless otherwise agreed in writing with the Council.

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

16. Prior to occupancy of the development a clean cover system shall be installed to form an encapsulation layer above the contaminated soils as detailed in the remediation strategy published on the planning portal 9 March 2023. The clean cover system shall be installed in the proposed gardens and landscaped areas and consist of a minimum of 500mm of subsoil underlying 200mm of topsoil.

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

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

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

18. Prior to occupancy of the development the preferred ground gas protection measures in line with Wilson and Card Classification – Characteristic Situation 2 classification as detailed in the Remediation Strategy, published on the planning portal 9 March 2023, shall be implemented.

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

19. Prior to the occupancy of development the remediation scheme shall be validated in order to ensure and verify that the remediation scheme has been implemented in accordance with the remediation objectives and the Remediation Strategy published on the planning portal 9 March 2023.

The verification report shall contain full details of the selected cover system, detailed of the selected gas protection measures, sampling methodology and sampling results.

The verification of the gas protection measures shall be based upon the guidance presented within the CIRIA C735 document 'Good practice on the testing and verification of protection system for buildings against hazardous ground gas' (2014). Substantiating information shall be submitted to the Council in the form of a written validation report for approval. The verification of the remediation strategy shall be supervised by a suitably qualified Environmental Consultant.

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

20. Prior to the commencement of any piling work on site, a piling risk assessment shall be submitted to and agreed with the Council.

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

21. The appointed contractor must submit a Final Construction Environmental Management Plan (CEMP) for agreement and approval by Lisburn and Castlereagh City Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as contained within the Outline CEMP published to the Portal on 26 July 2023. CEMP mitigation to be implemented in full unless agreed in further consultation with Council.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase and protect the amenity of neighbouring dwellings.

22. All hard and soft landscape works shall be carried out in accordance with Drawing [insert number] bearing the date stamped [insert date] and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

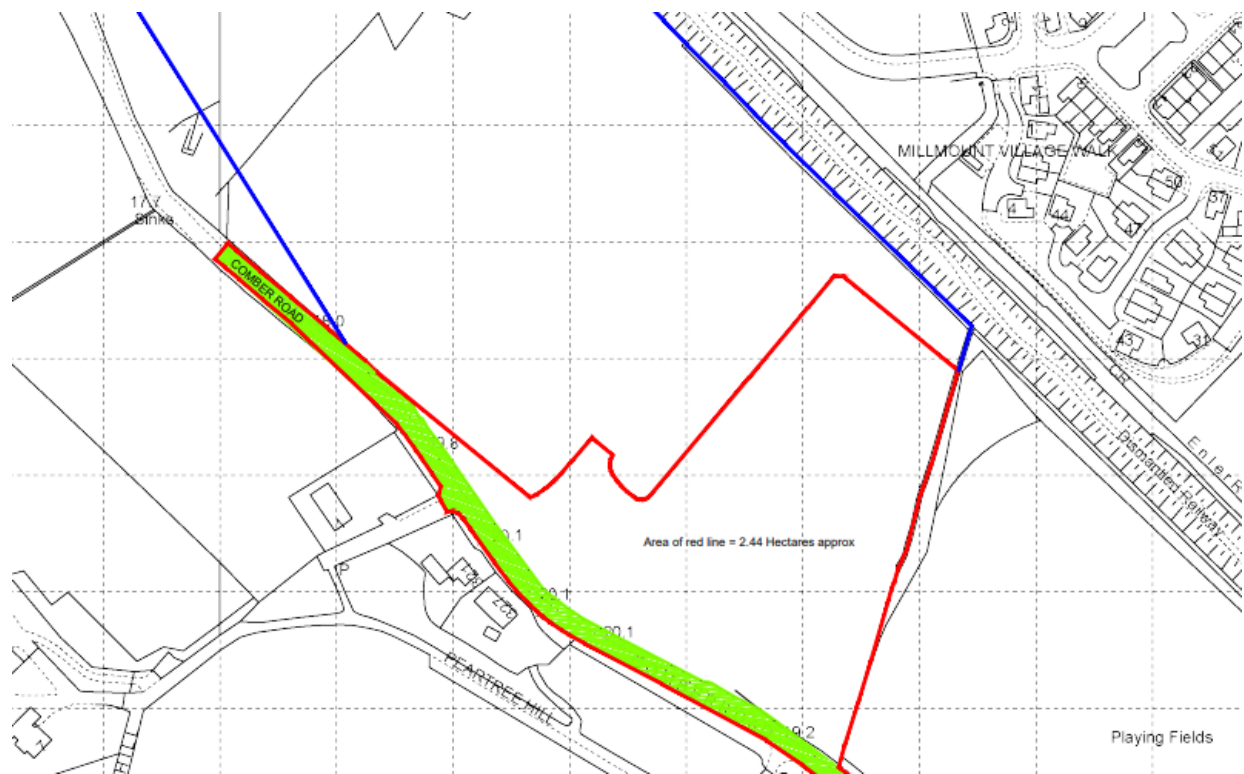
23. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that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

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

24. Prior to the commencement of the development hereby approved, the applicant shall submit a detailed drainage design to be agreed in writing with the Council.

Reason: To ensure the provision of an acceptable means of drainage for the site is provided.

Site Location Plan – LA05/2023/0161/F



Lisburn & Castlereagh City Council

| Planning Committee | |
|---------------------------|--|
| Date of Committee Meeting | 04 September 2023 |
| Committee Interest | Major Application |
| Application Reference | LA05/2023/0252/F |
| Date of Application | 15 March 2023 |
| District Electoral Area | Downshire West |
| Proposal Description | Proposed industrial unit, associated storage yard, landscaping and ancillary site works. |
| Location | Lands approximately 130 metres northeast of 20 Glenavy Road, Moira, BT67 0LT |
| Representations | None |
| Case Officer | Maire-Claire O'Neill |
| Recommendation | Approval |

Summary of Recommendation

1. This application is categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeds 1 hectare.
2. The application is presented to the Planning Committee with a recommendation to approve as it is considered that the site lies entirely inside the draft BMAP designation of LN08 which is carried through in the transitional arrangements. The proposal falls to be assessed against the economic development policies in the draft Plan Strategy.
3. The operational policies in the Plan are not written to take account of employment designations outside settlements and this is not a small rural project as described in policy ED6.
4. There is a previous history of approval for employment use on this land in buildings of a similar type, scale and mass.

5. The development of this land for a storage and distribution use would be consistent with the key site requirements of LN8 and acceptable in principle.
6. The scheme also meets in full the requirements of policy ED9 of the draft Plan Strategy and all other planning and environmental considerations are acceptable for the following reasons.
7. The proposal complies with policy TRA2 of the draft Plan Strategy (as modified by the Direction of the Department) in that access is via an existing access onto a public road and no alterations are identified to be provided.
8. The proposal also complies with the requirements of policy TRA3 of the draft Plan Strategy (as modified by the Direction of the Department) in that the Glenavy Road is a protected route and an existing and safe access is shown to be provided without evidence of intensification.
9. The proposal complies with policy TRA7 of the draft Plan Strategy (as modified by the Direction of the Department) in that the detail demonstrates that an acceptable level of car parking and adequate servicing arrangements have been provided.
10. The proposal also complies with policy NH5 of draft Plan Strategy (as modified by the Direction of the Department) in that the proposed development will not give rise to significant adverse effects on habitats or species of ecological or nature conservation value.
11. The proposal also complies with policies FLD 2 and FLD3 of draft Plan Strategy (as modified by the Direction of the Department) in that drainage assessment indicates that foul and surface water can be appropriately managed without impacting on existing surface water drainage infrastructure and causing flooding in the drainage network.
12. For the reasons outlined in the report, is considered that the proposed development complies with paragraph 4.11 of the SPPS in that it will not present any significant impacts in respect of Noise.

Description of Site and Surroundings

Site

13. The proposed site is located in an existing rural business park, formerly used as a quarry and accessed off the Glenavy Road. The site is located 0.5 miles west of Maghaberry and approximately 1.5 miles north of Moira. The land is relatively flat throughout and measures 1.49 hectares in size.
14. Fane Valley Office headquarters are currently located opposite the site within the existing business park.

15. The site is relatively flat throughout and has been levelled with hardcore. It is presently in use by Fane Valley as an overflow storage area and is secured by 2.4 metres high paladin fencing on all sides.
16. The site is accessed using the existing access off Glenavy Road. The internal private road network leading to the site is currently in situ. The proposed entrance into the new storage and distribution warehouse is located along the eastern boundary close to the south eastern corner of the site.

Surroundings

17. The surrounding land is mainly employment use and consists of units associated with operation of other businesses such as Greenfields Fertilisers, Scotts Fuels, AB Pneumatics, BPD Group, DWS Controls and Spectrum Advice Network.
18. Beyond the zoned lands, the land use is primarily rural in character and in agricultural use.

Proposed Development

19. The application for the construction of a proposed industrial unit, associated storage yard, landscaping and ancillary site works at lands 130 metres north east of 20 Glenavy Road, Moira. The applicant is Fane Valley Co-operative Society Ltd.
20. The Design and Access Statement indicates that the unit will primarily be used as A Class B4 – Storage and Distribution centre with ancillary office space and staff welfare facilities.
21. 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.
22. The application is supported with the following documents:
 - Pre-Application Community Consultation Report
 - Design and Access Statement
 - Transport Assessment Form
 - Drainage Assessment
 - Ecological Impact Assessment
 - Noise Impact Assessment

Relevant Planning History

23. The planning history associated with the application site and the lands immediate context is set out in the table below:

| Application Reference | Description of Proposal | Address | Decision |
|-----------------------|--|--|--|
| LA05/2022/1069/HSC | Storage of Hazardous Materials | Greenfield Fertilisers 20 Glenavy Road Moirá | Consent pending. |
| LA05/2022/0654/F | Proposed industrial storage and distribution building, access and ancillary site works. | Lands approximately 175 metres north of 20 Glenavy Road Moirá | Permission granted 17 November 2022 |
| LA05/2019/0529/F | Proposed fertiliser storage compound extension (to Greenfield Fertilisers), fencing, landscaping/bunding, access and ancillary site works. | Lands approximately 20m south of the existing Greenfield Fertilisers Factory at 20 Glenavy Road and north of Soldierstown Road | Permission granted 09 November 2020 |
| LA05/2021/1025/F | Proposed replacement of an existing wind turbine (with 30m hub height and 29m rotor diameter) with a wind turbine (with 50m hub height and 52m rotor diameter). | Lands approx. 45 metres north east of 20 Glenavy Road Ballynanaghten Moirá | Application Pending |
| LA05/2021/0988/F | Proposed industrial storage building and retention of extension to existing industrial building, access and ancillary site works. | Lands 50 metres north of 20 Glenavy Road Moirá Craigavon | Permission Granted 26 July 2022 |
| LA05/2018/0967/F | Proposed fuel depot including fuel storage tanks, concrete yard, site office, HGV wash bay, security fence, floodlights, drainage infrastructure and interceptor | Lands 45 metres north of 20 Glenavy Road Moirá | Permission Granted 29 March 2019 |

| Application Reference | Description of Proposal | Address | Decision |
|------------------------------|---|---|---|
| LA05/2016/1239/F | Proposed business park development comprising 20 no industrial units, access, parking, fencing, earth bund, landscaping and ancillary site works | Lands north east of 20 Glenavy Road Moira | Permission Granted 8 June 2017 |
| LA05/2022/0362/LDP | Lawful commencement and implementation of LA05/2016/1239/F for a business park development comprising of 20 no industrial units, access, parking, fencing, earth bund, landscaping and ancillary site works | Lands north east of 20 Glenavy Road Moira BT67 0LT | Certificate of Lawful development issued 9 June 2022 |

24. The planning history is an important material consideration in that planning permission was first granted on lands incorporating this site in June 2017 for an industrial and business park comprising 20 units [LA05/2016/1239/F]. This permission is confirmed as having been lawfully commenced under LA05/2022/0362/LDP.
25. This site was previously approved as “Unit 1” of the business park comprising 2,000 square metres. This proposal seeks to build a larger unit in lieu of this earlier approval.

Consultations

26. The following consultations were carried out:

| Consultee | Response |
|-----------------------|-----------------|
| Environmental Health | No Objection |
| Natural Heritage | No Objection |
| Water Management Unit | No Objection |
| DfI Roads | No Objection |
| Rivers Agency | No Objection |
| NI Water | No Objection |

Representations

27. No representations have been received in either in support or in opposition to the proposal.

Environmental Impact Assessment (EIA)

28. The development falls within Schedule 2 of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
29. 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.
30. An EIA determination was carried out and it was concluded that whilst this is a rural countryside location it is zoned for employment and the necessary infrastructure to facilitate a proposal of this scale is already in place. The site was a former quarry and brownfield land. The proposed use is storage and distribution which is compatible with other similar development at this location.
31. It was considered 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.
32. This is on the basis that the scale of development proposed on zoned employment land that had already been prepared to accommodate this type of use would not give rise to significant environmental effects that would merit the submission of a statement.

Pre - Application Community Consultation

33. The application was accompanied with a Pre-Application Community Consultation Report (PACC).
34. The event was advertised in the Ulster Star on 20 January 2023. Letters were issued to occupiers of surrounding businesses and properties within 100 metres of the application site.
35. A 'drop in' style public exhibition hosted by the agent and architect was held in Maghaberry community Centre on 1 February 2023 from 5 -7pm. Sign in sheets and feedback forms were made available at the event.
36. There was no feedback received at the public event or in the two week period allowed for following the event.
37. The format of the report is in accordance with the PACC Practice Note and contains the relevant information required. It advises that as no feedback was received, there were no changes considered to be made to the proposal.

Planning Policy Context

Local Development Plan

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

LCCC - Draft Plan Strategy 2032

39. On 28 June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
40. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
41. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January

2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.

42. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.

43. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

44. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.

45. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.

46. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.

47. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

The Belfast Metropolitan Area Plan (BMAP) was intended to be

the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

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

49. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
50. The LAP identifies the site as outside of any settlement limit in an 'Area suitable for Industrial Development [Designation MA4]. The site whilst located within the open countryside, it is within an existing employment/industrial zoning as identified in draft BMAP [Designation LN 08].
51. The employment zoning in its entirety comprises 23.52 hectares of land. The application site is 1.49 hectares.
52. Draft BMAP sets out the following Key Site Requirements (KSR's) for the employment lands associated with LN 08 designation.
 - Development shall only include the following uses: Industrial and Business, Use Class B2, B3 and B4 as currently specified in the Planning (Use Classes) Order (Northern Ireland) 2004.
 - Development of the site will only be permitted in accordance with an overall comprehensive master plan for the site to be agreed with the Department. This will outline the design concept, objectives and priorities of the site.
 - Access shall be from the Glenavy Road.
 - All new buildings shall provide a high quality of layout and design.
 - Buildings shall exhibit variety in their elevational treatments and height with particular consideration of views into the site.
 - 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:
 - All existing boundary planting shall be retained (unless otherwise determined by the Department) and supplemented with a 5-10 metre belt of trees and planting of native species to provide screening for the development and help integrate it into the surrounding countryside;
 - A detailed planting plan and Programme of works shall be provided for all new planting in relation to boundary definition and provision of additional high quality landscaping proposals within the site. ;
 - Positive long term management proposals will be required to mitigate and integrate any development and to protect and maintain the landscaping of the site.

53. Both the Lisburn Area Plan and draft BMAP indicate that proposals for the development of existing employment land should be considered against the retained regional planning policy statements.
54. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
55. The strategic policy for Sustainable Development is set out at page 42 of the draft Plan Strategy. Strategic Policy 01 – Sustainable Development states that:

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

56. The strategic policy for Supporting Sustainable Economic Growth is set out at page 43 of the draft Plan Strategy. Strategic Policy 04 – Supporting Sustainable Economic Growth states that:

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

57. The strategic policy for Protecting and Enhancing the Environment is set out at page 44 of the draft Plan Strategy. Strategic Policy 05 – Protecting and Enhancing the Environment states that:

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

Development in the Countryside

58. The proposal is for an industrial unit in the open countryside for storage and distribution in association with an established economic development use. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

Integration and Design of Buildings in the Countryside

59. The proposal is for a non-residential use but does not fall under any of the policy categories COU11 to COU 14. It is considered in a different policy context.
60. Policy COU15 - Integration and Design of Buildings in the Countryside states

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

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

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

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

62. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Economic Development

63. The proposal is for a storage and distribution unit on zoned employment in the open countryside. The site lies entirely inside the draft BMAP designation of LN08 which is carried through in the transitional arrangements. The proposal falls to be assessed against the economic development policies in the draft Plan Strategy.
64. The operational policies in the Plan are not written to take account of employment designations outside settlements and this is not a small rural project as described in policy ED 6. As a consequence the proposal is considered only against the requirements of policy ED 9.
65. Policy ED9 - General Criteria for Economic Development states that:

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

- a) *it is compatible with surrounding land uses*
- b) *it does not harm the amenities of nearby residents*
- c) *it does not adversely affect features of the natural or historic environment*
- d) *it is not located in an area of flood risk and will not cause or exacerbate flooding*
- e) *it does **not harm** the water environment*
- f) *it does not create a noise nuisance*
- g) *it is capable of dealing satisfactorily with any emission or effluent*
- h) *the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed*

- to overcome any road problems identified*
- i) *adequate access arrangements, parking and manoeuvring areas are provided*
 - j) *a movement pattern is provided that meets the needs of people whose mobility is impaired and public transport, walking and cycling provision forms part of the development proposal*
 - k) *the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*
 - l) *appropriate boundary treatments and means of enclosure are provided and any areas of outdoor storage proposed are adequately screened from public view;*
 - m) *it is designed to deter crime and promote personal safety*
 - n) *in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape;*
 - o) ***it meets the requirements of Policy NH 1.***

(text in bold is modified by the Direction)

Natural Heritage

66. The application site is located within a worked out quarry which is zoned for employment use in the local development plan. Policy NH 1 – European and Ramsar Sites – International states that:

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

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

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

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

- (a) *There are no alternative solutions.*
- (b) *The proposed development is required for imperative reasons of overriding public interest.*

(c) *Compensatory measures are agreed and fully secured.*

As part of the consideration of exceptional circumstances, where a European or a listed or proposed Ramsar site hosts a priority habitat or priority species listed in Annex 1 or 11 of the habitats directive, a development will only be permitted when:

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

67. Given the size of the proposed development consideration is given to the impact on the natural environment. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states that:

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

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

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

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

Access and Transport

68. Detail submitted with the application indicates that the site will be accessed via an existing entrance onto the Glenavy Road and that the internal private road network leading to the site is currently in place.

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

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

- a) *facilities to aid accessibility e.g. level access to buildings, provision of*

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

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

Access to existing buildings and their surroundings should be improved as opportunities arise through alterations, extensions and changes of use. Submission of a Transport Assessment Form (TAF) and a Design and Access Statement may also be required to accompanying development proposals.

70. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.

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

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

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

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

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

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

73. The Glenavy Road is a protected route and consideration is given to whether the proposed development will intensify the use of the access. Policy TRA3 - Access to Protected Routes states that:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal **in the following circumstances:**

- i. For a replacement dwelling in accordance with Policy COU3 where the dwelling to be replaced is served by an existing vehicular access onto the Protected Route;**
- ii. For a farm dwelling or a dwelling serving an established commercial or industrial enterprise where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route; and**
- iii. For other developments which would meet the criteria for development in the countryside where access cannot be reasonably achieved from an adjacent minor road. Where this cannot be achieved, proposals will be required to make use of an existing vehicular access onto the Protected Route.**

In all cases the proposed access must be in compliance with the requirements of Policy TRA2.

(text in bold is modified by the Direction)

Other Protected Routes – Within Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access where it is demonstrated that access cannot reasonably be taken from an adjacent minor road; or, in the case of residential proposals, it is demonstrated that the nature and level of access will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

In all cases, where access to a Protected Route is acceptable in principle it will also be required to be safe in accordance with Policy TRA2.

Designated protected routes within this Council area are illustrated in Supplementary Planning Guidance, Part F: Protected Routes Map.

74. Policy TRA6 - Transport Assessment states that

In order to evaluate the transport implications of a development proposal the Council will, where appropriate, require developers to submit a Transport Assessment.

75. The J&A is modified to include the following paragraph

Transport Assessment applies to all forms of development with a significant travel generation impact. A primary aim of the Transport Assessment is to assess accessibility by sustainable modes and to develop measures to maximize use of sustainable modes; only subsequently should the residual traffic be assessed and its impacts ameliorated.

(text in bold is modified by the Direction)

76. A car park is provided to service the development. Policy TRA7 - Car Parking and Servicing Arrangements in New Developments states that

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

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

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

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

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

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

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

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

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

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

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

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

Flooding

78. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that

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

79. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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

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

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

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

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

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

(text in bold is modified by the Direction)

Waste Management

80. Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

The approach to the Development Plan and Regional Policy

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

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

82. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

83. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
84. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
85. Paragraph 2.1 of the SPPS recognises that an objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being.
86. It states that:

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

87. Paragraph 3.6 of the SPPS states:

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

88. Paragraph 3.8 of the SPPS states:

that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless

the proposed development will cause demonstrable harm to interests of acknowledged importance.

89. At paragraph 6.91 it is also stated that:

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

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

Regional Policy Context

91. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Sustainable Development in the Countryside

92. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

93. Policy CTY 1 states:

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

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

'Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

94. The proposal is for a non-residential use. The policy states that

Planning permission will be granted for non-residential development in the countryside in the following cases:

- *farm diversification proposals in accordance with Policy CTY 11;*
- *agricultural and forestry development in accordance with Policy CTY 12;*
- *the reuse of an existing building in accordance with Policy CTY 4;*
- *tourism development in accordance with the TOU Policies of PSRNI;*
- *industry and business uses in accordance with PPS 4 (currently under review);*
- *minerals development in accordance with the MIN Policies of PSRNI;*
- *outdoor sport and recreational uses in accordance with PPS 8;*
- *renewable energy projects in accordance with PPS 18; or*
- *a necessary community facility to serve the local rural population.*

There are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning policies.

95. Policy CTY 13 – Integration and Design of Buildings in the Countryside states;

'Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.'

96. The policy states;

A new building will be unacceptable where:

- (a) *it is a prominent feature in the landscape; or*
- (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) *it relies primarily on the use of new landscaping for integration; or*
- (d) *ancillary works do not integrate with their surroundings; or*
- (e) *the design of the building is inappropriate for the site and its locality; or*
- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

97. Policy CTY 14 – Rural Character states;

Planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

98. The policy states;

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

99. Policy CTY 16 - Development Relying on Non-Mains Sewerage states;

'Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.'

100. The policy also states;

'Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.'

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.'

101. With regards to Policy CTY 16, Building on Tradition [page 131] states;

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

Planning and Economic Development

102. PPS 4 - Planning and Economic Development sets out the planning policies for economic development uses and indicates how growth associated with such uses can be accommodated and promoted in development plans.
103. For the purposes of this policy document, economic development uses comprise industrial, business and storage and distribution uses as defined by the Use Class Order.
104. Policy PED 9 - General Criteria for Economic Development is considered and it 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.*

Natural Heritage

105. PPS 2 - Natural Heritage makes provision for ensuring that development does not harm or have a negative impact on any natural heritage or conservation.

106. Paragraph 3.1 of PPS 2 states:

The objectives of this Planning Policy Statement are:

- *to seek to further the conservation, enhancement and restoration of the abundance, quality, diversity and distinctiveness of the region's natural heritage;*
- *to further sustainable development by ensuring that biological and geological diversity are conserved and enhanced as an integral part of social, economic and environmental development;*
- *to assist in meeting international (including European), national and local responsibilities and obligations in the protection and enhancement of the natural heritage;*
- *to contribute to rural renewal and urban regeneration by ensuring developments take account of the role and value of biodiversity in supporting economic diversification and contributing to a high quality environment;*
- *to protect and enhance biodiversity, geodiversity and the environment; and*
- *to take actions to reduce our carbon footprint and facilitate adaptation to climate change.*

European and Ramsar Sites – International

107. Policy NH1 – European and Ramsar Sites – International states that

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

- *a 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 Where a development proposal is likely to have a significant effect (either alone or in combination) or reasonable scientific doubt remains, the Department 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.*

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

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

Habitats, Species or Features of Natural Heritage Importance

108. Policy NH5 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.*

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

109. PPS 3 – Access, Movement and Parking sets 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.

110. Paragraph 3.1 of PPS 3 states that:

The main objectives of this Statement are to:

- *promote road safety, in particular, for pedestrians, cyclists and other vulnerable road users;*
- *restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes;*
- *make efficient use of road space within the context of promoting modal shift to more sustainable forms of transport;*
- *ensure that new development offers a realistic choice of access by walking, cycling and public transport, recognising that this may be less achievable in some rural areas;*
- *ensure the needs of people with disabilities and others whose mobility is impaired, are taken into account in relation to accessibility to buildings and parking provision;*
- *promote the provision of adequate facilities for cyclists in new development; promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion; and*
- *protect routes required for new transport schemes including disused transport routes with potential for future reuse.*

Creating an Accessible Environment

111. Policy AMP 1 – Creating an Accessible Environment states that:

The Department's aim is to create a more accessible environment for everyone. Accordingly developers should take account of the specific needs of people with disabilities and others whose mobility is impaired in the design of new development. Where appropriate, the external layout of development will be required to incorporate all or some of the following:

- *facilities to aid accessibility e.g. provision of dropped kerbs and tactile paving etc, together with the removal of any unnecessary obstructions;*
- *convenient movement along pathways and an unhindered approach to buildings;*
- *pedestrian priority to facilitate pedestrian movement within and between land uses; and*
- *ease of access to reserved car parking, public transport facilities and taxi ranks.*

The development of a new building open to the public, or to be used for employment or education purposes, will only be permitted where it is designed to provide suitable access for all, whether as customers, visitors or employees. In such cases the Department will operate a presumption in favour of a level approach from the boundary of the site to the building entrance and the use of steps, ramps or mechanical aids will only be permitted where it is demonstrated that these are necessary.

The Department will also seek to ensure that access to existing buildings and their surroundings is improved as opportunities arise through alterations, extensions and changes of use.

The Department may require the submission of an Access Statement to accompany development proposals.

Access to Public Roads

112. 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.*

113. The policy also states that:

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- *the nature and scale of the development;*
- *the character of existing development;*
- *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
- *the location and number of existing accesses; and*
- *the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.*

114. Policy AMP 3 – Access to Protected Routes states:

The Council will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and By Passes – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

Other Protected Routes – Within Settlement Limits

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

- (a) where access cannot reasonably be taken from an adjacent minor road;*
or
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points. The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.*

Access, Movement and Parking Clarification of Policy AMP 3: Access to Protected Routes

115. This document provides clarification to Policy AMP 3: Access to Protected Routes of PPS 3 'Access, Movement and Parking', published in February 2005, and must be read in conjunction with the policies contained within this PPS.

116. The policy as clarified states:

The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Motorways and High Standard Dual Carriageways – All locations

Planning permission will not be granted for development proposals involving direct access. An exception may be considered in the case of motorway service areas.

Other Dual Carriageways, Ring Roads, Through-Passes and ByPasses – All locations

Planning permission will only be granted for a development proposal involving direct access or the intensification of the use of an existing access in exceptional circumstances or where the proposal is of regional significance.

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.*
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.*
- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.*

Other Protected Routes – Within Settlement Limits

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

- (a) where access cannot reasonably be taken from an adjacent minor road;*
or
- (b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of*

a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

The distinction between the various categories of Protected Routes is illustrated on the Protected Routes map.

Transport Assessment

117. Policy AMP 6 Transport Assessment states that:

In order to evaluate the transport implications of a development proposal the Department will, where appropriate, require developers to submit a Transport Assessment.

Car Parking and Servicing Arrangements

118. Policy AMP 7 - Car Parking and Servicing Arrangements 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 standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

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.*

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.

Cycle provision

119. Policy AMP 8 - Cycle Provision states that:

Planning permission will only be granted for development providing jobs, shopping, leisure and services, including educational and community uses where the needs of cyclists are taken into account. Where appropriate provision of the following may be required:

- (a) safe and convenient cycle access;*
- (b) safe, convenient and secure cycle parking having regard to the Department's published standards; and*
- (c) safe and convenient cycle links to existing or programmed cycle networks where they adjoin the development site.*

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

Development Control Advice Note 15 – Vehicular Access Standards

120. The guidance for Vehicular Access Standards are set out in Development Control Advice Note 15 and it stated at paragraph 1.1 that:

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

Parking Standards

121. The Parking Standards document provides relevant guidance for the parking requirement for the non-residential component of the proposed development sets out the parking standards that the Department will have regard to in assessing proposals for new development.

122. Paragraph 3 of the document states that the:

The principle objective of the parking standards is to ensure that, in assessing development proposals, appropriate consideration is given to the accommodation of vehicles attracted to the site within the context of wider government policy aimed at promoting modal shift to more sustainable forms of transport.

123. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to these standards or any reduction provided for in an area of parking restraint

designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Planning and Flooding Risk

124. PPS 15 – Planning and Flood Risk sets out policy to minimise and manage flood risk to people, property and the environment. The susceptibility of all land to flooding is a material consideration in the determination of planning applications.

125. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states that the

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

126. 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 hardsurfacing 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.

Assessment

Proposed Storage and Distribution Use

127. As previously stated the proposal is for a storage and distribution unit on zoned employment in the open countryside. The site lies entirely inside the draft BMAP designation of LN08 which is carried through in the transitional arrangements. The proposal falls to be assessed against the economic development policies in the draft Plan Strategy.
128. The operational policies in the Plan are not written to take account of employment designations outside settlements and this is not a small rural project as described in policy ED 6.
129. There is a previous history of approval for employment use on this land in buildings of a similar type, scale and mass. The principle of development of this land for a storage and distribution use would be consistent with the key site requirements of LN8 and acceptable in principle subject to meeting the requirements of policy ED 9.

Policy ED9 General criteria for Economic Development

130. With regard to criteria (a), the proposed unit will be used primarily for storage and distribution in associated with an established Farm supplies and Animal Health products business.
131. Adjacent uses comprise units associated with Greenfields Fertilisers, Scotts Fuels, AB Pneumatics, BPD Group, DWS Controls and Spectrum Advice Network. A proposal for storage and distribution is considered to be compatible with the surrounding land uses and as such, criteria (a) is considered to be met.
132. The application site is located within a worked out quarry approximately 0.5 miles west of Maghaberry and 1.5 miles north of Moira. A Noise Impact Assessment prepared by Irwin Carr Consulting dated 15 March 2023 was submitted in support of the application.
133. In the opening summary, it is stated that from an acoustics perspective, the primary noise concerns from the development site relate to:
 - Noise breakout from the proposed industrial unit.
 - HGV's accessing the site.
 - Cars accessing the site.
 - Forklift Truck (FLT) operating throughout the site.

134. The purpose of the noise report is to assess the worst case impact of the proposed development at the relevant noise sensitive properties.
135. For the purposes of the assessment, results are presented for the daytime and night-time periods.
136. The consultants have found that based on an analysis of the data found (see Figure 2 on page 7 of Noise Assessment), the average background noise level is 74.3dB LA090 and the daytime mean residual sound level was 55.5 dB.
137. Fourteen receptors were identified representing the nearest residential properties in the vicinity of the proposed development. The properties listed include addresses along Hammond's Road, Maghaberry Road, Glenavy Road and Soldierstown Road.
138. The predicted noise level at each of these nearest receptors were assessed against BS 4141:2014 limits and WHO recommended noise levels. It was concluded that the operational noise from the proposed development is likely to have a low impact when considered against the relevant guidelines, during the daytime period.
139. The report concluded that noise generated by the proposed development should not adversely impact neighbouring properties. The Council's Environmental Health Unit has offered no objection and as such, criteria (b) and (f) are considered to be met.
140. As explained above, the application site is located within a worked out quarry. It has also been levelled out with hardcore. For this reason, the proposed development will not adversely affect features of the natural or historic environment. Criteria (c) is considered to be met.
141. For the reasons outlined later in the report, the site is not located in an area of flood risk and will not be exacerbated by flooding. Criteria (d) is considered to be met.
142. The drainage assessment demonstrates that surface water will be handled without detriment to the water environment and as such, criteria (e) is considered to be met.
143. The application is for storage and distribution. No industrial processes are associated with the application and as such, no emissions or effluent are likely to arise. Criteria (g) is considered to be met.
144. The detail submitted with the application indicates that the site will be accessed via an existing entrance into the wider business park from the Glenavy Road. No alterations have been identified as being required. The internal private road network leading to the site is currently in place and provision is made within the site for separate lorry and car parking and manoeuvring. There is also a dedicated pedestrian path leading to the building. Criteria (h), (i) and (j)

145. The site layout plan shows the new building to be located to the north of the access road into the business park, adjacent to the Glenavy Road.
146. The design of the building, associated infrastructure are shown to be of a high quality. Landscaping in the form of planted bunds are shown along the boundary with the Glenavy Road and access into the business park itself and the site entrance. These planted areas provide a level of screening to external storage areas. No planting is proposed along the northern boundary of the site. All of the site boundaries are shown to be secured by way of 2.4 metre high metal mesh fencing.
147. Having regard to the backdrop afforded by the existing buildings associated with the established business park on approach from the north, the measures proposed by way of raised bunds and planting are considered sufficient to assist integration of the new building into the landscape. Criteria (k), (l), (m) and (n) are considered to be met.
148. The site is not identified as being within a European or Ramsar Site and as such Policy NH1 is not engaged.

COU15 – Integration and Design of Buildings

149. Whilst the elevation to the Glenavy Road extends 90 metres across the site, it is shown to be set back from road by approximately 23 metres. A raised planted bund approved previously is shown to extend along this boundary with the Glenavy Road. This bund is approximately 3 metres in height and it has a depth of 7-8 metres.
150. The gable to the internal road is 52.5 metres. The proposed finishes are typical of industrial type buildings and comprise dark grey blockwork base and mid grey wall cladding above with PPC aluminium canopy to the loading bay and office area with white render walls under the canopy.
151. For the reasons outlined above, and having regard to the backdrop afforded by the existing buildings associated with the established business park on approach from the north and the measures proposed by way of raised bunds and planting it is considered that the building is shown to be sited to cluster with an established group of buildings and as such, it will not be a prominent feature in the landscape nor will it fail to blend with the landform, existing trees and buildings. Criteria (a), (b) and (c) are considered to be met.
152. Whilst there is no natural boundary to the north, the boundary to the Glenavy Road is characterised with a raised planted bund. This bund extends along the internal access road. It is considered that these natural boundary treatments provide a suitable degree of enclosure without relying on new landscaping for integration. Criteria (d) and (e) are considered to be met.
153. Whilst a large storage and distribution building is proposed its design for the reasons outlined above, are considered to be appropriate for the site and

locality. Furthermore, the ancillary works are primarily to the rear of the building. Their location and associated planting allows these areas to integrate into their surroundings. For the reasons outlined, criteria (f) and (g) are considered to be met.

COU16 – Rural Character

154. For the reasons outlined above, the new building will not be unduly prominent in the landscape and it shown to be sited to cluster with an established group of buildings.
155. Whilst large in scale, its design and finishes are typical of storage and distribution units and as such it respects the development within the wider employment lands.
156. It is within lands zoned for employment uses and as such, it is not considered to result in urban sprawl nor does it mar the distinction between a settlement limit and the surrounding countryside or have an adverse impact on the rural character of the area.
157. For the reasons outlined above within the context of ED9 considerations, the proposal will not adversely impact on residential amenity.
158. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
159. In respect of criteria (i) and for the reasons set out later in the report within the Access and Transport section of the report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Access and Transport

TRA1 Creating an Accessible Environment

160. The detail submitted with the application demonstrates that dedicated pedestrian path leading directly to the building are provided and that there is dedicated turning areas for both cars and lorries.
161. Access to car parking reserved for disabled and other visitors to the site are provided for adjacent to the buildings entrance. The criteria associated with TRA 1 are considered to be met.

TRA2 Access to Public Roads

162. The Glenavy Road is a protected route. That said, the development proposes to utilise the existing access arrangements to the Glenavy Road business park. It is not considered that the proposal will prejudice road safety or significantly inconvenience the flow of vehicles. No alterations to the existing access have been identified and it is not considered the use of the land is intensified given the previous history of an implemented planning permission for a much larger scale of development.
163. This application is for over 500 square metres of floor space and it is evident from the information provided that the 100 vehicle peak hour is not exceeded. A Transport Assessment is not required as the thresholds are not met.
164. It is anticipated that the proposal will result in 10-11 peak hour vehicle movements. The Transport Assessment Form indicates that the peak period for access at the site will coincide with the usual peak commuting periods.
165. It is indicated that 13 vehicles will arrive or depart from the site between 08:00 and 09:00 with 15 vehicles generated between 14.00-15.00, the period when the departures will be the highest.
166. As an existing access to a protected route is identified to be used without evidence of intensification, it is considered that the Policy TRA 2 and TRA 3 are met in full as the development will utilise an existing access without prejudice to road safety or flow of vehicles.

TRA7 Car Parking and Servicing Arrangements in New Developments.

167. Parking standards stipulate that for storage or distribution uses, 1 space per 250 square metres and 1 lorry space per 250 square metres is required. The maximum parking requirement for the application site is 23 car parking spaces and 23 lorry spaces. The layout plan indicates that there is 36 car parking spaces provided and 17 lorries as well as a turning circle for service vehicles.
168. Whilst there is a slight shortfall in dedicated lorry parking provision, there is additional provision evident adjacent to the external stock areas. The amount of parking is on balance considered to be acceptable.
169. The site is located within an existing business park linked to the adjacent public road network. Provision is made for cycle parking and the site provides path for safe access to the building on foot.
170. For the reasons outlined above, it is considered that the requirements of Policy TRA7 are met.

Natural Heritage

171. The site is located within a worked out quarry and the site is already hardcored. There is no evidence of any features of natural heritage within the site and the proposal does not involve the removal of any trees or hedgerows.
172. Advice from NED confirms that they are content that the proposed development is unlikely to significantly impact protected or priority species or habitats. Furthermore, WMU confirmed that they are content subject to the applicant referring and adhering to standing advice and any required statutory permissions being obtained.
173. For the reasons outlined, the proposed development will give rise to no significant adverse effects on habitats or species of ecological or nature conservation value, nor is it likely to result in any cumulative impact on such features when considered alone or with other developments nearby and as such Policy NH5 of the draft Plan Strategy (as modified by Direction of the Department) is capable of being met.

Planning and Flood Risk

174. The application was accompanied by a Drainage Assessment prepared by Flood Risk Consulting dated March 2023. It states that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain and therefore FLD 1 is not engaged.
175. There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.
176. Section 5 of the drainage assessment explains how the proposed development complies with the policies outlined above in relation to flood risk.
177. The assessment concludes that no new or existing properties are at increased risk of flooding from overland flow in a 1 in 100 year event.
178. With regard to Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure, DfI Rivers advise that this is not applicable in this case as the proposed development is not located beside a flood defence control structure or watercourse.
179. In relation to Policy FLD3 - Development and Surface Water - DfI Rivers acknowledged that the drainage design requires further revisions.
180. Detail indicates that based on the total site area being calculated at 16,512 square metres, and a greenfield run off rate of 10/1/s/ha, the calculated greenfield run off from the site is 16.51/s. A Schedule 6 application was also submitted in parallel with the current planning application to discharge 16.5l/s from the developed site to the watercourse some distance south of the site via an existing private storm sewer (previously installed within the applicants land).

181. Whilst no objection is offered, DfI Rivers recommend that any decision issued includes a condition that prior to the construction of the drainage network, that a final drainage assessment, compliant with FLD3, is submitted to demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network.
182. Appendix A in the submitted Drainage Assessment shows the calculated storage required for a 1 in 30 year event with 20% allowance for climate change would and future expansion would be 330.45 m³. It further states that this could be achieved within the development sing 130 metres of 1800mm diameter pipe upstream hydro-brake fitted manhole.
183. In addition to the consideration of a 30 year rainfall event, Flood Risk Consulting (FRC) have stated that the proposed design would be followed up at the detailed design stage with a detailed design of the drainage system which includes an allowance for exceedance from a 1 in 100 year return period event. This will ensure that no flooding of the site should occur as a result of the 100 year storm event.
184. It should be noted that this design has been undertaken to demonstrate that attenuation of surface water discharge from the proposed development can be achieved without the need to revise the layout of the proposed development. Therefore, at the detailed design stage, the proposed attenuation system and associated drainage infrastructure will be designed in accordance with the appropriate national standards and agreed by DFI Rivers Agent. This can be ensured by the additional of an appropriate condition as suggested by the competent authority,
185. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 15 June 2023 advise that they have no objection subject to NIW providing confirmation that the sewer network is able to accept the additional load consistent with their regulations.
186. It is therefore contended that appropriate mitigation measures have been demonstrated in the Drainage Assessment and have shown that the flood risk from pluvial flooding will be managed at the proposed development and that the proposed development will not increase the risk of flooding elsewhere. The proposal is therefore considered to comply with FLD3.
187. As no watercourse are present at the proposed site, the proposed development is considered to comply with FLD4.
188. In addition, the proposal is seen to comply with FLD5 as the proposed site is not within the predicted flood attenuation area of any reservoirs.
189. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is considered that the proposed development is capable of being carried out in accordance with the

requirements of Policy FLD3 of the draft Plan Strategy as modified by the Direction of the Department.

Policy WM2 - Waste Management

190. Detail submitted with the application indicates that foul drainage will connect to a treatment plan in accordance with an earlier approval.
191. The Councils Environmental Health were consulted and offer no objection in principle and advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
192. Consideration of flood risk is included as a criteria for assessment in policy WM 2. The site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain and therefore no flood risk is identified.
193. Based on a review of the information and advice received from consultees, it is accepted adequate provision is made for the disposal of effluent so as not to create or add to a pollution problem. The requirements of Policy WM2 of the draft Plan Strategy are met in full.

Conclusions

194. The proposal is for a storage and distribution unit on zoned employment in the open countryside. The site lies entirely inside the draft BMAP designation of LN08 which is carried through in the transitional arrangements. The proposal falls to be assessed against the economic development policies in the draft Plan Strategy.
195. The operational policies in the Plan are not written to take account of employment designations outside settlements and this is not a small rural project as described in policy ED 6.
196. There is a previous history of approval for employment use on this land in buildings of a similar type, scale and mass.
197. The development of this land for a storage and distribution use would be consistent with the key site requirements of LN8 and acceptable in principle.
198. The scheme also meets in full the requirements of policy ED9 of the draft Plan Strategy and all other planning and environmental considerations are acceptable.

Recommendations

199. It is recommended that planning permission is approved subject to condition.

Conditions

200. The following conditions are recommended:

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

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

2. The development hereby approved shall not become operational until hard surfaced areas have been constructed in accordance with approved drawing [insert number] bearing date stamp [insert date] to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

3. The hours of operation at the site shall be between 0700 – 2300.

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

4. Any forklift trucks used on site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on the site.

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

5. Foul sewage shall be connected to the main sewer with Northern Ireland Water approval. The approved scheme shall be maintained for the life of the approved development.

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

6. All hard and soft landscape works shall be carried out in accordance with Drawing number 02 published to the planning portal on 15 March 2023.

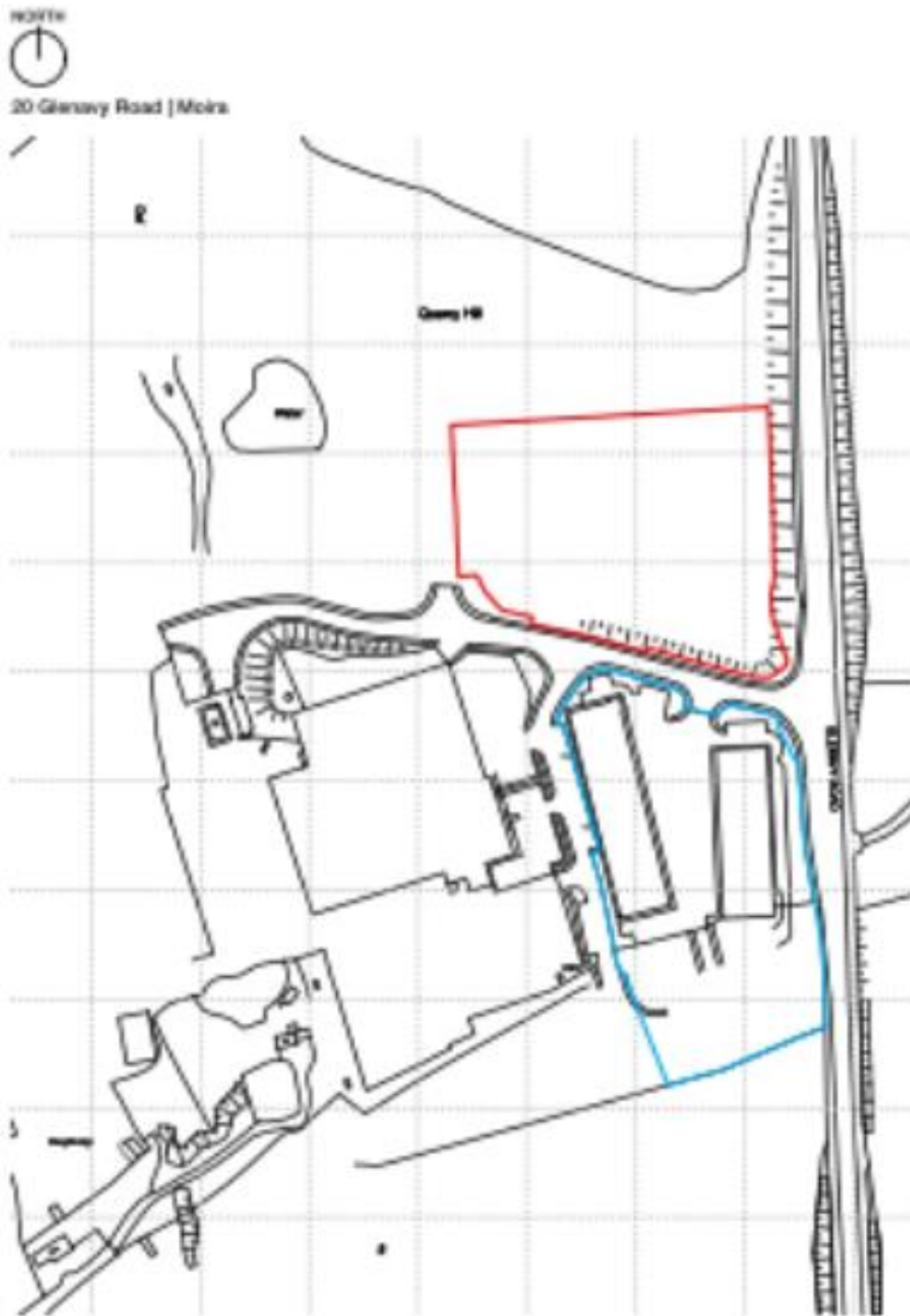
The works shall be carried out no later than the first available planting season after occupation of the development hereby approved.

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

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

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

Site Location Plan – LA05/2023/0252/F



Project: Fane Valley | Storage & Distribution | 20 Glenavy Road | Moira
 Client: Fane Valley

Title: **Site Location Map**

Date: 08 March 2023
 Scale: 1:2500 @ A4

Dwg No: **1321-PAD1**
 Dwg By: N McClosky

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 info@arc-id.co.uk
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**ARC
 ID**

Lisburn & Castlereagh City Council

| Planning Committee Report | |
|---------------------------|--|
| Date of Committee Meeting | 04 September 2023 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2018/0862/F |
| Date of Application | 15 th August 2018 |
| District Electoral Area | Downshire East |
| Proposal Description | Proposed infill site for two dwellings with detached garages |
| Location | Between 26 & 30 Magheraconluce Road, Hillsborough |
| Representations | Eleven |
| Recommendation | REFUSAL |

Background

1. Following a quashing of a decision in early 2022 as a result of the Department issuing a Planning Advice Note, a recommendation to approve planning permission was previously presented to the Committee on 13th June 2022 and a decision issued on 16th August 2022.
2. A Pre-Action Protocol Letter (“PAPL”) from a Mr. G. Duff indicating an intention to challenge the decision of the Council was received on 22nd August 2022.
3. A judicial review challenge to the decision was received on 15th November 2022 from a Mr. Duff. There were a number of planning grounds of challenge outlined in the papers.
4. On 16th May 2023, the decision of the Council to grant planning permission was quashed by Scofield J. on the grounds that the Council failed to comply with Section 43 of the Local Government Act (Northern Ireland) 2014 in that an amended planning report circulated to the committee on 10th June 2022 was not made available for public inspection.
5. The issues raised in Mr. Duff’s judicial review challenge (including his pre-action protocol letter and subsequent materials) have been considered as part of the re-assessment of this application as set out in this report.

6. Whilst this is a delegated application it was previously called-in and the same process of decision making is followed for consistency.

Description of Site and Surroundings

Site

7. The site is located to the western side of the Magheraconluce Road, Hillsborough and is a rectangular plot cut out of a larger agricultural roadside field.
8. The land rises quite steeply to the north and the site is bound by hedgerow to the west and east. The remaining boundaries to the north and south are undefined with the exception of a small area of hedgerow and trees located at the south western corner.
9. The land within has been stripped and the top soil is piled close to the western boundary. A level platform is cut out of the site generally in line with the buildings either side of the site. This has been levelled with crushed stone. The cut embankment behind is approximately four metres in height.
10. The land in foreground is graded from the edge of the Magheraconluce Road towards the levelled platform and a hard cored lane has been constructed with the access located close to the south eastern boundary.
11. Overhead powerlines run west to east across the site close to the northern boundary. BT poles also run west to east across the road verge close to the southern boundary of the site.
12. The site is situated between two occupied residential properties at 26 and 30 Magheraconluce Road. The property at 26 is a single storey dwelling with a detached garage and the property at 30 is a single storey dwelling with an integral garage.

Surroundings

13. The surrounding area is rural in character and the lands are mainly in agricultural use.
14. There is evidence of a build-up of residential development along this part of the Mageraconluce Road. Along a 350 metre stretch of the road there are six dwellings and the Harry Ferguson Memorial Garden and car park.

Proposed Development

15. This is a full application for proposed infill site for two dwellings with detached garages.

Relevant Planning History

16. The planning history associated with this site is set out in the table below:

| Application Reference | Site Address | Proposal | Decision |
|-----------------------|---------------------------------------|--------------------------------------|---|
| S/1987/1178 | Adjacent to 30 Magheraconluce Road | Dwelling | Application Withdrawn |
| S/1988/1456 | Adjacent to 30 Magheraconluce Road | Dwelling and garage | Application Withdrawn |
| LA05/2016/1080/O | Between 26 and 30 Magheraconluce Road | Proposed site for 2 infill dwellings | Permission Granted 08 th March 2017 |

17. A previous decision to grant outline planning permission at this site has lapsed since March 2022. As a result no weight is given to that decision.

Consultations

18. The following consultations were previously carried out as set out in the table below. However, there was a re-consideration as to whether a further consultation with each of the bodies was necessary. Having considered the consultation responses, no further consultation was considered necessary.

| Consultee | Date of consultation | Date of Response and response | Consideration |
|----------------------|---|--|---|
| DfI Roads | 20 th April 2021 (last date of nine separate consultations) | No Objection 14 th June 2021 | No change to circumstances and no further consultation required |
| Environmental Health | 22 nd August 2018 | No Objection | No change to circumstances |

| Consultee | Date of consultation | Date of Response and response | Consideration |
|-------------------------------|------------------------------|---|---|
| | | 07 th September 2018 | and no further consultation required |
| Water Management Unit | 22 nd August 2018 | Refers to standing advice 23 rd August 2018 | No change to circumstances and no further consultation required |
| NI Water | 22 nd August 2018 | No Objection 25 th June 2019 | No change to circumstances and no further consultation required |
| Historic Environment Division | 22 nd August 2018 | No Objection 24 th August 2018 | No change to circumstances and no further consultation required |

Representations

19. Representations have been received from the occupiers of the following properties.

| Date Neighbour Comment Received | Address |
|---------------------------------|--|
| 02/09/2018 | 31 Magheraconluce Road, Growell, Hillsborough, Down BT25 1EE |
| 05/09/2018 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 06/09/2018 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 29/11/2018 | 26 Magheraconluce Road, Growell, Hillsborough, Down BT25 1EE |
| 04/12/2018 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 05/12/2018 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 27/06/2019 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |

| Date Neighbour Comment Received | Address |
|--|--|
| 28/06/2019 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 28/06/2019 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 05/02/2021 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 05/05/2021 | 30, Magheraconluce Road, Dromore, Down, Northern Ireland, BT25 1EE |
| 31/08/2021 | 73 Palmerston Road, Belfast, BT4 1QD |

20. The issues raised in these representations have been considered as part of the assessment of this application.
21. In summary, the representations were objections and the issues raised in those representations were as follows:
- 1) Planning permission was refused previously
 - 2) The proposal is not an infill
 - 3) Precedence
 - 4) Previous ridge height restriction
 - 5) Prominence
 - 6) Traffic impact and road safety
 - 7) Consultation on the application
 - 8) Accuracy of the plans
 - 9) Land ownership issues and implementation
22. As noted above, the planning issues raised in the judicial review challenge have also been considered the planning challenges associated were based on the following grounds:
- (i) Illegality
 - (ii) Immaterial/Material Considerations and Planning Policy
 - (iii) Breach of Statutory duty/requirements
 - (iv) Irrationality. This is a matter of law arising from the consideration of the planning issues.
23. These issues are considered in this redetermination.

Planning Policy Context

Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

25. On 28th June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
26. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
27. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
28. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
29. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
30. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
31. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for

Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.

32. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
33. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

35. In accordance with the transitional arrangements the existing Lisburn Area Plan (LAP) and draft BMAP remain material considerations.
36. The site is located in the Green Belt in LAP and at page 49 it states:
that the Department's regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.
37. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPSs. The Rural Strategy remain material considerations until superseded by PPSs.

38. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

39. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

40. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
41. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
42. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

43. This is an application for two dwellings in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

44. As explained this is an application for an infill development and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

45. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

46. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

48. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

49. Policy COU16 - Rural Character and other Criteria states:

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

A new development proposal will be unacceptable where:

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

Waste Management

50. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

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

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

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

Consideration will also be given to the nature and scale of the development, character of existing development, the contribution of the proposal to the

creation of a quality environment, the location and number of existing accesses and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

52. The justification and amplification states:

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

(text in bold as modified by the Direction)

Built Heritage

53. An archaeological constraint is identified as the site is within a buffer zone surrounding an archaeological site and monument – DOW021:025 (Enclosure).
54. Policy HE2 - The Preservation of Archaeological Remains of Local Importance and their Settings states:

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

The approach to the statutory Development Plan and Regional Policy

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

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

56. It is stated at paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council

and shall not be material from that date, whether the planning application has been received before or after that date.

57. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued, these policies are now considered to be of little weight for the same reasons explained earlier in this report.

58. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite of planning policy statements and are considered to be of determining weight in the assessment of this planning application.

59. 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.

60. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

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

61. It is further stated at paragraph 6.78 of the SPPS that:

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

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

Building on Tradition

63. Whilst Building on Tradition is guidance, and not policy, and is of lesser weight than policy as a guidance document, the SPPS states that:

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

64. This guidance notes:

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

65. The guidance also notes that:

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

66. It also notes that:

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

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

67. Officers have had regard to the guidance in assessing this proposal, including the extracts above and the principles and examples.

68. Building on Tradition contains various examples of acceptable and unacceptable infill sites using drawings and photographs. It provides the further guidance regarding infill principles at page 74:

- *Follow the established grain of the neighbouring buildings.*

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

Regional Policy Context

69. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

70. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

71. Policy CTY 1 states:

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

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

'Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

72. The policy states:

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*

- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

73. As per the submitted plans, this application is a proposal for the development of a gap site for two dwellings and garages.

74. In addition to Policy CTY 8, there are other CTY policies that are engaged as part of the assessment including; CTY 13, CTY 14 and CTY 16, and they are also considered.

75. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

76. A building is defined in statute to include; a structure or erection, and any part of a building as so defined. see section 250 of the Planning Act (Northern Ireland) 2011 which states:

a building includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.

77. Regard is also had to the justification and amplification which states;

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still

represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Consideration of the Courts:

78. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scofield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

79. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the*

wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).

- (iii) *In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
 - (iv) *Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
 - (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*
 - (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement."*
80. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development.
81. Policy CTY 13 – Integration and Design of Buildings in the Countryside states:

'Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.'

82. The policy states:

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or*
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) it relies primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

83. Policy CTY 14 – Rural Character states:

Planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

84. The policy states:

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

85. Policy CTY 16 - Development Relying on Non-Mains Sewerage states:

'Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.'

86. The policy also states:

'Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.'

'In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.'

87. With regards to Policy CTY 16 Building on Tradition [page 131] states:

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

Access, Movement and Parking

88. PPS 3 - Access, Movement and Parking and PPS 3 (Clarification), sets 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.
89. Policy AMP 2 – Access to Public Roads states:

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

- a) 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.'*

Development Control Advice Note 15 – Vehicular Access Standards

90. 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.’

PPS6 - Archaeology and Built Heritage

91. PPS 6 – Planning, Archaeology and the Built Heritage makes provision for the protection of our archaeology and built heritage.
92. Policy BH 2 - The Protection of Archaeological Remains of Local Importance and their Setting states:

“that development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.”

Assessment**Ribbon Development**

93. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer’s bear in mind that the policy in COU8 is similarly restrictive as CTY 8 and that any infill application is an exception to the prohibition on ribbon development.
94. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

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

95. Whilst the justification and amplification of COU8 is less prescriptive than paragraph 5.33 of the justification and amplification of policy CTY 8 there are two buildings beside one another on the same road frontage at this location.
96. Officers are satisfied that the proposal does engage ribbon development. The buildings are set back from the road by varying degrees and at slightly different heights in the landscape. Whilst there is a gap between them they have a common frontage to the Magheraconluce Road and they are visually linked when travelling east towards the site from opposite the car park to the Harry Ferguson Memorial Garden and west from opposite the driveway to 31 Magheraconluce Road.

The issue of exception

97. The next steps are to consider whether the proposal comes within the exception set out in policy COU 8 for the possible *“development of a small gap, sufficient to accommodate 2 dwellings within an otherwise substantial and continuously built up frontage”*.
98. Policy COU 8 states that a substantial and continuously built up frontage is a line of four or more buildings along a road frontage of which two must be dwellings. Ancillary domestic buildings such as garages are excluded.
99. This is not a substantially and continuously built up frontage. Two dwellings are located along the road frontage but the only other building is an ancillary garage which is excluded. This part of the exception test is not met.
100. The second step of the exception test in policy COU 8 is to consider if a small gap site sufficient only to accommodate two dwellings exists.
101. In considering whether a small gap site exists, while the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, officers have not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
102. This is a matter of planning judgement and members may differ in that planning judgement. With that in mind, the characteristics of the gap identified have been considered.
103. The application site frontage is approximately 90 metres wide. The adjoining plot widths either side are measured as approximately 48 metres and 65 metres. The average plot width is 56.6 metres and the two sites at 45 metres are considered broadly in keeping with the existing plots making up the frontage and are consistent with the established pattern of development by reason of the width of the frontage that they occupy.

104. Consistent with the advice detailed at paragraph 4.5.1 of the Building on Tradition document the size of the gap in the Magheraconluce Road frontage does not exceed the average plot width of 56.5 metres. On the plot size analysis alone, and comparing the existing plots, the gap site is small in the sense of accommodating two dwellings of comparable plot size.
105. It is stated at bullet point 3 of page 71 of the Building on Tradition document that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The site frontage at 90 metres is also not more than twice the width of the average plot which is 113 metres (56.5 metres x 2).
106. The gap is small and sufficient to accommodate two dwellings. The requirements of this part of the policy test of COU 8 is met. However, there are other considerations before a final assessment can be reached.

The issue of important visual break

107. Guidance in Building on Tradition does state at paragraph 4.5.0 that it may not be appropriate to fill gaps with development that are an important visual break. This is not considered to be one of these gaps.
108. There are no local circumstances that would require the visual break to be maintained. This site was previously part of an agricultural field and no landscape features were observed that suggest the gap framed a viewpoint or provided an important setting for the amenity and character of the existing dwellings.
109. Both dwellings front the Magheraconluce Road and the views from these buildings are into the open countryside to the south. The private gardens of both properties are to the rear and not impacted by the development. Neither dwelling is of any special architectural design that would mean its setting should be maintained.
110. This is a short ribbon but the site is not a woodland nor has it other landscape features present that would suggest it is an important visual break in the developed appearance of the landscape that should be maintained.
111. The exceptions test in policy COU 8 also requires consideration as to whether the proposed development respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.
112. The plot sizes associated with number 26 Magheraconluce Road and 30 Magheraconluce Road are approximately 3264 metres squared and 2762 metres squared respectively.
113. The application site is approximately 4888 metres squared which indicates an average plot size of 2444 metres squared. Whilst slightly smaller in size they

are not significantly different in terms of frontage width and depth and the general layout and arrangement of the buildings is broadly consistent with the established pattern of development.

COU 15 – Integration and Design

114. The site levels rise steeply from the road edge to the rear of the site with a difference in height of approximately 12 metres.
115. That said, the proposed development makes the best use of the change in level to minimise the amount of cut and fill to allow the proposed dwellings to visually integrate into the landscape by creating a backdrop and hiding any retaining behind the proposed buildings. As a consequence the buildings will not be a prominent feature in the landscape and criteria (a) of policy COU 15 is met.
116. This proposal is considered to cluster with an established group of buildings as this is a gap in a road frontage and the buildings either side provide enclosure and book ends to the ribbon of development and criteria (b) and (c) of policy COU 15 are met.
117. The design principles followed in terms of siting mid slope is consistent with the approach used in the layout and arrangement of the buildings either side of the site and in keeping with the pattern of development along this section of the Magheraconluce Road. New landscaping is not relied on to integrate the buildings into the landscape. Criteria (d) and (e) of policy COU 15 are met.
118. The infill principles for gap sites set out at page 74 of the Building on Tradition document are followed.
119. The grain of the established buildings is respected in the detail of the design. The single storey dwellings are positioned to be in line with the adjacent dwellings and will blend unobtrusively into the landscape. The rising land to the rear provides backdrop and the dwellings and hedgerows either side enclosure.
120. This design approach is also consistent with guidance outlined at paragraph 4.2.1 of Building on Tradition which encourages applicants to work with the landscape avoiding prominent and elevated locations.
121. The size, scale and form of the proposed buildings are in keeping with the buildings adjacent to the site.
122. There is clear definition of the private and public parts of each plot and the dwellings have a front and back area equivalent in size, shape and form to the two dwelling either side. No overlooking or other amenity issues are identified.
123. The external appearance of the buildings is considered to be simple in nature with small front and rear porch element and a side projection. The windows are

vertical in emphasis and the chimneys are on the ridge. There is an appropriate solid to void ratio.

124. The proposed external finishes are roof tiles to be blue/black flat profile concrete tiles/natural slate; the walls are to be grey render and dark grey natural stone to the front porch and side projection; windows to be white uPVC double glazed; fascia and bargeboard to be white uPVC and rainwater goods to be black aluminium.
125. This palette of materials reflects what is used in other buildings in the local area and considered to be acceptable for the site and locality.
126. A two metre high retaining wall comprised of buff interlocking block will extend along the back of each site with the bank sloped beyond at a gradient 1:2.
127. A double garage is also proposed to each site positioned to the rear corner. It measures 8.1 metres by 6.6 metres and has a proposed ridge height of 5.5 metres above the finished floor level. The material finishes are to match that of the dwelling houses and are considered acceptable.
128. There is no hedgerow along most of the frontage of the site but this is required for access and visibility and new planting is proposed on the roadside boundary. Hedgerow and trees on the western and eastern boundaries is mainly in the neighbouring properties but is also supplemented with new landscaping. Native species are proposed and this will overtime assist with integration and bio-diversity.
129. The requirements of criteria (f) of policy COU 15 are met and the design of the new buildings are appropriate to the location for the reasons detailed above.
130. The ancillary works mainly comprise the construction of a paired access arrangement. There is no hedgerow along the road frontage but it is proposed to plant hedgerow after the works to form the access are completed. The ancillary works in their own right can be easily absorbed and reintegrated into their surroundings. Criteria (g) of policy COU 15 is met.
131. The buildings are sited roughly at the same level of elevation as the existing buildings on this side of the Magheraconluce Road and the building line is respected.
132. Again it is emphasised that the form, size and scale of the proposed buildings and how they are arranged in each plot is also consistent with the built form locally. The pattern of development is also respected in terms of the detailed layout, design, finishes and arrangements of the buildings.
133. Finally the exception test states that buildings forming a substantial and continuously built up frontage must be visually linked. Whilst the buildings are visually linked when standing at the site at the location of the proposed entrance this is not a substantially and continuously built up frontage for the reasons explained above. This part of the test is also not met.

134. How the proposal meets other planning and environmental requirements and including those set out in policy COU 16 and other related policies in the draft Plan Strategy is considered in the following sections of the report.

COU 16 – Rural Character

135. As the buildings are single storey, the landform is used as a backdrop and the existing buildings either side provide enclosure the proposed development would not be prominent in the landscape, is grouped with other buildings and follows the traditional pattern development so it will not damage rural character for these reasons. Criteria (a) and (b) of policy COU 16 are met. That said the site is not located within a substantial and continuously built up frontage and the exception test of policy COU 8 is not met. The insertion of two new buildings in this gap would not respect the traditional pattern of settlement and contribute to urban sprawl. As a consequence this would harm the character of this countryside location. The requirements of criteria (c), (d) and (e) of policy COU 16 are not met.
136. In respect of criteria (f) the proposed development would not harm the amenity of the dwellings either side of the site. The buildings are gable ended to each other and there are no windows in the proposed gable elevation that look directly into another window in the neighbouring properties.
137. The requirements of criteria (g), (h) and (i) are considered also to be met for the reasons set out below.

Policy WM 2 – Waste Management

138. Detail submitted with the application indicates that source of water supply will be from mains and surface water disposed of via soakaway and foul via septic tank.
139. LCCC Environmental Health were consulted and offer no objection.
140. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
141. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
142. Based on a review of the information and advice received from consultees, it is accepted that a septic tank/package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to

create or add to a pollution problem. The requirements of Policy WM2 of the draft plan strategy are met in full.

143. In respect of the other requirements of policy COU 16 all of the proposed services are provided underground or from existing overheads lines along the road frontage or running across the back of the site. No adverse impact is identified in terms of connecting this development to services.

Policy TRA 2 - Access and Transport

144. Detail submitted with the application indicates that access arrangements for the development as proposed will consist of construction of a new access onto a public road which will be used for vehicular use.
145. DfI Roads had initially raised concerns that forward sight distances had not been indicated on the plan and that a proper topographical survey of the road specifically in the vertical plane was required to demonstrate that all visibility lines could be achieved. A clear fully dimensioned engineering drawing showing the access, driveways and parking details along with access width dimensions was also required.
146. A number of amendments were submitted during the processing of the application. Plans received in April 2021 proposed the relocation of the access points and provision of visibility splays of 2.4 metres by 87 metres to the southern side and 3.4 metres by 90 metres to the northern side.
147. DfI Roads having assessed the detail of the most recent amendments confirmed in a response dated 14th June 2021 that it has no objection to the amended access arrangements.
148. Based on a review of the detail of the submitted access arrangements considerable weight is attached to the advice from DfI Roads and it is accepted that the application is in accordance with the requirements of policy TRA 2 and criteria (i) of the policy COU16 of the draft Plan Strategy.
149. As previously stated there is no hedgerow along the road frontage but it is proposed to plant hedgerow after the works to form the access are completed. The ancillary works in their own right can be easily absorbed and reintegrated into their surroundings. No adverse impact is caused to the rural character of the area by the construction of the proposed access. Criteria (h) of policy COU 6 is met.

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

150. The application site is also in close proximity to a buffer zone surrounding an—to the northeast of the site.

151. It is identified in the record DOW021:025 (Enclosure) that part of the site lies within the consultation zone for a potential path which is located to the rear of the car park to the Harry Ferguson Memorial Garden.
152. The buffer extends to boundary of the neighbouring property at 30 Magheraconluce Road. It does not extend into this site.
153. Historic Environment Division (HED) have been consulted and advice received confirms that on the basis of the information provided, HED is content that the proposal does not impact on any archaeological remains in or adjacent to the site. Officers have given considerable weight to the views of this expert consultee and consider that the requirements of policy HE 2 of the draft Plan Strategy are met.

Consideration of Representations

154. Officers having assessed the proposal against the relevant policies, assessment of the third party representations as part of the planning application process are considered below:

The previous refusal and planning history

155. The view is expressed that the planning permission was previously refused in 1987/88. The policy context within which this application was considered is changed.
156. There are more recent histories of planning permission on this land. This proposal is considered on its own merits and the site is assessed not to be an infill opportunity as there is not a substantial and continuously built up frontage. The development of the land would also harm the rural character of the area by reason of a build-up of development and urban sprawl.

The site is not an infill opportunity

157. With regard to the view expressed that the proposed site is not an infill opportunity. The policy context is changed and the proposal is not considered to be an infill opportunity for the reasons detailed above. The exception test of policy COU 8 is not met as there is not a substantial and continuously built up frontage. To infill this gap with buildings will harm the rural character of the countryside by reason of a build of development resulting in urban sprawl.

Precedent for future development

158. With regard to the concern expressed that the proposal could set a precedent for more development under policy CTY 8 it is important to note that each

application is required to be assessed on its own merits taking into account the site context and surroundings.

159. In this case and for the reasons outlined above, the application site has been assessed with regard to the policies in the draft Plan Strategy of the Lisburn and Castlereagh City Council Local Development Plan. The changed circumstances means that the proposal is no longer in accordance with planning policy. It will not set a precedent for the future development of other sites in the locality.

The surrounding dwellings are single storey

160. The view is expressed that the surrounding dwellings are all single storey and the applicant is proposing a split level dwelling which is not in keeping with a previously approved ridge height.
161. The earlier planning history has no weight in this application process and the previous submission of a split level house type is not relevant to this application. The proposed house type in drawing 03B is single storey and whilst the highest part of the roof in the middle section of the house is 6.4 metres all the proposed accommodation is laid out on one floor. There are no windows in the roof to suggest that this part of the house will be used as first floor accommodation. The building is similar in form, scale and layout to the other dwellings adjacent and opposite the site.

Prominence

162. Concern is raised in relation to prominence. The buildings will have a backdrop and are enclosed on two sides by other buildings and hedgerow. The buildings are not prominent in the landscape.

Traffic impacts

163. Concerns are raised about traffic impact and road safety with the view expressed that the required visibility splays cannot be achieved and that a fully dimensioned engineering drawing clearly showing visibility splays and forward sight lines properly dimensioned and accurate has not been provided as it is clearly obvious that these are unattainable.
164. Concerns are also expressed that two more dwellings would be added to a very dangerous stretch of road and about the possible accident potential.
165. This scheme has been designed to take account of concerns raised by DfI Roads about the ability to achieve forward sight distance in the vertical plane. The amended access arrangement of April 2021 specifically addresses this road safety concern.

166. DfI Roads offered no objection on 14th June 2021 to the submitted drawing No. 21017:02 Site Layout Plan, bearing the date stamp 16th April 2021. Officers are in agreement with the advice of the statutory consultee.

Consultation dates are too short

167. The view is expressed that the consultation dates are excessively short. The dates provided in initial notification letters and advertising are consistent with legislative requirements.
168. That said, representation can be made to a planning application up until a decision is has been issued by the Council. This application has been the subject of close scrutiny and legal challenge, and the issues have been carefully considered.

The change to the location plan

169. The view is expressed that the site location plan outlined in red (13.6.19) varies greatly from that originally submitted to council (16.8.18) and appears to include land not currently owned by the applicant.
170. The red line of an application can be extended for access purposes as was the case in this instance. Planning permission does not confer title and land ownership is a legal matter.
171. The onus is on the applicant/developer to ensure that he has ownership/control of all lands necessary to implement a planning approval. If a planning approval has not been implemented in accordance with the approved plans, the Council's enforcement team can take action if/when required.
172. As noted above, there were submissions to Court by Mr Duff. Those are set out and addressed below:

Illegality

173. The point raised is that:

The Applicant contends that the impugned decision was unlawful because the proposed Respondent has breached the prohibition of the creation or addition to ribbon development as directed in the SPPS and Policies CTY8 and CTY14 of PPS21.

174. This proposal has been considered on its own merits. There is a changed policy context and the proposed development is assessed to be contrary to policies COU 8 and COU 16 of the draft Plan Strategy for the reasons outlined earlier in this report.

Immaterial/Material Considerations and Planning Policy

175. The points raised are that the Council has taken into account the following inaccurate or immaterial facts/considerations:
- (a) *That the domestic garage at number 26 Magheraconluce Road is a substantial building, which along with only two houses, contributes sufficiently to form a substantially built up frontage. In its PAP response the Respondent has stated "there is no restriction to the definition of relevant buildings". The Applicant challenges this on the ground that the policy context restricts the definition of buildings and the proposed Respondent does not understand the policy.*
176. Account is now taken of the changed policy position arising from the publication of the Direction for the Plan Strategy to be adopted. The garage is not counted as part of the officer's assessment of whether there is a substantial and continuously built up frontage. The policy excludes consideration of ancillary buildings.
- (b) *That there is a "continuously" built up frontage*
177. Officers are satisfied that there is not a substantial and continuously built up frontage based on the changed circumstances and the amendment to the exception test as described earlier in the report.
- (c) *That a built up frontage on the other side of the Magheraconluce Road is relevant in determining whether there is a built up frontage adjacent to the approved site.*
178. Officers have not counted the buildings on the opposite side of the road as part of the continuously built up frontage.
- (d) *That the proposal is considered to comply with the SPPS and policies CTY1 and CTY8 of PPS 21 in that there is a gap site within an otherwise substantial and continuously built up frontage that can accommodate two dwellings and associated garages without causing impermissible harm.*
179. This is a matter of planning judgement for the members. Officers have considered the policy, and the context of the proposed development and the plot size of the existing developments. Officers are satisfied that there is not a substantial and continuously built up frontage in accordance with policy COU 8. It is this policy which has determining weight in the assessment of this proposal.
- (e) *That if as the proposed Respondent asserts, "the proposal does engage ribbon development", that there is a permissible exception (presumably to adding to ribbon development).*

180. Officers are satisfied the proposal does engage ribbon development but this does not mean there is permissible exception. As there is no substantial and continuously built up frontage the exception test is not met.
- (f) *That the gap site is small.*
181. Officers are satisfied that the gap is small relative to the existing ribbon of development and the site is smaller than twice the average plot size of the two plots either side.
- (g) *That the planning history of a prior application LA05/2016/1080/0 is relevant and means weight should be attached to it when considering the impugned decision. This prior application was on a different, smaller site that did not trigger an EIA screening determination, it failed to consider environmental harm to a priority habitat, failed to consider harm to the rural character, was potentially biased, was generally flawed, limited ridge height to 6m and has lapsed; so granting it any weight at all is an immaterial consideration.*
182. Officers consider the previous planning history has no material weight as an application for approval of reserved matters was never made and the outline permission is time expired.
- (h) *The proposed Respondent in its PAP Response has stated "The policies in PPS21 are expressly retained in the SPPS and there is no conflict with those policies" This is wrong and an immaterial consideration which goes to the heart of the impugned decision. The SPPS is worded differently and represents a clarification of CTY8 especially by the SPPS removing the word exception which is used in CTY8. The exception is nearly always misinterpreted to mean that ribbon development can be added to or created if there is deemed to be a small gap site in a substantial and continuously built up frontage in academic or linguistic terms. The SPPS brings in outright prohibition to adding to or creating ribbon development and this is an essential clarification which means that a qualifying gap site is limited to the much rarer occasions where the gap within a substantial and continuously built up frontage can be in-filled without registering as adding to or creating ribbon development*
183. Officers have considered whether the site constitutes a gap site for the purposes of the policy, and that is set out in detail above.
184. Officers have expressly considered the issue of an important visual break in the context of the guidance in Building on Tradition and it is not. As explained above this site was previously part of an agricultural field and no landscape features were observed that suggest the gap framed a viewpoint or provided an important setting for the amenity and character of the existing dwellings.
- (i) *That two houses would be acceptable and would respect the existing pattern of development*

185. Officers have considered the pattern of development and it is respected for the reasons set out above. The proposed plots are not significantly different in terms of frontage width and depth and the general layout and arrangement of the buildings is consistent the existing dwellings either side.
186. The buildings are sited broadly at the same level of elevation as the existing buildings and the building line is respected. The form, size and scale of the dwellings are acceptable. The palette of material are consistent with those used on the neighbouring buildings either side.

Breach of statutory duty/requirement

187. The points made are that the Council failed to comply with its duty to:
- (a) To make an environmental impact assessment screening determination in breach of Regulation 6 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.
188. Officers consider this not to be Schedule 2 development in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and no determination is required for this proposal. This is not EIA development.
- (b) That the proposed Respondent has failed to satisfy Regulation 32 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
189. Regulation 32 state that the Council shall consider the exercise of its enforcement function in such a way as to secure compliance with the EIA Regulations.
190. In exercising its enforcement function officers again consider this not to be Schedule 2 development in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and no determination is required.

Irrationality

191. The point made is that:
- (a) That in relation to whether the gap between Nos. 26 and 30 Magheraconluce Road is an important visual gap; the proposed Respondent in its PAP response irrationally states - "Consideration has also been given to the gap. There are no local features recorded to indicate that the gap frames a viewpoint or provides an important setting for the amenity and character of the existing dwellings". The developer has now cleared the site of trees, hedgerow, wildlife and soil and the contrast between before and after only serves to highlight the huge amenity and value of what has been lost.

192. The characteristics of the site as they exist now have been considered and taken into account in this report. The site was previously used for agriculture and some hedgerow along the roadside has been removed. The importance of the gap is considered by officers and reasons provided for the view expressed regarding same.

Other issues

193. In an affidavit that accompanied the application for leave the following issues are also raised:

12. *I exhibit drawing 03B showing house elevations as my GD1 Tab14, Drawing 04B showing the garage detail as my GD1 Tab 15 and a site layout plan showing sightlines as my GD1 Tab16. These sightlines are different from those shown in the first site plan submitted with the application (GD1 Tab12). The new sight lines require works to the other side of the road. The consequence is that the approved site which extends across the road is even bigger than the 0.53 Ha indicated in the application form.*

194. The detail of the works on the opposite side of the road are provided and considered by DfI Roads as part of their response on 14th June 2021. The roadworks to be carried out beyond the site were addressed by the use of a proposed negative planning condition. It does not make the site bigger. The application is subsequently remitted back to the Council. The works are unauthorised and subject to an on-going enforcement investigation.

15. *The site sections referred to earlier show very substantial excavation of the site and the undesirability of this is addressed on page 113 of Building on Tradition which I exhibit as my GD1 Tab19.*

195. It does state that extensive cut should be avoided but this is taken account of in the design. The buildings are single storey consistent with the character of the other buildings in the frontage. As all the accommodation is on one level it is not possible to avoid cut and fill operations. The height of the retaining wall and the fact that it is located to the rear of the proposed buildings are mitigating factors considered by officers in the assessment of how the development will be integrated into the landscape.

19. *My next exhibit GD1 Tab27 is a photo that I took on the 1st September 2022 from within the field on the other side of the road of hedgerow removal and works in that field. This also shows the house at number 30. I roughly measured 70m of hedgerow removed to this field to provide the sightlines and I also observed that large amounts of fill from the site was transported across the road and filled into this field. The flat level of bare soil compares with the "Toe of slope" indicated in my GD1 Tab16 and this amount of fill has not been approved and therefore represents unlawful deposit of waste material from the site excavation and potentially a waste crime.*

196. Following receipt of a complaint from Mr Duff an enforcement case was opened. The waste and contaminated land section of the Northern Ireland Environment Agency has been contacted and they have no record of a complaint of a potential waste crime and no live investigation. It is a matter for them to investigate separately in light of the advice offered by the Council that a complaint is received.
197. The Council has advised them that a planning permission would normally be required for the filling of this land at this location but that it does not consider it expedient to pursue enforcement action as the filled ground improves forward sight distance along this part of Magheraconluce Road.
198. The planning applicant has provided drawings to show the extent of the works required to make good the verge at this location and to plant in behind the forward sight line with hedgerow.
199. The Council also contacted the Natural Environment Division of DAERA and they have no complaint in respect of the removal of the hedgerow as a potential breach of the Wildlife and Natural Environment Act (Northern Ireland) 2011. The complaint received by the Council is made after the hedgerow was removed. The allegation that the hedgerow was removed during the bird nesting season is highlighted to DAERA and it for them to consider whether a breach of the Act has occurred and what action should follow.
200. For completeness the Council has also investigated whether it is expedient to pursue enforcement action for the engineering works on the lands between 26 and 30 Magheraconluce Road. This investigation is currently on-going.
27. *The Climate Change Act was enacted on the 6th June 2022. This imposes obligations to comply with targets to reduce green house emissions. In relation to CO2 the output of CO2 must be meet a target of the reduction by 48% by 2030 compared with the baseline of the 1990 CO2 emissions and a reduction of 100% lower that the baseline by 2050. The impact of new infrastructure and the need to encourage active travel and reduce emissions from private transport must be taken into account by the Department. These sentiments are also enshrined in the SPPS and need to reduce dependency on motorised transport is one of the core principles enshrined in rural housing policies. I therefore believe there is no scope for departure from the strictest interpretation of rural housing policies.*
201. The policies used in the assessment of the application are prepared in accordance with the Regional Development Strategy which takes account of climate change.

Conclusion & Recommendations

202. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of paragraph 6.73 of the SPPS and policies COU1, COU8 and COU16 of the draft Plan Strategy.

Refusal Reasons

203. The following reasons for refusal are proposed:

- The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft plan strategy (as modified by the Direction of the Department) in that it is not a type of development which in principle is acceptable in the countryside.
- The proposal is contrary to bulletin point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council draft plan strategy (as modified by the Direction of the Department) as this proposal is not contained within a substantial and continuously built up frontage and is not considered an exception to the prohibition of ribbon development.
- The proposal is contrary to policy COU16 of the Lisburn and Castlereagh City Council draft plan strategy (as modified by the Direction of the Department) in that the insertion of two new buildings in this gap would not respect the traditional pattern of settlement and contribute to urban sprawl. As a consequence this would harm the character of this countryside location.

Site Location Plan – LA05/2018/0862/F



Lisburn & Castlereagh City Council

| | |
|---------------------------|---|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 04 September 2023 |
| Committee Interest | Local Application [Called In] |
| Application Reference | LA05/2022/0613/F |
| Date of Application | 20 th June 2022 |
| District Electoral Area | Kiltullagh |
| Proposal Description | Proposed change of house type for application LA05/2017/0814/F - Dwelling and detached garage to include stables and garden store |
| Location | 40 metres South-East of 3 Aghalee Road, Lower Ballinderry, Lisburn |
| Representations | Four |
| Case Officer | Cara Breen |
| Recommendation | Approval |

Summary of Recommendation

1. This application is categorised as a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to approve as an earlier planning permission LA05/2017/0814/F has been lawfully implemented and the applicant has a fall-back position. This history is a material consideration of significant weight and an exception to policy COU1 of the draft Plan Strategy is presented.
3. The detailed design of the proposed dwelling is in accordance with paragraph 6.70 of the SPPS and Policy COU15 of the draft Plan Strategy as modified by the Direction of the Department in that the buildings are sited to not be prominent and will integrate into their surroundings.
4. It is considered that the proposed dwelling and ancillary buildings complies with paragraph 6.70 of the SPPS and Policy COU16 of the draft Plan Strategy as

modified by the Direction of the Department are designed to not cause a detrimental change to the rural character of this countryside location.

5. It is considered that the proposed change of house type complies with paragraph 6.70 of the SPPS and Policy WM2 of the draft Plan Strategy as modified by the Direction of the Department in that there is sufficient capacity to discharge treated effluent to a watercourse and that this will not create or add to a pollution problem or create or add to flood risk.
6. The proposed change of house type application complies with the SPPS and Policy TRA2 of the draft Plan Strategy as modified by the Direction of the Department in that the detail demonstrates that the arrangements for direct access to the public road will not prejudice road safety or significantly inconvenience the flow of vehicles nor will it conflict with Policy TRA3.
7. The proposed change of house type application complies with the SPPS and Policies NH2 and NH5 of the draft Plan Strategy as modified by the Direction of the Department in that the detail demonstrates that the proposal is not likely to harm species protected by law nor is it likely to result in the unacceptable adverse impact on habitats, species or features of natural heritage importance.

Description of Site and Surroundings

Site

8. The application site is located 40 metres south east of 3 Aghalee Road, Lower Ballinderry and is comprised of a 0.1 hectare parcel of land which forms part of a much larger agricultural field. It is accessed via an agricultural gate set back from Aghalee Road which leads onto a grass track.
9. The north western and south western boundaries of the application site are defined by mature trees and hedgerow. The north eastern and south eastern boundaries are undefined. The roadside boundary is demarcated by grass verge and mixed species hedgerow with an existing gap for vehicular access.
10. In relation to topography, the application site is undulating throughout. The main part of the site sits at a lower ground level to Aghalee Road.

Surroundings

11. The area surrounding the site is rural in character and predominantly agricultural in use, characterised by drumlin topography. A number of residential dwellings are located immediately to the North West and south west of the site.

Proposed Development

12. Full Planning permission is sought for a proposed dwellings which a change of house type for application (LA05/2017/0814/F) for a dwelling and detached garage to include stables and garden store.

Relevant Planning History

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

| Reference Number | Description | Location | Decision |
|-----------------------|---|---|--------------------|
| LA05/2023/0656/CLOPUD | Implementation of approved site LA05/2017/0814/F, to include sight-lines, access, site works and foundation works | 40 metres south east of 3 Aghalee Road, Lower Ballinderry | Pending |
| LA05/2018/0822/RM | Proposed dwelling and garage | 40 metres south east of 3 Aghalee Road, Lower Ballinderry | Permission Granted |
| LA05/2017/0814/F | Proposed dwelling and detached garage to include stables and garden store | 43 metres south east of 3 Aghalee Road, Lower Ballinderry | Permission Granted |
| LA05/2015/0327/O | Site for dwelling & garage (renewal of S/2011/0301/O) | 40M South-East of 3 Aghalee Road Lower Ballinderry | Permission Granted |
| S/2011/0301/O | Site for dwelling and domestic garage on a farm. | To rear of 3 and 5 Aghalee Road Lower Ballinderry Lisburn | Permission Granted |

14. Planning application LA05/2017/0814/F was granted full planning permission on 08 June 2018. Works have been carried out to commence the development. A foundation is poured for the garage approved for this scheme and a certificate of lawful development has been submitted LA05/2023/0656/CLOPUD. A preliminary review of the information would

indicate that it is acceptable in principle this is considered sufficient to enable this recommendation to come forward.

15. The earlier permission can be continued at any time without the need to secure another planning permission. As a consequence the applicant has demonstrated that a lawful fall back in relation to the principle of development and this planning history is given significant weight in the assessment of this application.

Consultations

16. The following consultations were carried out:

| Consultee | Response |
|-----------------------------|---------------|
| DfI Roads | No objections |
| LCCC Environmental Health | No objections |
| DfI Rivers PAMU | No objections |
| NI Water | No objections |
| DAERA Water Management Unit | No objections |

Representations

17. Four representations have been received to date in respect of this application following the statutory advertisement and neighbour notification (publicity) process.
18. In summary, the issues raised are as follows;
 - Raising of ground levels against wooden fence and trees.
 - Potential for flooding
19. The issues raised in the objections have been considered as part of the assessment of the application.

Planning Policy Context

Local Development Plan Context

20. 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.

LCCC - Draft Plan Strategy 2032

21. On 28th June 2023 the Department for Infrastructure issued a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
22. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
23. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
24. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
25. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.

26. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.

27. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the test of soundness was met in full.
28. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above, there is a strong likelihood that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
29. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

31. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
32. The site is located in the Green Belt in LAP and at page 49 it states:

that the Departments regional development control policies for the countryside which will apply in the Plan area are currently set out in the various Planning Policy Statements published to date.
33. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS,

whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

34. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

35. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

36. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.

37. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.

38. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

33. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

34. No justification is provided in support of the application to indicate that the proposed dwelling falls within one of the acceptable categories of residential development specified in policy COU 1.
35. The applicant justifies the proposal on the basis of a previously commenced development and provided a certificate of lawfulness in support of the case. This matter is considered later in the report.

Integration and Design of Buildings in the Countryside

36. If the principle of development is accepted the applicant is still required to demonstrate the proposed building are suitable in a countryside location and that all other planning and environmental considerations are satisfied.
37. Policy COU15 - Integration and Design of Buildings in the Countryside states

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

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

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

38. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

39. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Natural Heritage

40. Policy NH2 - Species Protected by Law states

European Protected Species

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

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

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

- d) *compensatory measures are agreed and fully secured.*

National Protected Species

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

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

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

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

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

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

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

(text in bold as modified by the Direction)

Waste Management

40. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

41. Policy TRA2 – Access to Public Roads states:

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

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

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

42. The justification and amplification states:

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

(text in bold as modified by the Direction)

Flooding

43. Policy FLD1 Development in Fluvial (River) Flood Plains states that

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

Exceptions in Defended Areas

On previously developed land protected by flood defences (confirmed by DfI Rivers as structurally adequate) in a 1 in 100 year plus climate change allowance fluvial flood event.

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

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

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

Exceptions in undefended Areas

The following categories of development will be permitted by exception:

- a) *replacement of an existing building*
- b) *development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain*
- c) *water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain*
- d) *the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children*
- e) *the extraction of mineral deposits and necessary ancillary development.*

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

- a) *bespoke development for vulnerable groups, such as schools, residential/nursing homes, sheltered housing*
- b) *essential infrastructure*
- c) *development for the storage of hazardous substances.*

Development Proposals of Overriding Regional or Sub-Regional Economic Importance

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

- a) *demonstration of exceptional benefit to the regional or sub-regional economy*
- b) *demonstration that the proposal requires a location within the flood plain and*

justification of why possible alternative sites outside the flood plain are unsuitable.

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

Minor Development

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

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

Flood Protection/Management Measures

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

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

44. The following paragraph of the J&A is modified as follows

For planning purposes, taking into account climate change predictions based on available scientific evidence, a fluvial flood plain is defined as the extent of a 1 in 100 year flood event (or 1% annual exceedance probability (AEP)) of exceeding the peak floodwater level, taking into account climate change allowance as represented on DfI Flood Maps NI.

45. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that

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

46. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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

- a) *a residential development of 10 or more units*
- b) *a development site in excess of 1 hectare*

- c) a change of use involving new buildings and/or hardsurfacing exceeding 1,000 square metres in area.

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

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

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

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

The approach to the statutory Development Plan and Regional Policy

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

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

48. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

49. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now

considered to be of little weight for the same reasons explained earlier in this report.

50. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

51. Paragraph 3.8 of the SPPS states:

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

52. It is further stated at paragraph 6.78 of the SPPS that:

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

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

Regional Policy Context

54. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

55. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

56. Policy CTY 1 states that:

there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The policy states:

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and

road safety. Access arrangements must be in accordance with the Department's published guidance.

Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

57. The policy also states that:

planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

58. There are other CTY policies that are engaged as part of the assessment, including Policy CTY 13, Policy CTY 14 and Policy CTY 16 and they are also considered.

59. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that:

planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

60. The policy states that:

a new building will be unacceptable where:

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

(g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

61. Policy CTY 14 – Rural Character states:

that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

62. The policy states that:

A new building will be unacceptable where:

- (a) *it is unduly prominent in the landscape; or*
- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

63. With regards to Policy CTY14, Building on Tradition [page 131] states;

'Where appropriate, applications for buildings in the countryside should include details of proposals for site works, retention or reinstatement of boundaries, hedges and walls and details of new landscaping.'

'Applicants are encouraged to submit a design concept statement setting out the processes involved in site selection and analysis, building design, and should consider the use of renewable energy and drainage technologies as part of their planning application.'

64. Policy CTY 16 - Development Relying on Non-Mains Sewerage states

that Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

65. The policy also states that:

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

66. With regards to Policy CTY16, Building on Tradition [page 131] states that:

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

Natural Heritage

67. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
68. Policy NH 2 – Species Protected by Law states;

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.'*

69. The policy also states that;

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.

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.

70. 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.'*

71. The policy also states;

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

72. 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.

73. 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.*

Development Control Advice Note 15 – Vehicular Access Standards

74. 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.

Planning and Flood Risk

75. Planning Policy Statement 15 (Revised): Planning and Flood Risk sets out policies to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere.

76. Policy FLD 2 – Protection of Flood Defence and Drainage Infrastructure states;

The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

77. Policy FLD 3 – Development and Surface Water (Pluvial) Flood Risk Outside Floodplains states;

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 hardsurfacing 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 flood plain, then Policy FLD 1 will take precedence.'

Assessment

78. No justification is provided in support of the application to indicate that the proposed dwelling falls within one of the acceptable categories of residential development specified in policy COU 1.
79. The applicant justifies the proposal on the basis of a previously commenced development and provided a certificate of lawfulness in support of the case. Planning application LA05/2017/0814/F was granted full planning permission on 08 June 2018. Works have been carried out to commence the development. A foundation is poured for the garage approved for this scheme and a certificate is submitted. A preliminary review of the information would indicate that the application is acceptable in principle subject to paperwork being concluded.
80. On this basis, building works in accordance with the earlier permission can be continued at any time without the need to secure another planning permission. As a consequence the applicant has demonstrated that a lawful fall back exists and this planning history is given significant weight in the assessment of this application.
81. The principle of development is not revisited and the proposal is considered an exception to policy COU 1 of the draft Plan Strategy.

COU15 - Integration and Design of Buildings in the Countryside

82. Taking into account the proposed ground level (in the context of the existing ground level of the road at the access point, which is almost 2.5m higher in addition to what was approved previously, the trajectory of the road, surrounding topography, siting of neighbouring buildings and the existing mature vegetation to the south western and north western boundaries, it is not considered that the proposal would be a prominent feature in the landscape. Criteria (a) is considered to be met.
83. The building is also sited to the rear of 3 and 5 Aghalee Road. This location will allow the development to cluster with an established group of buildings and

allow the development to blend with the existing mature trees/vegetation into the landscape. Criteria (b) and (c) are considered to be met.

84. In accordance with guidance contained within Building on Tradition, the application site incorporates two established natural boundaries to its south west and North West. Detail submitted with the application indicates that these boundaries are to be retained. The dwellings at 3, 5, 7 and 7A Aghalee Road would also provide an acceptable degree of enclosure.
85. Whilst it is acknowledged that new landscaping would be required to the road side boundary (behind required visibility splays) and to the north eastern and south eastern boundaries, taking the above into account it is not considered that the proposal would rely primarily on new landscaping for the purposes of integration.
86. For the reasons outlined above, criteria (d) and (e) are considered to be met.
87. The siting of the proposed dwelling overlaps with the dwelling approved under the extant approval. Likewise, it is shown to be linear in form and is considered to be of simple rural form with a two storey dual pitch rear return, a single storey dual pitch rear return and a mono pitch rear return.
88. The proposal also includes a recessed front porch. The proposed dwelling would have a maximum ridge height of 8.6 metres above a FFL of 35.20 and would occupy an approximate footprint of 172.73 metres squared. The window openings are predominantly vertical in emphasis and chimney breasts are integral with stack positioned to the ridge line.
89. The proposed schedule of external finishes includes; smooth white render with local stone 'z' stone cladding (to inverted porch) for the external walls, flat grey/black concrete roof tiles, anthracite/black UPVC rainwater goods and window units.
90. The development also includes a detached domestic garage with stables (3 internal bays) and a garden store. This linear dual pitched block would occupy a footprint of approximately 216 metres squared and would present a ridge height of 7.1 metres above a FFL of 33.85. The proposed schedule of external finishes includes; smooth white render for the external walls, flat grey/black concrete roof tiles, anthracite/black UPVC rainwater goods and window units.
91. The dwelling proposed under the extant approval would occupy a footprint of approximately 171.4 metres squared and would present a ridge height of 8.6 metres above a FFL of 35.200. It would include 2x two storey front projections (to include a stone clad front porch) and chimney stacks positioned on the roof profile as opposed to the ridge line. Window openings are primarily of vertical emphasis.
92. The schedule of external finishes includes; fine grey dash and local stone 'z' stone cladding (to porch) for the external walls, flat grey/black concrete roof tiles, black UPVC rainwater goods and window units.

93. LA05/2017/0814/F also included a detached domestic garage with stables (3 internal bays) and garden store. The garage would occupy a footprint of 216 metres squared and would present a ridge height of 7.1 metres.
94. The schedule of external finishes for the proposed garage include; fine grey dash for the external walls, flat grey/black concrete roof tiles and black UPVC rainwater goods and window units.
95. For the reasons outline above and when compared to the house type previously approved, the building as designed is considered to be appropriate for the site and the locality. Criteria (f) is considered to be met.
96. In terms of proposed ancillary works, it is noted that the proposed vehicular access would largely follow an existing entrance point (field gate) and track and is largely in keeping with the vehicular access approved under the extant permission.
97. It is considered that those features which will assist with the integration of the proposed dwelling/garage (as noted above) would also aid with the integration of the access.
98. No sweeping driveway, nor ornate/suburban style features have been proposed. Whilst it is acknowledged that some cut and fill is required, taking the surrounding topography and orientation of neighbouring buildings and what was approved previously it is considered that such ground works are acceptable.
99. No large retaining walls have been proposed. The proposed detached domestic garage is also similar to that approved under the extant LA05/2017/0814 in terms of size/scale.
100. The ancillary works have been assessed against Building on Tradition guidance and are considered to be acceptable and for the reasons outlined above, criteria (g) is considered to be met.

COU16 - Rural Character and other Criteria

101. For the reasons outlined above within the context of integration and design considerations, it is not considered that the proposal would be unduly prominent in the landscape nor will the development fail to cluster with an established group of buildings. Criteria (a) and (b) are considered to be met.
102. As explained above, the design of the building, materials and finishes are typical of the rural context and no concern is raised in relation to it failing to respect the pattern of settlement exhibited in this rural location nor will it adversely impact on the rural character. Furthermore, the siting of the buildings to the rear of 3, 5, 7 and 7A Aghalee Road provides enclosure preventing urban sprawl. Criteria (c), (d) and (e) are considered to be met.

103. The location of the buildings within the site and orientation will ensure that the development does not adversely impact on residential amenity. Criteria (f) is met.
104. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting this development to services as identified on the P1 Form and the ancillary works will not harm the character of the area for the reasons outlined earlier in the report within the context of Policy COU15 considerations.
105. In respect of criteria (i) for the reasons set out at paragraphs 83 and 86, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.
106. Taking the above into account, there are no concerns with regards to the proposal insofar as it pertains to Policy Cou16 of the draft Plan Strategy as modified by the Department.

Policy NH2 and NH5 - Natural Heritage

107. As confirmed by the site inspection photographs, the application site was not occupied by any buildings at the time of site inspection. Therefore, no demolition of any building would be required to accommodate the proposal.
108. Mature natural boundaries exist to the south west and North West and partly to the roadside boundary also. It is noted that these (aside from where vehicular access is to be gained) are to be retained and a condition to that effect would be applied to any approval. No species protected by law are identified.
109. Some hedgerow removal will be required to accommodate necessary visibility splays to ensure safe access and egress to/from the site. Compensatory planting in the form of native species hedgerow has been proposed as depicted on the Proposed Block Plan. This would be conditioned as part of any approval.
110. Standard wildlife/conservation informatives which draw the applicant's/ developer's attention to relevant legislation pertaining to natural heritage would be applied to any approval.
111. Taking the above into account, it is not considered that the development would cause demonstrable harm to any features of natural heritage importance. Policies NH2 and NH5 of draft Plan Strategy is considered to be met.

Policy TRA 2 – Access and Transport

112. The Aghalee Road is not a designated Protected Route and the detail indicates that the proposed vehicular access to the application site will be via an existing

agricultural entrance at Aghalee Road similar to that approved under the earlier application.

113. The detail also indicates that visibility splays of 2.0m x 63m in each direction have been proposed along with in-curtilage parking and turning sufficient to accommodate at least two private vehicles.
114. The proposal is for a single dwelling and garage along with stables and a garden store. Consideration has been given to the nature and scale of the development along with the character of existing development in this rural location. Regards is had to the location and number of existing accesses by enhancing an existing agricultural access to service the development.
115. DFI Roads have considered the detail and offer no objections to the proposed development subject to standard conditions.
116. Based on a review of the information and the advice from statutory consultees, it is accepted that an access to the public road can be accommodated without prejudice to road safety or significant inconvenience to the flow of traffic. The requirements of Policy TRA2 of the draft Plan Strategy are met in full.

Waste Management and Flood Risk

117. Detail submitted with the application indicates that source of water supply will be from mains and that the method of foul sewage disposal is via a septic tank.
118. LCCC Environmental Health were consulted and offer no objection. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place. No objection is raised.
119. Consideration of flood risk is included as a criteria for assessment in policy WM 2. No flood risk is identified.
120. With regards to Policy FLD 2, a working strip is now shown on drawings and. Dfl Rivers make no further comment with respect to Policy FLD 2.
121. Part of the application site falls within an identified Surface Flood Zone. In terms of Policy FLD 3, Dfl Rivers acknowledged receipt of a Drainage Assessment submitted in support of the application. They note that the applicant has provided adequate drainage drawings and calculations to support their proposals.
122. In addition, Dfl Rivers also note that the applicant has provided evidence from Dfl River's area office consenting to discharge a total stated Greenfield rate of 2.03 l/s to the undesignated culverted watercourse south western boundary of the site. They acknowledge that while not being responsible for the submitted

Drainage Assessment, they accept its logic and have no reason to disagree with its conclusions.

123. Based on a review of the information and advice received from consultees, it is accepted that a septic tank/package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policies WM2 and FLD2 and FLD3 of the draft Plan Strategy are met in full.

Consideration of Representations

124. Consideration of the issues raised by way of third party representation are set out below.

- **Raising of ground levels against wooden fence and trees.**

125. The associated plans indicate a degree of infilling of the site. The proposed levels are largely akin and lower than what was approved under the extant approval and viable fall-back position of LA05/2017/0814/F and are considered to be acceptable.

126. Section Y-Y depicts infilling against the existing close boarded timber fence which as indicated within the plans is within the applicant's ownership. Planning permission goes with the land and not the applicant and Planning permission does not confer title.

- **Potential for flooding.**

127. A Drainage Assessment produced by Flood Risk Consulting was submitted in support of the application. DfI having reviewed the detail of this assessment offered no objection in relation to flood risk.

Conclusions

128. For the reasons outlined in the assessment, the proposal is considered to comply with the SPPS and Policies COU15, COU16, WM2, TR2, FLD2, FLD3, NH2 and NH5 of the draft Plan Strategy as modified by the Direction of the Department.

Recommendations

129. It is recommended that planning permission is granted.

Conditions

130. The following conditions are recommended:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the Planning Authority date stamp 20th June 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. The dwelling hereby permitted shall not be occupied until parking / hard standing has been provided and permanently retained in accordance with the approved drawing. Drawing No. 02 bearing the Planning Authority date stamp 20th June 2022.

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

5. The detached garage/stables hereby permitted shall be used solely for domestic purposes ancillary to the dwelling hereby approved and for no other purposes. In particular at no time shall the building be used for; residential accommodation, industrial, trade or business activity of any description.

Reason: To safeguard the amenity of nearby residents and the character of the rural area as a whole.

6. The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a

native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

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

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

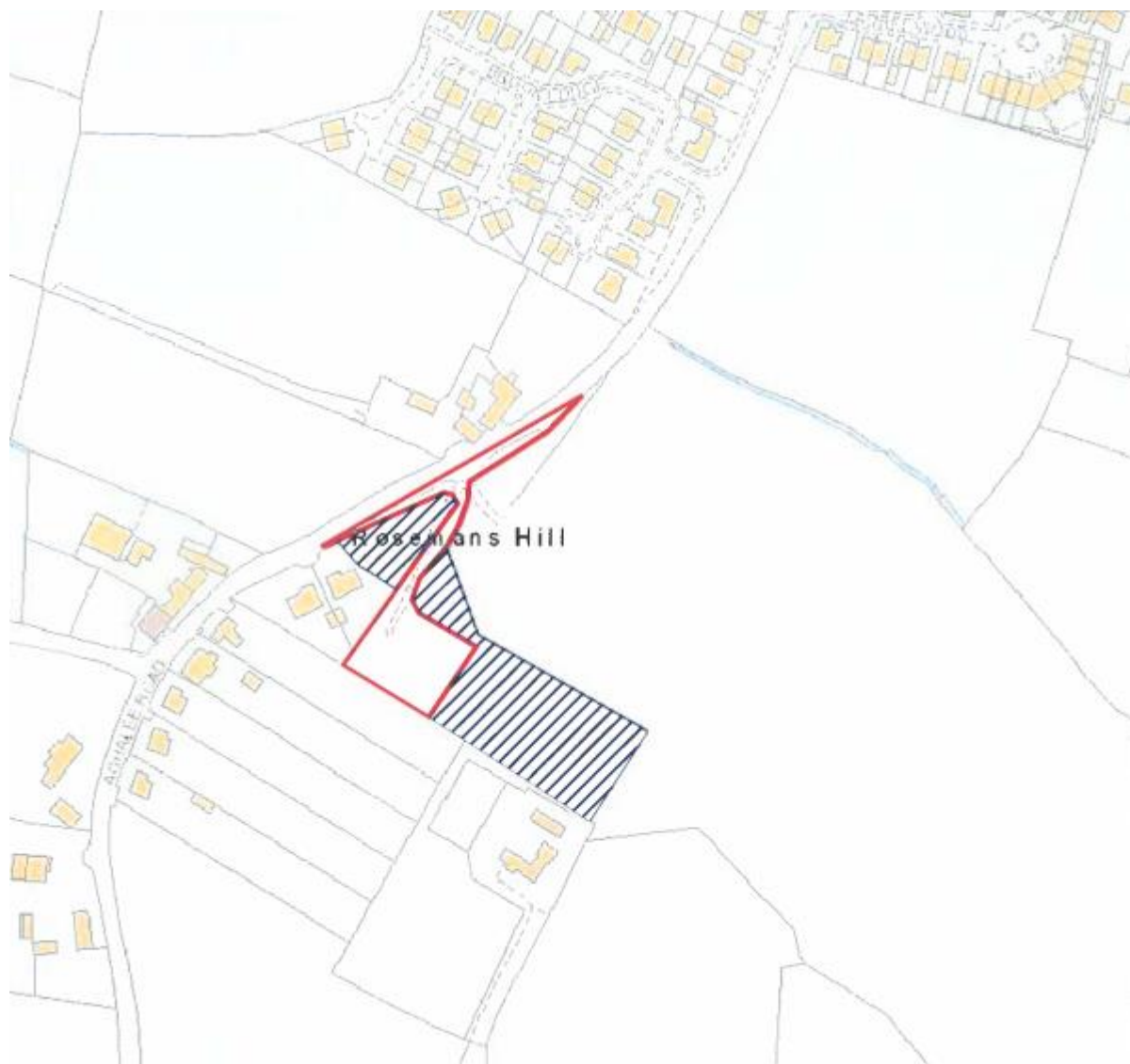
8. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling in accordance with drawing no. 03 date stamped 14th July 2017.

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

9. If any retained tree/hedgerow is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees/hedgerow in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

Site Location Plan – LA05/2022/0613/F



Lisburn & Castlereagh City Council

| | |
|---------------------------|--|
| Council/Committee | Planning Committee |
| Date of Committee Meeting | 04 September 2023 |
| Committee Interest | Local Application [Called In] |
| Application Reference | LA05/2022/0033/F |
| Date of Application | 6 January 2022 |
| District Electoral Area | Downshire East |
| Proposal Description | Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road (amended proposal). |
| Location | Lands between 58 and 66 Quarterlands Road northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg. |
| Representations | 96 letters of objection and 5 letters of support have been received. |
| Case Officer | Maire-Claire O'Neill |
| Recommendation | APPROVAL |

Summary of Recommendation

1. This is a local application. It is presented to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. It is recommended that planning permission is granted as the detailed layout and design of the residential units creates a quality residential environment in accordance with the requirements of the SPPS and Policies HOU1, HOU3 and HOU4 of the draft Plan Strategy (as modified by the Direction of the Department) and when the buildings are constructed, they will not adversely impact on the character of the area nor will they have a detrimental impact on the amenity of existing residents in properties adjoining the site.

3. Furthermore, the density of development is not significantly higher than that found in the established residential area and the proposed pattern of development is in keeping with the overall character and environmental quality of the small settlement of Drumbeg.
4. It is considered that the proposal is also in accordance with the requirements of policy HOU10 of the draft Plan Strategy (as modified by the Direction of the Department) in that adequate provision is made within the scheme for affordable housing. The full 20% contribution is provided within the site.
5. The proposal complies with policies NH2 and NH 5 of the draft Plan Strategy as modified in that it has been demonstrated that the development is not likely to harm any species protected by law nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance within or adjacent to the site.
6. It is also considered to comply with policy NH6 of the draft Plan Strategy as modified in that the development is considered to be of an appropriate design, size and scale for the locality and the detail demonstrates how it respects the character of the Lagan Valley Regional Park which is an AONB.
7. The proposal complies with policy of TRA1 the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points linking the new development to the existing footpath network on the opposite side of Quarterlands Road.
8. It is also considered that the development complies with policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
9. The proposal is considered to comply with policy TRA7 of the draft Plan Strategy as modified in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.
10. The proposed development complies with Policy FLD 3 of the draft Plan Strategy as modified in that the site lies outside the 1 in 100 year fluvial flood plain and the detail submitted demonstrates that adequate drainage can be provided within the site to service the proposal and that there is sufficient capacity within the existing waste water treatment works to services the development.

Description of Site and Surroundings

Site

11. This 1.1 hectare site is irregular in shape and is comprised of overgrown undeveloped land adjacent to and the rear of Zenda Park and which is accessed along its frontage from the Quarterlands Road Drumbeg between two dwellings at 58 and 66 Quarterlands Road.
12. The site boundary to the west is defined by Quarterlands Road and the boundary to the north is defined by the existing fence of 66 Quarterlands Road and fencing to two properties at Zenda Park.
13. The north east and eastern boundaries of the site are defined by existing hedgerows and the southern boundary abuts the properties at Rural Cottages and the rear of 56 and 58 Quarterlands Road.
14. The land within the site rises gradually by approximately two-metres from west to east and north to south.

Surroundings

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

Proposed Development

18. The application is for full planning permission for the erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road.

Relevant Planning History

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

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

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

Consultations

21. The following consultations were carried out:

| Consultee | Response |
|-----------------------------|--------------|
| DfI Roads | No objection |
| DFI Rivers | No objection |
| LCCC Environmental Health | No objection |
| NI Water | No objection |
| Natural Heritage | No objection |
| DAERA Water Management Unit | No objection |

Representations

22. Ninety six letters of representation have been submitted in opposition to the proposal. The following issues are raised:
- Neighbour notification not accurate.
 - Further consultation with residents should have taken place.

- Request for meeting with planners to discuss serious concerns residents have in relation to the proposal.
- Design and scale of houses not in keeping with area and layout incompatible with surroundings
- Density is too high.
- The proposed dwellings will overlook existing properties in Zenda Park and result in a loss of privacy.
- The planning history on the site has lapsed and material weight should not be afforded to it.
- Residents would like a community garden and were not aware that this land was zoned for housing.
- Difference between previous approval and current application.
- Validity of development plan in decision making process.
- Housing need has been satisfied elsewhere.
- Parking capacity.
- Impact on existing infrastructure, road network and sewage
- Traffic and parking.
- The existing road network cannot deal with construction traffic.
- Dangerous for families dropping children off at local preschool.
- Dwelling sizes and layout incompatible with surroundings.
- Ecological information submitted is not accurate.
- Impact of the proposal on issues of natural heritage i.e. bats, owls, flora and fauna.
- The site is home to hedgehogs, birds, barn owls and bats, badgers, smooth newts, beetles, bugs, butterflies.
- Established hedgerows exist with the boundaries of the application site.
- The proposal will devalue the house prices in the area.
- Land is located in the countryside and should not be developed.
- The proposal will result in the sewage infrastructure being intensified and they are already at capacity.
- EIA should have been carried out.
- Site has a history of flooding and proposal will increase flood risk.
- Dangerous for families dropping children off at local preschool
- Road hasn't got the capacity for cars to pass safely.
- A footpath should be provided along the road frontage.
- Affordability of homes.
- There is no primary school in the area.
- No recreational garden area.
- No playpark exists in the area.
- No shops in area.
- The proposed site lies in an Area of Outstanding Natural Beauty (AONB) and needs protected.
- Impact on the Lagan Valley Regional Park.
- Increase in traffic will cause air pollution.
- Request on 2 June 2023 for application to be held.
- Proposal will turn Drumbeg into a dormitory settlement rather than a vibrant village.
- Increase in traffic will cause an increase in air pollution.
- Further representation received by email on 2 June 2023 requesting that the application is held for a period of time.

- It was asserted that it would be unfair to “rush” the application to committee when a new committee would only just be formed.
 - Process needs to be fair and equitable.
 - Need to allow time for residents to fully consider the complex issues and detailed drawings submitted.
 - Comments received from DFI are questioned.
23. Five letters of support have been submitted. The following points of are raised:
- Proposal will create housing in a sought after area.
 - High quality scheme is welcomed in area.
 - The local nursery will benefit from additional families in the area.
 - Locals will be able to purchase dwellings and not have to move out of the sought after area.
 - Affordable housing is welcomed.
 - The land proposed for development is inaccessible and not used by locals for any other purpose.
 - The lands to the front and overgrown and have not been maintained in years.
 - A new development will greatly improve the visual aspect of the area.

Environmental Impact Assessment (EIA)

26. The location of the site in an Area of Outstanding Beauty means the threshold set out in the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 is exceeded as set out in Section 10 (b) of Schedule 2, of the Planning Environmental Impact Assessment (NI) Regulations 2015.
27. An EIA determination is required and has carried out. Regard is had to the location of the site within an existing settlement and where there is a context of built development on two sides. There are no identified special environmental constraints or designations within or adjacent to the site and the scale and nature of the development was compatible with neighbouring uses.
28. It was concluded that there was not likely to be any unacceptable adverse environmental impacts created by the proposed development that merit this being considered EIA development, As such, an Environmental Statement was not required to inform the assessment of the application.

Planning Policy Context

Local Development Plan Context

29. 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.

LCCC - Draft Plan Strategy 2032

30. On 28 June 2023 the Department for Infrastructure issued a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
31. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
32. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
33. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
34. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
35. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
36. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the test of soundness was met in full.
37. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above, there is a strong likelihood that the proposed policies in the draft Plan Strategy (as modified) will be adopted.

38. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

40. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
41. Within the Lisburn Area Plan (2001), the subject site is located within the settlement development limits of Drumbeg.
42. In draft BMAP, the sites lies within an area zoned for housing under housing designation DG 03/01 – Housing Lands Use Policy Area Land, to south east of Zenda Park, in draft BMAP. It comprises 1.23 hectares of land designated on Map No. 9/0001 - Drumbeg.
43. Within the adopted albeit quashed BMAP, the lands are designated for Housing within the context of designation DG 03/02. The key site requirements are withdrawn.
44. Whilst the site is not located within the Lagan Valley Regional Park as designated in the LAP, it does fall within the Lagan Valley Regional Park designation in both the draft BMAP and adopted BMAP.
45. Policy COU 15 of draft BMAP states that:
- planning permission will only be granted for new development or intensification of urban development where it can be demonstrated that the proposal is*

appropriate to, and does not adversely affect the character of the Park, the settlement, the landscape quality and features or the visual amenity.

46. Draft BMAP states that the Lagan Valley Regional Park is a unique asset for the population of the Belfast Metropolitan Area [albeit quashed].
47. In respect of draft BMAP, page 16 states that:

Planning Policy Statements (PPSs) set out the policies of the Department on particular aspects of land use planning and apply to the whole of Northern Ireland. Their contents have informed the Plan preparation and the Plan Proposals. They are material to decisions on individual planning applications (and appeals) within the Plan Area.

In addition to the existing and emerging suite of PPSs, the Department is undertaking a comprehensive consolidation and review of planning policy in order to produce a single strategic planning policy statement (SPPS) which will reflect a new approach to the preparation of regional planning policy. The preparation of the SPPS will result in a more strategic, simpler and shorter statement of planning policy in time for the transfer of planning powers to Councils. Good practice guides and supplementary planning guidance may

Lagan Valley Regional Park Local Plan 2005

48. The aim of the Lagan Valley Regional Park Local Plan 2005 are:
- To protect and enhance the natural and man-made heritage of the Park
 - To conserve the essential character of the Park and to encourage its responsible public use.
 - To seek to ensure that the various land uses and activities within the Park can co-exist without detriment to the environment.
49. Policy U2 states that
- Development limits are defined for Ballyaghlin, Ballylesson, Ballyskeagh, Drumbeg, Edenderry, Lambeg and Tullynacross. Within these limits new development may be considered to be acceptable provided that it relates sympathetically to the design, scale and character of the existing village or hamlet.*
50. There are no other policies in the Plan however that are relevant to the consideration of this application.
51. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.

52. This application is for new housing within the settlement limit of Drumbeg. The strategic policy for Housing in Settlements is set out at page 57 of the draft Plan Strategy.

53. Strategic Policy 08 Housing in Settlements states that:

The Plan will support development proposals that:

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

Housing in Settlements

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

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

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

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

(text in bold is modified by the Direction)

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

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

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

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

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

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

(text in bold is modified by the Direction)

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

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

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

provide an appropriate standard of access for all. The design of dwellings should ensure they are capable of providing accommodation that is wheelchair accessible for those in society who are mobility impaired. A range of dwelling types and designs should be provided to prevent members of society from becoming socially excluded

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

57. The Justification and Amplification is modified to include the following paragraph:

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

58. The following paragraph is also modified:

Accessible Accommodation

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

59. Given the scale of residential development public open space is required as part of the proposed development. Policy HOU5 - Public Open Space in New Residential Development states that:

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

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

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

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

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

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

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

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

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

60. The following paragraph in the Justification and Amplification is modified as follows:

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

(text in bold is modified by the Direction)

Affordable Housing

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

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

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

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

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

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

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

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

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

62. The Justification and Amplification is modified to include the following paragraph:

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

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

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

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

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

(text in bold is modified by the Direction)

Natural Heritage

64. A bio-diversity and detailed ecology report is submitted in support of this application. Policy NH2 – Species Protected by Law

European Protected Species

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

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

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

National Protected Species

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

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

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

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

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

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

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

(text in bold is modified by the Direction)

66. The site is inside the Lagan Valley Regional Park which is an AONB and Policy NH6 Areas of Outstanding Natural Beauty states that:

Planning permission for new development within an Area of Outstanding Natural Beauty (AONB) will only be granted where it is of an appropriate design, is sensitive to the distinctive special character of the area and the quality of its landscape, heritage and wildlife and all the following criteria are met:

- (a) *the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality*
- (b) *it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape*
- (c) *the proposal respects:*
 - *local architectural styles and patterns*
 - *traditional boundary details, by retaining features such as hedges, walls, trees and gates*
 - *local materials, design and colour.*

Access and Transport

67. The P1 Form indicates that access arrangements for this development involve the construction of a new access to a public road for both pedestrian and vehicular use.
68. Policy TRA1 - Creating an Accessible Environment states that:

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

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

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

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

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

69. The Justification and Amplification paragraph is modified to remove reference to DCAN 11 – Access for People with Disabilities.

(text in bold is modified by the Direction)

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

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

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

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

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

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

(text in bold is modified by the Direction)

Flooding

72. This is a large site and the drainage must be designed to take account of the impact on flooding elsewhere. Policy FLD2 - Protection of Flood Defence and Drainage Infrastructure states that

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

73. Policy - FLD3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

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

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

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

- *it is located in an area where there is evidence of historical flooding.*

- *surface water run-off from the development may adversely impact on other development or features of importance to nature conservation, archaeology or historic environment features.*

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

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

(text in bold is modified by the Direction)

The approach to the statutory Development Plan and Regional Policy

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

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

75. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

76. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.

77. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

78. 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

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

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

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

Regional Policy Context

81. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

Quality Residential Environments

82. 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.

83. 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.

84. 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.

Safeguarding the Character of Established Residential Areas

85. The Addendum to PPS 7 relates to safeguarding the character of established residential areas and Policy LC1 (Protecting Local Character, Environmental Quality and Residential Amenity) states that

in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria

set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;*
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and*
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.*

Creating Places

86. 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.

87. Paragraph 7.16 provides guidance on separation distances stating

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

88. The guidance recognises that an enhanced separation distance may also be necessary for development on sloping sites.

89. Paragraphs 5.19 – 5.20 provides guidance on the level of private open space provision. Provision should be calculated as an average space standard for the development as a whole and should be around 70 square metres per house or greater. Garden sizes larger than the average will generally suit dwellings for use by families. An area less than around 40 square metres will generally be unacceptable.

Housing in Existing Urban Areas

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

91. Paragraph 5 of the advice note states:

that the following detailed design principles need to be considered

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

92. Paragraph 6 states:

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

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

Natural Heritage

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

94. 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.

95. 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.*

96. 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.

97. The Lagan Valley Regional Park is an AONB. Policy NH6 – Areas of Outstanding Natural Beauty states that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and that a number of criteria are met:

- (a) *The siting and scale of the proposal is sympathetic to the special character of the AONB in general and of the particular locality; and*
- (b) *It respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and*
- (c) *The proposal respects*
 - *Local architectural styles and patterns;*
 - *Traditional boundary details by retaining features such as hedges, walls and gates; and*

- *Local materials, design and colour*

98. Areas of Outstanding Natural Beauty are designated by the Department primarily for their high landscape quality, wildlife importance and rich cultural and architectural heritage.
99. Policy directs that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality.

Access, 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.*
101. Regard is also required to be given to the acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:
- *the nature and scale of the development;*
 - *the character of existing development;*
 - *the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;*
 - *the location and number of existing accesses; and*
 - *the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.*

Development Control Advice Note 15 – Vehicular Access Standards

102. 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.

Planning and Flood Risk

103. This application is beyond the threshold for submission of a drainage assessment. PPS 15 – Planning and Flood Risk sets out planning policies to minimise and manage flood risk to people, property and the environment.

104. 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.

Assessment

Housing in Settlements

Policy HOU1 – New Residential Development

105. This application is for 17 residential units within the settlement limit of Drumbeg. The land on which the development is proposed is zoned for housing and as such residential development is an appropriate and compatible use and, the policy tests associated with Policy HOU1 are considered to be met.

Policy HOU3 - Site Context and Characteristics of New Residential Development

106. The Quarterlands Road is characterised by a mixture of house types including two storey detached, single storey and semi-detached properties the majority of which are orientated to face the road.
107. The properties in Hambleton Park to the east of the site are primarily single storey and at Zenda Park to the north are typically a storey and half in height. With the exception of the dwellings at 52 B and 54C, the properties along Rural Cottages to the south are primarily single storey in height.
108. The dwelling at 66 Quarterlands Road to the immediate north of the application site is one and a half storeys in height and finished in brick. The dwellings at 58 Quarterland Road is single storey in height with a garden area extending to the road.
109. Car parking is mainly provided in curtilage for the existing housing with private driveways evident to the front and side of the majority of properties.
110. The Design and Access statement submitted in support of the application indicates that the density of development is 15.5 dwellings per hectare which below the density of the adjacent Zenda Park which is 24 dwellings per hectare.
111. The proposed dwellings are two-storey in height with a maximum ridge height of 8.7 metres. Where garages are proposed they are single storey in height.
112. Taking into account the mixed nature of the residential character of this part of Drumbeg, it is accepted that the proposed development will not result in unacceptable damage to the local character of this established residential area. The site is in behind existing suburban housing and the housing will be set back from the Quarterlands Road, Car parking is shown to be in curtilage with some provision made on street for visitor parking.

113. With regard to criteria (b), No archaeological, historic environment or landscape characteristics/features have been identified that require integration into the overall design and layout of the development.

Policy HOU4 - Design in New Residential Development

114. The layout as shown on the proposed layout drawing [03B] last published to the Planning Portal on 08 August 2023 demonstrates that there are a number of different house types proposed. A sample description of some of these house types is detailed below.
115. Site 1 is a two-storey dwelling with a ridge height of 8.5 metres above finished floor level. It comprises a living room, kitchen/dining area, sitting room, utility, WC and lounge on the ground floor. The first floor comprises 4 bedrooms, one with en-suite, study and separate family bathroom.
116. Site 14 is a two-storey detached dwelling. A lounge, hall, WC, kitchen/dining area, snug and utility occupy the ground floor and the proposed first floor consists of four bedrooms, one with an en-suite and a family bathroom.
117. In terms of layout, the building line along Quarterlands Road is respected with house type 1 having a dual frontage to the road and the access road into the site.
118. The dwellings along the access road into the site [namely those at plots 2, 16 and 17] are orientated to face the access road with in curtilage parking provided along with front and rear gardens proposed for each unit. The other dwellings are positioned and orientated within the site to face the internal road and match the typical suburban arrangement found elsewhere in Drumbeg.
119. The layout also demonstrates that there are appropriate separation distances between the proposed dwellings and existing dwellings so as not to have an adverse impact on residential amenity. The distances from rear elevation of the proposed dwellings to the common boundary varies from a minimum of 9 metres at site 11 to a maximum of 18 metres at site 3.
120. The separation distance from the gable end of the dwelling at plot 16 to the gable wall. The proposed gable of Site 1 is located 9.5 metres from the rear of the existing dwelling at 58 Quarterlands Road.
121. The layout of the rooms in each of the units, the position of the windows along with the separation distance also ensures that there is no overlooking into the private amenity space of neighbouring properties. The buildings are not dominant or overbearing and no loss of light would be caused.
122. The proposed house types are considered to have a modern design which complements the surrounding built form, the variation is material finishes of

brick and smooth render is a similar high quality to other residential properties inside the settlement.

123. For the reasons outlined above, criteria (a), (e) and (f) of the policy are considered to be met.
124. With regard to criteria (b) detail submitted with the application demonstrates that the provision of private amenity space varies from 100 square metres to a maximum of 478 square metres. As an average, 204 square metres is provided across the site which is far in excess of the standards contained with Creating Places for a medium density housing development comprised of three and four bedroom dwellings.
125. The amended landscape plan and schedule submitted in support of the application illustrates that woodland edge planting will extend along the northern and eastern boundaries of the site where they abuts the open countryside. This buffer planting extends to a depth of approximately 5 metres and is acceptable at this location as the boundary is at the back of the site and not a critical view from the surrounding road network. This depth of planting will however consolidate and provide a firm edge to the settlement limit.
126. The landscape plan also demonstrates that the existing trees along the site boundaries are to be retained were possible and supplement where necessary with native planting along with standard and heavy standard trees, and native species hedging.
127. The proposed site plan drawing includes details of other boundary treatments. These include two-metre high pillars at the entrances, 1.2 metre galvanised steel estate rail fence with planting to the rear [Fence Type A], 1.2 metre post and wire stock fence with planting as per landscape plan [Fence Type B] and 1.8 close boarded timber horizontal fence [Fence Type C] between properties.
128. A 1.6 metre screen wall wraps around the eastern boundary of plot 16. The wall is finished with clay facing brick to match dwelling. The site plan [drawing 03A] indicates that there will be planting to the front of the wall softening its appearance and aiding its integration into the surrounding area.
129. Section 6.0 of the Landscape Management Plan provides details on general maintenance activities with maintenance responsibility transferring to an appointed resident's management company.
130. With regard to public open space, the proposed development is not required to make provision for public open space as it involves a proposal of less than 25 units and as such, the policy tests associated with Policy HOU5 are not engaged. For the reasons outlined above, criteria (b) is considered to be met in full.
131. There is no requirement for the provision of a local community or neighbourhood facility for this scale of development. That said, the site is in

close proximity to some facilities and services. It is also approximately 5 km from Lisburn and 4km from Finaghy and 3 km from Lambeg all of which contain a range of shops, services, food outlets and facilities. Criteria (c) is considered to be met.

132. With regard to criteria (d) the proposed density is lower higher than that found in the established residential area and that the proposed pattern of development is in keeping with the overall character and environmental quality of the established residential area. The average unit size ranges from 139 metres squared to 235 metres squared which exceeds space standards set out in supplementary planning guidance for this type of residential development.
133. The internal road layout provides for safe and convenient access through the site and the provision of dropped kerbs and tactile paving will also serve to meet the needs of mobility impaired persons. Adequate and appropriate provision is also made for in curtilage parking with additional parking provided on street. Criteria (g) and (h) are considered to be met.
134. The careful delineation of plots with appropriate fencing will serve to deter crime and promote personal safety. Criteria (l) is considered to be met.
135. It is also considered that the buffer planting along the northern and eastern edges of the site will maximise the benefit to wildlife, add visual interest and that it contributes positively to the Lagan Valley Regional Park and AONB.
136. For the reasons outlined above, it is accepted that the development complies with the policy tests associated with Policy HOU4 of the draft Plan Strategy as modified are met in that the detail submitted demonstrates how the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, design and finishes and that it does not create conflict with adjacent land uses or unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Policy HOU10 – Affordable Housing

137. The need for social and affordable housing is identified by the Northern Ireland Housing Executive as the statutory housing authority within the Lisburn and Castlereagh Council Area.
138. As this proposal involves more than 5 units, provision is required to be made for a minimum of 20% of all units to be affordable. In this case, three units are identified to support a social housing provision with Habinteg Housing Association having expressed an interest in acquiring these units.
139. The units are designed to integrate with the overall scheme consistent with policy and their delivery will be secured by way of section 76 Agreement.

140. For the reasons outlined above, the policy tests associated with Policy HOU10 of the draft Plan Strategy are considered to be met.

Access and Transport

141. Detail associated with the P1 Form indicates that the development involves the construction of a new access to a public road for both vehicular and pedestrian use.
142. A Transport Assessment (TA) form prepared by Atkins was submitted on 25 October 2022 in support of the application. It provides detail on travel characteristics, transport impacts and measures to mitigate impacts/influence travel to the site. An updated form received in August 2023 has regard to the amended layout.
143. In terms of travel characteristics, the form indicates that the site will be accessed via a new access from Quarterlands Road with footways either side to facilitate pedestrians. It also explains that pedestrian crossing points in the form of tactile paving will also be provided on Quarterlands Road to facilitate onward connections to the existing footway network.
144. Using the TRICS database for a privately owned development, the Transport Assessment indicates that the proposed site use has the potential to generate 118 total vehicle movements per day which equates to an average of approximately 10 vehicles per hour. The peak periods for trips is identified as 08:00 – 09:00 and 17:00 – 18:00.
145. With regard to Transport Impacts, the Transport Assessment notes that there will be negligible increase in traffic movements associated with the proposed development. It also notes that the development proposal will provided 56 car parking spaces in total [44 in curtilage spaces and 14 on street spaces]. The required parking standards are met in full.
146. Detail associated with the Design and Access statement explains that the vehicular access and internal carriageway are designed to an adoptable standard in accordance with the Private Streets Determination drawing.
147. The Design and Access statement also explains that the internal carriageway transitions into a shared surface arrangement. The detail in the TAF states that this shared surface arrangement creates the opportunity for additional planting to emphasis the domestic context and natural traffic calm the development whilst promoting a quality residential environment.
148. Based on a review of the detail submitted with the application and advice from DfI Roads it is considered that the proposed complies with the Policy TRA1 of the draft Plan Strategy as modified in that the detail demonstrates that an accessible environment will be created through the provision of footways and pedestrian crossing points.

149. It is also considered that the development complies with Policy TRA2 of the draft Plan Strategy as modified in that the detail submitted demonstrates that the creation of new access will not prejudice road safety or significantly inconvenience the flow of traffic. Regard is also had to the nature and scale of the development, the character of the existing development, the location and number of existing accesses and the standard of the existing road network.
150. The proposal is also considered to comply with TRA7 of the draft Plan Strategy as modified in that the detail demonstrates that adequate provision for car parking and appropriate servicing arrangements has been provided so as not to prejudice road safety or inconvenience the flow of traffic.

Natural Heritage

151. A Preliminary Ecological Appraisal and Assessment carried out by AECOM in December 2021 is submitted in support of the application.
152. The PEA was commissioned to identify whether there are known or potential ecological constraints that may constrain or influence the design and implementation of the proposed works. The purpose of the PEA is to:
- Identify and categorise all habitats present within the site and any area immediately outside of the site where there may be potential or direct effects.
 - Carry out an appraisal of the potential of the habitats recorded to support protected, notable or invasive species of flora and fauna.
 - Provide advice on ecological constraints and opportunities including the identification of any requirements for additional habitat species surveys and/or requirements for mitigation.
 - Provide a map showing the habitats identified on site and location of identified ecological constraints.
153. Section 3 of the Assessment document explains that the following methods were used to identify sites with nature conservation value and protected habitats and species.
- Desktop Study
 - Designated
 - Data Requests
 - Historical Mapping
 - Field Survey
 - Phase 1 Habitats
 - Invasive Species
 - Potential to support protected species
 - Personal Experience
 - Limitations

154. Section 4.1 explains that there are no sites with statutory designations for nature conservation within 2 km of the site nor is there any hydrological connection from the site to any site with a statutory designation.
155. Section 4.1.2 explains that there are six SLNCIs within 1 km of the site. These sites are designated for their diversity of habitats, species, landscapes and earth science features.
156. There are two parcels of long established woodland within 1km of the site.
157. Data obtained from the Northern Ireland Bat Group contained bat roost records and general observations of bat species. The assessment explains that many of the records are associated with Derriaghy to the northwest, Drumbeg to the east or the River Lagan to the north. No records seemed to be directly related to the application site.
158. Field Survey results confirm that the site comprises two semi-improved fields delineated by hedgerows, located to the east of houses on Quarterland Road. An additional smaller area of grassland between the road and the fields is also present. The assessment notes that no protected or priority species of plants were noted during the survey.
159. The broad habitats noted with this site include the following:
 - Scattered Scrub
 - Semi Improved Neutral Grassland
 - Poor Semi-improved Grassland
 - Standing Water
 - Species poor Intact Hedgerow
 - Hedgerow with Trees
 - Harding Standing
160. Section 4.2.2 confirms that no invasive species listed in Schedule 9 Part II of the Wildlife Order were identified within the site.
161. It also confirms that trees on site were assessed for their suitability to host roosting bats and that no trees on site were identified as having suitability for roosting bats. The assessment did acknowledge that the site and habitats provided good habitat for a variety of commuting and foraging bat species, connecting to a wider rural landscape.
162. Whilst no systematic bird survey was carried out, the assessment does note that the site provides foraging and nesting habitat for a variety of terrestrial birds.
163. It also notes that the site contains some suitable habitat for foraging badger and habitat for sett creation such as hedgerows. That said, no evidence of badger was found on site or within 25 metres of the site.

164. With regard to Smooth Newts, the ditches on site were shallow and not likely to be suitable for smooth newt.
165. There was no other suitable habitat for other protected and notable species and no additional surveys were considered necessary.
166. Natural Environment Division (NED) considered the detail of the assessment including concerns expressed by way of third party representation. Whilst having no objection in principle, made a number of comments in relation to the proposal and the reports that were submitted in support of the application.
167. In a response received on 06 January 2023, NED requested an amended Landscape Management Plan that retains maximal extant hedgerow and vegetative biodiversity as possible, and, includes as many native species listed on current planting guidance.
168. A subsequent response received on 12 June 2023 had regard to an amended Landscape Plan and planting schedule. The response confirmed that they were content with the proposal subject to the existing screen planting being retained as indicated.
169. Whilst the response also acknowledged that some vegetation will require removal and that vegetation on the site may support breeding birds the advice received indicated that NED had no objection to the proposed development. Officers are in agreement with the advice of the consultee.
170. The assessment carried out also demonstrates within the context of policy NH 6 how the siting and scale of the proposed development is considered to be sympathetic to the character of the Area of Outstanding Natural Beauty in that the design and finishes of buildings is consistent with those in the local area.
171. Furthermore, the retention of natural boundaries and provision fences and walls as described will not detract from the character of the area, the quality of the landscape, heritage and wildlife.
172. For the reasons outlined above, it is considered that the proposal complies Policy NH 2 and NH 5 of the draft Plan Strategy in that the detail demonstrates that the development is not likely to harm a European protected species nor is it likely to result in the unacceptable adverse impact on, or damage to known habitats, species or features of Natural Heritage Importance.
173. It is also considered to comply with Policy NH6 of the draft Plan Strategy in that the development is considered to be of an appropriate design, size and scale for the locality and the detail demonstrates how it respects the character of the area.

Flooding and Drainage

174. A Drainage Assessments dated December 2021 by Atkins was submitted in support of the application.
175. Paragraph 2.2 of the Assessment indicates that the site is not located within any of the Flood Directive flood maps. It is not affected by fluvial or pluvial flooding nor is there any evidence of historic records of flooding on the site.
176. Section 3 provides detail on the Drainage Assessment in relation to existing surface water run-off and post development surface water runoff. It indicates that the existing site is greenfield land and there is no evidence of storm drainage on the existing site. As such, surface water run-off in the form of overland flow is conveyed towards the northern and western boundaries of the site likely combined with ground infiltration.
177. The pre-development surface runoff from the site is 11.2l/s [equivalent to greenfield run off rates of 10l/s/ha].
178. Section 3.3 provides detail in relation to the performance of the proposed storm drainage and explains that it is proposed to install new surface water drainage networks to serve the development.
179. The foul drainage network from the development is proposed to connect to the existing NI Water 450mm diameter public combined sewer within Quarterlands Road. The assessment also advises that an Article 154 application for the requisition has been made already to NI Water.
180. The proposed storm drainage networks have been designed taking into account the existing topography of the site and the proposed finished levels. The proposed storm drainage network will be limited to a maximum allowable discharge rate of 11.3l/s using a vortex flow control device.
181. Section 4 illustrates that the site is not affected by fluvial or Pluvial flooding. The engineers also concluded that there is no risk from reservoir inundation or coastal sources due to the location of the site.
182. Advice received from DfI Rivers on 01 February 2022 confirmed that the Drainage Assessment had been reviewed. The advice confirmed that there are no watercourse which are designated under the terms of the Drainage (Northern Ireland) Order 1972 within the site. Advice was also provided that the site may be affected by undesignated watercourses for which DfI Rivers has no record.
183. With regard to Policy FLD 3, DfI Rivers requested a copy of the Article 154 application from NI Water consenting to discharge attenuated 11.31l/s storm water runoff to their system so that they can fully consider the Drainage Assessment.

184. Having considered the Article 154 response from NI Water, DfI Rivers Agency provided clarification on the Drainage Assessment and indicated that it indicates that there is exceedance flow emanating from MH8. Whilst no objection is offered, the applicant is requested to provide details on how this exceedance is to be effectively mitigated in order to demonstrate that flood risk to the proposed development, and from the development elsewhere, has been adequately dealt with. A negative condition will ensure that details of the final drainage system is provided prior to commencement of any other works.
185. Water Management Unit has also considered the impacts of the proposal on the surface water environment and in a response received on 06 January 2023 advised that they had considered the impacts of the proposal on the surface water environment and on the basis of the information provided, they were content with the proposal.
186. NI Water in a response received on 1 February 2022 recommended that the planning application is approved with standard conditions and response specific conditions. The advice received confirmed that there is available capacity at the WWTW and that there is a public foul sewer within 20 metres of the site boundary which can adequately service the proposal. Whilst the response notes that there is no public surface water sewer within 20 metres of the site it does acknowledge that access is available via extension of the existing public surface water network.
187. A wayleave is annotated between site 5 and site 6. The detail demonstrates that it is within the curtilage of site 5 and no development is shown to take place within a 5 - 7 metre buffer of this piece of infrastructure.
188. Based on a review of the information provided and the advice received from both DfI Rivers, Water Management Unit and NI Water, it is accepted and considered that the proposed development is being carried out in accordance with the requirements of Policy FLD 3 of the draft Plan Strategy as modified.

NIE Infrastructure

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

Consideration of Representations

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

Neighbour notification not accurate

192. The neighbouring properties directing abutting the red line of the proposed development were notified of the proposal in line with legislative requirements. They were also re-notified throughout the processing of the application when further information/amendments were received. Furthermore, the application was advertised in the Belfast Telegraph on 19 January 2022.

193. It is therefore considered that the neighbour notification carried out was in line with statutory legislative requirements. Due process in relation to notification has been adhered to.

Further consultation with residents should have taken place

194. The application is a local application and the applicant is not required to formally engage in Pre-Application Community consultation. That said, the application process does allow for third parties to make representation.

Request for meeting with planners to discuss serious concerns residents have in relation to the proposal

195. A meeting was facilitated at the request of elected members on behalf of a number of local residents. Residents were afforded the opportunity to voice their concerns in relation to the proposed development. The process for making written representation was also explained.

Design and scale of houses not in keeping with area and layout incompatible with surroundings

196. There is a range of house types of varying styles and design in the surrounding area and it is not considered that the proposed dwellings will have a negative impact or be incompatible with the character of the surrounding area.

Density is too high

197. The density of the proposed site is approximately 15.5 dwellings per hectare which is less than the figures of 20 -25 which is detailed in the key site requirements in draft BMAP. Whilst the density is lower than that stipulated, the development will not conflict with the sites location and surrounding area.

The density proposed contributes to the overall scheme and reflects a Quality Residential Environment.

The proposed dwellings will overlook existing properties in Zenda Park and result in a loss of privacy

198. The scheme has been assessed against the operational policies associated with the draft Plan Strategy as modified and guidance contained within Creating Places. The separation distances exceed the minimum standards stipulated. No adverse impact on the amenity of neighbouring residents by virtue of overlooking is identified.

The planning history on the site has lapsed and material weight should not be afforded to it

199. Planning permission has been granted for 15 houses on the site. The applicant is not relying on this previous permission as justification for this current application.
200. This application is assessment on its own merits having regard to the local development plan and regional planning policy. The land is zoned for housing in the local plan and the detail submitted is considered to provide for a Quality Residential Environment.

Residents would like a community garden and were not aware that this land was zoned for housing

201. The desire for a community garden is not something that material weight can be afforded to. The land has been zoned for housing and the Council must consider the proposal in front of it on its own merits.

Difference between previous approval and current application

202. It is acknowledged that the application is different to that which was previously approved. That said, the land is zoned for housing and the application has been assessed on its own merits and is considered to be in accordance with prevailing regional policy for the reasons set out above. A quality residential environment is achieved in the layout and design of the buildings.

Validity of development plan in decision making process.

203. LAP was adopted following due process and the site is inside the settlement. Draft BMAP is a significant material consideration and significant weight attached to the fact that the lands are zoned for housing. The Council is

required to have regard to the Plan and officers have done so in consideration of this proposal.

Housing need has been satisfied elsewhere.

204. There is no requirement for the applicant to demonstrate this. The planning system is Plan led and planning permission should be granted for development that is in accordance with the requirement of the Plan. This is a zoned housing site inside a settlement.

Ecological information submitted is not accurate

205. The ecological information and reports that were submitted are compiled by qualified professionals. These papers have been interrogated by NIEA on behalf of the Council. Officers agree with the advice of the statutory consultee. Concerns expressed in detailed representations have also been considered.

Impact of the proposal on issues of natural heritage i.e. bats, owls, flora and fauna

206. This issue is detailed in a large number of representations submitted in opposition to the proposal. These representations have been available for consideration by Natural Environment Division as part of their overall assessment. There is no evidence that this development will cause adverse impact.

The site is home to hedgehogs, birds, barn owls and bats, badgers, smooth newts, beetles, bugs and butterflies

207. The PEA submitted with the application included the CEDaR records from a dataset of records of species within 2 km of the site. Records of the species of Conservation interest are included in the PEA report in table 4.4.
208. The findings conclude that no CEDaR records have originated from the site itself. It is acknowledged that many different species (not all protected) will have occurred in the site.
209. However, a professional ecologist visited the site and found that the site is not a suitable habitat for the species mentioned. The site was surveyed for evidence of Protected and Priority species and none were found. Any protected species that have habitats beyond the site boundaries is outside the remit of this application.

210. In relation to hedgehogs in the area, mitigation has been recommended to ensure that hedgehogs continue to be protected. Likewise, mitigation measures and specific landscaping has been provided for birds.
211. The site survey did not indicate that the site was a habitat for barn owls. The findings indicate that the site does not provide suitable nesting for barn owls and foraging possibilities are limited within the confined of the site.
212. No suitable bat roosting locations were found within the site boundaries. That being said it is possible that bats use the site and area regularly. However, given the other developments in the area there is no reason that this will not continue once the proposed houses are constructed.
213. Badgers are indeed known to the area but no evidence of badger sets was found on the site or within 25 metres of the red line.
214. No evidence of newts was found during the site visit or during the survey undertaken by the ecologist. Any presence of newts or their breeding ponds outside the site confines lies outside the remit of this particular application.
215. Again there is no evidence that this development will cause adverse impact.

Established hedgerows exist with the boundaries of the application site

216. A detailed landscape plan has been submitted with the application. The detail associated with this plan indicates that the boundary hedging is to be retained as far as possible and that the landscape proposals will ensure that the proposal will integrate into the surroundings.
217. As the site lies on the edge of the settlement limits a 5 metre landscape buffer is also proposed.

The proposal will devalue the house prices in the area.

218. No evidence has been received to substantiate this assertion and as such, no significant weight is afforded to this objection of a perceived loss of value.

Land is located in the countryside and should not be developed.

219. This statement is incorrect. The lands associated with the application site lie within the proposed development limits of Drumbeg. The lands are zoned for housing. There is therefore a presumption in favour of development subject to a proposal meeting the other planning and environmental considerations.

The proposal will result in the sewage infrastructure being intensified and they are already at capacity

220. Advice from Northern Ireland Water (NIW) confirms that there is capacity in the network to serve 17 dwellings. No other applications have come forward in the intervening period which uses up that capacity.

EIA should have been carried out

221. An EIA determination was carried out and it was concluded that the application did not need to be accompanied with an Environmental Statement for the reasons explained earlier in this report.

Site has a history of flooding and proposal will increase flood risk.

222. The DfI Rivers Agency Flood Map shows no history of flooding on the site or in the immediate vicinity. The application is accompanied with a drainage assessment. The findings in this illustrate that the site is not at risk of flooding during a 1 in 100 year flood event and that the surface water from the proposed development can be run-off at greenfield rates to mitigate the impact of flooding elsewhere

Dangerous for families dropping children off at local preschool

223. The application has been accompanied with a Transport Assessment Form and detailed engineering drawings. DfI Roads have assessed the application and have offered no objections. The access arrangements road layout are considered to be acceptable in terms of the operational policies associated with the draft Plan Strategy as modified and DCAN 15. It is therefore not considered that the proposal will prejudice any road users or pedestrians. Officers are in agreement with the advice the consultee.

Road hasn't got the capacity for cars to pass safely

224. The proposed development will involve the widening of the road carriageway at the site to 5.5 metres. This should alleviate issues along this section of road. Any further works required to improve the rest of the road lies outside the remit of this particular application. DfI Roads have assessed the application and detail submitted with it and have no objections to the proposal. Again officers are in agreement with the advice the consultee

A footpath should be provided along the road frontage

225. The proposal includes the creation of a new footpath along the section of road frontage.

Affordability of homes

226. The market value of the houses proposed for development is not an objection that can be taken into consideration is assessing the application. An affordable housing requirement is proposed at the full rate.

There is no primary school in the area

227. This is a matter for the Education Authority to determine based on need and catchment. The scale of development proposed here would not justify the need for a school.

No recreational garden area

228. The nature and scale of the application is such that no public open space is required to be provided. The provision of private open space is above minimum standards and considered to be acceptable.

No playpark exists in the area

229. The application is for 17 houses. The policy threshold for providing a playpark is not met.

No shops in area

230. Drumbeg is conveniently located to Lisburn and other settlements which provide retail and other services. The scale of development proposed here does not give rise to the need for neighbourhood facilities.

The proposed site lies in an Area of Outstanding Natural Beauty (AONB) and needs protected

231. The site is located in an Area of Outstanding Natural Beauty. However, that does not preclude the proposed development. This land is zoned for housing in the local development plan.

Impact on the Lagan Valley Regional Park

232. The site is surrounded by other residential development and it is not considered that the nature and scale of the proposal will have a negative impact on the wider setting of the Lagan Valley Regional Park.

Increase in traffic will cause an increase in air pollution

233. No evidence has been put forward to substantiate this assertion. Environmental Health have reviewed the detail of the application and have offered no objection in this regard.

Request on 2 June 2023 for application to be held

234. It was asserted that it would be unfair to “rush” the application to committee when a new committee has just been formed.
235. The residents state that the process needs to be fair and equitable and that the planning unit needs to allow time for residents to fully consider the complex issues and detailed drawings submitted.
236. The application was received on 06 January 2022 and opportunity has been afforded to third parties to comment throughout the application process.
237. The objectors have the right to speak in opposition to the proposal. Members have the right to seek a deferral In accordance with the Protocol for the Operation of the Planning Committee should the wish to explore other facts material to the application. The report submitted is complete and this matter is for the Members to evaluate.

Conclusions

238. For the reasons outlined above, the proposal is considered to comply with the SPPS and policies HOU1, HOU3, HOU4 and HOU10 of the draft Plan Strategy as modified.
239. It is also considered to comply with Policies NH 2, NH 5, NH6, TRA1, TRA2 TRA7, FLD3 of the draft Plan Strategy as modified.

Recommendations

240. It is recommended that planning permission is approved subject to a section 76 planning agreement which identifies those units in the scheme which are to be

developed as affordable housing.

Conditions

241. The following conditions are recommended:

1. As required by section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 5208230-ATK-QLR-ZZ-DR-D-0001 rev P05 bearing the Council date stamp (insert date) and the Department for Infrastructure Determination date stamp insert date stamp

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12. All hard and soft landscape works shall be carried out in accordance with Drawing 02B – Landscape General Arrangement Plan, and associated planning schedule bearing the Council date stamped 8th August 2023 and the approved details. The works shall be carried out no later than the first available planting season after occupation of that phase of the development.

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

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

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

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

Reason: To protect breeding/nesting birds.

15. No development shall proceed beyond sub-floor construction until details of an extension to the existing surface water network to serve the

development is submitted to the Council and approved in writing and implemented on site.

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

16. Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing a detailed drainage network design shall be submitted to the Council for agreement.

Reason: In order to safeguard against surface water flood risk

Site location Plan – LA05/2022/0033/F



Lisburn & Castlereagh City Council

| | |
|-------------------------|---|
| Council/Committee | Planning Committee |
| Date of Meeting | 04 September 2023 |
| Committee Interest | Local Application (Called In) – Addendum |
| Application References | LA05/2020/0420/O LA05/2020/0421/O |
| Date of Application | 8 June 2020 |
| District Electoral Area | Downshire West |
| Proposal Description | Site for a dwellings, garages and associated site works |
| Location | Due north of 68 Gregorlough Road Dromore BT25 1RR |
| Representations | Six |
| Case Officer | Grainne Rice |
| Recommendation | Approval |

Background

1. These applications were presented to the Planning Committee on 07 August 2023 with recommendations to approve as they were considered to be infill opportunities in accordance with the requirements of paragraph 6.73 of the SPSS and policies COU1 and COU8 the draft Plan Strategy.
2. Following a presentation and consideration of representations for and against the recommendations to approve, it was agreed to defer consideration of the application to allow for a site visit to take place and to enable the Members to view the site and in its context.
3. A site visit was arranged and took place on 16 August 2023. A separate note of the meeting is available and appended to this report.

Further Consideration

4. At the site visit, members were reminded that site visit was arranged to provide members with the opportunity to observe and examine:

- a) the buildings counted in the assessment of what makes up a substantial and continuously built up frontage at this location;
 - b) the verge along the edge of the Gregorlough Road and consider the extent of hedgerow that might be required to be removed to facilitate the entrance and required visibility splays;
 - c) the significance of the landscape features along the road frontage and whether the visual link between the buildings was broken by established landscape features.
 - d) whether two dwellings could be integrated into the landscape without harming the rural character of the area.
5. Members walked along the entire frontage of the site starting at the southern boundary where they observed three dwelling houses, one large agricultural building and one smaller agricultural-type building.
 6. Members noted the location of the two new accesses with the assistance of the submitted concept plans. It was further noted that the position of the accesses had been marked out before the visit. It is highlighted that this was not at the request of the Council.
 7. Members sought clarification as to the extent of the visibility splays in both directions and officers were asked to identify what the extent of hedgerow removal might be.
 8. Members were provided with clarification in relation to visibility splay dimensions, utilities and guidance in relation to visual breaks.
 9. Members also observed the two buildings towards the junction with the Redhill Road site and officers answered questions about the visual link between all the buildings along the road frontage.

Other Considerations

10. It is highlighted to Members that a representation received post August Committee expressed the view that there is no gap within a substantial and continuously built up frontage due to the nature of the western boundary and orientation of the property at 65 Redhill Road. Reference is also made to the roadside verge and boundary not being straight and to the need for clarification in relation to the extent of any hedgerow or trees to be removed.
11. The view is expressed that a significant amount of hedge would need to be removed and without detailed drawings showing sightlines, a conclusion cannot be reached that the development can successfully integrate.

12. The representation also expresses the view that the gap does not comply with policy COU8 as the buildings either side are not visually linked. All these issues were previously addressed in the main officer's report and explored in detail at the site visit. It does not change the advice previously offered and the recommendation remains to approve two dwellings at this location,
13. The agent also circulated information by email to Members and officers setting out reasons why the application should be approved. This information has been associated with the planning portal record and is dealt with as supporting information. The Agent explains the how the new access positions were chosen having regard to existing roadside hedges and trees. A map was also provided identifying the buildings that the Agent considers to form part of frontage.
14. Again the issues raised have been dealt with in the main officer's report. That said the agent suggests that more buildings make up the substantial and continuous frontage than indicated by officers. Members can having observed the site at first hand will be able to consider what buildings should be counted.

Conclusions

15. The planning advice previously offered that planning permission should be granted subject to condition is not changed.
16. The information contained in this addendum should be read in conjunction with the main officers reports previously presented to the Committee on 07 August 2023 and the minute of the site visit all of which are provided as part of the papers for this meeting.

LISBURN & CASTLEREAGH CITY COUNCIL**Report of a Planning Committee Site Meeting held at 3.30 pm on Wednesday, 16 August, 2023 at Gregorlough Road, Dromore**

PRESENT: Alderman M Gregg (Chairman)
Aldermen O Gawith and J Tinsley
Councillors S Burns, P Catney, D J Craig,
A Martin, G Thompson and N Trimble

IN ATTENDANCE: Head of Planning & Capital Development (CH)
Principal Planning Officer (RH)
Member Services Officer (BS)

Apologies were received from the Vice Chairman, Councillor U Mackin and Councillor D Bassett.

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

- (i) LA05/2020/0421/O – Site for a dwelling, garage and associated site works 65 metres due north of 68 Gregorlough Road, Dromore; and
- (ii) LA05/2020/0420/O – Site for a dwelling, garage and associated site works 35 metres due north of 68 Gregorlough Road, Dromore

The above applications had been presented for determination at the meeting of the Planning Committee held on 7 August, 2023. The Committee had agreed, in light of representations made in relation to vegetation and visual linkage at the proposed locations, to defer consideration to allow for a site visit to take place.

Members and Officers met at the site. In accordance with the Protocol for the Operation of the Planning Committee, Members were provided with background to the applications and with an overview of the application site and surrounding context.

At the outset the Head of Planning and Capital Development outlined a number of key issues to be considered during the site meeting:

- a) the buildings counted in the assessment of what makes up a substantial and continuously built up frontage at this location;
- b) the verge along the edge of the Gregorlough Road and consider the extent of hedgerow that might be required to be removed to facilitate the entrance and required visibility splays;
- c) the significance of the landscape features along the road frontage and whether the visual link between the buildings was broken by established landscape features.

- d) whether two dwellings could be integrated into the landscape without harming the rural character of the area.

Members and Officers walked along the Gregorlough Road to the south and observed three dwelling houses, one large agricultural building and one smaller agricultural-type building, all of which were located along the road frontage.

The Principal Planning Officer provided Members with information in relation to each of the dwellings and farm buildings including access and curtilage issues.

The Head of Planning & Capital Development having regard to planning policy and previous appeal decisions explained the reasons why each building along the road frontage had been included or discounted from the officer's assessment.

Members and officers walked back along the Gregorlough Road toward the Redhill Road and stopped at the proposed location of the two new access points. The extent of the proposed visibility splays were observed. It was also noted that the access points had been delineated using coloured poles by a third party (not at the request of the Council).

The Head of Planning & Capital Development pointed out the extent of the vegetation. Members were encouraged to walk along the road and to look back to see how the three buildings [to the south] were visually connected to the application sites. It was noted that vegetation would change slightly over time.

Members sought clarification in relation to the following matters:

- the extent of the splay measurements – the Principal Planning Officer advised that in respect of LA05/2020/0420/O, the splay measurements recommended by DfI Roads were 43m North and 53m south.
- In order to assist Members with their understanding as to the extent of any hedge row removal required to provide these splays, the Head of Planning & Capital Development walked back towards 68 Gregorlough Road. With the aid of the site location plan, the extent of the visibility splays were outlined and Members were able to observe where the hedgerow might be removed.
- it was noted that no utilities had been identified for removal but that this would be a matter for the applicant/agent to explore in consultation with the utility provider.
- the Head of Planning & Capital Development stopped at a watercourse at the most northern extent of the two sites and described the topography and pointed to Members that they should have regard to the trees and other vegetation and whether this represented a visual break in the developed appearance of the area. He indicated that the officer had taken account of this but was of the view it was not of sufficient depth to discount the dwelling on the other side of the boundary from the built up frontage.

During the site visit the Principal Planning Officer took a number of photographs of the frontage and wider site area.

The Head of Planning & Capital Development highlighted that two of the buildings were on the Redhill Road with frontage on the Gregorlough Road and pointed out that their curtilage extends to edge of road.

At the conclusion of the site meeting the Head of Planning & Capital Development reiterated a number of points in relation to visual linkage, sequential awareness and visibility splays.

In response to further questions he advised that drone footage would not be helpful but that a video footage which providing an eye level account of what is observed at the site might be useful in the future for other applications.

The Chairman, Alderman M Gregg, asked if Members had any further questions. There being no further business the site visit was terminated at 4.14 pm.

Lisburn & Castlereagh City Council

| | |
|-------------------------|--|
| Council/Committee | Planning Committee |
| Date of Meeting | 03 July 2023 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2020/0420/O |
| Date of Application | 8 June 2020 |
| District Electoral Area | Downshire West |
| Proposal Description | Site for a dwelling, garage and associated site works |
| Location | 35 metre due north of 68 Gregorlough Road Dromore, BT25 1RR |
| Representations | Six |
| Case Officer | Grainne Rice |
| Recommendation | Approval |

Summary of Recommendation

1. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposal is considered to meet the requirements of paragraph 6.73 of the SPPS and policies COU1 and COU8 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal meets the exception test and is a gap site sufficient to accommodate two dwellings within an otherwise substantial and continuously built up frontage.
3. Furthermore, the proposal respects the existing development pattern along the frontage in terms of its size, and plot size. The proposal also meets all other planning and environmental requirements.
4. In addition, the proposal is considered to meet the requirements of policy COU15 in that a dwelling can be sited and designed so as to integrate into the landscape without causing a detrimental change to the rural character of this part of the open countryside.

5. The proposal also complies with the requirements of policy COU16 of the draft Plan Strategy (as modified by the Direction from the Department) in that in that the dwelling will not be unduly prominent, it will cluster with an established group of buildings and is capable of being sited and designed so as not to have an adverse impact on residential amenity of any neighbouring property. No adverse environmental or visual impact is identified from the proposed ancillary works and the connection to the proposed services will not harm the character of the area as they are already features of the landscape.
6. The proposal complies with policy NH 5 of the draft Plan Strategy (as modified by the Direction from the Department) in that the development will not result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance.
7. A new access is created to the public road and the detail submitted demonstrates that the proposal complies with policy TRA2 of the draft Plan Strategy (as modified by the Direction from the Department) in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic.

Description of Site and Surroundings

Site

8. The application site is located at lands 35 metres north of 68 Gregorlough Road, Dromore and consists of part of an agricultural field.
9. It is bounded to the west by a mixed hedgerow a post and wire fence and an agricultural gate. To the south the site is partly bounded by a rendered wall and an agricultural style shed. The boundaries to the north and east are undefined. Further to the east of the site is a small stream. In relation to topography, the application site is predominantly flat in nature.

Surroundings

10. The character of the area is rural in nature, defined by open agricultural lands with single detached dwellings interspersed. Agricultural grasslands delineated by treelines and hedgerows with interspersed residential and farm buildings dominate the wider area. The site lies within the open countryside.

Proposed Development

11. This is an outline application for an infill dwelling and garage.

Relevant Planning History

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

| Reference Number | Description | Location | Decision |
|------------------|--|--|---|
| LA05/2020/0421/O | Site for dwelling and garage and associated site works | Lands 65m due north of 68 Gregorlough Road, Dromore | Under consideration |
| S/2003/1050/O | Site for dwelling and garage | Lands to rear of outbuildings and south east of 60 Gregorlough Road, Dromore | Approval 01 st December 2003 |
| S/2004/1272/RM | Erection of dwelling and detached garage | Lands to the south east of 60 Gregorlough Road, Dromore | Approval 28 th October 2004 |
| S/2004/1995/RM | Repositioning of approved dwelling and detached garage (planning ref S/2004/1272/RM) | Lands to south east of 60 Gregorlough Road, Dromore | Approval 06 th April 2005 |

13. The application referenced LA05/2020/0421/O on an adjacent site makes up the other part of the gap in the road frontage and processed in parallel with this proposal. It is a material consideration to be taken account of.

Consultations

14. The following consultations were carried out:

| Consultee | Response |
|----------------------|--------------|
| Environmental Health | No objection |
| DfI Roads | No objection |
| NI Water | No objection |
| NIEA | No objection |
| Rivers Agency | No objection |

Representations

15. Six representations in opposition to the proposal have been received. The following issues are raised.
 - Road/Pedestrian safety and traffic generation. Proposal would result in the widening or relocation of an agricultural access
 - Proposal would result in further suburbanisation of the countryside for financial gain
 - Incorrect address
 - Lack of screening to site – loss of privacy
 - Loss of wildlife
 - Noise pollution and disturbance. Dogs located at No. 65 Redhill Road, this proposal may lead to their upset and the potential for a noise complaint from any future resident
 - Loss of trees and hedgerow
 - Two dwellings would not be in keeping with the local landscape
 - The septic tank of another property if located within the site. Its removal may lead to pollution of a river to the rear
 - Proposal would result in surface run off
16. The issues raised have been considered as part of the assessment of this application.

Planning Policy Context

Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

18. On 28th June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
19. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
20. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for

Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.

21. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
22. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
23. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
24. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.
25. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
26. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

28. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
29. The site is located in the Green Belt in LAP and at page 49 it states:

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

30. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

31. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

32. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

33. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
34. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
35. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

36. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

37. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

38. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

39. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

41. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

42. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Waste Management

43. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

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

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

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

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

45. The justification and amplification states:

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

(text in bold as modified by the Direction)

The approach to the statutory Development Plan and Regional Policy

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

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

47. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents

identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

48. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
49. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
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. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

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

52. It is further stated at paragraph 6.78 of the SPPS that:

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

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

Regional Policy Context

54. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

55. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.
56. Policy CTY 1 states:
- ‘There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.’*
- ‘Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.’*
- ‘All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department’s published guidance.’*
- ‘Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.’*
57. The policy states:
- ‘Planning permission will be granted for an individual dwelling house in the countryside in the following cases:*
- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
 - *a replacement dwelling in accordance with Policy CTY 3;*
 - *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
 - *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
 - *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
 - *a dwelling on a farm in accordance with Policy CTY 10.’*
58. As per the submitted Concept Statement, this application pertains to a proposal for the development of a gap site for a single dwelling/garage. As such, it is to be assessed against the requirements of Policy CTY 8.
59. In addition to Policy CTY 8, there are other CTY policies that are engaged as part of the assessment including; CTY 13, CTY 14 and CTY 16, and they are also considered.
60. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.'

61. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.
62. Regard is also had to the justification and amplification which states;

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Building on Tradition

63. Whilst a guidance document, as opposed to a policy document, the SPPS states;

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

64. With regards to Policy CTY 8, Building on Tradition states;

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

65. The guidance notes that :

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

66. It also notes at the following paragraphs that;

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

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

67. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.
68. It includes infill principles with examples that have been considered as part of the assessment:
- Follow the established grain of the neighbouring buildings.
 - Allow for clear definition of front and back, public and private sides to the plot which help address overlooking issues.
 - Design in scale and form with surrounding buildings
 - Retain existing boundaries where possible and construct new boundaries using native hedgerows and natural stone walls to assist integration and local biodiversity
 - Use a palette of materials that reflect the local area
69. Policy CTY 13 – Integration and Design of Buildings in the Countryside states;
- ‘Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.’*
70. The policy states;
- ‘A new building will be unacceptable where:*
- (a) it is a prominent feature in the landscape; or*
 - (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) it relies primarily on the use of new landscaping for integration; or*
 - (d) ancillary works do not integrate with their surroundings; or*
 - (e) the design of the building is inappropriate for the site and its locality; or*
 - (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.’*
71. Policy CTY 14 – Rural Character states;
- ‘Planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.’*
72. The policy states;
- ‘A new building will be unacceptable where:*
- (a) it is unduly prominent in the landscape; or*

- (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) *it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.'*

73. Policy CTY 16 - Development Relying on Non-Mains Sewerage states;

'Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.'

74. The policy also states;

'Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.'

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.'

Building on Tradition

75. With regards to Policy CTY16, Building on Tradition [page 131] states;

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

Natural Heritage

76. A bio-diversity checklist and preliminary ecological assessment is submitted with the application. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.

77. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states;

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

- *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.'*

78. The policy also states;

'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

79. A new access is proposed to the site from Gregorlough Road. 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.

80. Policy AMP 2 – Access to Public Roads states;

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

- a) *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.'*

Development Control Advice Note 15 – Vehicular Access Standards

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

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

Assessment

82. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer’s bear in mind that the policy in COU8 is restricted and that any infill application is an exception to the prohibition on ribbon development.
83. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

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

84. Officers are satisfied that the proposal does engage ribbon development. The frontage is significantly built up either side of the site. To the south is a dwelling and at least two agricultural buildings with a frontage to the road. To the north is a dwelling and a domestic outbuilding. This consistent with the description of what a ribbon is in the justification and amplification of policy COU8.
85. The buildings to the south are beside one another and front the Gregorlough Road. The buildings to the north are also beside one another and visually linked.

The issue of exception

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

88. In terms of a substantial and continuously built up frontage, the applicant is relying on the dwelling and shed located at 65 Gregorlough Road, the dwelling and shed located at 68 Gregorlough Road and the shed adjoining and immediately south of 68 Gregorlough Road.
89. The dwelling at 65 Gregorlough Road presents a dual frontage to both the Gregorlough Road and Redhill Road and is counted as part of the substantial and continuously built up frontage. The other building within the curtilage of this property is considered to be a domestic outbuilding and not counted as part of the assessment.
90. The dwelling at 68 Gregorlough Road has a frontage to the road as does an adjacent barrel vaulted shed which is not considered to be domestic in mass or scale and also with a frontage to the road.
91. Beyond this to the south is a large agricultural building which is double vaulted and has a lean-to extension which is on the Gregorlough Road frontage.
92. Taking these buildings into account it is considered that there is a substantial and continuously built up frontage consisting of four buildings with a frontage to the road. At least two of these are dwellings and the ancillary building at 65 Gregorlough Road is excluded. This part of the exception test is met.
93. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.
94. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.
95. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
96. The gap between the two closest buildings at 65 Gregorlough Road and 68 Gregorlough Road is 94 metres.
97. This proposed site has a frontage of 35 metres. This proposal is for approximately half of the gap with another application (LA05/2020/0421/O) also under consideration for the other half of the field that fronts to the road with a site frontage of 48 metres. The average of these two frontages is 41.5 metres.
98. A concept layout submitted with the application details the other frontages at 65 Gregorlough Road as 65 metres, at 68 Gregorlough Road as 55 metres and the outbuilding adjoining 68 Gregorlough Road as 44 metres respectively. The average site frontage is 55 metres in the general vicinity of the site.

99. Whilst the Building on Tradition document is written with a different policy the proposal is consistent with the advice detailed at paragraph 4.5.1 of the Building on Tradition document in that the size of the gap in the Gregorlough Road frontage does not exceed the average plot width of 55 metres. On the plot size analysis alone, and comparing the existing plots, the gap site is small in the sense of accommodating two dwellings of comparable plot size.
100. It is stated at bullet point 3 of page 71 of the Building on Tradition document that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The gap at 94 metres is also not more than twice the width of the average plot which is 110 metres (55 metres x 2). However, there are other considerations before a final assessment can be reached.
101. Consideration is also given to the significance of the gap. Guidance contained at 4.4.0 and 4.4.1 of Building on Tradition and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
102. Excluding the words 'one or' from the guidance at bullet point five on page 71 even if all the other criteria were met the plot frontage of this site is smaller than the average plot width in the ribbon.
103. The general criteria at 4.5.0 and 4.5.1 still apply. However, the site is not an important visual break in the developed appearance of the local area. The frontage is narrow and there is no stand of mature trees that could be said to create a visual break between the buildings.
104. In this case, there are no local features recorded or observed to indicate that the gap frames a viewpoint or provide in an important setting for the amenity and character of the established dwellings. The site is not comprised of a woodland or other feature to suggest that it is an important visual break in the developed appearance of the landscape at this location.
105. Taking into account the application on the neighbouring site and for the reasons set out above this is considered to be a small gap sufficient to accommodate two dwellings. This part of the exception test is met.
106. It is also a requirement for the dwellings to respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings in the continuously built up frontage.
107. A proposed site layout map has been submitted identifying the siting of each dwelling and explaining how the plot size respect the existing pattern of development.
108. In examination of the details of the plan the adjacent frontage at 65 Gregorlough Road is 65 metres, at 68 Gregorlough Road is 55 metres and the

outbuilding adjoining 68 Gregorlough Road is 44 metres. The average of these frontages is 55 metres.

109. The proposed frontage for each of the plots is within this range for the reasons outlined above are considered to respect the established pattern in line with policy and the guidance set out in Building on Tradition.
110. The plot at 65 Gregorlough Road is approximately 2190 square metres in size, the plot size at 68 is approximately 1786 square metres in size and the plot of the shed adjoining 68 is approximately 1628 square metres in size. The two infills dwellings 1586 and 1895 square metres in size respectively.
111. Both plot are considered in general to be in accordance with the existing pattern of development in terms of their size.
112. The site layout plan also demonstrates how the proposal would be in keeping with the building line along this part of the road.
113. For the reasons outlined above, the proposed development is capable of being sited and designed to respect the existing development pattern along the frontage in terms of size, scale, and siting and plot size.
114. The finally part of the test is requires consideration of whether the buildings are visually linked. When standing on the Gregorlough Road in front of the site, all four buildings are visually linked to one another. The dwelling at 65 Gregorlough Road is less obvious in the spring and summer when the trees and hedgerows are in full leaf but there is a sequential linkage as you travel along from this dwelling towards the group of buildings at 68 Gregorlough Road. This part of the exception test is met.
115. The proposed development of a dwelling at this location when considered alongside the application on an adjacent site meets all the exception tests and is in accordance with policy COU8.

Policy COU 15 - Integration and Design of Buildings in the Countryside

116. This outline application seeks to establish the principle of development only. Full plans have not been submitted.
117. That said, it is accepted that a dwelling could be sited and designed so as not to appear as a prominent feature in the landscape given the enclosure provide by the buildings and vegetation on the northern and southern extents of the site and the rising ground and trees and hedgerow in the backdrop. The requirements of criteria (a), (c), (d) and (e) are met.
118. Criteria (b) requires the proposed building to be sited to cluster with an established group of buildings. This proposal is considered to cluster with an established group of buildings to the south of the site this is one of the two bookends to the gap.

119. This is an outline planning application and details of the design are not included. That said the bulk, scale, massing and external appearance of the building can be controlled by condition. The requirement of criteria (f) is met.
120. The main impact resulting from the ancillary works is the construction of the access. An opening will be required along the road frontage but traffic speeds are low and there is a verge that will accommodate the majority of the visibility splay. The loss of significant vegetation can be mitigated without impacting significantly on the ability to integrate the development into the countryside. The requirements of criteria (g) are met.
121. For the reasons outlined in the preceding paragraphs it is considered that all of the criteria of policy COU15 are or can be met at the approval of reserved matters stage.

Policy COU16 - Rural Character and Other Criteria

122. A dwelling can be accommodated within the site without appearing unduly prominent in the landscape for the same reasons outlined in the preceding section. The traditional pattern of settlement is also respected as this site is part of a gap sufficient to accommodate two dwellings and the concept plan demonstrates where a building of a similar footprint to the other dwellings adjacent can be sited to respect the character of this rural location. Criteria (a) and (c) are met.
123. Criteria (b) of policy COU16 requires the dwelling to cluster with and established group of buildings. This is also dealt in the preceding section.
124. In respect of (d) the proposal will not mar the distinction between a settlement and the open countryside as the site is not adjacent to a settlement. Furthermore, it will not result in urban sprawl as the exception tests to policy COU8 are considered to be met for the reasons outlined above.
125. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent lands. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
126. In respect of criteria (i) and for the reasons set out later in the report within the Access and Transport section of the report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Natural Heritage

127. A Biodiversity Checklist and ecological statement was submitted during the processing of the application.
128. It is noted that the application site (0.20 hectares) is not currently occupied by any buildings and therefore no demolition of any structure would be required to accommodate the proposal. The application site is currently used for agricultural purposes.
129. NIEA Natural Environment Division [NED] were consulted and has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to appropriate conditions and informatives.
130. From the Ecological Statement provided, the Council satisfied that sufficient information is supplied to assess for potential impacts on protected/priority species and habitats. The ecologist found no evidence of otter or badger activity while surveying, and while a mammal trail was identified along the northern and eastern boundaries of the site.
131. As noted by the ecologist, should the mature Ash tree within the western hedgerow, assessed as having moderate bat roosting potential be required for removal, further emergence/re-entry bat surveys must be completed based on the ecologists bat roost potential determination, however plans do not indicate that this tree is to be removed.
132. Due to the presence of a watercourse traversing the northern and eastern boundaries of the site, NED recommend a 10 metre buffer is maintained between the location of all construction works and this natural heritage feature in order to protect the water environment. This mitigation is addressed by planning condition.
133. Given the potential for breeding/nesting birds to be utilising vegetation, including scrub habitat on site, NED recommend any necessary vegetation removal required for the proposed development is completed outside of the bird breeding season to ensure compliance with Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). This mitigation is also addressed by planning condition.
134. For the reasons outlined above, it is considered that the proposal is not likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance. The requirements of policy NH5 of the draft Plan Strategy (as modified by the Direction of the Department) are considered to be met in full.

TRA2 - Access and Transport

135. The P1 form indicates that the access arrangement for this development involve construction of a new access to a public road.
136. Advice received from DfI Roads confirmed that they had no objection subject to visibility splays being provided at 2 metres by 43 metres to the north and 2 metres by 53 metres to the south.
137. Based on a review of the information provided and the advice received, it is considered that an access to the public road can be accommodated without prejudice to road safety or significantly inconveniencing the flow of traffic. The requirements of Policy TRA2 of the draft Plan Strategy (as modified by the Direction of the Department) are met in full.

Policy WM2 - Waste Management

138. Detail submitted with the application indicates a main supply of water that foul sewage is disposed of via septic tank and surface water via soakaway.
139. LCCC Environmental Health were consulted and offer no objection in principle subject to a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and area of subsoil irrigation for the disposal of effluent being provided at reserved matters stage.
140. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
141. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
142. Based on a review of the information and advice received from consultees, it is accepted that a septic tank/package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the draft Plan Strategy are met in full.

Consideration of Representations

143. Consideration of issues raised by way of representation are set out in the paragraphs below.

Road/Pedestrian safety and traffic generation. Proposal would result in the widening or relocation of an agricultural access

144. DfI Roads have been consulted and have no objection subject to standard conditions. The access arrangements for the development involve the construction of a new access along the Gregorlough Road. It is considered that a safe access can be achieved in the interest of road safety and convenience of road users at this location and that the proposal complies with PPS 3 Access, Movement and Parking.

Proposal would result in further suburbanisation of the countryside for financial gain

145. Following a site inspection and an assessment of planning policy it is considered that the proposal complies with the relevant planning policy context. The frontage width and plot size of the proposed site is considered suitable to accommodate a dwelling that respects the existing pattern of development within the identified frontage in line with policy and guidance. This is not a suburban form of development and financial gain is not a material consideration given any weight as a material consideration.

Incorrect address

146. During the processing of this application an amended accurate site address was submitted which was re-advertised and neighbour/objector notified. No one is prejudiced as the correct location of the site is identified.

Loss of privacy

147. It is considered that adequate separation distances can be achieved to mitigate the loss of any privacy. This is an outline planning application and planning conditions will allow for an appropriate design solution at reserved matters stage.

Loss of wildlife

148. A biodiversity checklist and ecological statement has been submitted with the application. Natural Environment Division has provided advice on the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to suggested conditions. The advice of the consultee is agreed and the proposal will not have a detrimental impact on any natural heritage features. The proposal is in accordance with the policy tests of Policy NH5 of the draft Plan Strategy.

Noise pollution and disturbance. Dogs located at No. 65 Redhill Road, this proposal may lead to their upset and the potential for a noise complaint from any future resident

149. Environmental Health have been consulted and have no objection to the proposed development. Noise and general disturbance are not dealt with under planning legislation and is a matter for the local Environmental Health Office. It was not observed at the site that there was any adverse amenity impact caused by barking dogs. In the absence of any loss of amenity by reason of noise or nuisance, this objection is not sustained.

Loss of trees and hedgerow

150. This is an outline application and a condition is proposed to ensure the existing natural screenings of this site are retained and augmented where necessary except to accommodate the provision of the access. New planting of native species hedgerow shall be planted to the rear of the visibility splays to ensure the provision, establishment and maintenance of screening to the site.

Two dwellings would not be in keeping with the local landscape

151. Under Policy CTY 8 an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The exceptions test are met of the reasons outlined above.

The septic tank of another property is located within the site.

152. Environmental Health have no objection to the above proposed development subject to at the subsequent planning stage the applicant providing a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling. The relationship between any proposed and existing tank can be reconciled at the detailed design stage.

Proposal would result in surface run off

153. NIEA Water Management Unit and NI Water were consulted on the application and has considered the impacts of the proposal on the water environment and on the basis of the information provided have no objection with the necessary consents.
154. The Council accepts the advice of the consultees in this respect. As such, it is considered that sufficient information is available in respect of sewage and water quality to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity.

Conclusions

155. The recommendation is to approve planning permission as the proposal is in accordance with the requirements of paragraph 6.73 of the SPPS and policies COU1, COU8 and COU16 of the draft Plan Strategy.
156. The proposal is also in accordance with other planning and environmental considerations and the policy test of NH5, TRA2 and WM2 are also satisfied.

Recommendations

157. It is recommended that planning permission is approved.

Conditions

158. The following conditions are recommended;

- Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

- Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

- A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

- The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

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

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

- The ridge height of the dwelling shall not exceed 5.6 metres from their finished floor levels and under-building shall not exceed 0.45m at any point. Any application for approval of reserved matters shall incorporate plans indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.

Reason: To ensure the development is prominent in the landscape.

- No development shall take place until a plan indicating finished floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

- The dwelling hereby permitted shall be designed and landscaped in accordance with the Design Guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside.'

Reason: To ensure that the proposal is in keeping with the character of the rural area.

- The existing natural screenings of this site shall be retained except that required to be removed to accommodate the provision of the access arrangement unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal. New planting of native species hedgerow shall be planted to the rear of the visibility splays.

Reason: To ensure the provision, establishment and maintenance of screening to the site.

- No development shall take place until there has been submitted to and approved by the Council a landscaping scheme. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously

damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure the development integrates into the countryside to ensure the maintenance of screening to the site.

- The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

- Plans at Reserved Matters shall show replacement planting with appropriate native species to compensate for the proposed removal of NI Priority habitat hedgerow to Natural Heritage & Conservation Areas facilitate visibility splays. This new planting shall be at least of an equivalent length to the hedgerow proposed removed.

Reason: to maintain the biodiversity value of the site.

- A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse present along the northern and eastern boundaries of the site.

Reason: To protect the water environment.

- No retained tree/hedgerow vegetation (stated as retained within the supporting Ecological Statement provided) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to Design, demolition and construction.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees and hedgerow vegetation

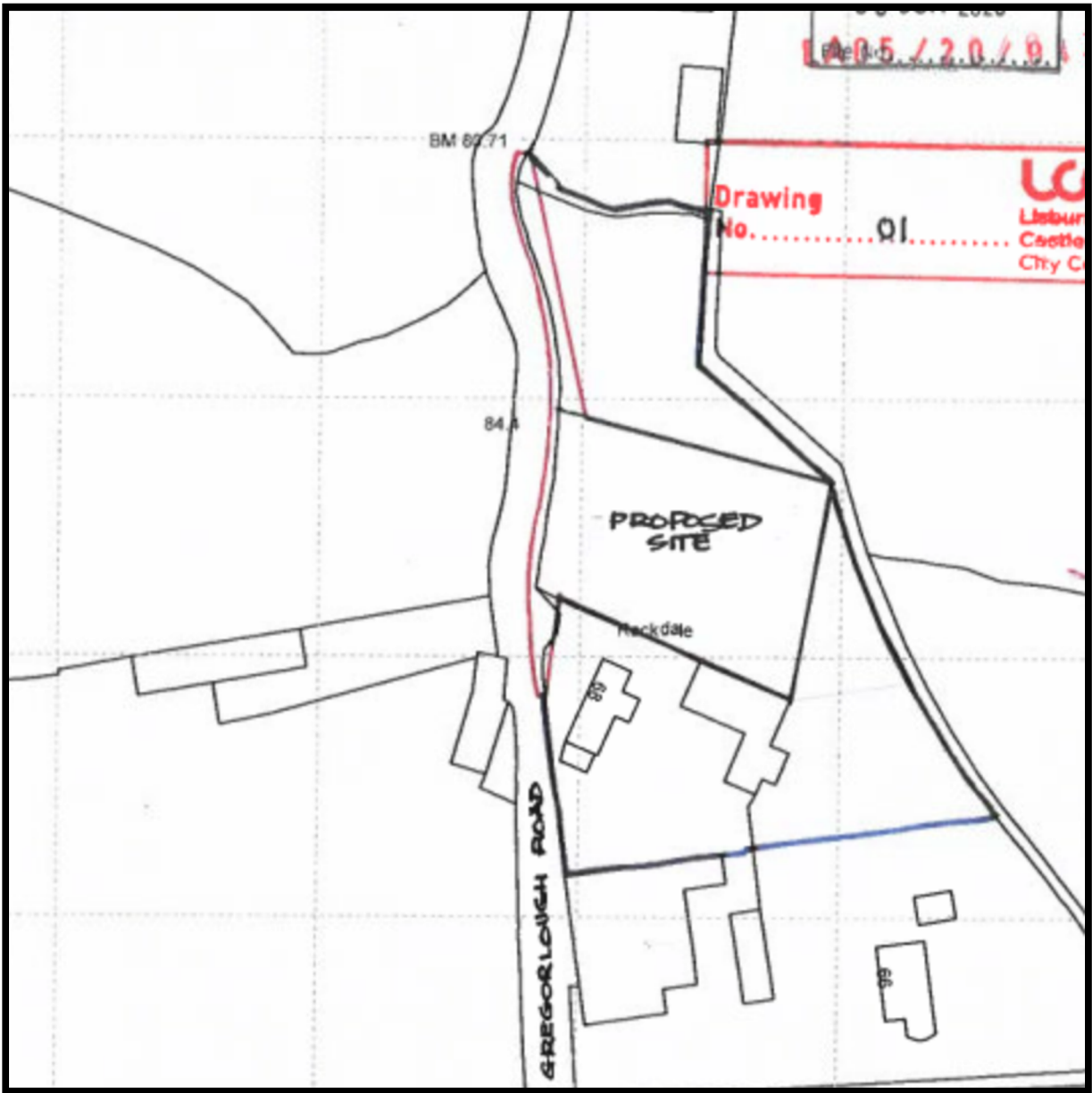
- Should the mature Ash tree, located within the western hedgerow and to the south of the Sycamore, as identified by the ecologist, be required for removal/felling, then an emergence/re-entry survey must be completed and submitted to the Planning Authority based on the ecologist's determination of the tree having moderate bat roosting potential.

Reason: To protect bats and their roosts.

- There shall be no vegetation clearance during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

Reason: To protect breeding birds.

Site Location Plan – LA05/2020/0420/O



Lisburn & Castlereagh City Council

| | |
|-------------------------|--|
| Council/Committee | Planning Committee |
| Date of Meeting | 07 August 2023 |
| Committee Interest | Local Application (Called In) - Amended |
| Application Reference | LA05/2020/0421/O |
| Date of Application | 8 June 2020 |
| District Electoral Area | Downshire West |
| Proposal Description | Site for a dwelling, garage and associated site works |
| Location | 65 metres due north of 68 Gregorlough Road Dromore BT25 1RR |
| Representations | Six |
| Case Officer | Grainne Rice |
| Recommendation | Approval |

Summary of Recommendation

1. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. This application is presented to the Planning Committee with a recommendation to approve as the proposal is considered to meet the requirements of paragraph 6.73 of the SPPS and policies COU1 and COU8 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal meets the exception test and is a gap site sufficient to accommodate two dwellings within an otherwise substantial and continuously built up frontage.
3. Furthermore, the proposal respects the existing development pattern along the frontage in terms of its size, and plot size. The proposal also meets all other planning and environmental requirements.
4. In addition, the proposal is considered to meet the requirements of policy COU15 in that a dwelling can be sited and designed so as to integrate into the landscape without causing a detrimental change to the rural character of this part of the open countryside for the reasons outlined.

5. The proposal also complies with the requirements of policy COU16 of the draft Plan Strategy (as modified by the Direction from the Department) in that in that the dwelling will not be unduly prominent, it will cluster with an established group of buildings and is capable of being sited and designed so as not to have an adverse impact on residential amenity of any neighbouring property. No adverse environmental or visual impact is identified from the proposed ancillary works and the connection to the proposed services will not harm the character of the area as they are already features of the landscape.
6. The proposal complies with policy NH 5 of the draft Plan Strategy (as modified by the Direction from the Department) in that the development will not result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance.
7. A new access is created to the public road and the detail submitted demonstrates that the proposal complies with policy TRA2 of the draft Plan Strategy (as modified by the Direction from the Department) in that an access to the public road can be accommodated that will not prejudice road safety or significantly inconvenience the flow of traffic.

Description of Site and Surroundings

Site

8. The application site is located at lands 65 metres north of 68 Gregorlough Road, Dromore and consists of part of an agricultural field to the eastern side of the road.
9. It is bounded to the north by a mixed hedgerow and mature trees. To the west the site is bounded by a two-metre high mixed hedgerow and scattering of mature trees. The boundary to the east consists of a mixed hedgerow, scattering of mature trees with a small stream beyond. The boundary to the south is undefined. In relation to topography, the land is mainly flat in nature.

Surroundings

10. The character of the area is rural in nature, defined by open agricultural lands with single detached dwellings interspersed. Agricultural grasslands delineated by treelines and hedgerows with interspersed residential and farm buildings dominate the wider area.

Proposed Development

11. This is an outline application for an infill dwelling and garage.

Relevant Planning History

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

| Reference Number | Description | Location | Decision |
|------------------|--|--|---|
| LA05/2020/0420/O | Site for dwelling and garage and associated site works (infill opportunity) | Lands 35 metres due north of 68 Gregorlough Road, Dromore | Under consideration |
| S/2003/1050/O | Site for dwelling and garage | Lands to rear of outbuildings and south east of 60 Gregorlough Road, Dromore | Approval 01 st December 2003 |
| S/2004/1272/RM | Erection of dwelling and detached garage | Lands to the south east of 60 Gregorlough Road, Dromore | Approval 28 th October 2004 |
| S/2004/1995/RM | Repositioning of approved dwelling and detached garage (planning ref S/2004/1272/RM) | Lands to south east of 60 Gregorlough Road, Dromore | Approval 06 th April 2005 |

13. The application referenced LA05/2020/0420/O on an adjacent site makes up the other part of the gap in the road frontage and processed in parallel with this proposal. It is a material consideration to be taken account of.

Consultations

14. The following consultations were carried out:

| Consultee | Response |
|----------------------|--------------|
| Environmental Health | No objection |
| DfI Roads | No objection |
| NI Water | No objection |
| NIEA | No objection |
| Rivers Agency | No objection |

Representations

15. Six representations in opposition to the proposal have been received. The following issues are raised:
 - Road and pedestrian safety and traffic generation. Proposal would result in the widening or relocation of an agricultural access.
 - Proposal would result in further suburbanisation of the countryside for financial gain.
 - Incorrect address.
 - Lack of screening to site – loss of privacy.
 - Loss of wildlife.
 - Noise pollution and disturbance. Dogs are kennelled at 65 Redhill Road, this proposal may give rise to potential noise complaint from any future residents.
 - Loss of trees and hedgerow
 - Two dwellings would not be in keeping with the local landscape
 - The septic tank of another property impacted if located within the site. Its removal may lead to pollution of a river to the rear.
 - Proposal would result in surface run off.
16. The issues raised are considered below as part of the assessment of this proposal.

Planning Policy Context

Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

18. On 28th June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
19. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
20. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was

issued to ensure that the correct weight was given to the provisions of an emerging plan.

21. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
22. At paragraph 22 of the JMS it is stated that:
Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
23. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
24. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.
25. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
26. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

The Belfast Metropolitan Area Plan (BMAP) was intended to be

the Development Plan on its adoption in September 2014. This Plan was subsequently declared unlawful following a successful legal challenge and therefore remains in its entirety un-adopted.

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

28. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.

29. The site is located in the Green Belt in LAP and at page 49 it states:

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

30. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

31. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

32. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

33. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
34. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
35. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

36. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

37. As explained this is an application for an infill dwelling and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

38. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

39. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

41. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

42. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Waste Management

43. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

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

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

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

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

45. The justification and amplification states:

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

(text in bold as modified by the Direction)

The approach to the statutory Development Plan and Regional Policy

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

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

47. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

48. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
49. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.
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. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. Planning permission will be refused for a building which creates or adds to a ribbon of development
52. It is further stated at paragraph 6.78 of the SPPS that:

supplementary planning guidance contained within Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside must be taken into account in assessing all development proposals in the countryside.
53. The SPPS remains a material consideration of significant weight irrespective of what stage the Local Development Plan making process is at. The policies in the Plan Strategy (as modified) have been drafted to be consistent with the SPPS.

Regional Policy Context

54. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.
55. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

56. Policy CTY 1 states:

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

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

'Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.

57. The policy states:

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.*

58. As per the submitted Concept Statement, this application pertains to a proposal for the development of a gap site for a single dwelling/garage.

59. In addition to Policy CTY 8, there are other CTY policies that are engaged as part of the assessment including; CTY 13, CTY 14 and CTY 16, and they are also considered.

60. Policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise

substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.'

61. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.

62. Regard is also had to the justification and amplification which states;

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Consideration of the Courts:

63. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scoffield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

64. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case

in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
- (iv) Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
- (v) Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to*

that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.

(vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement.”*

65. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development.

66. Policy CTY 13 – Integration and Design of Buildings in the Countryside states;

‘Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.’

67. The policy states;

A new building will be unacceptable where:

- (a) *it is a prominent feature in the landscape; or*
- (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- or*
- (c) *it relies primarily on the use of new landscaping for integration; or*
- (d) *ancillary works do not integrate with their surroundings; or*
- (e) *the design of the building is inappropriate for the site and its locality; or*
- (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

68. Policy CTY 14 – Rural Character states;

Planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

69. The policy states;

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or*
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

70. Policy CTY 16 - Development Relying on Non-Mains Sewerage states;

'Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.'

71. The policy also states;

'Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.'

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.'

72. With regards to Policy CTY 16, Building on Tradition [page 131] states;

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

Natural Heritage

73. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
74. Policy NH5 - Habitats, Species or Features of Natural Heritage Importance states:

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

- *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.'*

75. The policy also states;

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

76. 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.

77. Policy AMP 2 – Access to Public Roads states:

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

- a) *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.'*

Development Control Advice Note 15 – Vehicular Access Standards

78. 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.’

Building on Tradition

79. Whilst not policy, and a guidance document, the SPPS states that:

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

80. This notes:

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

81. The guidance also notes that:

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

82. It also notes at the following paragraphs that:

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

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

83. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

84. It includes infill principles with examples that have been considered as part of the assessment:

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

Assessment

85. As the Courts have noted in the Glasdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the policy in COU8 is restricted and that any infill application is an exception to the prohibition on ribbon development.

86. The first step is therefore to consider whether the proposal creates or adds to a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

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

87. Officers are satisfied that the proposal does engage ribbon development. The frontage is significantly built up either side of the site. To the south is a dwelling and at least two agricultural buildings with a frontage to the road. To the north is a dwelling and domestic outbuilding. This consistent with the description of what a ribbon is in the justification and amplification of policy COU8.
88. The buildings to the south are beside one another and front the Gregorlough Road. The buildings to the north are also beside one another and visually linked.

The issue of exception

89. The next step is to consider whether the proposal comes within the exception set out in the policy.
90. The first step is to consider whether there is a substantial and continuously built up frontage. This is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
91. In terms of a substantial and continuously built up frontage, the applicant is relying on the dwelling and shed located at 65 Gregorlough Road, the dwelling and shed located at 68 Gregorlough Road and the shed adjoining and immediately south of 68 Gregorlough Road.
92. The dwelling at 65 Gregorlough Road presents a dual frontage to both the Gregorlough Road and Redhill Road and is counted as part of the substantial and continuously built up frontage. The other building within the curtilage of this property is considered to be a domestic outbuilding and not counted as part of the assessment.
93. The dwelling at 68 Gregorlough Road has a frontage to the road as does an adjacent barrel vaulted shed which is not considered to be domestic in mass or scale and also with a frontage to the road.
94. Beyond this to the south is a large agricultural building which is double vaulted and has a lean-to extension which is on the Gregorlough Road frontage.
95. Taking these buildings into account it is considered that there is a substantial and continuously built up frontage consisting of four buildings with a frontage to the road. At least two of these are dwellings and the ancillary building at 65 Gregorlough Road is excluded. This part of the exception test is met.
96. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings.
97. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognise that such a site may be able to accommodate two infill dwellings which respect the existing development officers have not assumed that any site of that size is necessarily a small gap site within the meaning of the policy.

98. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
99. The gap between the two closest building at 65 Gregorlough Road and 68 Gregorlough Road is 94 metres.
100. This proposed site has a frontage of 48 metres. This proposal is for approximately half of the gap with another application (LA05/2020/0420/O) also under consideration for the other half of the field that fronts to the road with a site frontage of 35 metres. The average of these two frontages is 41.5 metres.
101. A concept layout submitted with the application details the other frontages at 65 Gregorlough Road as 65 metres, at 68 Gregorlough Road as 55 metres and the outbuilding adjoining 68 Gregorlough Road as 44 metres respectively. The average site frontage is 55 metres in the general vicinity of the site.
102. Whilst the Building on Tradition document is written with a different policy the proposal is consistent with the advice detailed at paragraph 4.5.1 of the Building on Tradition document in that the size of the gap in the Gregorlough Road frontage does not exceed the average plot width of 55 metres. On the plot size analysis alone, and comparing the existing plots, the gap site is small in the sense of accommodating two dwellings of comparable plot size.
103. It is stated at bullet point 3 of page 71 of the Building on Tradition document that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The gap at 94 metres is also not more than twice the width of the average plot which is 110 metres (55 metres x 2). However, there are other considerations before a final assessment can be reached.
104. Consideration is also given to the significance of the gap. Guidance contained at 4.4.0 and 4.4.1 of Building on Tradition and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
105. Excluding the words 'one or' from the guidance at bullet point five on page 71 even if all the other criteria were met the plot frontage of this site is smaller than the average plot width in the ribbon.
The general criteria at 4.5.0 and 4.5.1 still apply. However, the site is not an important visual break in the developed appearance of the local area. The frontage is narrow and there is no stand of mature trees that could be said to create a visual break between the buildings.
106. In this case, there are no local features recorded or observed to indicate that the gap frames a viewpoint or provide in an important setting for the amenity and character of the established dwellings. The site is not comprised of a woodland or

other feature to suggest that it is an important visual break in the developed appearance of the landscape at this location.

107. Taking into account the application on the neighbouring site and for the reasons set out above this is considered to be a small gap sufficient to accommodate two dwellings. This part of the exception test is met.
108. It is also a requirement for the dwellings to respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings in the continuously built up frontage.
109. A proposed site layout map has been submitted identifying the siting of each dwelling and explaining how the plot size respect the existing pattern of development.
110. In examination of the details of the plan the adjacent frontage at 65 Gregorlough Road is 65 metres, at 68 Gregorlough Road is 55 metres and the outbuilding adjoining 68 Gregorlough Road is 44 metres. The average of these frontages is 55 metres.
111. The proposed frontage for each of the plots is within this range for the reasons outlined above are considered to respect the established pattern in line with policy and the guidance set out in Building on Tradition.
112. The plot at 65 Gregorlough Road is approximately 2190 square metres in size, the plot size at 68 is approximately 1786 square metres in size and the plot of the shed adjoining 68 is approximately 1628 square metres in size. The two infills dwellings 1586 and 1895 square metres in size respectively.
113. Both plot are considered in general to be in accordance with the existing pattern of development in terms of their size.
114. The site layout plan also demonstrates how the proposal would be in keeping with the building line along this part of the road.
115. For the reasons outlined above, the proposed development is capable of being sited and designed to respect the existing development pattern along the frontage in terms of size, scale, and siting and plot size.
116. The finally part of the test is requires consideration of whether the buildings are visually linked. When standing on the Gregorlough Road in front of the site, all four buildings are visually linked to one another. The dwelling at 65 Gregorlough Road is less obvious in the spring and summer when the trees and hedgerows are in full leaf but there is a sequential linkage as you travel along from this dwelling towards the group of buildings at 68 Gregorlough Road. This part of the exception test is met.

117. The proposed development of a dwelling at this location when considered alongside the application on an adjacent site meets all the exception tests and is in accordance with policy COU8.

Policy COU 15 - Integration and Design of Buildings in the Countryside

118. This outline application seeks to establish the principle of development only. Full plans have not been submitted.
119. That said, it is accepted that a dwelling could be sited and designed so as not to appear as a prominent feature in the landscape given the enclosure provide by the buildings and vegetation on the northern and southern extents of the site and the rising ground and trees and hedgerow in the backdrop. The requirements of criteria (a), (c), (d) and (e) are met.
120. Criteria (b) requires the proposed building to be sited to cluster with an established group of buildings. This proposal is considered to cluster with an established group of buildings to the south of the site, this is one of the two bookends to the gap.
121. This is an outline planning application and details of the design are not included. That said the bulk, scale, massing and external appearance of the building can be controlled by condition. The requirement of criteria (f) is met.
122. The main impact resulting from the ancillary works is the construction of the access. An opening will be required along the road frontage but traffic speeds are low and there is a verge that will accommodate the majority of the visibility splay. The loss of significant vegetation can be mitigated without impacting significantly on the ability to integrate the development into the countryside. The requirements of criteria (g) are met.
123. For the reasons outlined in the preceding paragraphs it is considered that all of the criteria of policy COU15 are or can be met at the approval of reserved matters stage.

Policy COU16 - Rural Character and Other Criteria

124. A dwelling can be accommodated within the site without appearing unduly prominent in the landscape for the same reasons outlined in the preceding section. The traditional pattern of settlement is also respected as this site is part of a gap sufficient to accommodate two dwellings and the concept plan demonstrates where a building of a similar footprint to the other dwellings adjacent can be sited to respect the character of this rural location. Criteria (a) and (c) are met.
125. Criteria (b) of policy COU16 requires the dwelling to cluster with and established group of buildings. This is also dealt in the preceding section. .

126. In respect of (d) the proposal will not mar the distinction between a settlement and the open countryside as the site is not adjacent to a settlement. Furthermore, it will not result in urban sprawl as the exception tests to policy COU8 are considered to be met for the reasons outlined above.
127. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overhead lines along the road frontage or adjacent lands. No adverse environmental impact is identified in terms of connecting this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.
128. In respect of criteria (i) and for the reasons set out later in the report within the Access and Transport section of the report, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Natural Heritage

129. A Biodiversity Checklist and ecological statement was submitted during the processing of the application.
130. It is noted that the application site (0.20 hectares) is not currently occupied by any buildings and therefore no demolition of any structure would be required to accommodate the proposal. The application site is currently used for agricultural purposes.
131. NIEA Natural Heritage Division NHD were consulted and has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to appropriate conditions and informatives.
132. From the Ecological Statement provided, the Council satisfied that sufficient information is supplied to assess for potential impacts on protected/priority species and habitats. The ecologist found no evidence of otter or badger activity while surveying, and while a mammal trail was identified along the northern and eastern boundaries of the site.
133. As noted by the ecologist, should the mature Ash tree within the western hedgerow, assessed as having moderate bat roosting potential be required for removal, further emergence/re-entry bat surveys must be completed based on the ecologists bat roost potential determination, however plans do not indicate that this tree is to be removed.
134. Due to the presence of a watercourse traversing the northern and eastern boundaries of the site, NED recommend a 10 metre buffer is maintained between the location of all construction works and this natural heritage feature in order to protect the water environment. This mitigation is addressed by planning condition.

135. Given the potential for breeding/nesting birds to be utilising vegetation, including scrub habitat on site, NED recommend any necessary vegetation removal required for the proposed development is completed outside of the bird breeding season to ensure compliance with Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). This mitigation is also addressed by planning condition.
136. For the reasons outlined above, it is considered that the proposal is not likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features of natural heritage importance. The requirements of policy NH5 of the draft Plan Strategy (as modified by the Direction of the Department) are considered to be met in full.

TRA2 - Access and Transport

137. The P1 form indicates that the access arrangement for this development involve construction of a new access to a public road.
138. Advice received from DfI Roads confirmed that they had no objection subject to visibility splays being provided at 2 metres by 43 metres to the north and 2 metres by 53 metres to the south.
139. Based on a review of the information provided and the advice received, it is considered that an access to the public road can be accommodated without prejudice to road safety or significantly inconveniencing the flow of traffic. The requirements of Policy TRA2 of the draft Plan Strategy (as modified by the Direction of the Department) are met in full.

Policy WM2 - Waste Management

140. Detail submitted with the application indicates a main supply of water and that foul sewage is disposed of via septic tank and surface water via soakaway.
141. LCCC Environmental Health were consulted and offer no objection in principle subject to a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and area of subsoil irrigation for the disposal of effluent being provided at reserved matters stage.
142. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
143. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.

144. Based on a review of the information and advice received from consultees, it is accepted that a septic tank/package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the draft Plan Strategy are met in full.

Consideration of Representations

Road/Pedestrian safety and traffic generation. Proposal would result in the widening or relocation of an agricultural access

145. DfI Roads have been consulted and have no objection subject to standard conditions. The access arrangements for the development involve the construction of a new access along the Gregorlough Road. It is considered that a safe access can be achieved in the interest of road safety and convenience of road users at this location and that the proposal complies with TRA2 of the draft Plan Strategy as modified.

Proposal would result in further suburbanisation of the countryside for financial gain

146. Following a site inspection and an assessment of planning policy it is considered that the proposal complies with the relevant planning policy. The frontage width and plot size of the proposed site is considered suitable to accommodate a dwelling that respects the existing pattern of development within the identified frontage in line with policy and guidance. This is not a suburban form of development and financial gain is not a material consideration given any weight as a material consideration.

Incorrect address

147. During the processing of this application an amended site address was submitted which was re-advertised and neighbour/objector notified. No one is prejudiced as the correct location of the site is identified.

Loss of privacy

148. It is considered that adequate separation distances can be achieved to mitigate the loss of any privacy. This is an outline planning application and the planning conditions will allow for an appropriate design solution to controlled at the approval of reserved matters stage.

Loss of wildlife

149. A biodiversity checklist and ecological statement has been submitted with the application. Natural Heritage Division has provided advice on the impacts of the proposal on designated sites and other natural heritage interests and, on the basis

of the information provided, has no concerns subject to suggested conditions. The advice of the consultee is agreed with and the proposal will not have a detrimental impact on any natural heritage features. The proposal is in accordance with the policy tests of Policy NH5 of the draft Plan Strategy.

Noise pollution and disturbance. Dogs located at No. 65 Redhill Road, this proposal may lead to their upset and the potential for a noise complaint from any future resident

150. Environmental Health have been consulted and have no objection to the proposed development. Noise and general disturbance are not dealt with under planning legislation and is a matter for the local Environmental Health Office. It was not observed at the site visit that there was any adverse amenity impact caused by barking dogs. In the absence of any loss of amenity by reason of noise or nuisance this objection is not sustained.

Loss of trees and hedgerow

151. This is an outline application and a condition is proposed to ensure the existing natural screenings of this site are retained and augmented where necessary except to accommodate the provision of the access. New planting of native species hedgerow shall be planted to the rear of the visibility splays to ensure the provision, establishment and maintenance of screening to the site.

Two dwellings would not be in keeping with the local landscape

152. Under Policy COU8, an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The exception tests are met for the reasons set out above.

The septic tank of another property is located within the site.

153. Environmental Health has no objection to the above proposed development subject to at the subsequent planning stage the applicant providing a detailed site plan which includes the location of the proposed dwelling, the septic tank/biodisc and the area of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling. The relationship between any proposed and existing tank can be reconciled at the detailed design stage.

Proposal would result in surface run off

154. NIEA Water Management Unit and NI Water were consulted on the application and has considered the impacts of the proposal on the water environment and on the basis of the information provided has no objection. The Council accepts the advice of the consultees in this respect.

155. As such it is considered that sufficient information is available in respect of sewage and water quality to enable the Council to make an informed decision in relation to potential impacts on the environment and amenity.

Conclusions

156. The recommendation is to approve planning permission as the proposal is in accordance with the requirements of paragraph 6.73 of the SPPS and policies COU1, COU8 and COU16 of the draft Plan Strategy.
157. The proposal is also in accordance with other planning and environmental considerations and the policy test of NH5, TRA2 and WM2 are also satisfied.

Recommendations

158. It is recommended that planning permission is approved.

Refusal Reasons/Conditions

159. The following conditions are recommended

- Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

- Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

- A plan at 1:500 scale shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

- The dwelling shall not be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 3 spaces per dwelling.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

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

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

- No development shall take place until a plan indicating finished floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

- The existing natural screenings of this site shall be retained except that required to be removed to accommodate the provision of the access arrangement unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal. New planting of native species hedgerow shall be planted to the rear of the visibility splays.

Reason: To ensure the provision, establishment and maintenance of screening to the site.

- No development shall take place until there has been submitted to and approved by the Council a landscaping scheme. The scheme of planting as finally approved shall be carried out during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: To ensure the development integrates into the countryside to ensure the maintenance of screening to the site.

- The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

Reason: To ensure the proposal is in keeping with the character of the rural area.

- A suitable buffer of at least 10 metres must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse present along the northern and eastern boundaries of the site. The area to be protected will be defined by timber post and wire fencing or temporary metal site fencing.

Reason: To protect the water environment.

- No retained tree/hedgerow vegetation (stated as retained within the supporting Ecological Statement provided) shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees and hedgerow vegetation

- Should the mature Ash tree, located within the western hedgerow and to the south of the Sycamore, as identified by the ecologist, be required for removal/felling, then an emergence/re-entry survey must be completed and submitted to the Planning Authority based on the ecologist's determination of the tree having moderate bat roosting potential.

Reason: To protect bats and their roosts.

- There shall be no vegetation clearance during the bird breeding season (1 March to 31 August inclusive), unless otherwise agreed in writing with the Planning Authority.

Reason: To protect breeding birds.

Site Location Plan – LA05/2020/0421/O



Lisburn & Castlereagh City Council

| | |
|-------------------------|--|
| Council/Committee | Planning Committee |
| Date of Meeting | 07 August 2023 |
| Committee Interest | Local Application (Called In) |
| Application Reference | LA05/2022/0272/F |
| Date of Application | 10 March 2022 |
| District Electoral Area | Downshire West |
| Proposal Description | Proposed two detached dwellings with provision for future garages |
| Location | Gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira |
| Representations | One |
| Case Officer | Sinead McCloskey |
| Recommendation | Refusal |

Summary of Recommendation

1. This application is categorised as a local application. It is referred to the Committee for determination in accordance with the Protocol for the Operation of the Committee in that it has been Called In.
2. The application is presented to the Planning Committee with a recommendation to refuse as it is considered that the proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that it is not a type of development which in principle is considered to be acceptable in the countryside.
3. The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the site is not considered to be a small gap in substantial and continuously built-up frontage sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development along the frontage of this part of Halfpenny Gate Road.
4. The proposal is contrary to policy COU15 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal lacks long established natural boundaries, it relies primarily on the use of new landscaping for integration

and the buildings if approved would be prominent features in the landscape. They would also fail to cluster with an established group of buildings in the rural context.

5. The proposal is contrary to policy COU16 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal would, if permitted be prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.
6. The proposal is contrary to policy COU16 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal would, if permitted mar the distinction between the defined settlement limit of Halfpenny Gate and the surrounding countryside and result in urban sprawl causing a detrimental change to the rural character of the countryside. It would also fail to respect the traditional pattern of settlement of the area for the same reason.

Description of Site and Surroundings

Site

7. The site is located to the northern side of the Halfpenny Gate Road. It is located within part of a larger agricultural field and the land within is relatively flat in nature.
8. There is no defined boundary to the south of the site. The eastern boundary consists of a two-metre hedgerow and a 1.5-metre close board fence. There is a single storey dwelling beyond this boundary at 42 Halfpenny Gate Road.
9. There is no defined boundary to the north of the site. The western boundary consists of a 1.5 metre close board fence, beyond which there is Broomhedge Gospel Hall.

Surroundings

10. The site is located in the countryside, between the small settlements of Upper Broomhedge to the west and Halfpenny Gate to the east. The housing in these settlements are mainly detached dwellings with medium to large curtilages.
11. Outside these settlements the land surrounding the site is primarily agricultural in use.

Proposed Development

12. This is a full application for two detached dwellings. Provision is made for garages within the curtilage of the site but no details of the design are provided.

Relevant Planning History

13. The relevant planning history is set out in the table below.

| Application Reference | Site address | Description of Proposal | Decision |
|-----------------------|--|--|----------------------------------|
| S/2015/0008/O | Beside 42 Halfpenny Gate Road Moira | Proposed Gospel hall with off street car park and ancillary facilities | Permission Granted 12/02/2016 |
| LA05/2016/1213/RM | Beside 42 Halfpenny Gate Road, Broomhedge, Moira | Proposed Gospel Hall with off street parking & ancillary facilities | Permission Granted 02/03/2017 |
| LA05/2017/0868/O | Beside and SW of 42 Halfpenny Gate Road, Broomhedge, Moira | Two dwellings | Permission Refused 03/07/2019 |

14. Planning permission for two dwellings was refused under planning reference LA05/2017/0868/O on the 03 July 2019 on a slightly larger site that included a small portion of the land to the front of the Gospel Hall. This proposal is the same in all other respects.
15. A recommendation to refuse planning permission had been endorsed by Members of the Planning Committee at a meeting held in July 2019.
16. The following refusal reasons were associated with the decision that issued:
- *The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.*
 - *The proposal is contrary to the SPPS and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is not considered to be a small gap in an otherwise substantial and continuously built up frontage and as a result the proposal will create a ribbon of development.*
 - *The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal lacks long established natural boundaries, it relies primarily on the use of new landscaping for integration and is a prominent feature in the landscape.*

- *The proposal is contrary to the SPPS and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted be prominent in the landscape, create a sub-urban style build-up of development and add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.*
 - *The proposal is contrary to the SPPS and Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined Settlement Limit of Halfpenny Gate and the surrounding countryside.*
17. No appeal was lodged with the Planning Appeals Commission. This is not considered to be a repeat application within the meaning of the legislation as the extent of the application boundary is changed and no appeal was lodged for a similar proposal.

Consultations

18. The following consultations were carried out:

| Consultee | Response |
|------------------------------|-----------------|
| DfI Roads | No Objection |
| Environmental Health | No Objection |
| NI Water | No Objection |
| Water Management Unit | No Objection |
| Natural Environment Division | No Objection |
| DFI Rivers | No Objection |

Representations

19. One representation is received in opposition to the proposal. In summary, the following issues are raised:
- Planning History
 - Urban Sprawl
 - Rural Character
20. The issues raised in the objection are considered later as part of the assessment of this proposal.

Planning Policy Context

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Local Development Plan Context

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

LCCC - Draft Plan Strategy 2032

22. On 28th June 2023 the Department for Infrastructure made a Direction that the Council adopt the Lisburn and Castlereagh City draft Plan Strategy subject to modifications.
23. The effect of the Direction is that the final form the Plan Strategy will take is known. For this reason the draft Plan Strategy is now a material consideration in the processing of this planning application.
24. The Department for Infrastructure provide no guidance about how to take account of the draft development plan document before it is adopted. That said, the Joint Ministerial Statement (JMS) prepared by the Department for Regional Development and the Department for the Environment in January 2005 was issued to ensure that the correct weight was given to the provisions of an emerging plan.
25. Although written for the preparation of plans in a different legislative context the JMS was never withdrawn and provides useful guidance on the approach to be taken.
26. At paragraph 22 of the JMS it is stated that:

Where a plan is at the draft plan stage but no objections have been lodged to relevant proposals then considerable weight should be attached to those proposals because of the strong possibility that they will be adopted and replace those in the existing plan. In circumstances where there have been objections to relevant policies, lesser weight may be attached except for those situations outlined in paragraphs 20 - 21 above. Much will also depend on the nature of those objections and whether there are representations in support of particular policies.
27. The Lisburn and Castlereagh draft Plan Strategy sets out in clear terms the direction of future policy and has been through a process of public consultation and Independent Examination.
28. Any objections to the policies set out in the draft Plan Strategy have been taken account of and the majority of the modifications directed by the Department for Infrastructure were as a consequence of changes presented by the Council at the Independent Examination to ensure the tests of soundness were met in full.

29. Applying the same principles as those set out at paragraph 22 of the JMS and for the reasons set out above there is more than a strong possibility that the proposed policies in the draft Plan Strategy (as modified) will be adopted.
30. For these reasons the draft Plan Strategy is a material consideration of determining weight in the assessment of this proposal.

Transitional Arrangements

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

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

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

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

32. In accordance with the transitional arrangements the existing Local Development Plan and draft BMAP remain material considerations.
33. The site is located in the Green Belt in LAP and at page 49 it states:

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

34. In draft BMAP (2004) this site was located in the open countryside and the Belfast Metropolitan Area Green Belt. It is stated at page 17 of the associated Plan Strategy document that:

The Department has begun progressively to replace the Rural Strategy. The Planning Strategy section of the Rural Strategy has been superseded by the RDS, whilst the topic policy sections are progressively being replaced by PPS's. The Rural Strategy remain material considerations until superseded by PPS's.

35. In the subsequent revision to draft BMAP (2014) this site is located in the open countryside but reference to the Belfast Metropolitan Area Green Belt is removed. It is stated at policy SETT 4 at page 32 of Part 3 Volume 1 that:

The policies contained in 'A Planning Strategy for Rural Northern Ireland', except where superseded by prevailing regional planning policies, will apply to the entire Plan Area.

36. It is then stated in the supplementary text under the policy at pages 32 and 33 that:

PPS 7: Quality Residential Environments and PPS 7 Addendum: Safeguarding the Character of Established Residential Areas set out the prevailing regional planning policies for achieving quality in the design and layout of new residential developments. They embody the Government's commitment sustainable development and the Quality Initiative. They contain criteria-based policies against which all proposals for new residential development, including those on land zoned will be assessed, with the exception of single dwellings in the countryside. These will continue to be assessed under policies contained in PPS 21: Sustainable Development in the Countryside.

37. There are equivalent policies in the draft Plan Strategy to the regional policies described in LAP and draft BMAP.
38. This application is for new housing in the open countryside. The strategic policy for new housing in the countryside is set out at page 66 of the draft Plan Strategy.
39. Strategic Policy 09 Housing in the Countryside states:

The Plan will support development proposals that:

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

Development in the Countryside

40. This is an application for a single dwelling in the open countryside. Policy COU 1 – Development in the Countryside states:

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

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

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

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

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

41. As explained this is an application to infill a gap with two dwellings and in accordance with the requirements of Policy COU 1, the application falls to be assessed against policies COU8, COU 15 and COU 16.

Infill/Ribbon Development

42. Policy COU8 – Infill/Ribbon Development states:

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

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

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

(text in bold as modified by the Direction)

43. The justification and amplification of COU8 states:

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

Integration and Design of Buildings in the Countryside

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

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

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

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

45. The justification and amplification of this policy is modified to include the following:

All landscape features which are required to be retained will be appropriately conditioned to be protected prior to the commencement of any other site works including site clearance.

(text in bold as modified by the Direction)

Rural Character and other Criteria

46. Policy COU16 – Rural Character and other Criteria

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

A new development proposal will be unacceptable where:

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

Waste Management

47. A private package treatment plant is proposed and Policy WM 2 - Treatment of Waste Water states:

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

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

(text in bold as modified by the Direction)

Access and Transport

48. The application proposed a new access to the public road. Policy TRA2 – Access to Public Roads states:

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

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

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

49. The justification and amplification states:

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

(text in bold as modified by the Direction)

The approach to the statutory Development Plan and Regional Policy

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

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

51. It is stated a paragraphs 1.10 and 1.11 of the SPPS that:

A transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. Any relevant supplementary and best practice guidance will also continue to apply.

Where a council adopts its Plan Strategy, existing policy retained under the transitional arrangements shall cease to have effect in the district of that council and shall not be material from that date, whether the planning application has been received before or after that date.

52. Whilst the Plan Strategy is not yet adopted and the retained suite of regional planning policies (PPS's) continue to apply in accordance with the SPPS in light of the fact that a Direction to adopt the Plan is issued these policies are now considered to be of little weight for the same reasons explained earlier in this report.
53. The operational policies in Part 2 of the draft Plan Strategy are considered to take precedence over the retained suite planning policy statements and of determining weight in the assessment of this planning application.

54. 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

55. This proposal is for infill development. Paragraph 6.73 of the SPPS states that:

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

56. It is further stated at paragraph 6.78 of the SPPS that:

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

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

Regional Policy Context

58. As the retained regional policies still apply until the Plan Strategy is adopted, they are included in the report for completeness.

59. PPS 21 – Sustainable Development in the Countryside sets out planning policies for development in the countryside and lists the range of development which in principle is considered to be acceptable and contribute to the aims of sustainable development.

60. Policy CTY 1 states:

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

‘Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.’

‘All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department’s published guidance.’

‘Where a Special Countryside Area (SCA) is designated in a development plan, no development will be permitted unless it complies with the specific policy provisions of the relevant plan.’

61. The policy states:

‘Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- *a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
- *a replacement dwelling in accordance with Policy CTY 3;*
- *a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
- *a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
- *the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or*
- *a dwelling on a farm in accordance with Policy CTY 10.’*

62. In terms of the principle of developing this site for two dwellings policy CTY 8 – Ribbon Development states:

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

An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

63. A building is defined in statute to include; a structure or erection, and any part of a building as so defined.

64. Regard is also had to the Justification and Amplification text associated with CTY 8 which states:

5.32 Ribbon development is detrimental to the character, appearance and amenity of the countryside. It creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems. Ribbon development has consistently been opposed and will continue to be unacceptable.

5.33 For the purposes of this policy a road frontage includes a footpath or private lane. A ribbon does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

5.34 Many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated.

Consideration of the Courts:

65. Officers have paid close attention to consideration of this planning policy by the High Court. On the 24th May 2022 Mr Justice Scofield delivered judgment in Gordon Duff's Application (Re Glassdrumman Road, Ballynahinch) for Judicial Review. Whilst Officers are advised that this decision is under appeal, the Court discussed the general approach to be taken to the policy assessment of such applications, and they are important to bear in mind as the interpretation of policy is a matter for the Courts.

66. That case involved CTY8 and at paragraph [91] the Judge stated:

In light of the amount of litigation which has been generated in relation to Policy CTY8 and the designation of the present case as being in the nature of a 'lead' case in relation to Mr Duff's applications, I venture the following summary which (I hope) will be of assistance to decision-makers in this field:

- (i) *Where planning permission is sought on the basis of the infill housing exception contained within Policy CTY8 (being one of those instances where development in the countryside is in principle acceptable for the purposes of Policy CTY1), the first question is whether the proposal would create or add to ribbon development. If the answer to that question is 'no', the exception within CTY8 is not relevant. Whilst this means the proposal would not fall foul of the first sentence of Policy CTY8, or sub-paragraph (d) of Policy CTY14, it also means that the exception within Policy CTY8 will not provide a basis for the grant of permission. Whether a proposal will create or add to a ribbon of development is a matter of planning judgement but, in light of the purpose of the relevant policies, this concept should not be restrictively interpreted.*
- (ii) *Where the proposal will create or add to ribbon development, it is in principle unacceptable. It will only be permissible to grant permission if the development falls within one of the exceptions set out in Policy CTY8 (either for infill housing development or infill economic development) or where, exceptionally, the planning authority rationally considers that other material planning considerations outweigh the non-compliance with Policy CTY8 and Policy CTY14 in this regard (taking into account the strength of the wording of those policies and the fact that Policy CTY8 contains an express exception which is not engaged in the case).*
- (iii) *In the second of these instances, where the only basis for the argument that the proposal is acceptable in principle for the purposes of Policy CTY1 is the infill exception, and the planning authority is satisfied that the infill exception is not engaged, the authority should also direct itself to whether Policy CTY1 also requires refusal of the application. Where Policy CTY1 also points to refusal, there is a very strong policy presumption in favour of refusal and the planning authority should only grant permission if satisfied, on proper planning grounds, that it is appropriate to disregard breach of Policies CTY1, CTY8 and CTY14 because those breaches are outweighed by other material considerations pointing in favour of the grant of permission, again bearing in mind both the strength of the policy wording and the fact that the proposal does not fall within the specified exceptions built into the relevant policies.*
- (iv) *Where the infill exception is relied upon, the next question is whether there is a substantial and continuously built up frontage. This concept is not identical to a 'ribbon of development' and is more narrowly defined. Whether there is such a frontage is also a question of planning judgement but, in light of the purpose of the policy, this concept should be interpreted and applied strictly, rather than generously.*
- (v) *Where the planning authority is satisfied that there is a substantial and continuously built up frontage, the next question is whether there is a small gap site. Although the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, it should not be assumed that any site up to that size is necessarily a small gap site within the meaning of the policy. The issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching purpose of the policy.*

- (vi) *Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage). Consistently with the guidance in Building in Tradition, this should include consideration of whether the grant of permission will result in the loss of an important visual break in the developed appearance of the local area. That, again, is a matter of planning judgement.”*
67. Officers have borne in mind that the policy in COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy is similarly restricted as CTY8 and that any infill application is an exception to the prohibition on ribbon development.
68. Policy CTY 13 – Integration and Design of Buildings in the Countryside states that:
- planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.*
69. The policy states that:
- a new building will be unacceptable where:*
- (a) *it is a prominent feature in the landscape; or*
 - (b) *the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
 - (c) *it relies primarily on the use of new landscaping for integration; or*
 - (d) *ancillary works do not integrate with their surroundings; or*
 - (e) *the design of the building is inappropriate for the site and its locality; or*
 - (f) *it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
 - (g) *in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*
70. Policy CTY 14 – Rural Character states:
- that planning permission will be granted for a building(s) in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.*
71. The policy states that:
- A new building will be unacceptable where:*
- (a) *it is unduly prominent in the landscape; or*
 - (b) *it results in a suburban style build-up of development when viewed with existing and approved buildings; or*

- (c) *it does not respect the traditional pattern of settlement exhibited in that area;*
or
- (d) *it creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) *the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

72. Policy CTY 15 – The Setting of Settlements is considered and states:

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

73. Paragraph 5.83 of the justification and amplification states:

that landscapes around settlements have a special role to play in maintaining the distinction between town and country, in preventing coalescence between adjacent built up areas and in providing a rural setting to the built up areas.

74. Paragraph 5.84 states that:

the principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built-up areas and surrounding countryside

75. Paragraph 5.85 concludes by stating:

Proposals that would mar this distinction or create urban sprawl will therefore be unacceptable.

76. Policy CTY 16 - Development Relying on Non-Mains Sewerage is considered and states

'Planning Permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.'

77. The policy also states

'Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.'

78. With regards to Policy CTY 16, Building on Tradition [page 131] states;

If Consent for Discharge has been granted under the Water (Northern Ireland) Order 1999 for the proposed development site, a copy of this should be submitted to accompany the planning application. This is required to discharge any trade or sewage effluent or any other potentially polluting matter from commercial, industrial or domestic premises to waterways or underground strata. In other cases, applications involving the use of non-mains sewerage, including outline

applications, will be required to provide sufficient information about how it is intended to treat effluent from the development so that this matter can be properly assessed. This will normally include information about ground conditions, including the soil and groundwater characteristics, together with details of adjoining developments existing or approved. Where the proposal involves an on-site sewage treatment plant, such as a septic tank or a package treatment plant, the application will also need to be accompanied by drawings that accurately show the proposed location of the installation and soakaway, and of drainage ditches and watercourses in the immediate vicinity. The site for the proposed apparatus should be located on land within the application site or otherwise within the applicant's control and therefore subject to any planning conditions relating to the development of the site.

Natural Heritage

79. PPS 2 – Natural Heritage sets out planning policies for the conservation, protection and enhancement of our natural heritage.
80. Policy NH5 addresses the impact on Habitats, Species or Features of Natural Heritage Importance and states:

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

- *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.'*

81. The policy also states:

'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

82. PPS 3 - Access, Movement and Parking sets 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.

83. Policy AMP 2 – Access to Public Roads states:

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

- a) 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.’*

Development Control Advice Note 15 – Vehicular Access Standards

84. The guidance linked to understanding that a safe means of access can be achieved is set out in 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.’

Building on Tradition

85. Whilst not policy, and a guidance document, the SPPS states:

that regard must be had to the guidance in assessing the proposal. This notes:

4.4.0 Introducing a new building to an existing cluster (CTY 2a) or ribbon CTY 8 will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character.

4.4.1 CTY 8 Ribbon Development sets out the circumstances under which a small gap site can, in certain circumstances, be developed to accommodate a maximum of two houses (or appropriate economic development project), within an otherwise substantial and continuous built up frontage. Where such opportunities arise, the policy requires the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

86. The guidance also notes that:

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

property is not acceptable under CTY 8 if this extends the extremities of the ribbon.

- *A gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon.*

87. It also notes that:

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

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

88. Regard has been had to the principles and examples set out in Building on Tradition in considering this proposal and planning judgement applied to the issues to be addressed.

89. It includes infill principles with examples that have been considered as part of the assessment:

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

Assessment

90. As the Courts have noted in the Glassdrumman Road, Ballynahinch Judicial Review, and for the reasons described above officer's bear in mind that the policy in COU8 is restricted and that any infill application is an exception to the prohibition on ribbon development.

Ribbon Development

91. The first step is therefore to consider whether the proposal creates or extends a ribbon of development. The justification and amplification of COU8 describes a ribbon as:

A ribbon of development cannot be defined by numbers, although, if there are two buildings fronting a road and beside one another, there could be a tendency to

ribboning. Most frontages are not intensively built up and have substantial gaps between buildings, giving visual breaks in the developed appearance of the locality. Infilling of these gaps is visually undesirable and, in most cases, creates or adds to a ribbon of development.

92. The justification and amplification of COU8 is less prescriptive than paragraph 5.33 of the justification and amplification of policy CTY 8 but there are more than two buildings along the same road frontage.
93. That said, there is only one building in the rural context. Ribbon development is not therefore engaged and there is no otherwise substantial and continuously built up frontage comprised of a line of four or more buildings within the rural context.
94. Two buildings are shown in the gap but the site is not sufficient to accommodate two dwellings for the reasons outlined in the following paragraphs.
95. The approach of not counting buildings in a different policy context is well established in practice and it has also been confirmed through various appeal decisions. Examples are provided as follows with the relevant paragraphs included in support of the policy position taken.

2012/A0219

96. This application was for a single dwelling 50 metres south east of 6 Church Wynd, Belfast. The appellant argued that the new dwelling was located in a cluster in accordance with policy CTY 2a. The Commission concluded that the appellant could not rely on the dwellings at 1- 4 and 5 Church Wynd as they all lie within the settlement limit of Belfast/Metropolitan Castlereagh.
97. At paragraph 5 the Commission state that:

The other development does not therefore occupy a rural context in policy terms and cannot be counted when considering development proposals under Policy CTY2a.

98. Whilst it is noted that the consideration of the development proposals in this appeal were against a different policy, the fundamental principle of accepting adjoining development within a settlement limit in the assessment of applications occupying a different policy context, was still dismissed.

2014/A0112

99. This proposal was for two infill two storey dwellings, access, garages and ancillary works on lands 10m east of 127 Ballykeagh Road, Drumbeg.
100. Paragraph 10 of the Commissioners report stated:

Whilst Nos 121-127 lie in the countryside, the dwellings to the east on which the appellant relies do not occupy a rural context in policy terms and therefore cannot be included when considering development proposals under Policy CTY8.

101. The commissioner confirms that despite the site being visually linked with the terrace (121-127 Ballyskeagh Road within the settlement limit), these buildings lie within the urban fabric and settlement limit, occupying a different policy context from the appeal site.
102. The Commissioner explains that as the appeal site relies only on development to the west of the site, it therefore does not sit within a line of three or more buildings in the countryside required to meet the definition of a substantial and continuously built up frontage.

2015/A0243

103. This was an appeal for a dwelling and garage 84 metres west of 13 Bannview Terrace, Portglenone. The applicant applied both the cluster and infill policies under Policy CTY2a and Policy CTY8.
104. In this case the appellant relies solely upon existing buildings within the settlement limits for Portglenone. His view was that the PPS does not explicitly rule out reliance on buildings in the countryside.
105. In relation to this point the Commissioner states at Paragraph 6 that:

Paragraph 5 of the preamble to PPS 21 states that the PPS sets out planning policies for development in the countryside. It continues that for the purpose of this document the countryside is defined as land lying outside of settlements as defined in development plans. Paragraph 5.84 of Policy CTY 15 of PPS 21 'The Setting of Settlements' says that the principle of drawing a settlement limit is partly to promote and partly to contain new development within that limit and so maintain a clear distinction between the built up area and surrounding countryside. Although not explicitly expressed all of this suggests to me that buildings within settlements cannot be relied upon in the application of Policies CTY 2a and CTY 8 of PPS 21.

106. Taking account of the appeal decision and given the fact officers have been consistent in determining a similar application (LA05/2017/0868/O) for two dwellings on land beside and southwest of 42 Halfpenny Gate Road, Broomhedge, Moira which was refused on 03 July 2019 are significant material considerations to be given weight in the assessment of this proposal.
107. A supporting statement from the agent claims that the site is bounded on both sides by developed land.
108. The supporting statement also claims that draft BMAP is only a material consideration and that the new LDP for LCCC has already rejected the development limit at this location.
109. As explained above, draft BMAP is a material consideration and forms an important part of this assessment.
110. The supporting statement also makes reference to the analysis carried out by officers within the context of planning application S/2015/0008/O - The Gospel

Hall), being the same as that associated with the 2017 application for two dwellings. Reference was made to the view taken by officers that the hall would create coalescence and the gap to either side would create Urban Sprawl being overturned by the Planning Committee.

111. It is however important to note that the Gospel Hall had been granted planning permission in 2016 on the basis that it was considered to be an acceptable community facility in this countryside location. There remain gaps either side of the site which have to be taken into account in the assessment of this proposal.

The issue of exception

112. Without prejudice to the view expressed above that Ribbon Development is not engaged, for completeness, consideration is given to the exceptions tests associated with policy COU8.
113. As explained, a substantial and continuously built up frontage is described in the policy as a line of four or more buildings, of which at least two must be dwellings excluding domestic ancillary buildings.
114. Broomhedge Gospel Hall is located to the west of the site and to the east of the site there is a single storey dwelling at 42 Halfpenny Gate Road, and beyond this another dwelling and associated outbuildings at 44 Halfpenny Gate Road.
115. Whilst the application site and the Gospel Hall are within the countryside, the adjacent dwelling at 42 is located within the settlement limit of Halfpenny Gate as identified in draft BMAP. The development limits of this settlement can be seen to form the eastern boundary of the application site.
116. It is also noted that in the LAP 2001, that this dwelling, and indeed the adjacent dwellings at 44 and 44A are outside the development limit of Halfpenny Gate, and in the open countryside. The development limit of this settlement in the LAP is seen extending along the side and rear boundary of the dwelling at 46B.
117. As explained above, the Belfast Metropolitan Area Plan (Draft) 2004 and its later revision in 2014 remain a material consideration in the assessment of this application and as such, the dwellings and outbuildings at 42 and 44 Halfpenny Gate Road are identified as being within the settlement limit of Halfpenny Gate.
118. As these dwellings and buildings do not occupy a rural context in policy terms, they cannot be included as buildings that form part of a substantial and continuously built up frontage for the purposes of assessment under policy COU8.
119. The supporting statement expresses the view that there is no longer a rural open margin between the settlement development limits at the subject site. The view is also expressed that a 30 metre frontage does not constitute open countryside.
120. Regardless of the size of the frontage, the site is outside any defined settlement limit.

121. For the reasons outlined above, the site is not considered to fall within a substantial and continuously built up frontage as there are not four buildings visually linked to one another in the rural context. This part of Policy COU8 is not met.
122. The next step is to consider whether a small gap exists sufficient to accommodate two dwellings. The policy clearly refers to a gap site within an otherwise substantial and continuously built up frontage.
123. In considering whether a small gap site exists, whilst the policy text and supplementary guidance recognises that such a site may be able to accommodate two infill dwellings which respect the existing development pattern, officers have not assumed that any site up to that size is necessarily a small gap site within the meaning of the policy.
124. Officers remain mindful that the issue remains one of planning judgement, and one which should be approached bearing in mind the over-arching restrictive purpose of the policy.
125. In this case, the size of the gap is constrained on one side by the Church Hall [rural context] to the east and the dwelling at 42 Halfpenny Gate to the west [urban context]. Two buildings are shown in the gap but the site is not sufficient in size to accommodate two dwellings.
126. It is also a requirement for the dwellings to respect the existing pattern of development in terms of siting and design and be appropriate to the existing size, scale, plot size and width of neighbouring buildings that constitute the frontage of development.
127. With that in mind and without prejudice to the view expressed that there is no substantial and continuously built up frontage, the characteristics of the gap identified have been considered.
128. It is acknowledged that the Building on Tradition guidance states that a gap site can be infilled with one or two houses if the average frontage of the plot equates to the average plot width in the existing ribbon.
129. The application site has a plot frontage of 30 metres. The adjacent Gospel Hall has a frontage of 40 metres and the dwellings at 42 and 44 have frontages measuring 32.8 metres and 27.8 metres respectively.
130. Whilst there is small variation of plot widths along the frontages of the existing properties, plot widths of 15 metres (the application is for two dwellings so the plot width is divided by two), are not considered to be comparable to that of the surrounding developments and for this reason, two dwellings would appear out not to follow the traditional pattern of settlement.
131. An assessment of the plot sizes demonstrates that the proposal is of an acceptable size to those around it within the immediate area. The plots sizes of the adjacent properties are as follows:

- 42 - 0.1 Ha
- 44 - 0.12 Ha
- Gospel Hall – 0.21 Ha

132. This creates an average plot size of 0.143Ha. The application plot size is 0.24Ha, which would roughly equate to a plot size of 0.12Ha per dwelling. The proposed site is 0.023Ha is less than the average which is considered to be insignificant when compared to the existing plots identified.
133. For the reasons outlined, it is also considered that the development would not respect the existing pattern of development along the frontage of this part of Halfpenny Gate Road.
134. The Building on Tradition document is written with a different policy in mind and the guidance contained at 4.4.0 and 4.4.1 and the worked examples on page 71 are limited material weight in the assessment of this proposal as the site is not sufficient in size to accommodate two dwellings consistent with the existing pattern of development. The words 'a maximum of' will no longer apply.
135. Excluding the words 'one or' from the guidance at bullet point five on page 71 even if all the other criteria were met the plot frontage of this site is smaller than the average plot width in the ribbon.

The general criteria at 4.5.0 and 4.5.1 still apply and the site is an important visual break in the developed appearance of the local area. Whilst the size of the gap is not significant in itself it is considered that the gap it does constitute an extremely important visual break between the settlements of Broomhedge and Halfpenny Gate, whereby it clearly demarcates that area between the built up edge of each settlement and the open countryside.

136. If developed it would mar the distinction between the edge of the settlement and the open countryside creating the opportunity for an unbroken frontage causing the coalescence of two small settlements. . .
137. Taking all of the above into account, the proposal does not meet any of the exceptions associated with Policy COU8 of the draft Plan Strategy (as modified by the Direction of the Department).

Policy COU15 - Integration and Design of Buildings in the Countryside

138. As explained above, two of the site boundaries are defined on the ground, one with a 1.5 metre close boarded fence and the other with a two- metre hedge. Given the limited vegetation to the boundaries or within the vicinity of the site to assist with integration, it is considered that two dwellings, would be prominent features in the landscape. .
139. Furthermore, it is considered that site would be unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape. Instead, two new dwellings located on this site, would rely primarily on the use of new landscaping for integration.

140. In terms of ancillary works, it is acknowledged that a new shared vehicular access point would be created onto the public road. This access would lead directly onto an area which would accommodate the in-curtilage parking and manoeuvring of private vehicles for both dwellings. The access extends to the rear of the site, running between both dwellings, where it leads to further areas of hard standing to the rear of the dwellings and two garages. No long sweeping driveway nor ornate features have been proposed.
141. Taking the levels of the application site into account, it is not considered that the proposal would require significant cut and fill (excavation) to accommodate the proposed dwellings.
142. No large retaining structures have been proposed. The proposed ancillary works are considered to be in accordance with Building on Tradition guidance and it is not considered that they would damage rural character.
143. The dwellings proposed are mostly single storey, with a storey and a half element to the rear. The single storey element is 5.6 metres in height, and the storey and a half element is 7 metres in height. Both dwellings are of the same design, consisting of a linear design, with two component parts, joined by a flat roofed central area. The roofs on both parts of the dwellings are pitched. The dwelling would be deemed to be quite modern in design, although it has retained a traditional form.
144. The windows are of a vertical emphasis. There are some larger picture windows throughout the design. The rear elevation is entirely glazed, but is not visible from the public road.
145. The dwellings are finished in a smooth render, with aluminium cladding in grey. Mini stone wall concrete tiles are proposed for the roofs and the windows and doors are black uPVC. The rainwater gutters and downpipes are black. The design associated with the application is considered to be acceptable at this location and in keeping with the finishes of dwellings and buildings within the vicinity.
146. It is considered that the proposed dwellings are sufficiently separated from each other and from the existing dwelling at 42 Halfpenny Gate Road so as not to cause concerns in terms of overshadowing or overlooking.
147. There are no amenity concerns regarding the dwelling closest to the Gospel Hall as it is a community building and not a private residential dwelling.
148. The dwelling that is proposed closest to the existing dwelling is set back from the building line, and the south eastern corner is the closest point to the common boundary, but due to the alignment of this boundary the remainder of the house is set further back.
149. Although it is close in some parts, the fact that this part of the dwelling is single storey will prevent any concerns in terms of overlooking or over shadowing. The storey and a half element to the rear of the proposed dwelling is approximately ten

metres from the boundary. There are no first floor windows on the side elevation that would cause concern for potential overlooking.

150. The garages are 4.5 metre in height, with a ground floor area large enough to accommodate one car. There is no first floor accommodation provided in these buildings and as such, it is accepted that the position and size of the garages will not cause any adverse effects to the adjacent dwelling.
151. The only backdrop which is provided within the context of the site is the existing dwelling at 42 Halfpenny Gate Road, and the Gospel Hall. There are no other natural features for a building to blend with.
152. For the reasons outlined above, the requirements of criteria (a), (b), (c), (d) and (e) of Policy COU15 of the draft Plan Strategy (as modified by the Direction of the Department) are not met.

Policy COU16 - Rural Character

153. Consistent with the advice offered above, it is not accepted that the proposal complies with the exceptions test of Policy COU8 as it would by virtue of visual linkage/common frontage result in the creation of a ribbon development along Halfpenny Gate Road.
154. For the reasons outlined above within the context of COU15 considerations, the new buildings would be unduly prominent in the landscape. Criteria (a) and (b) are not met.
155. Furthermore, and for the reasons outlined above, this proposal not respect the traditional pattern of development which is to consolidate new housing inside the two small settlements and maintain a visual break between. The erection of one building is not sufficient to undermine the importance of respecting the pattern of settlement. The proposal is not in accordance with criteria (c) and as a consequence the development will have an adverse impact on the rural character of the area. As a consequence criteria (e) is not met.
156. This site provides clear definition between the two settlements and the intervening countryside and is an important visual break. Infill development between the gospel hall and the dwelling at 42 Halfpenny Gate Road (within the settlement limit) would cause coalescence of both settlements by removing the visual break marring the distinction between the settlement of Halfpenny Gate and the countryside resulting in urban sprawl. Criteria (d) is not met.
157. In respect of criteria (f) a dwelling is capable of being sited and designed to ensure that the proposal does not have an adverse impact on residential amenity. Any new building will front the road and the gable elevation is unlikely to have windows to habitable rooms with the potential to overlook the neighbouring property.
158. In respect of criteria (g) and (h) all of the proposed services are provided underground or from existing overheads lines along the road frontage or adjacent to the site. No adverse environmental impact is identified in terms of connecting

this development to services and the ancillary works will not harm the character of the area as they are already a feature of the landscape at this location.

159. In respect of criteria (i) for the reasons set out in the paragraphs below, access to the public road can be achieved without prejudice to road safety or significantly inconveniencing the flow of traffic.

Policy TRA 2 - Access and Transport

160. Halfpenny Gate Road is not a Protected Route. The P1 Form and the Site Access Plan drawing, indicate that the proposed scheme involves the construction of a new access onto a public road. Visibility splays of 2.0 x 71 metres to the east and 2.0 x 84 metres to the west are shown from the new access onto the Halfpenny Gate Road.
161. DfI Roads were consulted as part of the application process. In a response dated 22 June 2022, DfI Roads confirmed that they had no objection to the proposal.
162. Based on a review of the information provided and the advice received, it is considered that an access to the public road can be accommodated without prejudice to road safety or significantly inconveniencing the flow of traffic. The requirements of Policy TRA2 of the draft Plan Strategy (as modified by the Direction of the Department) are met in full.

Policy WM2 - Waste Management

163. Detail submitted with the application indicates a main supply of water; that foul sewage is disposed of via septic tank; and surface water via soakaway.
164. LCCC Environmental Health were consulted and offer no objection.
165. Advice from Water Management Unit refers to standing advice and explains that the onus is on the applicant to ensure that all other regulatory consents are in place.
166. Consideration of flood risk is included as a criteria for assessment in policy WM 2. This proposal is not of sufficient scale to require the submission of a flood risk assessment and consent to discharge is required as a parallel consent process. Foul and storm discharge is normally through a soakaway designed to an appropriate standard. No flood risk is identified.
167. Based on a review of the information and advice received from consultees, it is accepted that a septic tank/package treatment plant and the area of subsoil irrigation for the disposal of effluent can be sited and designed so as not to create or add to a pollution problem. The requirements of Policy WM2 of the draft Plan Strategy are met in full.

Natural Heritage

168. A biodiversity checklist and extended ecological statement was volunteered for consideration. This was reviewed and as a small portion of priority habitat hedgerow was identified it was considered necessary to consult with Natural Heritage Division.
169. Advice from Natural Environment Division dated 20 June 2022 acknowledged that no protected or priority species were recorded during the ecological assessment and that the small portion of NI priority habitat hedgerow is present in the north-eastern corner of the site was not impacted by the proposed development.
170. Taking the above advice into account, it is accepted that the proposal would not result in demonstrable harm being caused to any features of natural heritage importance and as such the requirements of policy NH5 the draft Plan Strategy (as modified by the Direction of the Department) are met in full.

Consideration of Representations

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

Planning History - refusal

172. The planning history is considered within the assessment. With the publication of the Direction in relation to the draft Plan Strategy, there has been a change in the policy context since the previous decision issued. This application is being refused for similar reasons as before.
173. The view is expressed that the Concept Analysis has stated that the Gospel Hall has created Urban Sprawl between the communities of Broomhedge and Halfpenny Gat and the objector considers this creates a precedent for this proposal.
174. The assessment demonstrates that the proposed scheme is contrary to the SPPS and Policy COU8 of the draft Plan Strategy as modified by Direction of the Department) in that it fails to satisfy the exceptions tests would if approved result in the addition to ribbon development along this part of Halfpenny Gate Road. This is distinguishable and different from the Gospel Hall which was considered to be a necessary community facility with no other available site. The gap remains an important visual break irrespective of this history.
175. The site is not considered to be within a substantial and built up frontage as the dwelling at 42 does not occupy a rural context as it is within the settlement limits of Halfpenny Gate for the reasons outlined.
176. The proposal is also contrary to Policy COU16 of the draft Plan Strategy as modified by Direction of the Department) as the development if approved would cause coalescence of both settlements by eroding the visual break and would mar

the distinction between the settlement and the countryside resulting in urban sprawl.

Rural Character

177. The assessment demonstrates how the proposal would impact on rural character. It also demonstrates how an approval would cause coalescence of both settlements by eroding the visual break, mar the distinction between the settlement and the countryside resulting in urban sprawl.

Conclusions

178. The recommendation is to refuse planning permission as the proposal is not in accordance with the requirements of paragraph 6.73 of the SPPS and policies COU1, COU8 and COU16 of the draft Plan Strategy (as modified).

Recommendation

179. It is recommended that planning permission is refused.

Refusal Reasons

180. The following refusal reasons are recommended:

- The proposal is contrary to paragraph 6.73 of the SPPS, and policy COU1 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that it is not a type of development which in principle is considered to be acceptable in the countryside.
- The proposal is contrary to bullet point 5 of paragraph 6.73 of the SPPS, and policy COU8 of the Lisburn and Castlereagh City Council draft Plan Strategy (as modified by the Direction of the Department) in that the site is not considered to be a small gap in substantial and continuously built-up frontage sufficient to accommodate two dwellings and the development would if permitted not respect the existing pattern of development along the frontage of this part of Halfpenny Gate Road.
- The proposal is contrary to policy COU15 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal lacks long established natural boundaries, it relies primarily on the use of new landscaping for integration and the buildings if approved would be prominent features in the landscape. They would also fail to cluster with an established group of buildings in the rural context.
- The proposal is contrary to policy COU16 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal would, if

permitted be prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

- The proposal is contrary to policy COU16 of the draft Plan Strategy (as modified by the Direction of the Department) in that the proposal would, if permitted mar the distinction between the defined settlement limit of Halfpenny Gate and the surrounding countryside and result in urban sprawl causing a detrimental change to the rural character of the countryside. It would also fail to respect the traditional pattern of settlement of the area for the same reason.

Site Location Plan - LA05/2022/0272/F



Lincoln & Gutteridge
City Council
Newborough Office
10 MAR 2022
LA05/22/0272
File No.

Drawing No. 01

LCC
Lincoln & Gutteridge



CLIENT
MR RAYMOND DAVIS

PROJECT
**PROPOSED DEVELOPMENT
@ HALFPENNY GATE ROAD**

COPYRIGHT

JOB NO. **2126** DRAWING NO. **PL/00**

DRAWING
SITE LOCATION

| REV. | DATE | DESCRIPTION | DRAWN |
|-------|---------|-----------------|-------|
| | | PLANNING | |
| DATE | REV. BY | DRAWN BY | CW |
| SCALE | 1:1000 | CHECKED | |

| | |
|---------------------|--|
| Committee: | Planning Committee |
| Date: | 4 September 2023 |
| Report from: | Head of Planning and Capital Development |

| | |
|------------------|--|
| Item for: | Noting |
| Subject: | Item 2 – Submission of Pre-Application Notice (PAN) for proposed extension to Sprucefield Park comprising new retail warehouse units, a Hotel, restaurant and cafe/restaurant pod, car parking, site accesses, landscaping and all associated site works |

| | | |
|-----|---|----|
| 1.0 | <p><u>Background</u></p> <p>1. Section 27 of the Planning Act (Northern Ireland) 2011 requires a prospective applicant, prior to submitting a major application, to give notice to the appropriate Council that an application for planning permission is to be submitted.</p> <p><u>Key Issues</u></p> <p>1. Section 27 (4) of the Planning Act (Northern Ireland) 2011 stipulates what information a PAN must contain. The attached report sets out how the requirement of the legislation and associated guidance has been considered as part of the submission (see Appendices).</p> | |
| 2.0 | <p><u>Recommendation</u></p> <p>It is recommended that the Members note the information on the content of the Pre-application Notice and that it is submitted in accordance with the relevant section of the legislation and related guidance.</p> | |
| 3.0 | <p><u>Finance and Resource Implications</u></p> <p>There are no finance and resource implications.</p> | |
| 4.0 | <p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p> | |
| 4.1 | Has an equality and good relations screening been carried out? | No |
| 4.2 | <p>Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and EQIA is not required.</p> | |
| 4.3 | Has a Rural Needs Impact Assessment (RNIA) been completed? | No |

| | | |
|-----|--|--|
| 4.4 | <p>Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out.</p> <p>This is a report in relation to the serving of a Pre-Application Notice on the Council in relation to a major application. The Notice is served in accordance with legislative requirements and no RNIA is required.</p> | |
|-----|--|--|

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|--------------------|---|
| Appendices: | <p>Appendix 2(a) - Report in relation to LA05/2023/0635/PAN</p> <p>Appendix 2(b) – LA05/2023/0635/PAN – PAN Form</p> <p>Appendix 2(c) – LA05/2023/0635/PAN – Site Location Plan</p> |
|--------------------|---|

Lisburn & Castlereagh City Council

| | |
|---------------------|--|
| Council/Committee | Planning Committee |
| Date of Meeting | 04 September 2023 |
| Responsible Officer | Conor Hughes |
| Date of Report | 20 November 2022 |
| File Reference | LA05/2023/0635/PAN |
| Legislation | Section 27 of the Planning Act (Northern Ireland) 2011 |
| Subject | Pre-Application Notice (PAN) |
| Attachments | PAN Form and Site Location Plan |

Purpose of the Report

1. The purpose of this report is to advise Members of receipt of a Pre-Application Notice (PAN) for proposed extension to Sprucefield Park comprising of new retail warehouse units, 1 Hotel, 1 restaurant and 1 cafe/restaurant pod. Development includes car parking, site accesses, landscaping and all associated site works.
2. The site is located on Lands at Sprucefield Park, 100m Southwest of Sprucefield roundabout, to the south and west of Sainsbury's Petrol station, 120m north east and 20 metres south east of Sainsbury's Supermarket, Sprucefield Park, Lisburn.

Background Detail

3. Section 27 of the Planning Act (Northern Ireland) 2011 requires that a prospective applicant, prior to submitting a major application must give notice to the appropriate council that an application for planning permission for the development is to be submitted.
4. It is stipulated that there must be at least 12 weeks between the applicant giving the notice (through the PAN) and submitting any such application.
5. The PAN for the above described development was received on 02 August 2023. The earliest possible date for the submission of a planning application is week commencing 23 October 2023.

Consideration of PAN Detail

6. Section 27 (4) stipulates that the PAN must contain:

A description in general terms of the development to be carried out;

7. The description associated with the FORM PAN1 is as described above.
8. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is considered that an adequate description of the proposed development has been provided.

The postal address of the site, (if it has one);

9. The postal address identified on the FORM PAN1 is as described above.
10. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that an adequate description of the location has been provided.

A plan showing the outline of the site at which the development is to be carried out and sufficient to identify that site;

11. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10, it is accepted that a site location plan with the extent of the site outlined in red and submitted with the PAN form is sufficient to identify the extent of the site.

Details of how the prospective applicant may be contacted and corresponded with;

12. Having regard to the relevant section of the legislation and paragraph 2.4 of Development Management Practice Note 10 it is noted that the FORM PAN1 as amended and associated covering letter includes details of how the prospective applicant may be contacted and corresponded with.
13. The Form PAN1 includes the name and address of the agent. Any person wishing to make comments on the proposals or obtain further information can contact the agent TSA Planning, 20 May Street, Belfast, BT1 4NL.
14. In addition to the matters listed above, regulation 4 of the Planning (Development Management) Regulations (Northern Ireland) 2015 sets out that a PAN must also contain the following.

A copy (where applicable) of any determination made under Regulation 7 (1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;

15. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is noted that question 9 of the FORM PAN 1 indicates that no environmental impact assessment determination has been made.

16. It is accepted that this reference is made without prejudice to any future determination being made or the applicant volunteering an Environmental Statement.

A copy of any notice served by the Department under Section 26(4) or (6) i.e. confirmation (or not) of the Department's jurisdiction on regionally significant developments

17. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 it is considered that the form of development proposed is not specified in the Planning (Development Management) Regulations (Northern Ireland) 2015 as a major development (i.e. regionally significant) prescribed for the purpose of section 26 (1) of the Planning Act (Northern Ireland) 2011 and it is noted that consultation with the Department has not taken place.

An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take

18. Having regard to the relevant section of the legislation and paragraph 2.5 of Development Management Practice Note 10 the account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take has been provided.

The PAN form indicates at Question 10 that an In person drop in event will take place at the B&Q entrance, Sprucefield Park, Sprucefield Roundabout on Wednesday 04 October from 1 – 7 pm.

The event will be publicised in the Ulster Star week commencing 25 September 2023.

An online information event via website will also take place from Monday 02 October 2023 to Friday 20 October 2023 [3 week period] at www.sprucefieldparkconsultation.com.

A period of stakeholder engagement will also take place throughout the consultation phase. Electronic copies of boards will be issued to the DEA Councillors, constituency MP/MLAs. Meetings will also be undertaken.

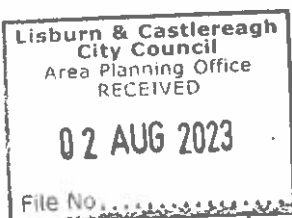
A neighbourhood information drop will take place to residents within 500 metre radius from the edge of the subject site. Information will be provide in an envelope which will include a tri-fold leaflet, a comment card and a pre-addressed envelope for return of feedback.

Elected members for the DEA identified as having an interest received a copy of the Proposal of Application Notice on the week commencing 07 August 2023.

Recommendation

19. In consideration of the detail submitted with the Pre-Application Notice (PAN) in respect of community consultation, it is recommended that the Committee note the information submitted.

Form PAN1



Official Use Only

| | |
|----------------------------|--|
| Reference No.: | |
| Associate Application No.: | |
| Registration date: | |

Proposal of Application Notice

Planning Act (Northern Ireland) 2011

Planning (General Development Procedure) Order (Northern Ireland) 2015

To be completed for all developments within the major category of development

1a. Applicant's name and address

1b. Agent's name and address (if applicable)

| | | | |
|-----------|------------------------------|-----------|------------------------|
| Name: | New River (Sprucefield) Ltd. | Name: | TSA Planning |
| Address: | 89 Whitfield Street | Address: | 20 May Street |
| Town: | London | Town: | Belfast |
| Postcode: | W1T 4DE | Postcode: | BT1 4NL |
| Tel: | | Tel: | 028 9043 4333 |
| E-mail: | | E-mail: | info@tsaplanning.co.uk |

2. Address or Location of Proposed Development Please state the postal address of the prospective development site. If there is no postal address, describe its location. Please outline the site on an OS base plan and attach it to this completed notice.

Lands at Sprucefield Park, 100m southwest of Sprucefield Roundabout, to the south and west of Sainsbury's Petrol Station, 120m north east and 20 metres south east of Sainsbury's Supermarket, Sprucefield Park, Lisburn, BT21 5UJ

3. What is the area of the site in hectares?

5.0273

4. Description of Proposed Development Please describe the development to be carried out, outlining its characteristics. Please also enclose appropriate drawings, including: plan, elevations and site layout of the proposal.

Proposed extension to Sprucefield Park comprising of new retail warehouse units, 1 no. hotel, 1 no. restaurant and 1 no. café/restaurant pod. Development includes car parking, site accesses, landscaping and all associated site works.

5. What is the total gross floorspace of the proposed development?

c.11,750 sqm

6. If the proposed development includes a renewable energy project, what is the total amount of power (in kilowatts or megawatts) expected to be generated per year?

N / A

7. Which type of planning permission does this Proposal of Application Notice relate to?
(Please tick)

Full planning permission

Outline planning permission

8. Has a determination been made as to whether the proposed development would be of Regional Significance?

Yes (Please enclose a copy of the determination made under Section 26 of the Planning Act (NI) 2011)

No

9. Has an Environmental Impact Assessment determination been made?

Yes (Please enclose a copy of the determination made under Part 2 of the Planning [Environmental Impact Assessment] Regulations [NI] 2015)

No

10. Please give details of proposed consultation

| Proposed public event | Venue | Date and Time |
|---|--|--|
| Online Information Event via website | www.sprucefieldparkconsultation.com | Monday 2 nd October 2023 to Friday 20 th October 2023 (for a period of 3 weeks) |
| In-person drop-in event | B&Q entrance, Sprucefield Park, Sprucefield Roundabout, BT27 5UJ | Wednesday 4 th October, 1:00pm – 7:00pm |
| Name of publication(s) used: Ulster Star | | |
| Proposed newspaper advert date(s): Week Commencing Monday 25 th September 2023 | | |
| Please specify details of any other consultation methods including distance from site for notifying neighbouring properties (e.g. 100m, 200m etc.) and method of notification (please include date, time and with whom): | | |
| <ul style="list-style-type: none"> A dedicated and bespoke website (www.sprucefieldparkconsultation.com) will be made available for interested parties to view the consultation documentation and site proposals. The website will go live Monday 2nd October 2023 and will run for a period of 3 weeks, until Friday 20th October 2023. This will be an online version of the 'traditional' display boards for viewing, with a connected and easy to use feedback online comment card and direct email contact to the technical team. An in-person drop-in event will be held at the entrance of B&Q, Sprucefield Park, Sprucefield Roundabout, BT27 5UJ on Wednesday 4th October 2023 from 1:00pm to 7:00pm to allow interested parties to view the display boards for the proposal and provide feedback via printed comment cards. The local elected representatives listed below will be invited to this event. Members of the consultation team will attend the event to answer any questions that local residents and stakeholders may have, and to collect feedback on the proposal. A period of identification of key stakeholders such as local community and political representatives and a subsequent engagement program throughout the Community Consultation phase. Electronic copies of the exhibition boards will be issued to the DEA Councillors, constituency MP & MLAs. Information provided will also include details of the drop-in event, website and a contact number if they require further information. A series of meetings with key stakeholders including MPs, MLAs, Local Councillors and community groups will be undertaken. | | |
| Details of any other publicity methods (such as leaflets, posters, etc.): | | |
| <ul style="list-style-type: none"> A neighbourhood information drop will take place to residents within a c.500m radius from the edge of the subject site. Information will be provided in an envelope which will include a Tri-fold Leaflet, a comment card and a pre-addressed envelope for the return of feedback. The leaflet will include information on the Online Pre-Application Community Consultation (PACC) process, the drop-in event, and details of the point of contact within the Technical Team to ask questions, or to provide feedback on the proposal. | | |

A public notice will be published in the local newspaper, the Ulster Star, with additional information including details of the website address, details of the drop-in event & a contact number for any interested parties to speak to a member of the development team. Key stakeholders will also be asked to share details of the consultation event on their social media platforms.

11. Please state which other parties have received a copy of this Proposal of Application Notice (Please continue on a separate sheet if necessary)

| | |
|---|---|
| <p>Elected member(s) for District Electoral Area</p> <p>Downshire West DEA Councillors Alderman Allan Ewart (DUP) Councillor Caleb McCreedy (DUP) Alderman Owen Gawith (Alliance) Councillor Gretta Thompson (Alliance) Councillor Alan Martin (UUP)</p> | <p>Date notice served</p> <p>w/c 7th August 2023</p> |
| <p>Other</p> <p>Lagan Valley MLAs Paul Givan MLA (DUP) Emma Little-Pengelly MLA (DUP) Sorcha Eastwood MLA (Alliance) David Honeyford MLA (Alliance) Robbie Butler MLA (UUP)</p> <p>Lagan Valley MP Sir Jeffrey Donaldson MP (DUP)</p> <p>LCCC David Burns – Chief Executive of Lisburn & Castlereagh City Council</p> | <p>Date notice served</p> <p>w/c 7th August 2023</p> |

12. Council Employee / Elected Member Interest

Are you / the applicant / applicant's spouse or partner, a member of staff within the council or an elected member of the council?


Yes No

Or are you / the applicant / the applicant's spouse or partner, a relative of a member of staff in the council or an elected member of the council or their spouse or partner?

Yes No

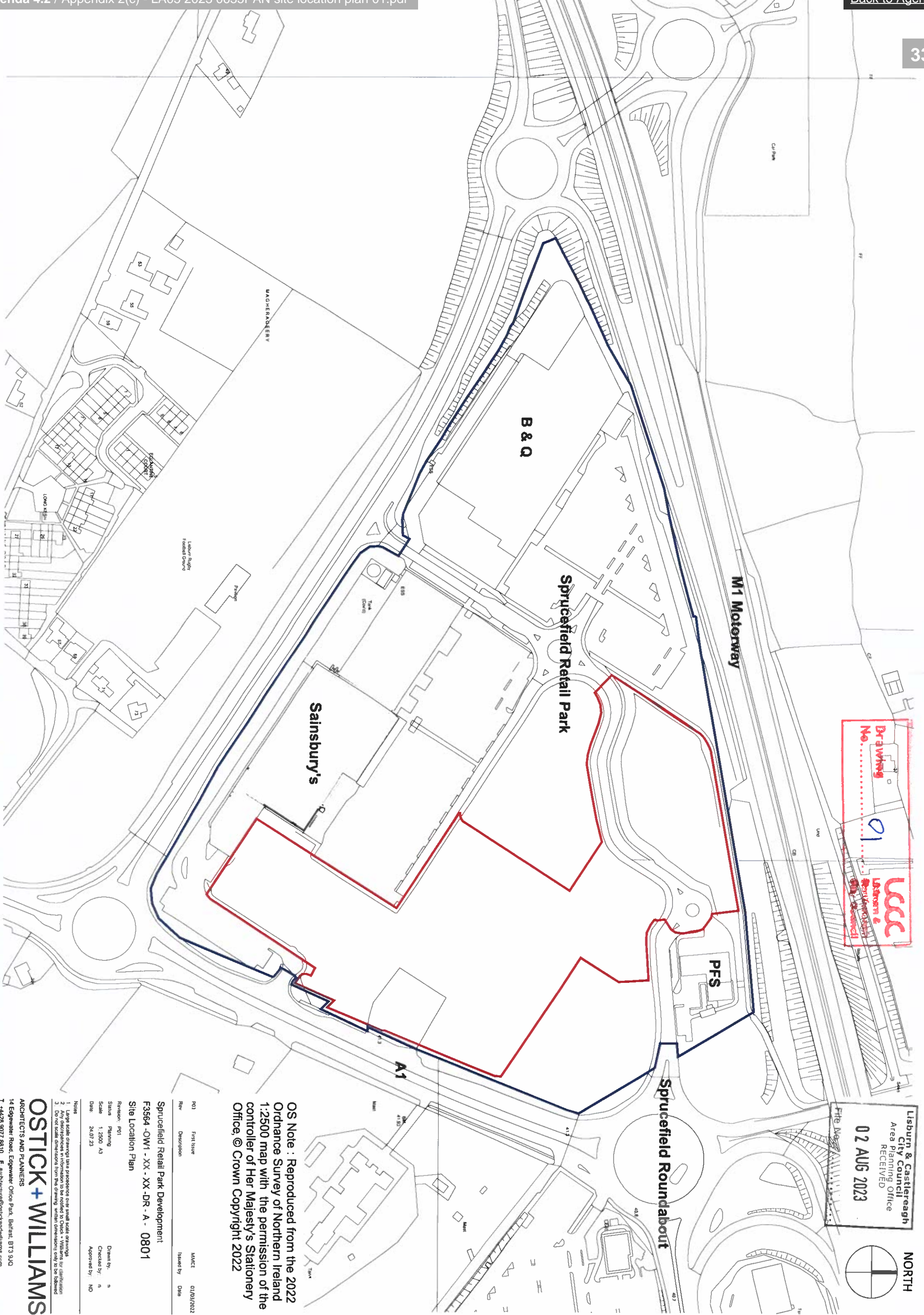
If you have answered yes, please provide details (name, relationship and role):

13. Declaration

| | |
|-------------|---|
| Signature: |  |
| Print name: | Emma McIlwaine (for TSA Planning) |
| Date: | 31 st July 2023 |

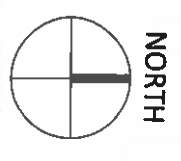
PLEASE NOTE: A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation report.

We will respond within 21 days of receiving the Notice. We will confirm whether the proposed pre-application community consultation is satisfactory, or if additional notification and consultation is required. The minimum statutory consultation activity includes holding one public event and its advertisement in a local paper. We also require this Notice to be sent to local councillors for the District Electoral Area in which the proposed development is situated, and evidence of additional publicity of the event.



UCC
 University of
 Cork
 City Council
 Drawing No. 01

Lisburn & Castlereagh
 City Council
 Area Planning Office
 RECEIVED
02 AUG 2023



OS Note : Reproduced from the 2022
 Ordnance Survey of Northern Ireland
 1:2500 map with the permission of the
 controller of Her Majesty's Stationery
 Office, © Crown Copyright 2022

| Rev | Description | Issued by | Date |
|-----|-------------|-----------|------------|
| 01 | First Issue | | 01/09/2022 |

Sprucefield Retail Park Development
F3564 -OW1 - XX -XX -DR - A - 0801
Site Location Plan

| Revision | By | Status | Checked by | Date |
|----------|----|----------|------------|----------|
| 01 | PT | Planning | N | 24/07/23 |

Scale 1:2500 AS
 Date 24/07/23
 Approved by: ND

OSTICK + WILLIAMS
 ARCHITECTS AND PLANNERS
 14 Edgewater Road, Edgewater Office Park, Belfast, BT3 9JQ
 T +4428 9077 9810 E architects@ostickandwilliams.com

| | |
|---------------------|--|
| Committee: | Planning Committee |
| Date: | 4 September 2023 |
| Report from: | Head of Planning and Capital Development |

| | |
|------------------|---|
| Item for: | Noting |
| Subject: | Item 3 – Appeal Decision – LA05/2020/0722/O |

1.0 **Background**

1. An application for a proposed dwelling and garage on a farm on land approximately 140 metres north east of 18 Garlandstown Road, Glenavy, Crumlin was refused planning permission on 01 March 2022 .
2. An appeal was lodged with the Planning Appeals Commission on 12 May 2022 and dealt with through the written representations procedure. The Commissioner visited the site on 03 July 2023.
3. A decision received on 31 July 2023 confirmed that the appeal was dismissed.

Key Issues

1. For the reasons outlined at paragraphs 7 to15 of the appeal decision, the Commissioner concluded that the Council was justified in finding that activity associated with a different business ID could be used to prove that another business was currently active.
2. The view is expressed by the Commissioner that this is fatal to proposal and that there was no need to consider whether the proposal met the balance of the policy tests for a dwelling on a farm.
3. That said, consideration as to whether the proposed dwelling and garage would be visually linked was also considered. At paragraph 21 of the Commissioner's decision report stated that the proposed dwelling and garage would be located 140 metres east of an established group of buildings at the site and that there would be a clear appreciation of the physical distance between them when viewed from the Garlandstown Road. The proposed dwelling was not integrated in to the landscape and would lead to a build-up of development at this location.
4. The Council sustained all five refusal reasons in this instance.
5. It was noted however that the decision of the Commission was after the Direction in respect of the emerging Development Plan was issued. The Commissioner had no regard to the draft Plan Strategy despite the Council having alerted the Commission before the decision issued to the fact that the Direction was issued. Further communication has issued to the Commission outlining the Council's approach to the weight to be afforded to the emerging local development plan.

| | | |
|-----|--|----|
| | 6. This matter will be kept under review in consultation with the Council's legal advisers. | |
| 2.0 | <u>Recommendation</u> It is recommended that the Committee notes the report and decision of the Commission in respect of this appeal. | |
| 3.0 | <u>Finance and Resource Implications</u> No cost claim was lodged by any party in this instance. | |
| 4.0 | <u>Equality/Good Relations and Rural Needs Impact Assessments</u> | |
| 4.1 | Has an equality and good relations screening been carried out? | No |
| 4.2 | Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out This is a report updating the committee on a decision by the PAC and EQIA is not required. | |
| 4.3 | Has a Rural Needs Impact Assessment (RNIA) been completed? | No |
| 4.4 | Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out. This is a report updating the committee on a decision by the PAC and RNIA is not required. | |

Appendices:

Appendix 3 – Appeal Decision – LA05/2020/0722/O



4th Floor
92 Ann Street
Belfast
BT1 3HH

Phone: 02890 893 906 (direct line)
Phone: 028 9024 4710 (switchboard)

Email: info@pacni.gov.uk

Website: www.pacni.gov.uk

Our reference: 2022/A0032
Authority
reference: LA05/2020/0722/O
31 July 2023

Dear Sir/Madam

Appellant name: Mr Alan L Stewart

Description: Outline application for proposed dwelling and garage on a farm

Location: Site approx. 140m North East of no. 18 Garlandstown Road, Glenavy, Crumlin

Please find enclosed Commission decision on the above case.

Yours Sincerely,

Kathryn McCullough
PACWAC Admin Team



Appeal Decision

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334

| | |
|-------------------------------|---|
| Appeal Reference: | 2022/A0032 |
| Appeal by: | Mr A L Stewart |
| Appeal against: | The refusal of outline planning permission |
| Proposed Development: | Proposed dwelling and garage on a farm |
| Location: | Approximately 140m north-east of 18 Garlandstown Road, Glenavy, Crumlin |
| Planning Authority: | Lisburn and Castlereagh City Council |
| Application Reference: | LA05/2020/0722/O |
| Procedure: | Written representations and Commissioner's site visit on 3 July 2023 |
| Decision by: | Commissioner McShane, dated 31 July 2023. |

Decision

1. The appeal is dismissed

Reasons

2. The main issues in this appeal are:
 - whether the proposed development is acceptable in principle; and
 - its impact on visual amenity and rural character.
3. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful in May 2017. Consequently, the Lisburn Area Plan 2001 (LAP) operates as the statutory development plan for the area where the site is located. The draft Belfast Metropolitan Area Plan (dBMAP) remains a material consideration. The appeal site is located outside any identified settlement development limit in the plans and neither contains policies pertinent to the determination of the appeal proposal. Therefore, I turn to the other material considerations.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and appeals. Paragraph 6.73 of the SPPS sets out the strategic policy for residential development in the countryside that should be considered in the determination of planning applications. The SPPS identifies Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) as a retained policy document.
5. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the

aims of sustainable development. Planning permission will be granted for residential development in the countryside in specific circumstances. This includes a dwelling on a farm in accordance with Policy CTY 10. Three criteria must be met. The parties dispute Criteria (a) and (c).

6. Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. Paragraph 5.38 of the Justification and Amplification section of the policy reiterates this, stating that new houses on farms will not be acceptable unless the existing farm business is both established and active. The applicant will therefore be required to provide the farm's DARD (now DAERA) business ID number along with other evidence to prove active farming over the required period.
7. The Appellant provided a DAERA Farm Business Identification Number (ID No 633383). DAERA confirmed that the number was allocated in 1991. Consequently, the farm business meets the requirement of being established for at least 6 years.
8. Farm business ID No 633383 has not claimed payments through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years. However, that is not fatal to the proposal. The key issue is whether the farm business is currently, and has been, active for the required period.
9. The Appellant's application is based upon farm business ID No 633383. The submitted P1C form indicates that the Appellant retired in 2015 and that since then the land has been let in con acre to another farmer. The P1C form also indicates that the Appellant's land is "actively farmed under DAERA Farm Business Identification Number 611472" (ID No 611472) DAERA confirmed this and pointed out that "the proposed site is located on land associated with another farm business"; (ID No 611472).
10. Reference is made to the Appellant's "farm folio". However, there is no information on the extent or location of farm business ID No 633383. Rather, the farm maps submitted by the Appellant to prove active farming relate to farm business ID No 611472; its associated farm buildings are located approximately 1 mile from the appeal site.
11. The Appellant submitted receipts and invoices, dating from 2014 - 2021. These relate to various activities and items purchased including grass cutting and hedge cutting; digger hire; digging out of shuck and field drainage; clean stone; log splitter hire; and sheep wire, wire netting and posts. It is argued that these receipts demonstrate that the Appellant has maintained the land in good agricultural condition and proves that farm business ID No 633383 is currently active. It is claimed that the land is currently being farmed by both farm business ID No 633383 (the Appellant) and farm business ID No 611472.
12. The evidence submitted illustrates a misunderstanding of Policy CTY 10. Within the policy, the focus is on *the* (my emphasis) agricultural business and ensuring that only one dwelling is approved every 10 years in terms of the same agricultural business. Policy CTY 10 consistently focuses on the farm or the farm business. It is not concerned with land ownership or tenancy. An applicant's interest in the farm holding, as owner or tenant, is not a determining factor. It is not necessary

for the applicant themselves to be farming the land, however in such circumstances, the applicant must provide the relevant details of the farm business, which must be signed by the owner(s) of the business to confirm the details are correct. Planning permission is tied to the farm business and not the individual.

13. The owner of land farmed and a tenant renting the same land in addition to their own holding, may each have a business ID number. However, an application for a dwelling on a farm must be based on a single farm business. The relevant farm business in this instance is ID No 633383. Therefore, evidence relating to activity on farm business ID No 611472 cannot be used to prove that farm business ID No 633383 is currently, and has been, active for the required period.
14. The appeal site, while it is owned by the Appellant is clearly shown on the maps submitted as being part of farm business ID No 611472. This, and the payment of subsidy to a third party under a separate business ID number does not support the claim that farm business ID No 633383 is active. I accept that the appeal site is in good agricultural and environmental condition; however, in the context of this case, that is not indicative of farm business ID No 633383 satisfying Criterion (a) of Policy CTY 10. In addition to this, I share the concerns of the Council regarding the receipts and invoices submitted, including whether they can be tied specifically to Mr Stewart and to farm business ID No 633383.
15. Weighing all the matters and information before me, I have not been persuaded that farm business ID No 633383 is currently and has been, active for the required period. Rather, the evidence points to the conclusion that the land has been actively farmed over the qualifying period by farm business ID No 611472.
16. I conclude that the Council is justified in finding that the appeal proposal fails to satisfy Criterion (a) of Policy CTY 10. The appeal proposal fails the first hurdle of Policy CTY 10, which is fatal. In these circumstances there is no need to consider whether the proposal meets Criterion (c) of Policy CTY 10. Notwithstanding this, the issue of whether the proposed dwelling and garage would be visually linked or sited to cluster with an established group of buildings on the farm is considered below in the context of Policy CTY 13.
17. Policy CTY 1 of PPS 21 states that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. I note that if planning permission were to be granted, the intention is for the Appellant's son to return from England and take over the farm business. However, the Appellant has not demonstrated that there are overriding reasons why the appeal dwelling is essential at this specific location,
18. The Appellant argued that a similar appeal has been allowed by the PAC (Appeal Ref 2017/A0252). However, I note that in that instance the Council accepted that the farm was active. There was no dispute about the evidence presented by the Appellant or that the land was being actively farmed. As such, it is distinct from the appeal before me. In any event, appeals must be determined on their individual merits in the evidential context. Any concerns about the time taken to process the application are matters to be raised directly with the Council.

19. I conclude that the proposal is unacceptable in principle. The Department has sustained its first, second and third reasons for refusal based on Policies CTY 1 and CTY 10 of PPS 21.
20. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape. A new building will be unacceptable in seven stated circumstances. Criterion (g) states that a proposed dwelling on a farm will be unacceptable where it is not visually linked or sited to cluster with an established group of buildings on a farm. The objective of Criterion (g), which references Policy CTY 10, is to help minimise the impact on visual amenity.
21. The proposed dwelling and garage would be located 140m east of the established buildings on the farm (No.18 and its associated buildings). The appeal site comprises part of an agricultural field that has three mature boundaries, however, the proposed development would be separated from the established buildings on the farm by an intervening mature stand of trees. Notwithstanding the mature vegetation between the existing and proposed buildings, both would have a visual presence in views from Garlandstown Road and there would be a clear appreciation of the physical distance between them, which would have a negative impact on visual amenity. The Appellant's argument that the proposed development would be visually linked or sited to cluster with "crop" is not persuasive. The policy requires that the new building(s) is visually linked or sited to cluster with established buildings. There is no support for the appeal proposal under Criterion (g) of Policy CTY 13. Accordingly, the Council has sustained its fourth reason for refusal.
22. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling and garage would read as a stand-alone development in the open countryside. As such, it would cause a detrimental change to the character of the rural area. The Council has sustained its fifth reason for refusal based upon Policy CTY 14 of PPS 21.
23. The Council has sustained its five reasons for refusal based upon Policies CTY 1, 10, 13 and 14 of PPS 21. Accordingly, the appeal must fail.

This decision is based on the following drawings:-

- APP Drwg No.PD01 (Rev C): Site Location Map (Scale 1:1250)
- APP Drwg No.CP01 (Rev B): Concept Plan (Scale 1:1000)
- APP Drwg No.PD02: Proposed Entrance Detail (Scale 1:250)

COMMISSIONER MCSHANE

List of Documents

Planning Authority:- "LPA 1" Statement of Case and Appendices

"LPA 2" Rebuttal Statement

(Lisburn and Castlereagh City Council)

Appellant:- (APP 1" Statement of Case and Appendices)

(APP 2" Rebuttal Statement

(Slemish Design Studio Architects)

| | |
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| Committee: | Planning Committee |
| Date: | 4 September 2023 |
| Report from: | Head of Planning and Capital Development |

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|------------------|---|
| Item for: | Noting |
| Subject: | Item 4 – Notification by telecommunication operator(s) of intention to utilise permitted development rights |

| | | |
|-----|--|----|
| 1.0 | <p><u>Background</u></p> <ol style="list-style-type: none"> The Council is notified by Openreach of their intention to utilise permitted development rights at one location within the Council area to install communications apparatus. The installation consist of the installation of fixed line apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (Northern Ireland) 2015. <p><u>Key Issues</u></p> <ol style="list-style-type: none"> The notification advises the Council of the location of the apparatus where they intend to utilise permitted development rights. Detail is also provided in relation to the nature and scale of the works proposed. The content of this recent notification is provided and attached to this report. No comment is provided on the requirement for planning permission for the equipment listed. This letter is also referred to the enforcement section of the Council. They will write separately to the operator should it be considered that the requirements of the Regulations cannot be met at any of the locations specified by either operator. | |
| 2.0 | <p><u>Recommendation</u></p> <p>It is recommended that Members note the detail of the notifications specific to the site identified.</p> | |
| 3.0 | <p><u>Finance and Resource Implications</u></p> <p>There are no finance or resource implications.</p> | |
| 4.0 | <p><u>Equality/Good Relations and Rural Needs Impact Assessments</u></p> | |
| 4.1 | Has an equality and good relations screening been carried out? | No |
| 4.2 | Brief summary of the key issues identified and proposed mitigating actions <u>or</u> rationale why the screening was not carried out | |

| | | |
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| | This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. EQIA not required. | |
| 4.3 | Has a Rural Needs Impact Assessment (RNIA) been completed? | No |
| 4.4 | Brief summary of the key issues identified and proposed mitigating actions or rationale why the screening was not carried out. This is a report providing notification by telecommunication operator(s) of intention to utilise permitted development rights. RNIA not required. | |

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| Appendices: | Appendix 4 – Notifications from an Operator in respect of intention to utilise permitted development rights |
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**List of Notifications from Telecommunication Operators in relation to intentions to utilise Permitted Development Rights
September 2023 Planning Committee**

| | Applicant/Agents | Operator | Location | Summary of details | Date received |
|---|-------------------------|-----------------|------------------------|---|----------------------|
| 1 | Openreach | BT | 16 Lisburn Road, Moira | Regulation 5 Notice of Intention to Install Fixed Line Broadband Apparatus. | 02/08/2023 |